

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Application of Southern California Edison Company (U 338-E) 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.

Application 08-11-001
(Filed November 4, 2008)

And Related Matters.

Rulemaking 06-02-013
Rulemaking 04-04-003
Rulemaking 04-04-025
Rulemaking 99-11-022

**JOINT PARTIES' MOTION TO WITHDRAW PENDING MOTIONS, PLEADINGS
AND PETITION FOR MODIFICATION IN RULEMAKING 99-11-022 AND TO
CLOSE DOCKET**

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

Application of Southern California Edison Company (U 338-E) 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.

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**JOINT PARTIES' MOTION TO WITHDRAW PENDING MOTIONS, PLEADINGS
AND PETITION FOR MODIFICATION IN RULEMAKING 99-11-022 AND TO
CLOSE DOCKET**

Pursuant to Rule 11.1 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, the Joint Parties^{1/} move to withdraw pending motions and petitions for modifications in Rulemaking 99-11-022 and to close said rulemaking docket.

Decision 10-12-035, dated December 16, 2010, adopted the Qualifying Facility (QF) and Combined Heat and Power (CHP) Settlement Agreement (Settlement), including the CHP Program Settlement Agreement Term Sheet, dated October, 8, 2010, subject to achievement of all conditions precedent to the effectiveness of the Settlement. The Settlement resolved all pending claims in Rulemaking 99-11-022. The two key conditions precedent to the effectiveness of the Settlement in Section 16.2, are: (1) final

^{1/} The Joint Parties to this motion are: Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, 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, The Utility Reform Network, Juniper Generation, LLC and PE Berkeley.

and non-appealable Federal Energy Regulatory Commission (FERC) approval of the Joint Parties' application to terminate their Public Utility Regulatory Policies Act (PURPA) purchase obligation; and (2) final and non-appealable approval of the Settlement by the CPUC. Both of these key events have now occurred. On June 16, 2011, FERC approved the Joint Parties' application to terminate their PURPA purchase obligation, effective on the Settlement Effective Date.^{2/} On October 24, 2011, the Commission issued D.11-10-043 which dismissed the last remaining Application for Rehearing of D.10-12-035. Pursuant to the Public Utilities Code Section 1756, parties must file a petition for writ of review within 30 days of the denial of an application for rehearing. The last date to file a petition for writ of review to the California Court of Appeals or California Supreme Court was November 23, 2011. No petitions were filed by that date. Accordingly, the Settlement Effective Date occurred on November 23, 2011.

The Joint Parties have filed many pleadings in this matter regarding the calculation of the short-run avoided cost (SRAC) payments made to qualifying facilities during the period of December 2000 through March 2001, and include a list of what the parties believe to be the outstanding pleadings in Attachment A. Most of these pleadings were filed in response to a remand of the Court of Appeal to the Commission in *Southern California Edison Company v. Public Utilities Commission*, 101 Cal. App. 4th 982 (2002) (the Remand Order), which instructed the Commission to determine whether the SRAC prices during the period of December 2000 through March 2001 were correct. In Section 14.2.3.1 of the CHP Program Settlement Agreement Term Sheet, all parties to the Settlement, including the Joint Parties, agreed to waive and release claims pending in this docket for an adjustment of energy and capacity payments.

^{2/} *Order Granting Application to Terminate Purchase Obligation; Pacific Gas and Electric Company, et al.*, 135 FERC ¶61,234 (June 16, 2011).

For the reasons stated above, the Joint Parties hereby withdraw the claims, petitions for modifications, and filings listed on Attachment A hereto, and respectfully request that the Commission grant this motion and close Rulemaking 99-11-022.

PG&E is authorized to sign this motion on behalf of the Joint Parties.

