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Sent: 7/1/2010 5:38:27 PM
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Bcc:

Subject: RE: A.09-08-020 - Mediation

To the parties in A.09-08-020:

I am in receipt of Mr. Weissmann's June 30 email requesting me to declare that the mediation period has concluded so that the parties may be released from the prohibition imposed by the mediation agreement on communications with decisionmakers during the mediation period. I am also in receipt of Mr. Aguirre's and Ms. Conklin's emails opposing this request.

The confidentiality agreement signed by the parties states the dates of the mediation will be from May 13, 2010 through July 17, 2010, and that the parties agree not to communicate with decisionmakers related to A.09-08-020 during the mediation period. This provision temporarily suspends the applicability of Rule 8.2 (Commission Rules of Practice and Procedure), which governs ex parte communications in ratesetting proceedings such as this one. I have been assigned to mediate the case but I have no decisionmaking authority in this case. Therefore, I have no authority to modify the confidentiality agreement.

By this email, I am reporting to the ADR Coordinator as well as the Assistant Chief Administrative Law Judge supervising the mediation process that my services as a mediator are no longer necessary because all the parties no longer wish to mediate the case. Because formal mediation is not continuing, I urge all the parties to meet and confer among themselves to resolve their differences regarding lifting

the ex parte ban prior to the expiration of the "Dates of Mediation" stated in the confidentiality agreement. If this is unsuccessful, parties should file a formal motion addressing the issue since, as noted above, I have no decisionmaking authority in this case.

Thank you all very much for participating in the mediation.

Janet A. Econome
Assistant Chief Administrative Law Judge

From: Weissmann, Henry [mailto:Henry.Weissmann@mto.com]
Sent: Wednesday, June 30, 2010 5:12 PM
To: Econome, Janet A.
Cc: dj0conklin@earthlink.net; kgilbride@dralegal.org; j.eric.isken@sce.com; lhj2@pge.com; Logan, Scott; jmalkin@orrick.com; htm1@pge.com; mary.simpson@sce.com; bts1@pge.com; Stoddard, F. Jackson; nsuetake@turn.org; mthorp@sempra.com; maguirre@amslawyers.com; mseverson@amslawyers.com; wcs3@pge.com; LHJ2@PGE.COM; Deana.Ng@sce.com; kauderson@dralegal.org; jwmitchell@mbartek.com; awf9@pge.com; wcs3@pge.com; john.butler@sce.com; Kevin Christensen; Maria Byrnes; Deana.Ng@sce.com; Karyn.Gansecki@sce.com; van der Leeden, Ronald; Stock, William
Subject: RE: A.09-08-020 - Mediation

Dear Judge Econome:

I am writing to provide you an update on the mediation in A. 09-08-020.

Based on our session on May 24, and further communications with the parties, it appears that the mediation process has run its course, at least for now. Accordingly, the utilities have turned their attention to the preparation of an amended application, which they expect to file in July.

In light of these developments, we would request that you declare the mediation period concluded. Such a declaration would relieve the parties of the prohibition imposed by the mediation agreement on communications with decision-makers during the mediation period.

DRA, CPSD, TURN, and Disability Rights Advocates have stated that they do not oppose this request. Mussey Grade Road Alliance and Ruth Henricks oppose this request.

Thank you for help in the mediation process and for your consideration of this request.

Henry Weissmann | Munger, Tolles & Olson LLP
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From: Econome, Janet A. [mailto:janet.econome@cpuc.ca.gov]
Sent: Wednesday, May 26, 2010 3:16 PM
To: Weissmann, Henry
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Subject: RE: A.09-08-020 - Mediation

To the parties in Application 09-08-020:

Given that mediation is a voluntary process, I will cancel the June 1 mediation session currently scheduled in the above case. Please let me know if the group wishes to participate in a further session and if so, available dates. If not, please report back to the assigned ALJ in the timeframe directed by her latest ruling.

Also, I am hopeful that this email is sent to the most current service list of the mediators. However, to be sure, I will also copy and forward this note to what I think is the latest list. If anyone is inadvertently omitted, please let me know and also please forward this note to that person.

Thank you, Janet Econome

From: Weissmann, Henry [mailto:Henry.Weissmann@mto.com]

Sent: Tuesday, May 25, 2010 8:35 PM

To: Econome, Janet A.

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Subject: A.09-08-020 - Mediation

Dear Judge Econome and Parties

The utilities believe that the all-party mediation scheduled for June 1 should be cancelled.

Henry Weissmann | Munger, Tolles & Olson LLP

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