

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

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

And Related Matter

Application 09-10-034
(Filed October 30, 2009)

LATE-FILED NOTICE OF EX PARTE COMMUNICATION

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Attorneys for the
ALLIANCE FOR RETAIL ENERGY MARKETS

May 11, 2010

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

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)

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LATE-FILED NOTICE OF EX PARTE COMMUNICATION

In accordance with the provisions of Article 8 of the Commission’s Rules of Practice and Procedure, this late-filed notice of ex parte communication is provided on behalf of the Alliance for Retail Energy Markets (“AReM”) with regard to a meeting that occurred on May 4, 2010, between a representative of AReM and Karl Meeusen, advisor to President Peevey. Representing AReM was Mary Lynch of Constellation Energy. The meeting took place at the offices of the California Public Utilities Commission (“Commission”). The meeting commenced at 1:00 p.m. and lasted approximately twenty minutes.

The purpose of the meeting was to discuss the recently issued Proposed Decision in the above referenced proceedings. Ms. Lynch discussed that AReM agreed with and is appreciative of the Proposed Decision’s rejection of the Tracy Transaction and the LECEF Transactions for reasons enumerated in the Proposed Decision. Ms. Lynch noted some concern, however, that the Peaker Transaction had been approved because that approval seemed inconsistent with the other portions of the Proposed Decision that disallowed utility procurement outside of the competitive

procurement process, and because such approval could create unwarranted precedent for future DWR contract novations. Finally, Ms. Lynch noted that the *ex parte* notice submitted by GWF and Calpine, dated April 26, 2010, stated that both DRA and TURN have indicted that the Tracy Transaction, LECEF Transaction, and Mirant's Marsh Landing project would provide the lowest cost portfolio for PG&E, and asked whether that was under active consideration.

To request a copy of this notice, please contact Michelle Dangott at (818) 961-3003 or mdangott@energyattorney.com.

Respectfully submitted,


Gregory S.G. Klatt

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ALLIANCE FOR RETAIL ENERGY MARKETS

May 11, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the attached *Late-Filed Notice of Ex Parte Communication* on all parties of record in proceedings *A.09-10-02* and *A.09-10-034* by serving an electronic copy on their email addresses of record and by mailing a properly addressed copy by first-class mail with postage prepaid to each party for whom an email address is not available.

Executed on May 11, 2010, at Woodland Hills, California.



Michelle Dangott

SERVICE LISTS – A.09-10-022 and A.09-10-034

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