From: Como, Joe
Sent: 6/9/2010 3:33:12 PM
To: Redacted; Horner, Trina (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=TNHC); Middlekauff, Charles (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=CRMd); mdjoseph@adamsbroadwell.com (mdjoseph@adamsbroadwell.com); mflorio@turn.org (mflorio@turn.org); Gray Jeffrey (JeffreyGray@dwt.com)
Cc: Redacted
Bcc:
Subject: RE: RCEC - Final Draft Joint Motion to Withdraw SB695 Treatment

Yes, looks fine. Thanks Redact

Joe Como
Chief Counsel, DRA
415-703-2381 voice
415-703-2905 facsimile

From: Redacted
Sent: Wednesday, June 09, 2010 1:28 PM
To: mflorio@turn.org; Gray Jeffrey; mdjoseph@adamsbroadwell.com; Como, Joe; Middlekauff, Charles (Law); Horner, Trina
Cc: Redacted
Subject: RE: RCEC - Final Draft Joint Motion to Withdraw SB695 Treatment

I have now received comments from everyone - final draft is attached and will be filed on 6/10

Redacted

Redacted
Attorney
Pacific Gas and Electric Company
Redacted

Redacted

From: Mike Florio [mailto:mflorio@turn.org]
Sent: Wednesday, June 09, 2010 12:30 PM
To: Gray Jeffrey; Mike Florio; ; joc@cpuc.ca.gov; Middlekauff, Charles (Law); Horner, Trina; Reid, Reda Redacted
Cc: Redacted
Subject: RE: RCEC - Draft Joint Motion to Withdraw SB695 Treatment

Fine with me. I guess I was exercising my annoying habit of tellling the truth, even when it's not convenient. Everyone will know that's why we're doing this, but I suppose there's no need to confess . . . . . Mike

Mike Florio
Senior Attorney
The Utility Reform Network
115 Sansome St., Suite 900
San Francisco, CA 94104
Phone: 415-929-8876, x302

On Wed 09/06/10 12:01 PM , ' Redacted sent:

I am ok with deleting the yellow highlighted text -

Mike - ok with you?

Alice

From: Gray, Jeffrey [mailto:JeffreyGray@dwt.com]
Sent: Wednesday, June 09, 2010 11:43 AM
To: Redacted Mike Florio; mdjoseph@adamsbroadwell.com; joc@cpuc.ca.gov; Middlekauff, Charles (Law); Horner, Trina
Cc: Redacted ; Gray, Jeffrey
Subject: RE: RCEC - Draft Joint Motion to Withdraw SB695 Treatment

Redacted

Thanks for drafting. I have two proposed revisions in red-line.

Let me know if you have any questions.

Jeff

From: Redacted
Sent: Tuesday, June 08, 2010 5:25 PM
To: Mike Florio; Gray, Jeffrey; mdjoseph@adamsbroadwell.com; joc@cpuc.ca.gov; Middlekauff, Charles (Law); Horner, Trina
Cc: Redacted
Subject: RE: RCEC - Draft Joint Motion to Withdraw SB695 Treatment
Importance: High

All -

Attached is another draft reflecting in red-line comments received to date - again, please provide any additional comments to me by noon tomorrow - we are still shooting for a June 10 filing - thanks.

Redacte
d

Redacted
Attorney
Pacific Gas and Electric Company
Redacted

From: Mike Florio [mailto:mflorio@turn.org]
Sent: Tuesday, June 08, 2010 10:18 AM
To: Redacted
Cc: Gray, Jeffrey; mdjoseph@adamsbroadwell.com; joc@cpuc.ca.gov; Middlekauff, Charles (Law); Horner, Trina
Subject: Re: RCEC - Draft Joint Motion to Withdraw SB695 Treatment

Thanks, Alice. We can go with your simple TURN footnote or the longer one that I sent you a short time ago. I'd also prefer that the motion be a bit more explicit about exactly what is meant by "without prejudice" in the last sentence. I'm concerned that AReM or another proponent of cost shifting to bundled customers will argue that because the amended contract is being approved without an explicit cost allocation finding that the right to apply 695 in the future has somehow been waived, or that such treatment would be "retroactive." I'm thinking about something along the following lines:

"In light of these developments in the LTPP Rulemaking, the controversy that the SB 695 implementation proposal has created in this proceeding, and the fact that the costs of the RCEC project will not impact PG&E's rates until several years from now, the Joint Parties now respectfully move to withdraw their request in the Joint Petition that D.09-04-010 be modified to implement SB 695 for the RCEC PPA at this time, on the condition that the Commission affirm that such withdrawal is without prejudice to any party's right to seek implementation of SB 695 for the RCEC Project in the LTPP Rulemaking proceeding (*i.e.*, R.10-05-006) **4/** or other appropriate proceeding."

I hope this (or something similar) works for everyone. THANKS, Mike

At 03:29 PM 6/8/2010, you wrote:

> All - Attached is the draft joint motion to withdraw our request for SB 695 treatment for the RCEC PPA. Please provide any comments by noon tomorrow -- we'll shoot to file this on June 10.
>
> Red
>
> Redacted
> Attorney
> Pacific Gas and Electric Company
> Redacted
>
> <>