

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Application of Pacific Gas and Electric)	
Company for Expedited Approval Of The)	A.08-09-007
Amended Power Purchase Agreement For The)	(Filed September 10, 2008)
<u>Russell City Energy Company Project)</u>	

**JOINT MOTION OF PACIFIC GAS AND ELECTRIC COMPANY, RUSSELL CITY
ENERGY COMPANY, LLC, DIVISION OF RATEPAYER ADVOCATES,
CALIFORNIA UNIONS FOR RELIABLE ENERGY AND THE UTILITY REFORM
NETWORK TO WITHDRAW WITHOUT PREJUDICE REQUEST FOR COST
ALLOCATION AS PRESCRIBED BY SB 695**

Jeffrey P. Gray
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111
Tel. (415) 276-6500
Fax. (415) 276-6599
Email: jeffgray@dwt.com
Attorneys for RUSSELL CITY ENERGY
COMPANY, LLC

Alice L. Reid
PACIFIC GAS AND ELECTRIC COMPANY
Post Office Box 7442
San Francisco, CA 94120
Telephone: (415) 973-2966
Facsimile: (415) 973-5520
Email: ALR4@pge.com
Attorney for PACIFIC GAS AND ELECTRIC
COMPANY

Marc D. Joseph
ADAMS BROADWELL JOSEPH &
CARDOZO
601 Gateway Blvd., Suite 1000
South San Francisco, California 94080
Telephone: (650) 589-1660
Facsimile: (650) 589-5062
Email: mdjoseph@adamsbroadwell.com
Attorneys for CALIFORNIA UNIONS FOR
RELIABLE ENERGY

Joseph P. Como
DIVISION OF RATEPAYER ADVOCATES
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
Phone: (415) 703-2381
Email: joc@cpuc.ca.gov
Fax: (415) 703-2057
Attorney for DIVISION OF RATEPAYER
ADVOCATES

Michel Peter Florio
THE UTILITY REFORM NETWORK
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone: (415) 929-8876
Fax: (415) 929-1132
E-mail: mflorio@turn.org
Attorney for THE UTILITY REFORM
NETWORK

June 10, 2010

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Pursuant to Rule 11.1 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, Pacific Gas and Electric Company (“PG&E”), Russell City Energy Company, LLC (“RCEC”), the Division of Ratepayer Advocates (“DRA”), California Unions for Reliable Energy (“CURE”), and The Utility Reform Network (“TURN”) (collectively, “Joint Parties”) submit this motion (“Joint Motion”) to withdraw without prejudice the Joint Parties’ request in its Joint Petition^{1/} that Decision (“D.”) 09-04-010 be modified to implement Senate Bill (“SB”) 695 for the RCEC Power Purchase Agreement (“PPA”).^{2/} This motion does not address any other aspect of the Joint Petition.

In the Joint Petition, filed on April 15, 2010, the Joint Parties noted that SB 695 had been enacted after D.09-04-010 was issued and addressed the allocation of net capacity costs associated with new generation resources, such as the RCEC Project. Thus, the Joint Parties

^{1/} *Joint Petition of Pacific Gas and Electric Company, Russell City Energy Company, LLC, Division of Ratepayer Advocates, California Unions for Reliable Energy, and The Utility Reform Network for Modification of Decision 09-04-010, as Modified by Decision 10-02-033, filed on April 15, 2010 (“Joint Petition”).*

^{2/} TURN wishes to explain for purposes of clarification that this represents a change to the position expressed in TURN’s June 4, 2010, “COMMENTS ON THE PRELIMINARY SCOPING MEMO AND SCHEDULE” in R.10-05-006 (the new Long Term Procurement Plan (“LTPP”) Rulemaking), wherein TURN suggested that the SB 695 issue should be addressed in this and other individual utility applications, rather than in the Rulemaking docket..

requested as part of their Joint Petition, that D.09-04-010 be modified to implement SB 695 for the RCEC PPA.

Subsequent to the Joint Parties' filing of the Joint Petition, the Commission initiated its LTPP rulemaking and identified implementation of SB 695 as one of the numerous rule and policy issues to be addressed in the LTPP Rulemaking.^{3/} In light of these developments in the LTPP Rulemaking 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 any other appropriate proceeding.