Respectfully submitted on behalf of the Joint Parties,

By: _____ /s/
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On Behalf of the Joint Parties:

Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, The Utility Reform Network, the Division of Ratepayer Advocates, the California Cogeneration Council, the Independent Energy Producers, the Cogeneration Association of California, and the Energy Producers and Users Coalition, Juniper Generation LLC and PE Berkeley

December 2, 2011

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
1.	Reply Comments of IEP on the Ruling of ALJ Deberry	IEP	5/15/2009
2.	Joint Reply Comments by PG&E, SCE, TURN and DRA	DRA	5/15/2009
		PGE	
		SCE	
		TURN	
3.	Joint Reply Comments of CCC, CAC, and EPUC on the Ruling of ALJ Deberry	CAC	5/15/2009
		CCC	
		EPUC	
4.	Opening Comments on Ruling regarding Remand Dispute	IEP	5/1/2009
5.	Joint Opening Comments on Ruling Regarding Remand Dispute	PGE	5/1/2009
		TURN	
6.	Opening Comments on Proposed Principles	SCE	5/1/2009
7.	Response to Ruling requesting info on QFs (Public Version)	PGE	3/7/2008
8.	SCE's Response to ALJ Ruling requesting info on QFs.	SCE	3/7/2008
9.	Motion for permission to add name to reply brief of PG&E, SCE and DRA, dated 08/14/06.	TURN	8/24/2006
10.	Reply Brief	CCC	8/14/2006
11.	Reply Brief	IEP	8/14/2006
12.	Reply Brief	DRA	8/14/2006
		PGE	
		SCE	
13.	Opening Brief	CCC	8/4/2006

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
14.	Joint Opening Brief in support of QF switcher true-up	DRA	8/4/2006
		PGE	
		SCE	
		TURN	
15.	Response to ALJ Ruling	PGE	6/1/2006
16.	Response to Petition of Juniper Generation and Berkeley Inc. for Modification of D.05-09- 003	PGE	11/14/2005
17.	Joint Amendment to PHC Statement	DRA	10/20/2005
		PGE	
		TURN	
		PGE	
		TURN	
18.	Petition for Modification of Commission Decision 05-09- 003	Juniper	10/12/2005
		PE Berkeley	
19.	PHC Statement	Calpine	10/11/2005
20.	PHC Statement	CCC	10/11/2005
21.	PHC Statement	IEP	10/11/2005
22.	Joint PHC Statement	DRA	10/11/2005
		PGE	
		TURN	
23.	PHC Statement	SCE	10/11/2005
24.	PHC Statement	SDGE	10/11/2005
25.	Additional Reply Comments	CCC	6/6/2005

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
26.	Joint Reply of PG&E, SCE, TURN, and ORA to the Additional Comments of the CCC	DRA	6/6/2005
		PGE	
		SCE	
		TURN	
27.	Additional Comments of the California Cogeneration Council	CCC	5/16/2005
28.	Response to ACR's Joint Ruling Providing Opportunity to Receive Additional Comments	PGE	5/16/2005
29.	SCE's Response to Assigned Commissioner's and ALJ's Joint Ruling Providing Opportunity to Receive Additional Comments	SCE	5/16/2005
30.	Reply Comments of CCC, IEP, CAC and EPUC on the DD of Commissioner Peevey	CAC	3/28/2005
		CCC	
		EPUC	
		IEP	
31.	Reply Comments of PGE, SCE, TURN, and ORA on the DD of Commissioner Peevey	DRA	3/28/2005
		PGE	
		SCE	
		TURN	
32.	Opening Comments of CCC, IEP, CAC and EPUC on DD of Commissioner Peevey	CAC, CCC, EPUC, IEP	3/21/2005
33.	Joint Comments on DD of Commissioner Peevey	DRA	3/21/2005
		PGE	
		SCE	
		TURN	

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
34.	Comments on PG&E's petition for modification	SDGE	3/11/2005
35.	Comments of the Independent Energy Producers Association	IEP	11/12/2004
36.	PG&E's Response to Comments of the California Cogeneration Council Regarding Energy Price Information - Dec. 2000 - April 2001	PGE	11/12/2004
37.	Reply to Comments of the California Cogeneration Council on Utility Actual Cost Information	SCE	11/12/2004
38.	Reply to Comments of the California Cogeneration Council on Utility Actual Cost Information	SDGE	11/12/2004
39.	Comments in Response to Utility Actual Cost Information	CCC	7/29/2004
40.	PG&E's Response to ALJ Ruling Requesting Energy Price Information for December 2000 through April 2001	PGE	7/14/2004
41.	Response To The ALJ Ruling Requesting Energy Price Information For December 2000 Through April 2001	SCE	7/13/2004
42.	SDG&E's Response to the ALJ's Ruling Requesting Energy Price Information for December 2000 through April 2001	SDGE	7/6/2004
43.	Joint Reply Brief of PG&E / TURN / DRA in Support of Motion for Briefing Schedule Regarding True-up of Payments to QF Switchers	DRA	5/24/2004
		PGE	
		TURN	

