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Sent: 6/11/2010 10:48:10 AM
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Subject: Re: A.08-09-007

Just to clarify, the cost allocation proposal was part of the petition for modification, but was never part of the amended contract itself. Rather the petition for modification originally sought both approval of the amended contract AND, separately, a particular ratemaking treatment. So the withdrawal does not change anything in the contract. Mike Florio for TURN

At 05:25 PM 6/11/2010, Jewell Hargleroad wrote:

Dear Judge Darling:

As the record reflects, just on June 10, 2010, the joint parties moved to withdraw their request for cost allocation from the joint petition for modification. However, not included as part of their moving papers (at least to counsel for Group Petitioners) is a proposed revised modified second amended purchase power agreement eliminating the provisions which their June 10, 2010 motion states it wishes to withdraw without prejudice.

It would be helpful to the parties, and we suspect also would be to the Commission, if the joint parties provided copies of the proposed modified second amended purchase power agreement so that all parties have the opportunity to review the contract terms on how the joint parties intend to eliminate that cost allocation issue.

Thank you for your consideration in this matter.

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On Jun 11, 2010, at 2:58 PM, Darling, Melanie wrote:

To all parties: The Joint Parties of PG&E, RCEC, CURE, DRA,
& TURN have
filed and served a Motion to Withdraw Without Prejudice
Request For Cost

Allocation as Prescribed from the Joint Petition for Modification. I grant the motion and intend to issue a formal ruling next week, along with rulings on other pending motions.

Additionally, at the May 17, 2010 pre-hearing conference on the pending petitions for modification, Alliance for Retail Energy Markets and Womens Energy Matters requested and were granted party status for purposes of the cost allocation issue. Similarly, Marin Energy Authority recently filed a motion for party status in which it also sought to participate on the cost allocation issue. As this issue has been removed from the Joint Petition, it is my intention to also include in the formal ruling a reversal of my prior grant of party status to AReM and WEM, and to deny the motion by Marin Energy Authority, without prejudice to future requests.

If you have any questions, please feel free to contact me.

Melanie M. Darling
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