

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



FILED

12-14-09
09:47 AM

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)

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 (U39E).

Application 09-10-022
(Filed October 16, 2009)

**PREHEARING CONFERENCE STATEMENT OF THE
INDEPENDENT ENERGY PRODUCERS ASSOCIATION**

INDEPENDENT ENERGY PRODUCERS
ASSOCIATION
Steven Kelly
Policy Director
1215 K Street, Suite 900
Sacramento, CA 95814
Telephone: (916) 448-9499
Facsimile: (916) 448-0182
Email: steven@iepa.com

GOODIN, MACBRIDE, SQUERI,
DAY & LAMPREY, LLP
Brian T. Cragg
505 Sansome Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
Email: bcragg@goodinmacbride.com

Attorneys for the Independent Energy Producers
Association

Date: December 14, 2009

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

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)

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 (U39E).

Application 09-10-022
(Filed October 16, 2009)

**PREHEARING CONFERENCE STATEMENT OF THE
INDEPENDENT ENERGY PRODUCERS ASSOCIATION**

Pursuant to the *Administrative Law Judge's Ruling Setting a Consolidated Prehearing Conference (PHC) and Requiring PHC Statements*, issued on December 2, 2009, the Independent Energy Producers Association (IEP) submits its prehearing conference statement.

The Ruling directed parties who expect to participate actively in the PHC to address several specific issues, and also instructed Pacific Gas and Electric Company (PG&E) to convene a teleconference to attempt to reach agreement on certain topics. IEP participated in that teleconference and supports the agreements reached during that teleconference, as indicated below.

The Ruling asked for comments on eight specific issues:

1. **The exact issues that need to be decided:** IEP concurs with the description arrived at during the teleconference, as summarized in PG&E's PHC statement.
2. **The issues that should be excluded:** Any issues other than those identified under Issue 1, above, should be carefully scrutinized for relevance to the narrow authority sought in the applications.
3. **The division of issues between A.09-10-034 and A.09-10-022:** While there are some broad similarities between the two applications, each application raises issues that are specific to the transactions described in the application. If the Commission decides to consider the two applications together, either through formal consolidation or through parallel processing, it should ensure that a decision on each application is issued promptly, so that development of the underlying projects is not unduly delayed.
4. **The division of issues between: (1) A.09-10-024 and A.09-10-034, and (2) A.09-09-021:** A.09-09-021 requests the Commission's approval of transactions that have emerged from PG&E's 2008 Long-Term Request for Offers. Those transactions are not at issue in A.09-10-024 or A.09-10-034, which concern agreements related to the novation of contracts in which the Department of Water Resources (DWR) is currently the purchaser. The DWR contracts and the novation of those contracts had a completely separate origin from those that are the subject of A.09-09-021, which resulted from the authorization granted in the last Long-Term Procurement Proceeding, A.06-

02-013. These proceedings are conceptually discrete and do not involve overlapping issues.

5. **Additional information to be provided by PG&E:** PG&E should respond appropriately to data requests but no other additional information appears to be required at this time.
6. **Procedures for resolving disputed issues:** IEP concurs with the description arrived at during the teleconference, as summarized in PG&E's PHC statement.
7. **Whether evidentiary hearings are necessary:** IEP does not perceive a need for evidentiary hearings.
8. **Schedule:** IEP concurs with the schedule arrived at during the teleconference, as summarized in PG&E's PHC statement.

Respectfully submitted this 14th day of December, 2009 at San Francisco,
California.

GOODIN, MACBRIDE, SQUERI,
DAY & LAMPREY, LLP
Brian T. Cragg
505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321

By /s/ Brian T. Cragg
 Brian T. Cragg

Attorneys for the Independent Energy
Producers Association

CERTIFICATE OF SERVICE

I, Lisa Vieland, certify that I have on this 14th day of December 2009 caused a copy of the foregoing

**PREHEARING CONFERENCE STATEMENT OF THE INDEPENDENT
ENERGY PRODUCERS ASSOCIATION**

to be served on all known parties to A.09-10-034 and A.09-10-022 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

Commissioner President Michael R. Peevey
California Public Utilities Commission
505 Van Ness Avenue, Room 5218
San Francisco, CA 94102

ALJ Timothy Kenney
California Public Utilities Commission
505 Van Ness Avenue, Room 5021
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of December 2009 at San Francisco, California.

