

From: Marc D. Joseph  
Sent: 6/9/2010 3:39:06 PM  
To: Como, Joe (joe.como@cpuc.ca.gov); Horner, Trina (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=TNHC); Middlekauff, Charles (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=CRMd); mflorio@turn.org (mflorio@turn.org); [Redacted]; [Redacted]; Gray Jeffrey (JeffreyGray@dwt.com)  
Cc: [Redacted]  
Bcc:  
Subject: RE: RCEC - Final Draft Joint Motion to Withdraw SB695 Treatment

Agreed. And thanks.

Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
(650) 589-1660  
mdjoseph@adamsbroadwell.com

This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

**From:** Como, Joe [mailto:joe.como@cpuc.ca.gov]  
**Sent:** Wednesday, June 09, 2010 3:33 PM  
**To:** [Redacted] mflorio@turn.org; Gray Jeffrey; Marc D. Joseph; Middlekauff, Charles (Law); Horner, Trina  
**Cc:** [Redacted]  
**Subject:** RE: RCEC - Final Draft Joint Motion to Withdraw SB695 Treatment

Yes, looks fine. Thanks [Reda]

Joe Como

Chief Counsel, DRA

415-703-2381 voice

415-703-2905 facsimile

**ATTORNEY-CLIENT PRIVILEGED & CONFIDENTIAL COMMUNICATION:**

This e-mail message is for the sole use of the designated recipient(s) and may contain legally confidential and privileged information. Any unauthorized review, use, distribution or disclosure is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

**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

Alice

[Redacted]  
Attorney  
Pacific Gas and Electric Company  
[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; [Redacted]  
[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 telling 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?

Redacted

**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:** SEMn@PGE.COM  
**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.

[Redacted]

[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, Redact 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.

Alice

Redacted

Attorney

Pacific Gas and Electric Company

Redacted

◇