

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

Order Instituting Rulemaking to Examine the
Commission's Energy Efficiency Risk/Reward
Incentive Mechanism.

U 39 M

R.09-01-019
(Issued January 29, 2009)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 M)
RESPONSE TO ADMINISTRATIVE LAW JUDGE'S
RULING DIRECTING PRODUCTION OF SUPPORTING
DATA**

NOTICE OF AVAILABILITY OF SUPPORTING DATA

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July 16, 2010

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NOTICE OF AVAILABILITY OF SUPPORTING DATA

In accordance with the July 6, 2010, *Administrative Law Judge's Ruling Directing Production of Supporting Data*, (July 6 Ruling), Pacific Gas and Electric Company (PG&E) hereby submits the supporting utility data as requested. PG&E appreciates the opportunity to provide this information to the Commission in an effort to reach a reasonable compromise to the 2006-2008 incentive mechanism.

The July 6 Ruling requires the Investor-Owned Utilities (IOUs) to respond to the following Requests for Data regarding the Joint Utility Scenario:

Request #1. The IOUs must provide the underlying calculations and assumptions supporting the summary figures in their proposal. In particular, the IOUs must provide data in the same tabular format as that used by the Energy Division Scenario Report.

Request #2. The IOUs must also identify what specific parameter assumptions were updated and which ones were not for purposes of the scenario.

Request #3. The Joint IOUs must quantify the overall impact on their scenario proposal of the “thousands of changes and hundreds of categories” that are accepted in terms of the dollar value of the Performance Earnings Basis (PEB) and/or resulting Risk/Reward Incentive Mechanism (RRIM) earnings amounts calculated.

Request #4. The IOUs must identify specifically what specific “limited” ex ante values are used in their scenario, and the related impacts in terms of physical units of energy and capacity assumed to be saved and PEB-related effects.

Utilizing the Energy Division’s ERT tool, PG&E provides a response to each of these Commission requests in Attachment A. In light of the Energy Division’s release of the Final 2006-2008 Scenario Analysis Report on July 9, 2010, PG&E utilized the results in the Final Report to generate the scenario results provided in this response. Thus, the Joint Utility Scenario results reflected in the May 18, 2010, *Comments of Pacific Gas and Electric Company (U 39 M) and Southern California Edison Company (U 338-E) on the Assigned Commissioner's Ruling Providing Energy Division Report and Soliciting Comments on Scenario Runs*, which utilized the Energy Division’s Draft Scenario Analysis Report from May 4, 2010, are different from the Joint Utility Scenario results reflected in the data provided in this response.

The results presented herein, based on the Final Report, are as follows:

	PG&E Reported <i>Ex Ante</i> Results for 2006-2008 Program Cycle	Reductions in PG&E Benefits and Incentives Accepted in Joint Utility Scenario from Evaluation Report for Purposes of True-up Claim	PG&E Benefits and Incentive Results Based on Joint Utility Scenario (presented herein)
PEB	\$2,041 million	\$895 million	\$1146 million
Incentive Amount at 12% rate	\$245 million	\$108 million	\$137.5 million
% Reduction Accepted			44% reduction from reported results

Subtracting the \$74.9 million PG&E earned in previous claims, PG&E is entitled to \$62.6 million in the true-up claim based on the Joint Utility Scenario.

ATTACHMENT 'A'

Response To The Administrative Law Judge’s Ruling Directing Production Of Supporting Data For The IOU Scenario For The 2006 – 2008 True-Up Claim

Request #1. The IOUs must provide the underlying calculations and assumptions supporting the summary figures in their proposal. In particular, the IOUs must provide data in the same tabular format as that used by the Energy Division Scenario Report.

Response #1. As requested, the IOU scenario data for PG&E is shown in the same tabular format as the Energy Division Scenario Report in Attachment 1 and in the “Summary In ED Format” tab of the electronic copy of Attachment 1 (Attachment 1 (ALJ Data Request For IOU Scenario.xls)).

Methodology for calculating Ex-Ante NTG, Ex-Ante EUL, and Ex-Ante ISR for upstream CFLs energy savings and PEB values.

