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

Application of Pacific Gas and Electric  
Company for Expedited Authorization to  
Change Residential Electric Rates Effective  
June 1, 2010, To Provide Summer 2010 Rate  
Relief for Households With Upper Tier  
Consumption.

Application 10-02-029

(U 39 E)

**MOTION TO WAIVE COMMENT PERIOD ON MOTION FOR  
APPROVAL OF SETTLEMENT AGREEMENT AND TO  
SHORTEN TIME TO COMMENT ON THE PROPOSED  
DECISION**

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April 20, 2010

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

Application of Pacific Gas and Electric Company for Expedited Authorization to Change Residential Electric Rates Effective June 1, 2010, To Provide Summer 2010 Rate Relief for Households With Upper Tier Consumption.

Application 10-02-029

(U 39 E)

**MOTION TO WAIVE COMMENT PERIOD ON MOTION FOR  
APPROVAL OF SETTLEMENT AGREEMENT AND TO  
SHORTEN TIME TO COMMENT ON THE PROPOSED  
DECISION**

Pursuant to Rules 1.2, 12.1, 12.2, 14.3 and 14.6 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), Pacific Gas and Electric Company (PG&E), the Division of Ratepayer Advocates (DRA), and The Utility Reform Network (TURN) (referred to collectively as the Settling Parties) request that the Commission waive the comment period for responding to the Motion of PG&E, DRA and TURN for Approval of Settlement Agreement, which was filed on April 20, 2010; and shorten the comment period for the resulting Proposed Decision (PD) by 15 days (from 20 to 5) and waive the 5 day reply period. The Settling Parties respectfully make this request because the proposed settlement is supported by all active parties, and because delaying Commission action on the settlement beyond May 20, 2010, would substantially compromise the relief under the proposal, which involves a new rate structure designed to go into effect June 1, 2010, in time to mitigate high summer bills.

Through this Application PG&E seeks Commission authorization to change non-California Alternate Rates for Energy (CARE) residential electric rates for Tiers 3, 4 and 5 effective June 1, 2010. The only parties to this proceeding are PG&E, DRA and TURN. As set forth in the accompanying Motion for Approval of Settlement Agreement, the parties have reached a settlement regarding all disputed issues associated with the Application. The proposed settlement provides for a new rate structure designed to provide rate relief this summer for households with substantial upper tier consumption, who have experienced hardship during hot summer months due to the steeply tiered rate structure currently in place. This settlement proposal will provide lower bills for such households, particularly in areas with large cooling demands, and reduce month-to-month bill volatility, while reducing the rate impact on other PG&E customers.

The purpose of this Motion is to give the Commission the opportunity to approve the Settlement Agreement at the Commission's meeting on May 20, 2010, so the residential electric rate design change proposed can take effect on June 1, 2010. Under the normal process set forth in the Commission's Rules, a decision might not issue until late summer.<sup>1</sup> This timing would largely vitiate the purpose of the settlement proposal, which is to help mitigate high bills this summer.

By this Motion, the Settling Parties propose to waive the comment period on the Motion for Approval of Settlement Agreement pursuant to Rule 1.2, which provides, "These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. In special cases and for good cause shown, the Commission may permit deviations from the rules." Since the settlement has the active support of all parties to the proceeding, it seems highly unlikely that the settlement

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<sup>1</sup> Pursuant to Rule 12.2, parties may file comments contesting all or part of the settlement within 30 days of the date that the motion for adoption of the settlement was served. Reply comments may be filed within 15 days after the last day for filing comments. In this case comments would be due May 20 and replies would be due June 4. The Administrative Law Judge (ALJ) would then require additional time to draft and serve a PD. Further, pursuant to Rule 14.3, parties would have 20 days to file comments on the PD, and then 5 days to file replies.

comment period will produce any comments. Waiver will contribute to a speedy determination, which will bring high bill relief to certain customers, without compromising the rights of any of the parties.

The Settling Parties further propose to shorten the allotted time for comments on the PD to 5 days, and to waive the reply period. This request is made pursuant to Rule 14.6(b), which provides, “The Commission may reduce or waive the period for public review and comment on proposed decisions ... where all the parties so stipulate.” Again, the Settling Parties constitute all the parties, and each party so stipulates to this reduction and waiver.

The Settling Parties request that the Chief ALJ, the assigned ALJ, or the assigned Commissioner issue a prompt ruling – preferably within 5 business days – approving this Motion so interested parties will have adequate notice.

The proposed schedule (which assumes the Commission will grant this Motion) is as follows:

No later than May 10, 2010	ALJ issues Proposed Decision
No later than May 17, 2010	Comments on Proposed Decision (no replies)
May 20, 2010	Commission issues Final Decision
June 1, 2010	PG&E puts approved rates into effect

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CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On April 21, 2010, I served a true copy of:

**MOTION TO WAIVE COMMENT PERIOD ON MOTION FOR APPROVAL OF  
SETTLEMENT AGREEMENT AND TO SHORTEN TIME TO COMMENT ON  
THE PROPOSED DECISION**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **A.10-02-029** with an email address.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for **A.10-02-029** without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California on April 21, 2010.

\_\_\_\_\_  
/s/  
ANNABEL STRIPLIN

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Last Updated: April 19, 2010

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