/s/ Lisa Vieland
Lisa Vieland

Service List A. 09-10-034
Last Updated 12/10/09

GREGORY S.G. KLATT
klatt@energyattorney.com

Noel Obiora
nao@cpuc.ca.gov

MICHAEL PETER FLORIO
mflorio@turn.org

ALICE REID
alr4@pge.com

LYNNE BROWN
l_brown369@yahoo.com

WILLIAM H. BOOTH
wbooth@booth-law.com

DANIEL W. DOUGLASS
douglass@energyattorney.com

SHANNON L. SIMS
s2sc@PGE.COM

DONALD C. LIDDELL
liddell@energyattorney.com

NORA SHERIFF
nes@a-klaw.com

MARC D. JOSEPH
mdjoseph@adamsbroadwell.com

KAREN TERRANOVA
filings@a-klaw.com

BILL KISSINGER
william.kissinger@bingham.com

BRIAN CRAGG
bcragg@goodinmacbride.com

VIDHYA PRABHAKARAN
vidhyaprabhakaran@dwt.com

TODD EDMISTER
todd.edmister@bingham.com

JEFFREY P. GRAY
jeffgray@dwt.com

CALIFORNIA ENERGY MARKETS
cem@newsdata.com

CHARLES R. MIDDLEKAUFF
crmd@pge.com

SHARON MORTZ
SEMn@pge.com

SEAN P. BEATTY
sean.beatty@mirant.com

MRW & ASSOCIATES, INC.
mrw@mrwassoc.com

MICHAEL E. BOYD
michaelboyd@sbcglobal.net

MARTIN HOMECEC
martinhomecec@gmail.com

KEVIN WOODRUFF
kdw@woodruff-expert-services.com

STEVEN KELLY
steven@iepa.com

CHASE B. KAPPEL
cbk@eslawfirm.com

JIM SPENCE
jspence@water.ca.gov

ANNIE STANGE
sas@a-klaw.com

Jake Wise
jw2@cpuc.ca.gov

Matthew Tisdale
mwt@cpuc.ca.gov

Steven K. Haine
shi@cpuc.ca.gov

Timothy Kenney
tim@cpuc.ca.gov

PUC/X114869.v1

Service List A. 09-10-022
Updated 12/10/09

Noel Obiora
nao@cpuc.ca.gov

MICHAEL PETER FLORIO
mflorio@turn.org

BRIAN T. CRAGG
bcragg@goodinmacbride.com

EVELYN C. LEE
ECL8@pge.com

LYNNE M. BROWN
l_brown369@yahoo.com

MARTIN HOMECEC
martinhomecec@gmail.com

DANIEL W. DOUGLASS
douglass@energyattorney.com

SHANNON L. SIMS
s2sc@PGE.COM

DONALD C. LIDDELL
liddell@energyattorney.com

MARC D. JOSEPH
mdjoseph@adamsbroadwell.com

CASE COORDINATION
regrelcpuccases@pge.com

KIMBERLY C. JONES
Kcj5@pge.com

BILL KISSINGER
william.kissinger@bingham.com

VIDHYA PRABHAKARAN
vidhyaprabhakaran@dwt.com

TODD EDMISTER
todd.edmister@bingham.com

JEFFREY P. GRAY
jeffgray@dwt.com

CALIFORNIA ENERGY MARKETS
cem@newsdata.com

CHARLES R. MIDDLEKAUFF
crmd@pge.com

SEAN P. BEATTY
sean.beatty@mirant.com

MRW & ASSOCIATES, LLC
mrw@mrwassoc.com

MICHAEL E. BOYD
michaelboyd@sbcglobal.net

KEVIN WOODRUFF
kdw@woodruff-expert-services.com

STEVEN KELLY
steven@iepa.com

ANDREW BROWN
abb@eslawfirm.com

CHRISTOPHER T. ELLISON
cte@eslawfirm.com

LYNN M. HAUG
lmh@eslawfirm.com

JIM SPENCE
jspence@water.ca.gov

David Peck
dbp@cpuc.ca.gov

Jake Wise
jw2@cpuc.ca.gov

Matthew Tisdale
mwt@cpuc.ca.gov

Steven K. Haine
shi@cpuc.ca.gov

Timothy Kenney
tim@cpuc.ca.gov

PUC/X114891.v1