The starting point for the IOU scenario analysis was the final 2006 – 2008 Energy Division Scenario Analysis Report dated July 9, 2010. Since the Access 2003 version of the ERT database (version 5_4_1) used in the final report was not available until July 14, 2010, which was too late to use to respond to this data request, PG&E used the ERT database (version 5_3_5) from the draft report dated May 4, 2010. The only difference between the two versions of the databases were the updated cost table that corrected for the error of not including some non-resource program costs in the draft Scenario Analysis Report. To account for the differences between the versions of the ERT databases, the non-resource costs that were omitted in the draft Scenario Analysis Report were subtracted from the PEB results as described below and as calculated in Attachment 1 in the “Summary Of Results” tab.

The ERT input sheets provided by the Energy Division in Appendix M1 of the final 2006 – 2008 Energy Division Scenario Analysis Report were used for the IOU scenario analysis, which incorporates all the ex-post changes recommended by the Energy Division.. These input sheets are attached electronically in Attachment 2. Since the ERT database does not have the capability to evaluate the In-Service-Rate (ISR) for upstream CFLs independently, two ERT input sheets were modified to reflect the ex-ante ISR as proposed in the IOU scenario. PGE2000 (Residential Mass Market) and PGE2080 (Non-Residential Mass Market) input sheets were modified by multiplying the Installation Rate (IRate) for upstream CFLs by the ratio of ex-ante ISR to ex-post ISR to reflect the ex-ante ISR proposal in the IOU scenario. A ratio of .9/.67 was used for PGE2000 and a ratio of .92/.73 was used for PGE2080. These modified input sheets are also included in Attachment 2.

These input sheets were then linked to the ERT database and the ERT database was configured to use ex-ante NTG and ex-ante EUL as proposed in the IOU scenario. To reduce the running time for the ERT evaluation, two ERT evaluations were performed on

two different computers. One evaluation was performed on PGE2000 and PGE2080 and the other evaluation was performed on all other PG&E programs. These two ERT databases are attached electronically in Attachment 3..

The results of the ERT analysis are shown in the E3 run results in Attachment 4. The results were summarized in the “E3 Summary” tab in Attachment 1 by PG&E program. For example, for PGE2001, the two runs for All (without interactive effects) were added together and the two runs for All I (with interactive effects) were added together and summarized in the “E3 Summary” tab of Attachment 1 as PGE2001 (row 2).

The overall energy savings for PG&E programs evaluated through the ERT database are shown in cells B56 for kW, E56 for kWh, and H56 for Therms in the “E3 Summary” tab of Attachment 1. These figures are shown in rows 26 through 28 of the “Summary of Results” tab of Attachment 1.

The Performance Earnings Basis (PEB) for PG&E programs evaluated through the ERT database were determined by taking the sum of two-thirds of the TRC net benefits and one-third of the PAC net benefits. The TRC net benefits are shown in cell T56 and the PAC net benefits are shown in cell AF56 in the “E3 Summary” tab of Attachment 1 and are also shown in rows 65 and 66 of the “Summary of Results” tab of Attachment 1. The PEB was calculated in row 67 of the “Summary of Results” tab of Attachment 1.

The overall energy savings for PG&E programs not evaluated through the ERT database (pass through) are shown in cells B77 for kW, E77 for kWh, and H77 for Therms in the “E3 Summary” tab of Attachment 1. These figures are shown in rows 31 through 33 of the “Summary of Results” tab of Attachment 1.

The PEB for PG&E programs not evaluated through the ERT database were also determined by taking the sum of two-thirds of the TRC net benefits and one-third of the PAC net benefits. The TRC net benefits are shown in cell T77 and the PAC net benefits are shown in cell AF77 in the “E3 Summary” tab of Attachment 1 and are also shown in rows 70 and 71 of the “Summary of Results” tab of Attachment 1. The PEB was calculated in row 72 of the “Summary of Results” tab of Attachment 1.

Methodology for calculating 100% Energy Savings for Codes and Standards

As proposed in the IOU scenario, 100% of the energy savings from Codes and Standards activities in the 2006 – 2008 program cycle should be included in the true-up claim. Therefore, the figures shown in Table 23 Scenario 8 of the Energy Division’s Scenario Analysis Report, which only provides 50% of the energy savings, were multiplied by 2 to obtain 100% energy savings as proposed in the IOU scenario. The results are shown in rows 36 through 38 of the “Summary of Results” tab of Attachment 1.