Respectfully submitted,

/s/

Jeffrey P. Gray
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111
Tel. (415) 276-6500
Fax. (415) 276-6599
Email: jeffgray@dwt.com
Attorneys for RUSSELL CITY ENERGY
COMPANY, LLC

Alice L. Reid
PACIFIC GAS AND ELECTRIC COMPANY
Post Office Box 7442
San Francisco, CA 94120
Telephone: (415) 973-2966
Facsimile: (415) 973-5520
Email: ALR4@pge.com
Attorney for PACIFIC GAS AND ELECTRIC
COMPANY

3/ LTPP Rulemaking at 15.

4/ In its comments in the LTPP Proceeding, PG&E noted that issues related to SB 695 have also been raised in the Partial Settlement in A.09-09-021 (concerning PG&E's 2008 Long-term request for Offers). PG&E is not withdrawing its request to seek SB 695 treatment as a part of the Partial Settlement in that proceeding, nor is the filing of this motion intended to explicitly or implicitly imply that SB 695 issues raised in A.09-09-021 should be resolved in the LTPP Proceeding.

Marc D. Joseph
ADAMS BROADWELL JOSEPH &
CARDOZO
601 Gateway Blvd., Suite 1000
South San Francisco, California 94080
Telephone: (650) 589-1660
Facsimile: (650) 589-5062
Email: mdjoseph@adamsbroadwell.com
Attorneys for CALIFORNIA UNIONS FOR
RELIABLE ENERGY

Joseph P. Como
DIVISION OF RATEPAYER ADVOCATES
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
Phone: (415) 703-2381
Email: joc@cpuc.ca.gov
Fax: (415) 703-2057
Attorney for DIVISION OF RATEPAYER
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Michel Peter Florio
THE UTILITY REFORM NETWORK
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone: (415) 929-8876
Fax: (415) 929-1132
E-mail: mflorio@turn.org
Attorney for THE UTILITY REFORM
NETWORK

June 10, 2010

CERTIFICATE OF SERVICE
BY ELECTRONIC MAIL, U.S. MAIL, OR HAND DELIVERY

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 11th day of June, 2010, I caused to be served a true copy of:

**JOINT MOTION OF PACIFIC GAS AND ELECTRIC COMPANY, RUSSELL CITY
ENERGY COMPANY, LLC, DIVISION OF RATEPAYER ADVOCATES,
CALIFORNIA UNIONS FOR RELIABLE ENERGY AND THE UTILITY REFORM
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By Electronic Mail – by electronic mail on the official service lists for A08-09-007, who have provided an e-mail address.

By U.S. Mail – by U.S. mail on the official service lists for A08-09-007, who have not provided an e-mail address.

By hand delivery to the following:

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 11th day of June, 2010.

/s/
Sharon E. Mortz

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
EMAIL SERVICE LIST**

Last updated: June 8, 2010

CPUC DOCKET NO. A0809007

abb@eslawfirm.com;ALR4@pge.com;bcragg@goodinmacbride.com;californiadockets@pacificorp.com;ce@cpuc.ca.gov;cem@newsdata.com;CentralFiles@SempraUtilities.com;CentralFiles@SempraUtilities.com;crmd@pge.com;dbp@cpuc.ca.gov;dcarroll@downeybrand.com;Diane.Fellman@nrgenergy.com;dmarcus2@sbcglobal.net;dws@r-c-s-inc.com;ELL5@pge.com;glw@eslawfirm.com;hayley@turn.org;jdh@eslawfirm.com;jeffreygray@dwt.com;jewellhargleroad@mac.com;jluckhardt@downeybrand.com;kdw@woodruff-expert-services.com;kerry.hattevik@nrgenergy.com;kpp@cpuc.ca.gov;LauckhartR@bv.com;liddell@energyattorney.com;martinhomerc@gmail.com;md2@cpuc.ca.gov;mdjoseph@adamsbroadwell.com;mflorio@turn.org;mjd@cpuc.ca.gov;mjh@cpuc.ca.gov;mrw@mrwassoc.com;mwt@cpuc.ca.gov;MWZ1@pge.com;regrelcuccases@pge.com;rob@redwoodrob.com;sarveybob@aol.com;Sean.Beatty@mirant.com;ska@cpuc.ca.gov;sue.mara@rtoadvisors.com;tnhc@pge.com;unc@cpuc.ca.gov;vacationpombo@aol.com;wem@igc.org;will.mitchell@cpv.com;WKeilani@SempraUtilities.com;erasmussen@co.marin.ca.us;klatt@energyattorney.com;