



**FILED**

06-16-11

02:48 PM

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

Maria V. Lawrence,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant

**Case (C.)11-04-018**  
(Filed April 25, 2011)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY  
(U 39 E) FOR LEAVE TO FILE ANSWER SEVEN DAYS  
OUT OF TIME**

ANN H. KIM  
GRANT GUERRA

Pacific Gas and Electric Company  
77 Beale Street, B30A  
San Francisco, CA 94105  
Email: ahk4@pge.com  
Phone: 415-973-7467  
Fax: 415-973-0516

Dated: June 16, 2011

Attorneys for  
PACIFIC GAS AND ELECTRIC COMPANY

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

Maria V. Lawrence,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant

**Case (C.)11-04-018**  
(Filed April 25, 2011)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY  
(U 39 E) FOR LEAVE TO FILE ANSWER SEVEN DAYS  
OUT OF TIME**

**I. INTRODUCTION AND RELIEF REQUESTED**

Pursuant to Article 11 of the Commission's Rules of Practice and Procedure, Pacific Gas and Electric Company respectfully seeks leave to file its Answer to the Complaint in the above-referenced proceeding. Pursuant to the Instructions to Answer Notice, PG&E's Answer should have been filed on June 9, 2011. However, due to counsel's error, as described below, PG&E seeks leave to file its Answer seven days out of time. PG&E's Answer is being filed concurrently with this Motion.

No party will be harmed by granting PG&E's Motion. Specifically, a prehearing conference in this complaint proceeding has not been scheduled. However, a prehearing conference in another complaint proceeding filed by the same Complainant has tentatively been scheduled for August 10, 2011. PG&E anticipates that the two complaints may be consolidated or at least considered at the same prehearing conference. Therefore, the Commission should have ample time to review PG&E's Answer in advance of the prehearing conference in this case.

**II. BASIS FOR RELIEF REQUESTED**

On May 10, 2011, at 4:20 p.m., the Commission's Docket Office served an email on Ms. Ann Kim, Acting Director of PG&E Law Department's CPUC Rates Section, with Instructions

to Answer a complaint filed by Maria V. Lawrence (C.11-04-018). The email contained the following header:

*[Note well – If any document is “split” into 2 or more screens or small when you open it, go to your Toolbar at top & click “View,” then, click “Print Layout” & make your selection to make it one complete page]*

(A copy of the 4:20 p.m. email is appended as Attachment 1 hereto.) A few minutes later, at 4:28 p.m., the Commission’s Docket Office served another email on Ms. Kim providing Instructions to Answer a complaint filed by Maria V. Lawrence (C.11-04-019). The second email contained the same header as the first. (A copy of the 4:28 p.m. email is appended as Attachment 2 hereto.) Ms. Kim erroneously interpreted the header quoted above to mean that the two emails referred to the same Complaint, but that the documents had been split into two emails (as may occur when the megabyte size of the documents is too large to transmit in one email under Commission Rule 1.10(c)).

Among other duties, Ms. Kim is responsible for (1) receiving the Instructions to Answer for all formal complaints filed at the Commission, (2) signing the Notice and Acknowledgment of Receipt and returning it to the Docket Office, and (3) assigning each complaint to an attorney. Believing the two emails described above to refer to only one complaint, and not noticing that the subject line of the emails referred to different docket numbers, Ms. Kim signed just one Acknowledgment of Receipt and forwarded just one of the emails to the assigned attorney, Mr. Grant Guerra.

Two weeks later, as Ms. Kim was reviewing her records, she noticed that the Acknowledgement of Receipt that she had signed and returned to the Docket Office had a different docket number (C.11-04-018) than the matter which she had referred to Mr. Guerra (C.11-04-019). Assuming that the Acknowledgment of Receipt that she had previously signed had erroneously included the wrong docket number, Ms. Kim signed the Acknowledgment of Receipt for C.11-04-019 and emailed it to the Docket Office. (A copy of Ms. Kim’s email

indicating that “It seems like the original acknowledgment of receipt that you sent me had the wrong docket number” is appended as Attachment 3 hereto.)

It was not until the morning of June 14, when ALJ Colbert left a voicemail with Ms. Kim inquiring about PG&E’s Answer in Case No. C.11-04-018, that Ms. Kim or Mr. Guerra became aware that Ms. Lawrence had filed two separate and distinct complaint cases, each given separate docket numbers. Mr. Guerra notified ALJ Colbert of this error by telephone message that same day, and began working immediately on the Answer.

PG&E apologizes for confusing the two complaints filed by Ms. Lawrence and for any inconvenience it may have caused Ms. Lawrence, ALJ Colbert, or the Commission.

### **III. CONCLUSION**

For the foregoing reasons, PG&E respectfully requests that the assigned Administrative Law Judge grant PG&E’s Motion for leave to file its Answer seven days out of time.

Respectfully Submitted,

ANN H. KIM  
GRANT GUERRA

By: \_\_\_\_\_ /s/  
ANN H. KIM

Pacific Gas and Electric Company  
77 Beale Street, B30A  
San Francisco, CA 94105  
Email: ahk4@pge.com  
Phone: 415-973-7467  
Fax: 415-973-0516

Dated: June 16, 2011

Attorneys for  
PACIFIC GAS AND ELECTRIC COMPANY