LIEE energy savings

No adjustment to the LIEE energy savings for program years 2006 – 2008 is being proposed by the IOU scenario. Therefore, the LIEE energy savings figures from Table 23 Scenario 8 were not changed and are shown in rows 41 through 43 of the “Summary of Results” tab of Attachment 1.

Methodology for calculating non-residential positive interactive effects energy savings and PEB values

The proposed IOU scenario includes the benefits from non-residential positive interactive effects that were included in the 2005 DEER used for planning the 2006 – 2008 Portfolio and used for setting the CPUC goals for program years 2006 – 2008. The energy savings from non-residential positive interactive effects were determined by identifying the non-residential programs in the “E3 Summary” tab of Attachment 1 (highlighted in yellow) and taking the difference between the electric energy savings for the scenarios with and without interactive effects. In the “E3 Summary” tab, R1 (All) refers to the scenario without interactive effects and R2 (All_I) refers to the scenario with interactive effects. The difference between R2 and R1 for kW is shown in cell C81 and cell F81 for kWh. These figures are shown in rows 46 and 47 of the “Summary of Results” tab of Attachment 1.

The PEB for positive non-residential interactive effects were determined by taking the difference between the electric benefits for the scenarios with and without interactive effects. The difference between R2 and R1 for TRC electric benefits are shown in cell O81 and cell AA81 for PAC electric benefits in the “E3 Summary” tab of Attachment 1. These figures are shown in rows 75 and 76 of the “Summary of Results” tab of Attachment 1.

Methodology for correcting the omission of non-resource costs in the draft ERT database

As stated above, the difference between the draft version (5_3_5) and the final version (5_4_1) of the ERT databases was the updating of the cost table to correct for the omission of the non-resource costs. Since an Access 2003 version of the new ERT database was not available in time for use to respond to this data request, PG&E used the ERT database from the draft report, with the proper adjustment to costs.

In order to include the non-resource costs in the IOU scenario, the non-resource costs were subtracted from the overall PEB result. The non-resource costs are shown in rows 80 through 82 of the “Summary Of Results” tab of Attachment 1 and are subtracted from the overall PEB in rows 90 through 92 of the “Summary Of Results” tab of Attachment 1.

Methodology for calculating the benefits associated with using updated avoided costs with GHG adder.

The proposed IOU scenario includes the updating of the avoided costs to include a GHG adder. Since neither the ERT database or the E3 calculator used for evaluating the 2006 – 2008 accomplishments have the capability to evaluate the 2006 – 2008 programs with the updated avoided costs with the GHG adder, another methodology had to be devised to evaluate the 2006 – 2008 accomplishments using the updated avoided costs. Since the 2009 E3 calculators have the capability to turn on and off the GHG adder in the avoided costs, the E3 calculators used to evaluate the 2010 – 2012 portfolio were used to determine the impact of the GHG adder on the PEB. The 2010 – 2012 planning E3 calculator results for the avoided costs without the GHG adder are shown in Attachment 5. The 2010 – 2012 planning E3 calculator results for the avoided costs with the GHG adder are shown in Attachment 6.

As shown in the summary file “Summary.xls” for the E3 calculators without the GHG adder in the avoided costs (Attachment 5), the PEB is in cell Z17. The summary file “Summary.xls” for the E3 calculators with the GHG adder in the avoided costs (Attachment 6), the PEB is in cell Z17. The percent increase in PEB due to the GHG adder comparing Attachment 5 to Attachment 6 was applied to the total TRC and PAC net benefits. The results are shown in rows 85 and 86 of the “Summary of Results” tab of Attachment 1.

The PEB increase due to the GHG adder in the avoided costs is shown in row 87.

Methodology for calculating the total energy savings and total PEB for the IOU scenario

The total energy savings are determined by summing up the energy savings from programs evaluated through the ERT database, programs not evaluated through the ERT database (pass through programs), Codes and Standards, LIEE, and positive non-residential interactive effects. The totals are shown in rows 51 through 53 of the “Summary of Results” tab of Attachment 1.

