

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

Application of Pacific Gas and Electric Company  
(U 39 G) Proposing Cost of Service and Rates for  
Gas Transmission and Storage Services for Period  
2011-2014

A.09-09-013  
(Filed September 18, 2009)

**REPLY COMMENTS OF THE INDICATED SETTLEMENT PARTIES TO THE  
OPENING COMMENTS OF SOUTHERN CALIFORNIA GAS COMPANY AND SAN  
DIEGO GAS & ELECTRIC COMPANY ON THE PROPOSED DECISION**

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April 11, 2011

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**I. INTRODUCTION**

Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the California Cogeneration Council, the California Manufacturers and Technology Association, Calpine Corporation, the City of Palo Alto, Dynegy Moss Landing, LLC, Dynegy Morro Bay, LLC, and the Indicated Producers (“Indicated Settlement Parties”) respectfully submit these reply comments (“Reply Comments”) to the opening comments (“Opening Comments”) of Southern California Gas Company (“SoCalGas”) and San Diego Gas & Electric Company (“SDG&E”) on the proposed decision in this proceeding (“Proposed Decision”). The Commission issued the Proposed Decision on March 15, 2011, approving the settlement (“Settlement Agreement”) resolving Pacific Gas and Electric Company’s (“PG&E”) 2011-2014 Gas Transmission and Storage Rate Case (this and all previous gas transmission and storage rate case settlements each a “Gas Accord”). The Indicated Settlement Parties provide these Reply Comments to oppose any change to the Proposed Decision that would permit SoCalGas to deliver gas to the PG&E city-gate or permit SDG&E and SoCalGas to pursue such rights in a separate proceeding.

## II. DISCUSSION

### A. **Allowing SoCalGas to Use its G-XF Contract Capacity to Deliver Gas to the PG&E City-Gate Would Inappropriately Displace On-System Backbone Services and Provide a Financial Windfall for G-XF Customers**

In their Opening Comments, SoCalGas and SDG&E have asked the Commission to modify the Proposed Decision to allow SoCalGas to use its G-XF contract capacity to deliver gas to the PG&E city-gate. Granting SoCalGas such a right, however, would be contrary to the Gas Accord, would provide customers receiving service under PG&E's G-XF tariff with a financial windfall not afforded to its other customers, and would prejudice PG&E's other customers by reducing the available capacity on PG&E's system.

As set out extensively in the briefs in this proceeding, a fundamental component of the original Gas Accord and all subsequent Gas Accords was the elimination of delivery point flexibility under PG&E's G-XF tariff.<sup>1</sup> Without the elimination of delivery point flexibility, customers receiving service under PG&E's G-XF tariff (like SoCalGas) could deliver gas to PG&E city-gate at a much lower cost than other shippers, thus providing the customers receiving service under PG&E's G-XF tariff with a financial windfall not afforded to its other customers.<sup>2</sup> In addition, if SoCalGas were permitted to use its G-XF contract capacity to deliver gas to the PG&E city-gate, the volume of its deliveries would significantly reduce available capacity on PG&E's system, thus displacing as-available service that PG&E would have otherwise provided to other customers on its Baja Path.<sup>3</sup> Although PG&E bears responsibility for any on-system rights that SoCalGas may receive and should therefore have its shareholders absorb the related

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<sup>1</sup> Opening Brief of Pacific Gas and Electric Company and Indicated Gas Accord V Settlement Parties (A.09-09-013) at 6 (Nov. 10, 2010).

<sup>2</sup> Id.

<sup>3</sup> Id. at 14.

shortfall in revenue,<sup>4</sup> other customers will still be prejudiced by the lack of capacity on PG&E's system. Therefore, the Commission should reject SoCalGas' and SDG&E's request to alter the Proposed Decision so as to allow SoCalGas to use its G-FX contract capacity to deliver gas to the PG&E city-gate.

**B. Deciding Whether SoCalGas Can Use its G-XF Contract Capacity to Deliver Gas to the PG&E City-Gate Does Not Require Further Litigation**

In the alternative, SoCalGas and SDG&E request in their Opening Comments that even if the Commission is unwilling to grant SoCalGas the right to use its G-XF contract capacity to deliver gas to the PG&E city-gate at this time, it should at least allow them to pursue their request in a separate proceeding "where the merits of the evidence presented by SoCalGas...are given full consideration."<sup>5</sup> The evidence presented by SDG&E and SoCalGas, however, is already before the Commission for its "full consideration" as it decides whether or not to adopt the Proposed Decision.

SDG&E and SoCalGas performed discovery on this issue during the proceeding and cross-examined witnesses on the proper interpretation of its Firm Transportation Service Agreement with PG&E.<sup>6</sup> Based on the evidentiary discovery, SDG&E and SoCalGas then dedicated nearly ten pages of their opening brief and 2/3 of their reply brief in an attempt to prove SoCalGas' purported right to use its G-XF contract capacity to deliver gas to the PG&E

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<sup>4</sup> See Opening Brief of The Utility Reform Network on Behalf of the Indicated Settlement Parties (A.09-09-013) (Nov. 10, 2010).

<sup>5</sup> Opening Comments of Southern California Gas Company and San Diego Gas & Electric Company (A.09-09-013) at 6 (April 4, 2011).

<sup>6</sup> See, e.g., Transcript of A.09-09-013 at 1122:14-20.

city-gate.<sup>7</sup> Finally, in addressing the contentions of SoCalGas and SDG&E, the Proposed Decision dedicates six pages to discussing the issue and rendering a decision.<sup>8</sup>

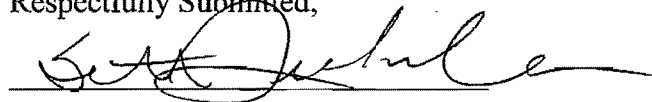
Now that SoCalGas and SDG&E see that they have failed to convince the Administrative Law Judge of the propriety of their position, they essentially want a second chance to present a more compelling argument. Such a request inappropriately subverts the Commission's decision-making process and the finality of its decisions and should therefore be rejected.

### III. CONCLUSION

For the reasons set forth above, the Commission should reject SoCalGas' and SDG&E's requests to alter the Proposed Decision so as to allow: (a) SoCalGas to use its G-FX contract capacity to deliver gas to the PG&E city-gate; and (b) SDG&E and SoCalGas to re-litigate in another proceeding whether SoCalGas can use its G-FX contract capacity to deliver gas to the PG&E city-gate. The Indicated Settlement Parties respectfully urge the Commission to adopt the Proposed Decision without significant modification and to approve the Settlement Agreement.

Date: April 11, 2011

Respectfully Submitted,



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<sup>7</sup> See Opening Brief of Southern California Gas Company and San Diego Gas & Electric Company (A.09-09-013) at 3-12 (Nov. 10, 2010); Reply Brief of Southern California Gas Company and San Diego Gas & Electric Company (A.09-09-013) at 1-6 (Nov. 19, 2010).

<sup>8</sup> See Proposed Decision at 40-46.

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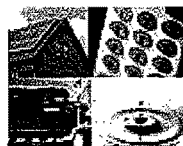
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Executed on April 11, 2011, at Los Angeles, California.

  
Seth F. Richardson



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