



*Pacific Gas and
Electric Company™*

Janet C. Loduca

Mailing Address
P.O. Box 7442
San Francisco, CA 94120

Street/Courier Address
Law Department
77 Beale Street
San Francisco, CA 94105

(415) 973-0174
Fax: (415) 973-5520
Internet: J1Lc@pge.com

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VIA ELECTRONIC MAIL

Glenn Bjorkland
bjorkpvcc@aol.com

Michael Kahn
Folger, Levin & Kahn LLP
275 Battery Street, 23rd Floor
San Francisco, CA 94111
mkahn@flk.com

Carl Wood
Commissioner
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
cxw@cpuc.ca.gov

Re: Pacific Gas and Electric Company's Supplemental Comments on the California
Electricity Generation Facilities Standards Committee's Generator Maintenance
Standards

Dear Committee Members:

Pacific Gas and Electric Company ("PG&E") offers the following supplemental comments on the California Electricity Generation Facilities Standards Committee's ("Committee") adoption of its Generator Maintenance Standards ("Standards").

PG&E understands the Committee will consider adopting the final version of its Standards on February 3, 2003. As noted in our comments at last Friday's meeting, PG&E urges the Committee to identify and incorporate in this rulemaking the procedures that will govern its actions, both now and in the future.

As a newly created state entity with ongoing rulemaking responsibilities, it is important for the Committee to develop formal procedures. Unlike other more established state agencies, the Committee has no office, no staff and no published procedures. Because the legislature has vested the Committee with broad authority to both adopt *and revise* generator standards, it is important for the public to know how to formally communicate with the Committee in the future. It is equally important for interested parties to be apprised of the rehearing and appellate procedures applicable to Committee actions.

Glenn Bjorkland
Michael Kahn
Carl Wood
January 30, 2003
Page 2

PG&E believes the Committee's actions should be governed by the rulemaking provisions of the Administrative Procedures Act ("APA"). The APA applies broadly to "the exercise of any quasi-legislative power conferred by any statute," and establishes the minimum procedures applicable to the adoption, amendment or repeal of administrative regulations. Cal. Gov't Code § 11346(a). The Committee's proposed Standards clearly fall within the APA's broad definition of "regulations," which includes "every rule, regulation, order, or standard of general application." *See* Cal. Gov't Code § 11342.600.¹

The detailed procedural requirements in the APA are designed to ensure that the type of concerns raised in parties' earlier comments (lack of clarity, complexity, duplication, excessive cost, potential conflict with other standards) are identified and addressed before regulations are finalized. *See e.g.* Cal. Gov't Code §§ 11340, 11346.2, 11346.3, 11346.4, 11346.5 and 11349.1. Accordingly, PG&E encourages the Committee to ensure its actions comply with the APA.

Once again, PG&E would like to thank the Committee for the opportunity to participate in these proceedings. We look forward to continuing to work with the Committee throughout this process.

Sincerely,

/s/

Janet C. Loduca

cc: Electronic Service List, CPUC Rulemaking 02-11-039

¹ Although the California Public Utilities Commission is generally exempt from the APA (Cal. Gov't Code § 11351), there is no indication the legislature intended to extend this exemption to the Committee. *See* Cal. Gov't Code § 11346 ("This chapter shall not be superceded or modified by any subsequent legislation except to the extent that the legislation shall do so expressly.")