The MPS Individual Metric Performance are determined by dividing the Total Achieved Savings (rows 51 through 53) by the Savings Goals (rows 8 through 10). The results are shown in rows 56 through 58 of the “Summary of Results” tab of Attachment 1.

The total TRC and PAC net benefits and PEB are determined by summing up the net benefits and PEB from programs evaluated through the ERT database, programs not evaluated through the ERT database (pass through programs), positive non-residential interactive effects, correcting for the non-resource cost error in the draft report and updated avoided costs with GHG adder. The totals are shown in rows 90 through 92 of the “Summary of Results” tab of Attachment 1.

Methodology for calculating the total earnings from the IOU scenario

The methodology to calculate the earnings from the IOU scenario for PG&E was to multiply the total PEB shown in row 93 of the “Summary of Results” tab of Attachment 1 by the 12% Earnings Rate proposed in the IOU scenario. This result is shown in row 99 of the “Summary of Results” tab of Attachment 1.

The result of the IOU scenario for PG&E is \$137.5 million in earnings for the 2006-2008 period. Subtracting out the amount already earned by PG&E in 2008 and 2009, the remaining true-up amount would be \$62.6 million.

Request #2. The IOUs must also identify what specific parameter assumptions were updated and which ones were not for purposes of the scenario.

Response #2. The following parameters were updated as part of the IOU scenario:

1. Net-To-Gross (NTG) ratios.
2. Effective Useful Lives (EUL).
3. In-Service-Rate (ISR) for upstream CFLs.
4. Avoided costs to include GHG adder.
5. Positive non-residential interactive effects.
6. No 2004 – 2005 cumulative.
7. 100% energy savings Codes and Standards.

All other parameters were not changed, including, but not limited to, the following parameters:

1. Unit Energy Savings (UES).
2. Installation rates (except for upstream CFLs).
3. Incremental Measure Costs (IMC).
4. Load Shapes.
5. Residential/Non-Residential split for upstream CFLs.
6. Realization Rates.
7. Program Costs.
8. Makeup of PEB: TRC/PAC split
9. Goals

Request #3. The Joint IOUs must quantify the overall impact on their scenario proposal of the “thousands of changes and hundreds of categories” that are accepted in terms of the dollar value of the Performance Earnings Basis (PEB) and/or resulting Risk/Reward Incentive Mechanism (RRIM) earnings amounts calculated.

Response #3. PG&E’s ex-ante claim for the 2006 – 2008 accomplishments were \$2,041 million in PEB and \$245 million in shareholder earnings per PG&E’s submittal in July 2009. As shown in Attachment 1, PG&E’s IOU scenario claim is \$1,146 million in PEB and \$137 million in shareholder earnings. Therefore, the impact of accepting thousands of changes and hundreds of categories recommended by Energy Division in the Scenario Analysis Report are a reduction of \$895 million in PEB and a reduction of \$108 million in shareholder earnings. The table below showcases the reduction:

	Incentives Resulting from PG&E Reported Results	Reductions Accepted by PG&E from Evaluation Report for Purposes of True-up Claim	PG&E Results Based on Joint Utility Scenario
PEB	\$2,041 million	\$895 million	\$1146 million
Incentive Amount at 12% rate	\$245 million	\$108 million	\$137.5 million
% Reduction Accepted			44% reduction from reported results

Request #4. The IOUs must identify specifically what specific “limited” ex ante values are used in their scenario, and the related impacts in terms of physical units of energy and capacity assumed to be saved and PEB-related effects.

Response #4. The specific ex-ante NTG and EUL values used in the IOU scenario are listed in PG&E’s 2008 4th Quarter Report posted on the Energy Efficiency Groupware Application (EEGA) website. A copy of the file (PGE.QR.2008Q4.4.xls) is shown in Attachment 7. Under the Measure List tab, the ex-ante NTG values are shown in column O and the ex-ante EUL values are shown in column P.

The ex-ante ISR values for upstream CFLs are .9 for residential CFLs and .92 for non-residential CFLs.

