BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED
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Application of Pacific Gas and Electric Company (U 39-E) for Approval of 2008 Long-Term Request for Offer Results and for Adoption of Cost Recovery and Ratemaking Mechanisms.	)	Application No. 09-09-021 (Filed September 30, 2009)

NOTICE OF EX PARTE COMMUNICATIONS OF CALIFORNIA STRATEGIES, LLC

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June 23, 2010

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NOTICE OF EX PARTE COMMUNICATIONS
OF CALIFORNIA STRATEGIES, LLC

In accordance with Rules 8.2, 8.3 and 8.5 of the Rules of Practice and Procedure ("Rules") of the California Public Utilities Commission ("Commission"), California Strategies, LLC ("CalStrat") hereby provides notice of an ex parte communication in the above-captioned proceeding.

On June 21, 2010 at approximately 10:00 a.m., Mr. Stephen J. Larson, a Principal with CalStrat, consultants to Contra Costa Generating Station, LLC ("CCGS"); Mr. Bryan Bertacchi, Chief Executive Officer of Radback Energy, Inc.; Pete Bukunt, Senior Accounts Executive of General Electric; Sandi McCubbin, representing the City of Oakley; Marc Joseph, representing California Unions for Reliable Energy ("CURE"); and Caesar Diaz, Legislative Director of the State Building and Trades Council of California (collectively, the "Oakley Project Proponents"), met with Mr. Michael Wheeler, Transmission and Renewables Advisor to Commissioner Dian M. Grueneich, at Commissioner Grueneich's office at 505 Van Ness Avenue, in San Francisco, California. The meeting lasted approximately 50 minutes.

On June 21, 2010 at approximately 11:00 a.m., the Oakley Project Proponents met with Mr. Paul Phillips, Energy Advisor to Commissioner Timothy A. Simon, at Commissioner Simon's office at 505 Van Ness Avenue, in San Francisco, California. The meeting lasted approximately 45 minutes.

On June 21, 2010 at approximately 3:00 p.m., the Oakley Project Proponents, with the exception of Mr. Caesar Diaz, met with Ms. Carol Brown, Chief of Staff to President Michael R. Peevey and Karl Meeusen, Energy Advisor to President Peevey, at President Peevey's office at 505 Van Ness Avenue, in San Francisco, California. The meeting lasted approximately 1 hour.

In the course of each of the aforementioned meetings, the Oakley Project Proponents outlined their concerns regarding the Proposed Decision, issued May 26, 2010 in the above-captioned proceeding (the "PD") with respect to the unexplained failure of the PD to approve the Pacific Gas and Electric Company purchase and sale agreement for the Oakley

Project (also known as Contra Costa Generating Station). The Oakley Project Proponents explained the various benefits of the combined cycle high efficiency plant, including savings to ratepayers and reduced emissions. The Oakley Project Proponents urged the Commission to modify the PD to approve the purchase and sale agreement for the Oakley Project.

In accordance with Rule 8.3(c), a copy of the documents that the Oakley Project Proponents provided to meeting attendees are attached to this notice. To obtain a copy of this notice and attached documents, please contact:

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This notice is being served electronically on all persons appearing on the Commission's electronic service list for the above-captioned proceeding.

Respectfully submitted,
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June 15, 2010

Honorable Michael Peevey,
President and Assigned Commissioner
California Public Utilities Commission
505 Van Ness Avenue,
San Francisco, CA 94102

RE: Comments on Application-09-09-021 Pacific Gas and Electric Company for Approval of 2008 Long-Term Request for Offer Results and for Adoption of Cost Recovery and Ratemaking Mechanisms

Dear President Peevey:

Issue. We urge the Commission to amend the Proposed Decision (PD) issued on May 26th by approving the proposed Purchase and Sale agreement between CCGS LLC and PG&E.

Contra Costa Generating Station LLC (CCGS LLC), the owner of the Oakley Project is a special purpose entity owned by Radback Energy, Inc. GE Energy (GE) also participates in the Oakley Project through development support and an engineered equipment contract for a GE Rapid Response Combined-Cycle plant. The equipment contract includes the gas turbines, heat recovery steam generators, steam turbine, and controls needed to accommodate the Rapid Response design. The project will utilize the new GE 7FA.05 gas turbine, an evolutionary design that makes it one of the most advanced technologies of its type in the world.

Background. PG&E was ordered by the Commission in 2008 to offer contracts for needed megawatts (MWs) for long term needs. PG&E conducted such an offering, and under implicit PUC direction, proposed to the Commission three contracts for projects that will best meet that need: the Mariposa, Marsh Landing, and Oakley projects. While specifically approving the Mariposa and Marsh Landing contracts, the PD fails to approve the Oakley contract while consenting to approval of between 231-281 additional megawatts in proceeding 07-12-052. It is important to note that the PD is proposing to approve these megawatts with other projects in decision 07-12-052 that were not selected as winners in the approved and competitive long-term procurement process.

