

From: Murtishaw, Scott  
Sent: 1/14/2013 1:39:27 PM  
To: Allen, Meredith (/O=PG&E/OU=Corporate/cn=Recipients/cn=MEAe)  
Cc:  
Bcc:  
Subject: RE: Voice Message

Peevey would like you to actually call him and talk about this directly with him. Can you contact Nuria to find out when he is available please?

*Sent from my Verizon Wireless 4G LTE DROID*

"Allen, Meredith" <MEAe@pge.com> wrote:

Scott,

As I mentioned in my message, our attorneys believe that any extension would be a new bilateral contract, not an amendment to an existing contract given the termination has already occurred. Bilateral RPS contracts have to be submitted for approval via advice letter. D.06-10-019 at 54 (OP 17).

In addition, even if the contract were not terminated, any amendment would need to be filed at the CPUC recognizing that the current contract is not viable. While the Commission has yet to act on the proposal, Commissioner Ferron has proposed as part of the ongoing RPS Procurement reform that any amendment that changed the COD date by more than 3 months or changed the price would be "substantial" and have to be filed by Tier 3 advice letter. See SECOND ASSIGNED COMMISSIONER'S RULING ISSUING PROCUREMENT REFORM PROPOSALS AND ESTABLISHING A SCHEDULE FOR COMMENTS ON PROPOSALS, filed 10/5/12 in R.11-05-005, at 26. Under the existing standards in PG&E's RPS Procurement Plan filed pursuant to CPUC Decision 12-11-016, we believe the amendment would need to be filed, particularly given the difference in PG&E's forecasted need from when the PPA was originally filed.

Please let me know if you need more information.

Thanks,

Meredith

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