

From: Cherry, Brian K  
Sent: 8/24/2010 6:07:20 PM  
To: 'pac@cpuc.ca.gov' (pac@cpuc.ca.gov); 'frl@cpuc.ca.gov' (frl@cpuc.ca.gov)  
Cc:  
Bcc:  
Subject: Fw: Not Good

**From:** Cherry, Brian K  
**To:** [Redacted] >; Bottorff, Thomas E; Kuga, Roy M  
**Sent:** Tue Aug 24 17:59:05 2010  
**Subject:** Re: Not Good

Dan. Calm down. We aren't doing anything to jeopardize the AL filing. We've vetted this with Peevey et al and we are intent and confident that GWF and Los Esteros will get approved forthwith. Since each AL will require a resolution approving it, whether or not someone protests means little or nothing in the final disposition. Call me tomorrow if you need more detail. Everything is still on track.

**From:** Dan Richard [Redacted]  
**To:** Bottorff, Thomas E; Cherry, Brian K; Kuga, Roy M  
**Sent:** Tue Aug 24 17:51:38 2010  
**Subject:** Not Good

Hey Guys:

I didn't think that it was possible to have the novation/LTRFO case any more screwed up, but apparently your filing has done that. I can't understand why PG&E didn't wait a week. We just heard that DRA filed a late protest today, the last day of the protest period, against the Advice Letter. Their stated reason was that the Advice Letter should be held in abeyance until the Commission decides the Petition for Modification. Was that PGE's intent? Today, Evelyn Lee told GWF's attorney that PG&E would consider the Commission's decision to be the basis for going forward; then she called back and said that if someone protested the Advice filing, PG&E might construe things differently.

How are we supposed to read this? Is PG&E asking the Commission to reverse the LTRFO decision with the effect that it vitiates the Tracy and Los Esteros projects? I'm asking because we'll need to gauge how we react - or whether we do - but what is PG&E's view of the legal ramifications of what it's doing. And, since there was obviously no urgency to this since the CCGS is being pushed back, why in the world was the filing made now? Are we supposed to believe it was intentional?

I suspect in the end, everything will proceed as it has, but is sure got messy. Do you mind telling us what's going on?

Thanks,

Dan

**Dan Richard Advisors, LLC**

Redacted