The Oakley Project should be approved because it provides the best value to the ratepayer, environmental benefits, job creation, and local economic stimulus of any project under consideration:

- Oakley specifically addresses PG&E's stated need to integrate renewable generation with rapid response technology and groundbreaking combined cycle operational flexibility. This effort is underscored with the use of the state-of-the-art GE 7FA.05 fast start gas turbines that are highly efficient, with less emissions and environmental impacts.
- Oakley was selected by PG&E, with the concurrence of the broadly represented Procurement Review Group (PRG)* and the Independent Evaluator, as a winning bid in the competitive long-term procurement process.
- When compared to other competing projects, Oakley will generate the highest payroll for union workers – over $120 million in direct payroll with over 740 jobs.
- By generating over $10 million in local tax revenue per year, the Oakley Project will provide desperately needed economic stimulus to a region that has been disproportionately affected by the recession. With the new property tax rules for power plants, these funds will be directed toward local schools, fire districts, police, the City of Oakley and Contra Costa County.

Errors in the Proposed Decision:

1. **Need.** PG&E's portfolio of selected projects was intended to meet increases in both peak demand as well as annual energy consumption, yet the PD focuses on simply meeting the peak demand need. By eliminating the Oakley Project, the PD substantially diminishes PG&E's ability to reliably meet both of these needs. The Mariposa Project and the Marsh Landing Project are both simple cycle gas turbine "peaker" plants. Peakers fill the need of providing additional generation during the highest peak demand periods (generally the hottest hours of the hottest days of the year) or during unplanned outages of more efficient generation. Because of the low efficiency, peakers are generally dispatched infrequently, often having annual capacity factors of less than 10%. Operating at such low capacity, peakers do not contribute significantly to meeting annual energy consumption. Combined-cycle gas turbine generation facilities, because of their superior efficiency, are dispatched at significantly higher capacity factors (typically 50% or better) and therefore supply the majority of the annual energy needs. The Oakley Project is the only combined-cycle gas turbine project selected by PG&E for new generation. Without the Oakley Project, 100% of the new generation would be in the form of peakers, providing very little benefit in PG&E's ability to meet increasing annual energy consumption. The 2009 CEC projections for peak demand and annual energy consumption within the PG&E planning area reflect annual load factors of between 52% and 53% from 2009 to 2018. To meet these load factors, PG&E must have a blend of simple cycle peakers and highly efficient combined-cycle generation. PG&E cannot achieve these load factors just by operating the Mariposa and Marsh Landing projects with their limited operating hours. The Oakley Project is the most efficient combined cycle alternative and was intended to meet this need.

2. **The PD asserts that Oakley is not sufficiently flexible (i.e., can't start fast enough to respond to daily needs for energy).** Not True! Not only is Oakley specifically designed to provide the benefits of a peaking plant with the added value of combined cycle efficiency, it also is being permitted more starts per year than Mariposa and Marsh Landing, providing even more flexibility. Utilitizing GE's Fast Start design with the 7FA.05 gas turbines, Oakley will be able to deliver over 190 MWs of peaking power in 10 minutes. Oakley also has ability to ramp up and down rapidly, has excellent turndown capability, lower emissions, high efficiency, and provides exactly the kind of flexibility, and ancillary services necessary to integrate with renewable resources. Moreover, Oakley's operating profile, specifically the number of starts, is entirely consistent with the number of starts required in the PUC approved solicitation that governed this process. Again, the PD ignores the fact that Oakley is being permitted for more starts per year than Mariposa and Marsh Landing, and for more hours of the operation per year than either Marsh Landing or the Mariposa Project. In fact, the Oakley Project is being permitted more hours of operation per year than Marsh Landing and Mariposa combined.

3. **The PD also asserts that there is a discrepancy in the Oakley Project heat rates.** Not True! PG&E's testimony clearly stated that the heat rate of the Oakley Project will be one of the lowest in California. Indeed the Oakley Project's heat rate at full load is about 3,000 Btu/kWh better than either of the Marsh Landing and Mariposa Projects. This translates to direct savings to the PG&E customers in terms of lower fuel use and lower Green House Gas and other emissions.

4. **The PD concludes that the Marsh Landing Project should be approved because it "best reflects the environmental priorities" expressed by the PUC and provides reliable service at a fair price.** Not True! Both Marsh Landing and Oakley Projects provide unique environmental and system reliability benefits and, as winning participants in the process, both are reasonably priced. Each of these projects has unique characteristics that will benefit PG&E's ratepayers. For example, the Oakley Project, as noted above, will include GE's advanced turbine technology that will result in some of the highest efficiency output, reduced emissions and improved operational flexibility in California. Marsh Landing will not use the new GE turbine technology, but has other benefits such as the shutdown of Contra Costa Units 6 and 7. Both projects provide unique and significant benefits.

