



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

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Application of Pacific Gas and Electric Company
(U 39E) for Approval of Amended Purchase and Sale
Agreement Between Pacific Gas and Electric Company
and Contra Costa Generating Station LLC and for
Adoption of Cost Recovery and Ratemaking
Mechanisms.

Application 12-03-026
(March 30, 2012)

NOTICE OF EX PARTE COMMUNICATION

**INDEPENDENT ENERGY PRODUCERS
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Association

Dated: July 20, 2012

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

Application of Pacific Gas and Electric Company (U 39E) for Approval of Amended Purchase and Sale Agreement Between Pacific Gas and Electric Company and Contra Costa Generating Station LLC and for Adoption of Cost Recovery and Ratemaking Mechanisms.

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NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, the Independent Energy Producers Association (IEP) submits this Notice of Ex Parte Communication.

On July 17, 2012, at approximately 2:35 p.m., Brian Cragg, outside counsel for IEP, had an ex parte telephone conversation with Michael Colvin, advisor to Commissioner Ferron. The call was initiated by Mr. Cragg and lasted for approximately 10 minutes. No written materials were used in connection with the communication.

In addition, on July 17, 2012, at approximately 3:00 p.m., Mr. Cragg had an ex parte telephone conversation with Carol Brown, advisor to President Peevey. The call was initiated by Mr. Cragg and lasted for approximately 20 minutes. No written materials were used in connection with the communication.

At approximately 5 p.m. on July 17, 2012, Mr. Cragg had an ex parte telephone conversation with Matthew Tisdale, advisor to Commissioner Florio. The call was initiated by Mr. Cragg and lasted for approximately 10 minutes. No written materials were used in connection with the communication.

Finally, on July 18, 2012, at approximately 4:10 p.m., Mr. Cragg had an ex parte telephone conversation with Colette Kersten, advisor to Commissioner Sandoval. The call was initiated by Mr. Cragg and lasted for approximately 20 minutes. No written materials were used in connection with the communication.

In all of the conversations, Mr. Cragg discussed IEP's Motion for Reconsideration of the Administrative Law Judge's Ruling on Motion to Seal the Evidentiary Record¹ and the Response of CALifornians for Renewable Energy, Inc.(CARE) in support of IEP's Motion for Reconsideration.² CARE's Response reinforces many of the concerns raised in IEP's Motion for Reconsideration regarding whether the information designated as confidential by PG&E and by the ALJ's Ruling on Motion to Seal the Evidentiary Record is actually (i) publicly available, (ii) capable of being redacted or aggregated, or (ii) not market-sensitive, as defined in the Commission's decision on confidentiality, Decision (D.) 06-06-066.

Based on CARE's statements that certain information designated as confidential is publicly available, capable of being redacted, or not market-sensitive under the Commission's confidentiality rules, IEP is concerned that:

- the Commission's confidentiality rules established in D.06-06-066 are going unenforced; and
- the terms of the Purchase and Sale Agreement at issue in this proceeding are being treated as confidential in their entirety when they can instead be redacted to publicly disclose substantial amounts of information that is not confidential under D.06-06-066.

¹ *Motion of the Independent Energy Producers Association for Reconsideration by the Full Commission of the Administrative Law Judge's Ruling on Motion to Seal the Evidentiary Record* (filed July 10, 2012).

² *CARE's Response in Support of IEPA's Motion for Reconsideration* (filed July 16, 2012).

Respectfully submitted this 20th day of July, 2012 at San Francisco, California.

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

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