

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

04-09-10
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Application of Pacific Gas and Electric Company
To Revise Its Electric Marginal Costs, Revenue
Allocation, and Rate Design.

Application 06-03-005
(Filed March 2, 2006)

**MOTION OF
THE DIVISION OF RATEPAYER ADVOCATES AND THE UTILITY
REFORM NETWORK REQUESTING THE PREPARATION OF A
SINGLE PROPOSED DECISION IN BOTH APPLICATIONS 06-03-005
AND 09-02-022 FOR THE PURPOSE OF ADDRESSING THE IDENTICAL
PETITIONS FOR MODIFICATION FILED IN EACH DOCKET BY DRA
AND TURN**

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April 9, 2010

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Application of Pacific Gas and Electric Company
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Pursuant to the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (Rules) Rule 11.1(a) and the April 7, 2010 discussion with ALJ Maryam Ebke, The Division of Ratepayer Advocates (“DRA”) and the Utility Reform Network (“TURN”) (also referred to as the “Petitioners” for the Petition for Modification) hereby file this Motion on dockets A.06-03-005 and A.09-02-022.

The Petitioners file the instant motion seeking a ruling that a single Proposed Decision (PD) be issued in Applications (A.) 06-03-005 and A.09-02-022 for the purpose of addressing the identical Petitions for Modification (“PFM”) of Decision (D.)10-02-032, issued in A.09-02-022, and same PFM of D.08-07-045, issued in A.06-03-005. The Petitioners filed the PFM for the two decisions D.10-02-032 and D.08-07-045 in each of their respective dockets. In order to facilitate efficient administration of both proceedings, the Commission should issue a ruling directing that the Commission will issue a single PD using the captions to both A.09-02-022 and A.06-03-005 in response to the PFMs.

The two decisions at issue in the PFMs are closely linked, as are the proceedings in which they were issued. A.09-02-022 (in which D.10-02-032 was issued) is the

successor proceeding for certain issues from A.06-03-005. D.10-02-032 states that A.09-02-022 was filed in compliance with D.08-07-045.¹ D.08-07-045 resulted from phase two of PG&E’s 2007 General Rate Case (“GRC”), A.06-03-005, and addresses numerous issues, including the implementation of PG&E’s voluntary residential Critical Peak Pricing (“CPP”) program, also known as Peak Day Pricing (“PDP”). D.10-02-032 resulted from the orders contained in D.08-07-045 with regards to the PDP program.

The PFM, filed and served concurrently in both proceedings, seeks to modify the implementation schedule for the PDP program. The implementation schedule for the PDP program is addressed in D.08-07-045 and its successor D.10-02-032. D.08-07-045 presented the initial implementation schedule for PDP and D.10-02-032 modified the schedule in D.08-07-045. D.10-02-032 does not explicitly state that D.08-07-045 is modified, therefore, the Petitioners, in seeking to modify D.10-02-032, believed it was important that D.08-07-045 also be modified explicitly with regards to the PDP program implementation.²

The implementation of PDP is an issue that is intertwined with both decisions and cannot be separated. The PFM’s goal to modify the CPP/PDP program schedule could not be met unless both D.08-07-045 AND D.10-02-032 are modified together. Therefore, to minimize any confusion or duplication that may arise from having two separate Commission decisions in two different dockets addressing the implementation of the same program, the Petitioners request that a single PD (and ultimately, final decision) be issued using the captions of both dockets in which the PFM was filed.

The Joint Petitioners seek a Ruling for a single PD that is essentially identical to the October 21, 2009 Ruling that the Commission issued for the same fact pattern in R.06-02-012 and R.08-08-009. (See Attachment A) In these referenced proceedings, a Petition to Modify was filed for the same issues in two different decisions in both proceedings, and like in the instant situation, one proceeding was a successor proceeding to the other. The Commission issued a Ruling stating it would prepare one PD “in order

¹ D.10-02-032 p.4.

² Furthermore, D.08-07-045 addresses the implementation schedule of Real Time Pricing (RTP), which the PFM seeks to delay.

to facilitate efficient administration of both proceedings.” (See <http://docs.cpuc.ca.gov/efile/RULINGS/108717.pdf> or Attachment A). The Petitioners request that the Commission similarly issue a single PD addressing the PFMs filed concurrently in A.06-03-005 and A.09-02-022.

Respectfully submitted,

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April 9, 2010

ATTACHMENT A



FILED

10-21-09
08:00 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop
Additional Methods to Implement the California
Renewable Portfolio Standard Program.

Rulemaking 06-02-012
(Filed February 16, 2006)

Order Instituting Rulemaking to Continue
Implementation and Administration of California
Renewable Portfolio Standard Program.

Rulemaking 08-08-009
(Filed August 21, 2008)

**ADMINISTRATIVE LAW JUDGE'S RULING ON
PETITIONS FOR MODIFICATION**

Summary

Solely for purposes of the proposed decision (PD) on the Joint Petitioners' Petition for Modification of Commission Decision (D.) 06-10-019 and D.06-10-050 (filed May 1, 2009), the captions of both Rulemaking (R.) 06-02-012 and R.08-08-009 should be used. Service of comments on the PD should be made to the service list of both proceedings. This ruling does not consolidate R.06-02-012 and R.08-08-009. Each proceeding remains open and separate.

Discussion

The Joint Petitioners' Petition for Modification of Commission D.06-10-019 and D.06-10-050 (petition) was filed May 1, 2009. Pursuant to the advice of the Commission's Docket Office Advisor, the petition was filed in both R.06-02-012 (in which D.06-10-019 was issued) and R.08-08-009 (the successor proceeding to R.06-05-027, in which D.06-10-050 was issued).

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated October 21, 2009, at San Francisco, California.

/s/ CRISTINE FERNANDEZ
Cristine Fernandez

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of “**MOTION OF THE DIVISION OF RATEPAYER ADVOCATES AND THE UTILITY REFORM NETWORK REQUESTING THE PREPARATION OF A SINGLE PROPOSED DECISION IN BOTH APPLICATIONS 06-03-005 AND 09-02-022 FOR THE PURPOSE OF ADDRESSING THE IDENTICAL PETITIONS FOR MODIFICATION FILED IN EACH DOCKET BY DRA AND TURN**” to the official service list in **A.06-03-005** by using the following service:

E-Mail Service: sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

U.S. Mail Service: mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on **April 9, 2010** at San Francisco, California.

/s/ IMELDA EUSEBIO

Imelda Eusebio

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