Observations of General Concern About the Process:

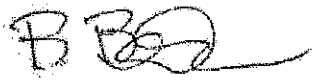
Impact of the PD on Future Proposals. If affirmed by the Commission, the Proposed Decision in all likelihood will result in the end of the Oakley project. Development is a long and costly process. The fairness of a robust competition process is essential to the success of obtaining the lowest possible rates for the ratepayer. Simply ignoring fully qualified projects without full and thorough justifications at the end of the CPUC process introduces an element of risk that will discourage future at-risk development by investors, IPP's, and others. The arbitrary nature of such actions, without a doubt, will result in higher costs to the ratepayer over time as developers invest their risk dollars outside of California in other markets with greater certainty.

Unfairness of the PD. There is a strong element of unfairness in this decision:

- If one looks closely, the PD failed to recommend approval of the Oakley Project based on unsubstantiated assertions which are easily controverted by the facts.
- Other projects previously rejected in the long term procurement process were de facto approved in the PD.
- The principle of robust competition as evidenced by the 48 offers and 74 variations received in this matter by PG&E is undermined when the PD moves away from accepting the results of the contest for unclear and ill defined reasons.

Conclusion. The problems we have identified in these comments can be addressed quickly by the Commission. We urge your consideration of our arguments and a swift adoption of an amendment to the Proposed Decision that approves the Oakley contract.

With Great Respect,



Bryan Bertacchi
Chief Executive Officer
Radback Energy

cc: All Commissioners
ALJ Darwin Farrar
Service List

* **PRG – The Procurement Review Group** consists of the California Department of Water Resources (DWR); the Commission's Energy Division, Natural Resources Defense Council (NRDC), Union of Concerned Scientists (UCS), Division of Ratepayer Advocates (DRA), Aglet Consumer Alliance (Aglet); Coalition of California Utility Employees (CUE); and The Utility Reform Network (TURN).

THE OAKLEY PROJECT – THE NEED ISSUE

- **In the PD the CPUC recognizes the capacity need, but fails to consider the energy need.**

- **Awarding 100% peaking capacity is not the right answer.** The PD increases PG&E's gas fired peaking capacity by nearly 50%
    1. Recent Studies by ISO's and specifically the CAISO indicate that significant increases in "load following" and " regulation" are needed to support renewable energy. Peakers, with less than 20% capacity factor and an inefficient heat rate are not designed and permitted to perform this function.
    2. These same Studies indicate that efficient combined cycle generation is better suited to perform the function of integrating renewable resources.
    3. The Oakley Generating Station is a new technology specifically designed to perform this function.

- **Underestimating the need has a significant impact on the ratepayers.** Many participants in the process would agree that the "forecast estimate" is only "our best guess" concerning the future. However most all of the participants would agree that recovering from a shortage will take 5-7 years due to lengthy development cycles.
    1. 5-7 years of under-generation could have a significant negative impact on a California economic recovery;
    2. Since an error in the forecast is very possible, is the incremental cost of a natural gas fired combined cycle facility worth the risk of inadequate generation?
    3. A shortage in generation equals higher power prices for ratepayers (e.g., When not enough generation is available, the price of generation significantly increases as demonstrated in the 2000/2001 Blackouts).

- **An incremental increase in new, highly efficient generation like the Oakley Generating Station will reduce overall power prices for ratepayers.**
    1. Existing generators respond to the addition of new highly efficient plants by reducing their cost to remain competitive.
    2. This investment by consumers is recovered by the long term cost savings in the market.

THE OAKLEY PROJECT – JOBS AND ECONOMIC STIMULUS ISSUES

- $120 million union payroll with over 700 jobs on site (with an estimated additional 2000 indirect jobs) beginning in Q2, 2011. Additional union jobs from transmission line upgrades worth about $35 million will also occur.
- Local Economic Stimulus for the City of Oakley and Contra Costa County will also be created. There will be new revenue to local government estimated at about $10 million annually.

THE OAKLEY PROJECT – THE BEST TECHNOLOGY

- GE's advanced 7FA.05 gas turbine technology is State of the Art in terms of development. It is specifically designed for today's complex electrical grid.
    1. This plant has operational flexibility for integration of intermittent renewable generation;
    2. Many ISO studies have determined that a high range of load following and regulation are needed to support renewables. This plant is designed with that need in mind.
    3. This plant has Fast-Start gas turbine technology that can provide 190-MW in 10 minutes.
    4. This combined cycle high efficiency plant reduces fuel consumption resulting in savings to ratepayers and reduced emissions including Green House Gases.

CERTIFICATE OF SERVICE

I, Jeannie Wong, hereby certify that on this date I served the foregoing NOTICE OF EX PARTE COMMUNICATION OF CALIFORNIA STRATEGIES, LLC by electronic mail or hand delivery on the service list for Application 09-09-021:

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By hand delivery:

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President Michael Peevey
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Executed this 23rd day of June, 2010, in San Francisco, California.

/S/ JEANNIE WONG
Jeannie Wong

CALIFORNIA PUBLIC UTILITIES COMMISSION
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PROCEEDING: A0909021 - PG&E - FOR APPROVAL
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