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
44.	Comments in Opposition to PG&E, TURN and DRA's Joint Motion for Briefing Schedule Regarding True-Up Payments to QF Switchers	IEP	5/18/2004
45.	Response of the CCC to PGE/TURN/ORAs Motion for Briefing Schedule Regarding True-up of Payments to QF Switchers	CCC	5/14/2004
46.	Letter in Response to Joint Response of PGE/ORAs/TURN to CCC dated 4/6/2004	IEP	4/29/2004
47.	Motion for Briefing Schedule Regarding True-up of Payments to QF Switchers	DRA	4/29/2004
		PGE	
		TURN	
48.	Additional Reply Comments of the California Cogeneration Council on the Short-Run Avoided Cost Prices and Natural Gas Indices Used Between December 2000 and March 2001	CCC	3/17/2004
49.	Reply Comments	IEP	3/17/2004
50.	Joint Reply Comments of PGE, DRA, and TURN Regarding Qualifying Facility SRAC Payments From December 2000 Through March 2001	DRA	3/17/2004
		PGE	
		TURN	
51.	Joinder In Reply Comments of PG&E, DRA and TURN	SCE	3/17/2004
52.	CAC's Comments on SRAC	CAC	2/17/2004
53.	CCC's Additional Comments on SRAC	CCC	2/17/2004
54.	IEP's Comments on SRAC	IEP	2/17/2004
55.	Motion of PG&E, ORA and	DRA	2/17/2004

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
	TURN Requesting Official Notice of Documents	PGE TURN	
56.	Opening Comments of PG&E, ORA and TURN regarding SRAC	DRA PGE TURN	2/17/2004
57.	SCE's Opening Brief on SRAC	SCE	2/17/2004
58.	Prehearing Conference Statement	IEP	11/7/2003
59.	Prehearing Conference Statement	SCE	11/6/2003
60.	Prehearing Conference Statement	PGE	11/5/2003
61.	Reply Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used Between December 2000 Through March 2001	CAC, EPUC	3/4/2003
62.	Reply Comments in Response to ALJ Ruling Requesting Comments and Reply Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used	CCC	3/4/2003
63.	Reply Comments in Response to ALJ Ruling Requesting Comments and Reply Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used Between December 2000 Through March 2001	IEP	3/4/2003
64.	Reply Comments Responding to ALJ January 14, 2003 Ruling	PGE	3/4/2003
65.	Reply Comments Responding to ALJ January 14, 2003 Ruling.	SCE	3/4/2003

	Attachment A: Pleadings Filed in R.99-11-022	Party(s)	Doc Date
66.	Reply Comments on Short Run Avoided Cost Prices and Natural Gas Indices Used Between December 2000 Through March 2001	SDGE	3/4/2003
67.	Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used Between December 2000 through March 2001	CAC	2/7/2003
68.	Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used from December 2000 Through March 2001	CCC	2/7/2003
69.	Comments Responding to ALJ January 14, 2003 Ruling	PGE	2/7/2003
70.	Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used from December 2000 Through March 2001	SCE	2/7/2003
71.	Comments on Short-run Avoided Cost Prices and Natural Gas Indices Used Between December 2000 through March 2001	SDGE	2/7/2003
72.	Comments on Short-Run Avoided Cost Prices and Natural Gas Indices Used between Dec 2000 through Mar 2001	DRA	1/31/2003
73.	Comments in response to ALJs Ruling requesting comments and reply comments on Short- run Avoided Cost Prices and Natural Gas Indices Used between Dec 2000 and March 2001	IEP	1/31/2003