The energy, capacity, and PEB impacts of the ex-ante values recommended in the IOU scenario are shown in the “Summary Of Results” tab of Attachment 1. The energy and capacity impacts are shown in rows 26 through 28 and the PEB impact is shown in row 67.

ATTACHMENT 1

Tables:

Attachment 1

Attachment 1 Supporting Documentation

Electronic files:

Attachment 1 (ALJ Data Request For IOU Scenario).xls

Attachment 1
Summary Of Joint Utility Scenario Results
Shown In Energy Division Scenario Analysis Report Format
Pacific Gas and Electric Company

Savings Goals (2006 - 2008 only, IOU scenario does not include cumulative savings from 2004 - 2005)	
Total Savings Goal (GWH)	2,826.0
Total Peak Savings Goal (MW)	613.0
Total Natural Gas Savings Goal (MMTh)	44.8
MPS Goals (80% of goal)	
Total Savings Goal (GWH)	2,260.8
Total Peak Savings Goal (MW)	490.4
Total Natural Gas Savings Goal (MMTh)	35.8
Dead Band (65% of goal)	
Total Savings Goal (GWH)	1,836.9
Total Peak Savings Goal (MW)	398.5
Total Natural Gas Savings Goal (MMTh)	29.1

Achieved Savings Towards MPS	
EE Portfolio Savings (With Ex-Ante NTG, Ex-Ante EUL, Ex-Ante ISR for Upstream CFLs, Positive Non-Residential Interactive Effects)	
Total Savings Goal (GWH)	2,744.6
Total Peak Savings Goal (MW)	416.7
Total Natural Gas Savings Goal (MMTh)	59.7
100% C&S Savings (Increased from 50% as proposed in the IOU scenario)	
Total Savings Goal (GWH)	315.8
Total Peak Savings Goal (MW)	61.2
Total Natural Gas Savings Goal (MMTh)	4.4
EM&V Adjusted LIEE Savings (PY 2006 - 2008)	
Total Savings Goal (GWH)	78.7
Total Peak Savings Goal (MW)	16.2
Total Natural Gas Savings Goal (MMTh)	3.8
Total Achieved Savings Toward MPS	
Total Savings Goal (GWH)	3,139.1
Total Peak Savings Goal (MW)	494.1
Total Natural Gas Savings Goal (MMTh)	67.9

MPS Individual Metric Performance	
Percent of GWH Goal	111%
Percent of MW Goal	81%
Percent of MMTh Goal	152%
MPS Average Metric Performance	
	114%

Performance Earnings Basis (PEB)	
TRC Net Benefits	\$1,009,385,681
PAC Net Benefits	\$1,418,580,398
PEB	\$1,145,783,920
PEB at MPS Threshold	\$1,145,783,920

Earnings/Penalty Cap	\$180,000,000
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Earnings Rate (IOU Scenario)	12%
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Total Earnings	\$137,494,070
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Penalties	No
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Total Penalties	No Penalty
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**Attachment 1 Supporting Documentation
Summary Of Joint Utility Scenario Results
Energy Savings And PEB Impact By IOU Scenario Components
Pacific Gas and Electric Company**

Savings Goals (2006 - 2008 only; IOU scenario does not include cumulative savings from 2004 - 2005)	
Total Savings Goal (GWH)	2,826.0
Total Peak Savings Goal (MW)	613.0
Total Natural Gas Savings Goal (MMTh)	44.8
MPS Goals (80% of goal)	
Total Savings Goal (GWH)	2,260.8
Total Peak Savings Goal (MW)	490.4
Total Natural Gas Savings Goal (MMTh)	35.8
Dead Band (65% of goal)	
Total Savings Goal (GWH)	1,836.9
Total Peak Savings Goal (MW)	398.5
Total Natural Gas Savings Goal (MMTh)	29.1

