

From: Middlekauff, Charles (Law)  
Sent: 8/24/2010 12:34:24 PM  
To: Lindh, Frank (frank.lindh@cpuc.ca.gov); Clanon, Paul (paul.clanon@cpuc.ca.gov)  
Cc: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7);  
Horner, Trina (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=TNHC);  
Jones, Richard C. (Law)  
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=RCJ2)  
Bcc:  
Subject: RE: A09 09 021, 2008 LTRFO, PG&E Petition for Modification

Paul:

Sorry for the delay getting back to you -- I thought it would be a simple answer, but as with all things in the regulatory world, it was more complex than expected! Below is the response I received from Richard Jones, who is the transactional attorney here at PG&E who has worked on the Oakley Project PSA and the amendment. I have also copied Richard on this e-mail. If you have additional questions, feel free to give Richard a call or drop him an e-mail.

Thanks

Charles

There are three rights to terminate in the amendment. Appeal periods work differently in each. To keep it simple, we wrote the declaration to focus on the first. In this first termination right, CCGS can terminate the PSA up to the end of all periods for filing an application for rehearing at the CPUC and for the filing of a petition for a writ of review in the Court of Appeal. This termination right ends when the period for filing the petition for a writ ends, even if a petition is filed. It does not include the period to prosecute the appeal if a petition for a writ is filed. Under the second termination right, either side can terminate for sixty days after the CPUC issues a decision that does not give an acceptable result and is final, although it may still be appealable (the period for an application for rehearing has run out but the period to file for a writ may not have expired yet). Third, if the decision is acceptable but is in fact appealed to the Court of Appeal by a third party (neither PG&E nor CCGS can appeal in this case), then either party can terminate at any time up to and including June 1, 2011.

-----Original Message-----

From: Clanon, Paul [mailto:paul.clanon@cpuc.ca.gov]  
Sent: Tue 8/24/2010 8:54 AM  
To: Middlekauff, Charles (Law); Lindh, Frank  
Cc: Cherry, Brian K; Horner, Trina  
Subject: RE: A09 09 021, 2008 LTRFO, PG&E Petition for Modification

Charles, OK to tell me you can't answer this:

By "final and non-appealable" in Marino's declaration, do you mean final and non-appealable at the Commission, or all the way through potential court appeals?

From: Middlekauff, Charles (Law) [mailto:CRMd@PGE.COM]  
Sent: Monday, August 23, 2010 4:38 PM  
To: Clanon, Paul; Lindh, Frank  
Cc: Cherry, Brian K; Horner, Trina  
Subject: FW: A09 09 021, 2008 LTRFO, PG&E Petition for Modification

CONFIDENTIAL MATERIAL -- DO NOT FORWARD

Paul and Frank:

Attached below is the Petition to Modify that we filed this afternoon. I am also attaching a copy of the confidential version of Marino's declaration which includes the amendment. Let me know if you need anything else.

Charles

<<PTM -- Monardi Declaration (Confidential Version) (00104320).PDF>>

From: [Redacted]  
Sent: Monday, August 23, 2010 4:09 PM  
To: RegRelCPUCCases; [Redacted] CPUCCases@pge.com; [Redacted]; [Redacted], [Redacted] Gandesbery, Mary (Law); Middlekauff, Charles (Law); 'agc@cpuc.ca.gov'; 'edf@cpuc.ca.gov'; 'shi@cpuc.ca.gov'; 'kkm@cpuc.ca.gov'; 'dbp@cpuc.ca.gov'; 'ys2@cpuc.ca.gov'; 'MWT@cpuc.ca.gov'; 'eklebaner@adamsbroadwell.com'; 'wmc@a-klaw.com'; 'nes@a-klaw.com'; 'filings@a-klaw.com'; 'douglass@energyattorney.com'; 'mrw@mrwassoc.com'

Subject: A09 09 021, 2008 LTRFO, PG&E Petition for Modification

Attached are the following documents, in PDF format, which were filed on August 23, 2010, with the California Public Utilities Commission in Docket No. A.09-09-021:

1. Pacific Gas and Electric Company's (U 39-E) Petition for Modification of Decision 10-07-045
2. Declaration of Marino Monardi in Support of Pacific Gas and Electric Company's (U 39-E) Petition for Modification of Decision 10-07-045 (Public Version)
3. Motion of Pacific Gas and Electric Company (U 39-E) for Leave to File Confidential Material in Support of Petition for Modification of Decision 10-07-045

[Redacted]  
Charles Middlekauff  
Pacific Gas and Electric Company

If you have any difficulty opening the attachments, please notify [Redacted] tel [Redacted] fax [Redacted]  
[Redacted]

NOTE: The recipient portion of this e-mail may not reflect all the addressees who are being served. The service list has been split into 20-addressee groups, to avoid rejection by CPUC and other e-mail servers.

Please note that the PG&E Law Department does not maintain the official service list for Docket No. A.09-09-021. If you would no longer like to receive documents regarding this docket, please contact the CPUC Process Office directly via email at [Process\\_Office@cpuc.ca.gov](mailto:Process_Office@cpuc.ca.gov) or by phone at 415-703-2021 to remove yourself from the official service list.

<<Petition.pdf>> <<Dec-Pub.pdf>> <<MFUS.pdf>>