



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

FILED

12-21-09
04:59 PM

Application of Pacific Gas and Electric
Company for Approval of Agreements
Related to the Novation of the California
Department of Water Resources Agreement
with GWF Energy LLC, Power Purchase
Agreement with GWF Energy II LLC, and
Associated Cost Recovery

(U 39 E)

Application No. 09-10-022

(Filed October 16, 2009)

Application of Pacific Gas and Electric
Company for Approval of the Novation of the
California Department of Water Resources
Agreements Related to the Calpine
Transaction, and Associated Cost Recovery

(U39E)

Application 09-10-034

(Filed October 30, 2009)

EX PARTE NOTICE OF GWF ENERGY LLC

William Kissinger
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Attorneys for
GWF Energy LLC

December 21, 2009

Pursuant to Rule 8.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”), GWF Energy LLC submits this notice of ex parte communication.

On December 18, 2009, Bill Kissinger, a partner at Bingham McCutchen, met with Matthew Deal, Adviser to Commissioner Peevey, at 3:10 pm for approximately 30 minutes regarding A. 09-10-022. The meeting took place at the Commission’s San Francisco offices located at 505 Van Ness Ave., San Francisco California. Mr. Kissinger is counsel of record for GWF Energy LLC, a party in A. 09-10-02. GWF initiated the communication.

Mr. Kissinger noted that the Tracy upgrade project's viability and, in particular, the strong likelihood it will obtain the necessary permitting made it a very attractive project, particularly given the increasingly challenging permitting environment in California and the difficulty in bringing new generation capacity on line. He further noted that the prospect of new capacity that was highly likely to reach commercial operation in the near term offered ratepayers significant value and that, together with the additional benefits offered in the application, PG&E's pending application offered significant value that could only be achieved through novation.

These benefits were precisely the kind of overall benefits that the Commission urged the IOUs to seek when novating the DWR contracts. He concluded that these benefits, together with the importance of maintain the schedule contained in the parties prehearing conference statements, counseled against consolidation of the two novation proceedings with any other pending proceeding.

Mr. Kissinger also discussed the results of the Prehearing Conference held on December 16, including the consolidation of this proceeding with A. 09-10-034 and the importance of maintaining the schedule the assigned Administrative Law Judge indicated he would likely adopt.

DATED: December 21, 2009

Respectfully Submitted,

GWF Energy LLC

By: _____ /s/

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of “ EX PARTE NOTICE OF GWF ENERGY LLC” by using E-Mail Service, sending the entire document as an attachment to an e-mail message to all known parties of record to this proceeding who provided electronic mail addresses as set forth in the attached list.

Executed on December 21, 2009 at San Francisco, California.

/s/Todd O. Edmister

Todd O. Edmister

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