Achieved Savings Towards MPS	
Savings For Programs Evaluated In the ERT Database (Ex-Ante NTG, Ex-Ante EUL, Ex-Ante ISR for upstream CFLs and without interactive effects as proposed in the IOU scenario)	
Total Savings Goal (GWH)	2,574.3
Total Peak Savings Goal (MW)	357.1
Total Natural Gas Savings Goal (MMTh)	58.8
Savings For Programs Not Evaluated In the ERT Database (Pass Through)	
Total Savings Goal (GWH)	147.9
Total Peak Savings Goal (MW)	32.0
Total Natural Gas Savings Goal (MMTh)	0.8
100% C&S Savings (Increased from 50% as proposed in the IOU scenario)	
Total Savings Goal (GWH)	315.8
Total Peak Savings Goal (MW)	61.2
Total Natural Gas Savings Goal (MMTh)	4.4
EM&V Adjusted LIEE Savings (PY 2006 - 2008)	
Total Savings Goal (GWH)	78.7
Total Peak Savings Goal (MW)	16.2
Total Natural Gas Savings Goal (MMTh)	3.8
Positive Non-Residential Interactive Effects Included In DEER 2005 and 2006 - 2008 Goal Setting	
Total Savings Goal (GWH)	22.3
Total Peak Savings Goal (MW)	27.5
Total Natural Gas Savings Goal (MMTh)	0.0
Total Achieved Savings Toward MPS	
Total Savings Goal (GWH)	3,139.1
Total Peak Savings Goal (MW)	494.1
Total Natural Gas Savings Goal (MMTh)	67.9

MPS Individual Metric Performance	
Percent of GWH Goal	111%
Percent of MW Goal	81%
Percent of MMTh Goal	152%
MPS Average Metric Performance	
	114%

Performance Earnings Basis (PEB)	
PEB For Programs Evaluated In the ERT Database (Ex-Ante NTG, Ex-Ante EUL, Ex-Ante ISR for upstream CFLs and without interactive effects as proposed in the IOU scenario)	
TRC Net Benefits	\$882,657,709
PAC Net Benefits	\$1,224,751,995
PEB	\$996,689,137
PEB For Programs Not Evaluated In the ERT Database (Pass Through)	
TRC Net Benefits	\$43,925,570
PAC Net Benefits	\$45,692,390
PEB	\$44,514,510
Positive Interactive Effects Included In DEER 2005 and 2006 - 2008 Goal Setting	
TRC Electric Benefits	\$6,861,512
PAC Electric Benefits	\$6,861,512
PEB	\$6,861,512
Non-Resource Cost Error In ERT 5-3-5 (Draft Scenario Analysis Report)	
TRC Electric Benefits	-\$85,221,529
PAC Electric Benefits	-\$85,221,529
PEB	-\$85,221,529
Avoided Cost With Updated GHG Value	
TRC Net Benefits	\$161,162,420
PAC Net Benefits	\$226,496,030
PEB	\$182,940,290
Total PEB	
TRC Net Benefits	\$1,009,385,681
PAC Net Benefits	\$1,418,580,398
PEB	\$1,145,783,920
PEB at MPS Threshold	\$1,145,783,920

Earnings/Penalty Cap	\$180,000,000
Earnings Rate (IOU Scenario)	12%
Total Earnings	\$137,494,070
Penalties	No
Total Penalties	No Penalty

ATTACHMENT 2

Electronic Files:
ERT Input Sheets (27 Files)

ATTACHMENT 3

Electronic Files:
ERT Databases (2 Files)

ATTACHMENT 4

Electronic Files:
ERT Output Files (1,868 Files)

ATTACHMENT 5

Electronic Files:

2010 – 2012 Compliance Filing E3 Runs without GHG adder (19 Files)

ATTACHMENT 6

Electronic Files:

2010 – 2012 Compliance Filing E3 Runs with GHG adder (19 Files)

ATTACHMENT 7

Electronic Files:

PG&E's 2008 4th Quarter Report (PGE.QR.2008Q4.4.xls)

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL

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 July 16, 2010, I served a true copy of:

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 M)
RESPONSE TO ADMINISTRATIVE LAW JUDGE'S RULING
DIRECTING PRODUCTION OF SUPPORTING DATA**

NOTICE OF AVAILABILITY OF SUPPORTING DATA

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **R.09-01-019**

[XX] By First-Class Mail, postage prepaid, to each party on the official service list not providing an email address.

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 July 16, 2010 at San Francisco, California.

/S/

JENNIFER S. NEWMAN