

From: Cherry, Brian K  
Sent: 10/13/2011 9:55:15 AM  
To: pac@cpuc.ca.gov (pac@cpuc.ca.gov)  
Cc:  
Bcc:  
Subject: FW: Re:

**From:** Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]  
**Sent:** Thursday, October 13, 2011 9:48 AM  
**To:** Cherry, Brian K  
**Subject:** Re:

Wow. Thanks

**From:** Cherry, Brian K [mailto:BKC7@pge.com]  
**Sent:** Thursday, October 13, 2011 08:06 AM  
**To:** Brown, Carol A.  
**Subject:**

Here is another issue we should talk about - the PGC OIR. This is a comment I received internally:

All- for the same legal reasons stated by TURN, DRA and the Legislative Counsel in their earlier legal challenge to the CPUC's proposed Climate Institute (particularly the Calif Sup. Ct. *Consumers Lobby Against Monopolies "common fund"* case from 1979), I believe that the CPUC's PGC OIR may suffer from significant legal defects that could result in it being overturned, unless it is replaced by individual IOU rate applications to accomplish the same result by individual ratemaking requests.