

From: Elizabeth Kelly

Sent: 12/18/2012 3:30:01 PM

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Cc:

Bcc:

Subject: (REFILE) Petition to Adopt, Amend or Repeal a Regulation Pursuant to Pub. Util. Code §1708.5.

To All Parties to R.03-10-003, R.07-05-025, R.11-10-023, R.12-02-009 and R.12-03-014:

Pursuant to the instructions of the Docket Office set forth below, please find attached a revised copy of the Petition to Adopt, Amend, or Repeal a Regulation Pursuant to Pub. Util. Code § 1708.5 of Marin Energy Authority, Alliance for Retail Energy Markets, City and County of Santa Cruz, Climate Protection Campaign, Constellation NewEnergy, Inc., Direct Access Customer Coalition, Direct Energy, LLC, Energy Users Forum, IGS Energy, Retail Energy Supply Association, Sam's West, Inc., Shell Energy North America (US), L.P., South San Joaquin Irrigation district, Texas Retail Energy, LLC, and Wal-Mart Stores, Inc.

The only revisions to the November 30, 2012 draft are:

- [REDACTED] Revision of the date of filing;
- [REDACTED] Removal of paragraph requesting an extension of time for parties to reply, as the paragraph was no longer relevant;
- [REDACTED] Removal of the anticipated filing information; and
- [REDACTED] Revision to the caption of the Petition.

This Petition for Rulemaking is being filed and served on all parties to the above referenced proceedings.

Kind regards,

Beth

Elizabeth Kelly

Legal Director

Marin Energy Authority

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**From:** Nakahara, Martin M. [mailto:[martin.nakahara@cpuc.ca.gov](mailto:martin.nakahara@cpuc.ca.gov)]

**Sent:** Tuesday, December 18, 2012 2:14 PM

**To:** [ekelly@marinenergy.com](mailto:ekelly@marinenergy.com); Michelle Dangott ([mdangott@energyattorney.com](mailto:mdangott@energyattorney.com))  
**Cc:** Clopton, Karen; Econome, Janet A.; Nunez, Maria-Lydia; Duda, Dorothy; Ebke, Maryam; Kotz, Steve; Weismehl, Philip S.; ALJ Docket Office; ALJ Process  
**Subject:** (New) Petition to Adopt, Amend or Repeal a Regulation Pursuant to Pub. Util. Code §1708.5. Efile Control # 60221 rec'd 11/30/2012.

To: Elizabeth Kelly, Legal Director, Marin Energy Authority:

Pursuant to the provisions of Rule 1.14(c), and with the concurrence of Assistant Chief Administrative Law Judge Janet Econome, this is the prior Courtesy Notice of the Docket Office of the California Public Utilities Commission of our intention to reject and to return, unfiled, the referenced Petition to Adopt, Amend or Repeal a Regulation Pursuant to Pub. Util. Code §1708.5 tendered for filing as Efile Control # 60221 on 11/30/2012 for the following reason(s), to wit:

 The Caption must contain the names of all Petitioners no matter how lengthy the list might be. The use of the designation “(et al.)” is not permissible.

Curiously, you properly listed all of the Petitioners in the Title of the document.

Moreover, upon re-submission, kindly remove the anticipated filing information adjacent to the caption (see, enclosed) bec the file date will be the date the new Petition is properly tendered for filing. The rules regarding re-submission do not apply in that this is a new filing within the meaning of Rule 1.14(d) which reads in relevant part:

“(d). . . . If the document would initiate a new proceeding, the document will be filed as of the

date the defect is cured.”

Please notify all affected parties of this Notice.

Please re-serve the corrected Petition and attach a new Certificate of Service.

All other threshold filing requirements have been satisfied.

Please call if you have any questions.

Regards,

**Martin M. Nakahara**

*Senior Legal Analyst*

' 415-703-2291 (Direct)

' 415-703-1929 (Office)

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*Docket Office – Room 2001*

*California Public Utilities Commission*

*505 Van Ness Ave.*

*San Francisco CA 94102*

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