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Bcc:

Subject: R.10-02-005: Request for Leave to Reply to Responses to Petition for Modification of D.10-07-048

Dear Assistant Chief ALJ Terkeurst:

In accordance with Rule 16.4(g) of the Commission's Rules of Practice and Procedure, and on behalf of the parties who filed a petition to modify Decision 10-07-048 (Petition), DRA requests permission for the petitioners to file replies to PG&E's and SCE's responses to the Petition.

On September 9, 2010, SDG&E, SoCalGas, Disability Rights Advocates, DRA, Greenlining Institute, National Consumer Law Center and TURN (Settling Parties) filed a joint motion to adopt a proposed settlement agreement (Joint Motion). On September 9, in conjunction with the Joint Motion, Settling Parties filed the Petition which was based upon the proposed settlement

agreement.

On September 21, assigned ALJ DeBerry issued a ruling permitting parties to file comments on the Joint Motion by September 29 and reply comments by October 6. In addition, the ruling permitted parties to file responses to the Petition by September 29. Attached hereto is a copy of the ruling.

On September 29, PG&E and SCE filed responses to the Petition, but did not file any comments on the Joint Motion or proposed settlement agreement. Although neither PG&E nor SCE filed comments opposing the proposed settlement (which would have given Settling Parties an opportunity to file reply comments by October 6), PG&E in its response to the Petition raises arguments collaterally attacking the proposed settlement. Therefore, Settling Parties respectfully request leave to file replies to the responses to the Petition by October 6, in order to provide the Commission with a complete and accurate understanding of the proposed settlement.

On September 30, counsel for TURN left a voice message for ALJ DeBerry seeking leave for Settling Parties to file a reply or replies to the responses to the Petition. Today, Settling Parties learned that ALJ DeBerry is out of the office until October 13, and that Assistant Chief ALJ Econome is out of the office until October 11. Consequently, Settling Parties direct this request for leave to file replies by October 6 to Your Honor.

Thank you for your consideration of this matter.

Marion
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Attorney for
DRA and on behalf
of Settling Parties

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