

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

Application of Pacific Gas and Electric Company for Compliance Review of Electric Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, and Utility Retained Generation Fuel Procurement Activities for the Period January 1 through December 31, 2012

A. 12-02-023

(U 39-E)

**FIFTH SET OF DISCOVERY REQUESTS OF  
PACIFIC GAS AND ELECTRIC COMPANY TO  
THE DIVISION OF RATEPAYER ADVOCATES**

**Date Sent:** September 18, 2013

**Date Due:** September 23, 2013

**General Instructions**

The following general instructions apply to all data requests propounded by Pacific Gas and Electric Company ("PG&E") on the Division of Ratepayer Advocates ("DRA") in this proceeding.

1. Responses to this discovery request should be transmitted to PG&E as they become available, but **no later than Monday, September 23, 2013**.
2. Responses to these discovery requests should be transmitted via email to the following recipients of PG&E's 2012 ERRRA Compliance Review project management team: Case Manager, [Redacted], Counsel for PG&E, Charles Middlekauff (charles.middlekauff@pge.com) and Matt Fogelson (matthew.fogelson@pge.com).
3. As to any discovery request consisting of a number of separate subdivisions, or related parts or portions, a complete response is required to each part or portion with the same effect as if it were propounded as a separate discovery request.

4. Any objection to a discovery request should clearly indicate to which part or portion of the discovery request the objection is directed.
5. If any document, in whole or in part, covered by this request is withheld for whatever reason, please furnish a list identifying all withheld documents in the following manner: (a) a brief description of the document; (b) the date of the document; (c) the name of each author or preparer; (d) the name of each person who received the document; and (e) the reason for withholding it.
6. If, in answering any of these discovery requests, there is deemed to be any ambiguity in interpreting either the discovery request or a definition or instruction applicable thereto, promptly contact PG&E's case manager or counsel to obtain a clarification.
7. If you have any questions regarding this data request, please email the Case Manager immediately [Redacted]. If DRA objects to any of the data requests, please contact the assigned PG&E attorneys, Charles Middlekauff (charles.middlekauff@pge.com) and Matt Fogelson (matthew.fogelson@pge.com), as soon as possible.

#### **Definitions**

- A. As used herein, the term "you," "your(s)" and "DRA" mean the Division of Ratepayer Advocates and any and all of its respective present and former employees, agents, consultants, attorneys, officials, and any and all other persons acting on its behalf.
- B. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these discovery requests any information or documents which might otherwise be considered to be beyond their scope.
- C. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these discovery requests any information or documents which might otherwise be considered to be beyond their scope.
- D. The term "communications" includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, notes, correspondence, and all memoranda concerning the requested communications. Where communications are not in writing, provide copies of all memoranda and documents made relating to the requested communication and describe in full the substance of the communication to the extent that the substance is not reflected in the memoranda and documents provided.
- E. The term "document" shall include, without limitation, all writings and records of every type in your possession, control, or custody, including but not limited to the following

items, whether printed or reproduced by any process, including documents sent and received by electronic mail, or written or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery: computer data files, information stored in electronic media, including on computer tapes, disks, or diskettes, tapes, inputs, outputs, and printouts; notes; letters; correspondence; communications; telegrams; memoranda; summaries and records of telephonic and telegraphic communications; summaries and records of personal conversations; diaries; appointment books; reports (including any and all draft, preliminary, intermediate, and final reports); surveys; studies (including, but not limited to, load flow, engineering, general economic, and market studies; comparisons; tabulations; budgets; workpapers; charts; plans; maps; drawings; engineering and other diagrams (including “one-line” diagrams); photographs; film; microfilm; microfiche; tape and other mechanical and electrical audio and video recordings; data compilations; log sheets; ledgers; vouchers; accounting statements; books; pamphlets; bulletins; minutes and records of meetings; transcripts; stenographic records; testimony and exhibits, including workpapers; copies, reports, and summaries of interviews and speeches; reports and summaries of investigations; opinions and reports of consultants; reports and summaries of negotiations; press releases; newspaper clippings; drafts and revisions of draft of documents; and any and all other records, written, electrical, mechanical, and otherwise. “Documents” shall also refer to copies of documents (even though the originals thereof are not in your possession, custody, or control), every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the originals or any other copy, and all attachments or appendices to any documents.

