BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Application of Southern California Edison Company (U338E) for Applying the Market Index Formula and As-Available Capacity Prices adopted in D.07-09-040 to Calculate Short-Run Avoided Cost for Payments to Qualifying Facilities beginning July 2003 and Associated Relief.	)	A.08-11-001 (Filed November 4, 2008)
And related matters	)	R.06-02-013 R.04-04-003 R.04-04-025 R.99-11-022

MOTION OF THE CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION FOR ABEYANCE AND TO SHORTEN TIME

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March 16, 2011

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the Public Utilities Commission of the State of California ("Commission"), the California Municipal Utilities Association[1] ("CMUA") hereby files this motion for abeyance of CMUA's Application for Rehearing of Decision ("D.") 10-12-035 ("Motion"). Good cause supports abeyance, and the Commission should expeditiously grant this Motion. CMUA further requests that the Commission shorten the response period from 15 days to five days.

[1] CMUA is a statewide organization of local public agencies in California that provide electricity and water service to California consumers. CMUA membership includes publicly owned electric utilities ("POUs") that operate electric distribution and transmission systems. In total, CMUA members serve approximately 25-30 percent of the electricity load in California.

I. Abeyance Will Allow Reasonable And Timely Resolution Of CMUA's Application For Rehearing.

On October 8, 2010, Pacific Gas and Electric Company ("PG&E"), Southern California Edison Company ("SCE"), and San Diego Gas & Electric Company ("SDG&E") (together, the "IOUs"), the California Cogeneration Council, the Independent Energy Producers Association, the Cogeneration Association of California, the Energy Producers and Users Coalition, the Division of Ratepayer Advocates, and The Utility Reform Network (collectively, the "Settling Parties") filed the Joint Motion for Approval of Qualifying Facility and Combined Heat and Power ("CHP") Program Settlement Agreement ("Settlement Agreement"). As described in the Commission decision adopting it (D.10-12-035), the Settlement Agreement resulted from more than a year and a half of negotiations, and resolves numerous disputed qualifying facility issues.[2] According to D.10-12-035, the CHP Program set forth in the Settlement Agreement is designed to (1) "preserve resource diversity, fuel efficiency, greenhouse gas (GHG) emissions reductions, and other benefits and contributions of CHP," and (2) "promote new, lower GHG-emitting CHP facilities and encourage the repowering, operational changes through utility-pre-scheduling, or retirement of existing, higher GHG-emitting CHP facilities."[3]

While in general CMUA supports the Settlement Agreement, CMUA strenuously objects to the Commission's approval of the provisions of the Settlement Agreement that would impose *new* nonbypassable charges ("NBCs") on municipal departing load ("MDL") customers as a result of the CHP Program. On January 20, 2011, CMUA filed an Application for Rehearing of D.10-12-035, asking the Commission to grant CMUA's Application for rehearing, apply Commission precedent with respect to the imposition of NBCs to MDL customers, and

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[2] D.10-12-035 at 2.

[3] *Id*.

determine that new NBCs shall not be applied to MDL customers as a result of the CHP Program. The Settling Parties filed a response to CMUA's Application for Rehearing on February 4, 2011.

Since CMUA filed its Application for Rehearing, CMUA and the Settling Parties have engaged in several meetings to discuss the potential to resolve, through mutually agreed upon modifications to the Settlement Agreement and D.10-12-035, the issues raised in CMUA's Application for Rehearing. CMUA and the Settling Parties have made substantial progress toward such a solution. Abeyance of the CMUA Application for Rehearing is necessary to allow CMUA and the Settling Parties time to finalize agreed upon changes and make an appropriate filing with the Commission proposing modifications to the Settlement Agreement and D.10-12-035.

II. No Party Will Be Prejudiced By Abeyance.

There will be no prejudice to the Settling Parties, customers of PG&E, SCE, and SDG&E, or other parties to this proceeding if CMUA's Application for Rehearing is held in abeyance while CMUA and the Settling Parties finalize agreed upon modifications to the Settlement Agreement and D.10-12-035. As noted above, CMUA's Application for Rehearing raises discrete issues that only relate to MDL customers. Addressing these discrete issues through a joint request by CMUA and the Settling Parties will allow the Commission to modify the Settlement Agreement and D.10-12-035 in a manner that resolves CMUA's Application for Rehearing. By granting this Motion, the Commission will help enable CMUA and the Settling Parties avoid additional litigation over the issues raised in CMUA's Application for Rehearing, which is an important step in bringing the benefits of the CHP Program to the State of California.

The City and County of San Francisco ("CCSF") also filed an application for rehearing of D.10-12-035. The Alliance for Retail Energy Markets, the Marin Energy Authority, and the Direct Access Customer Coalition (the "CCA/Direct Access Parties") jointly filed an application for rehearing that "adopt[s] the arguments of CCSF and seek[s] rehearing on the same grounds."[4]

CCSF's application for rehearing of D.10-12-035 primarily focuses on issues relating to Community Choice Aggregators ("CCAs") and Energy Service Providers ("ESPs"). Like CMUA, however, CCSF also objects to the provisions of the Settlement Agreement that would impose new NBCs on MDL customers as a result of the CHP Program. If the Commission grants this Motion, the similar MDL issues raised by CCSF would also be held in abeyance. While CCSF does not join this Motion, CCSF has communicated to CMUA that CCSF does not oppose the Motion, including the abeyance of MDL issues raised by CCSF. Abeyance of CMUA's Application for Rehearing will not affect the Commission's consideration of the CCA/ESP issues separately raised by CCSF and joined by the CCA/Direct Access Parties.

III. A Shortened Response Period Is Appropriate.

CMUA requests that the Commission shorten the time for responding to this Motion from 15 days to five days. CMUA respectfully makes this request pursuant to Rule 1.2, which provides as follows: "These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. In special cases and for good cause shown, the Commission may permit deviations from the Rules." Because CMUA and the Settling Parties have made substantial progress toward resolving the issues raised in CMUA's Application for Rehearing, expeditious consideration of this Motion will provide CMUA and the Settling Parties, and the Commission, with a procedural framework that allows for efficient

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[4] Application for Rehearing of CCA/Direct Access Parties at 2.

resolution of CMUA's Application for Rehearing without further litigation and avoids delay in implementing the Settlement Agreement.

IV. Conclusion.

For the foregoing reasons, CMUA respectfully requests that the Commission timely approve this Motion, including shortening the time for responses.

Dated: March 16, 2011

Respectfully submitted,

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I certify that the following is true and correct:

On March 16, 2011, I caused to be served via electronic mail, or first class mail in the event of no electronic mail address, true copies of the attached:

MOTION OF THE
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION
FOR ABEYANCE AND TO SHORTEN TIME

on all parties to A.08-11-001 (see attached service list).

Executed this 16th day of March, 2011 at Sacramento, California.

Vicki Ferguson

PROCEEDING: A0811001 - EDISON - FOR APPLYIN
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