

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

Order Instituting Rulemaking to Integrate and Refine  
Procurement Policies and Consider Long-Term  
Procurement Plans.

Rulemaking 12-03-014  
(March 22, 2012)

**NOTICE OF WRITTEN EX PARTE COMMUNICATION**

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Attorneys for the Independent Energy Producers  
Association

Dated: July 11, 2012

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OF THE STATE OF CALIFORNIA**

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Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, the Independent Energy Producers Association (IEP) submits this Notice of Written Ex Parte Communication.

On July 11, 2012, Brian Cragg, outside counsel for IEP, sent the attached email to Administrative Law Judge Gamson. The letter was also served on all individuals and entities on the service list of this proceeding, including Damon Franz, advisor to President Peevey, and Sepideh Khosrowjah and Marcelo Poirier, advisors to Commissioner Florio. The communication was initiated by Mr. Cragg.

Mr. Cragg's email discusses the scheduling of Pacific Gas and Electric Company's (PG&E) witnesses in this proceeding and raises concerns referred to in IEP's Motion for Reconsideration of the Scoping Memo in this proceeding<sup>1</sup> with regard to the disparity of resources between IEP and PG&E. As noted in IEP's Motion for Reconsideration, IEP and other parties who lack PG&E's resources are at a significant disadvantage and will face substantial difficulty by virtue of having to cover multiple overlapping proceedings (specifically this

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<sup>1</sup> *Motion of the Independent Energy Producers Association for Reconsideration of Scoping Memo to Coordinate Schedules* (filed July 2, 2012).

proceeding and PG&E's Application (A.) 12-03-026, the Oakley proceeding) with limited resources. In sharp contrast to PG&E's potential ability to schedule its multiple witnesses in this proceeding in a manner that will minimize any overlap for PG&E in its coverage of both proceedings, IEP will somehow have to cover the simultaneous evidentiary hearings in both proceedings with a single witness and a single attorney.

Mr. Cragg's email urged ALJ Gamson to consider the disparity in resources and the difficulty that will be faced by parties such as IEP in ruling on IEP's Motion for Reconsideration.

Respectfully submitted this 11th day of July, 2012 at San Francisco, California.

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By /s/ Brian T. Cragg  
Brian T. Cragg

## BCragg

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**From:** BCragg  
**Sent:** Wednesday, July 11, 2012 2:18 PM  
**To:** 'dmg@cpuc.ca.gov'  
**Cc:** 'Way, Martie'; 'Adam.Gusman@GlacialEnergy.com'; 'rkmoore@gswater.com'; 'gmorris@emf.net'; 'steven@iepa.com'; 'mansell@ieta.org'; 'ravage@ieta.org'; 'tlindl@keyesandfox.com'; 'lchaset@keyesandfox.com'; 'stephen.t.greenleaf@jpmorgan.com'; 'jody\_london\_consulting@earthlink.net'; 'blaising@braunlegal.com'; 'gestrada@krismayeslaw.com'; 'janreid@coastecon.com'; 'eddyconsulting@gmail.com'; 'agerterlinda@gmail.com'; 'kristin.b.burford@gmail.com'; 'DBodine@LibertyPowerCorp.com'; 'JChamberlin@LSPower.com'; 'marcusdacunha@hotmail.com'; 'Steven Kelly'  
**Subject:** RE: R12 03 014, LTPP OIR, Email to ALJ Gamson from PG&E

ALJ Gamson,

IEP couldn't help but notice that PG&E is potentially able to minimize any overlap between the LTPP hearings and the Oakley hearings by scheduling its witnesses for early in the LTPP hearings. By scheduling their witnesses for early in the LTPP hearings, PG&E will be able to participate fully in both proceedings, despite the fact that they overlap for three days. As pointed out in IEP's motion for reconsideration, IEP and other parties who lack PG&E's resources are unable to minimize the overlap in the hearings. IEP must make do with a single witness and a single attorney who will have the challenge of covering both hearings simultaneously. I understand that you intend to deny IEP's motion and to make accommodations to address IEP's situation (which I appreciate), but the disparity between PG&E and IEP in this regard should not be overlooked.

I will serve a copy of this note on all parties to R.12-03-014.

### Brian T. Cragg

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**From:** Way, Martie [<mailto:MLWk@pge.com>]

**Sent:** Wednesday, July 11, 2012 11:11 AM

**To:** 'Adam.Gusman@GlacialEnergy.com'; 'rkmoore@gswater.com'; 'gmorris@emf.net'; 'steven@iepa.com'; BCragg; 'mansell@ieta.org'; 'ravage@ieta.org'; 'tlindl@keyesandfox.com'; 'lchaset@keyesandfox.com'; 'stephen.t.greenleaf@jpmorgan.com'; 'jody\_london\_consulting@earthlink.net'; 'blaising@braunlegal.com'; 'gestrada@krismayeslaw.com'; 'janreid@coastecon.com'; 'eddyconsulting@gmail.com'; 'agerterlinda@gmail.com'; 'kristin.b.burford@gmail.com'; 'DBodine@LibertyPowerCorp.com'; 'JChamberlin@LSPower.com';

'marcusdacunha@hotmail.com'

**Subject:** R12 03 014, LTPP OIR, Email to ALJ Gamson from PG&E

TO ALL PARTIES:

Enclosed is a different version of the email sent from PG&E to ALJ Gamson on July 10, 1012. Recipients are having trouble opening the pdf version previously sent. I apologize for the inconvenience.

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**From:** Huffman, Mark (Law)  
**Sent:** Tuesday, July 10, 2012 1:58 PM  
**To:** [dmg@cpuc.ca.gov](mailto:dmg@cpuc.ca.gov)  
**Cc:** Middlekauff, Charles (Law); Way, Martie  
**Subject:** R. ` 12-03-014

ALJ Gamson

PG&E requests that its witnesses be brought to the stand during the first week of the Track 1 hearings, in order to minimize any overlap with PG&E's Oakley proceeding.

PG&E can also refine its witness estimate in LTPP Track 1 down to "no more than three."

Thank you for your consideration of this request. I have asked my assistant to forward this e-mail to the service list in R.12-03-014, and anticipate that will be done tomorrow morning.

Mark Huffman  
PG&E

415.973.3842

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Martie L. Way, on behalf of  
Mark R. Huffman  
Pacific Gas and Electric Company

If you have any difficulty opening the attachment(s), please notify Martie L. Way, tel (415) 973-0177, fax (415) 973-5520, [MLWk@pge.com](mailto:MLWk@pge.com)

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. R12 03 014. 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.