- F. “Identification” of a document includes stating: (a) the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document; (b) the location of the document; and (c) the identity of each person having custody of or control over the document.
- G. “Identification” of a person includes stating his or her full name, most recent known business address and telephone number, present position, and prior connection to or association with any party to this proceeding, including position at the time of connection to the information requested.
- H. “Justify,” “explain,” “support,” “state,” and similar terms call for a full explanation of all reasoning involved, identification of all documents, information, studies and reports relied upon, used or referred to, and a summary of all facts relied upon, stating the basis therefore.
- I. “Party” and “person” refer to, without limiting the generality of their meaning, every natural person, corporate entity, partnership, association (whether formally organized or

ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body, or agency.

- J. “Policy” or “position” means each rule, procedure, or directive, formal or informal, written or unwritten, and each common understanding or course of conduct which was recognized as such by you.
- K. “Providing copies” or similar phrases shall include the full identification of all requested documents, to the extent not already identified therein, as well as to the physical production of all such documents.
- L. “Relate to,” “concern,” and similar terms and phrases shall mean consist of, refer to, reflect, comprise, discuss, underlie, comment upon, form the basis for, analyze, mention, or be connected with, in any way, the subject of these discovery requests.
- M. When requested to “state the basis” for any analysis (including studies and workpapers), proposal, assertion, assumption, description, quantification, or conclusion, please describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study, and analysis known to you which you believe to support the analysis, proposal, assertion, assumption, description, quantification, or conclusion, or which you contend to be evidence of the truth or accuracy thereof.
- N. “Study,” “studies,” or “report(s)” denotes any document, as defined above, which reflects or was utilized in the collection, evaluation, analysis, summarization, or characterization of information in connection with the subject referred to.

### Data Request

#### **Chapter 2 – PG&E’s Management of Utility-Owned Generation - Nuclear and Hydro (Yakov Lasko)**

- 1. In its response to PG&E Request 4.1c, DRA states as follows: “DRA’s view is that PG&E failed to comport with the “reasonable manager” standard because PG&E’s actions were based upon *assumptions* (assumptions that themselves were not verified and validated), when PG&E should have been basing its actions upon *facts* that were known or should have been know at the time” (emphasis in original).
  - a. What “assumptions” are DRA referring to when it states that “PG&E’s actions were based upon *assumptions*”?

#### **Chapter 9 – Maximum Disallowance for Standard of Conduct 4 Violation (Michael Yeo)**

2. On page 9-3, lines 13 through 18, DRA states that the total for all administrative expenses for all procurement activities was \$81.106 million and as a result the maximum disallowance on SOC 4 violations is twice this amount, or \$162.212 million. DRA states that the information was provided by PG&E in an attachment to a data request response. The attachment is referred to as Attachment 9.1 in DRA's testimony.

Attachment 9.1 was provided by PG&E in response to DRA's data request, DRA\_020; however, the amount included in that attachment is \$81.017 million, not \$81.106 million. The correct amount is \$81.016 (or \$81.017 million, accounting for rounding error) and, therefore, the maximum disallowance should be calculated as \$162.032 million rather than \$162.212 million, as is shown on line 17 of page 9-3 of DRA's Testimony. PG&E believes the source of the error stems from a typo that was included in a summary table provided in response to DRA\_015, also referenced in DRA's Testimony. However, DRA\_015 was superseded by DRA\_020 and DRA\_020 is the source of DRA's attachment 9.1.

- a. Does DRA agree that the numbers presented in the text on page 9-3 should be updated to be consistent with the total authorized revenue requirement reflected on line 45 of the table presented in Attachment 9.1, or \$81.017 million, and that two times \$81.017 million is \$162.032 million?
- b. If so, does DRA agree that a similar change should be made on page 9-1, line 8, such that the maximum disallowance amount should be corrected to be \$162,032,000 rather than \$162,212,000?