

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



FILED

01-21-10
04:59 PM

Application of Pacific Gas and Electric Company to
Revise its Gas Rates and Tariffs to be Effective July
1, 2010 (U39G)

Application 09-05-026
(Filed May 29, 2009)

**RESPONSE OF THE SCHOOL PROJECT FOR UTILITY RATE REDUCTION,
ABAG PUBLICLY OWNED ENERGY RESOURCES,
AND TIGER NATURAL GAS
TO MOTION OF PACIFIC GAS AND ELECTRIC COMPANY
FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY IN RESPONSE TO PREPARED
REBUTTAL TESTIMONY OF MICHAEL ROCHMAN**

Michael Rochman, Managing Director
School Project for Utility Rate Reduction
1430 Willow Pass Road, Suite 240
Concord, CA 94520
Tel: (925) 743-1292
Fax: (925) 743-1014
E-Mail: service@spurr.org

Date: January 21, 2010

**RESPONSE OF THE SCHOOL PROJECT FOR UTILITY RATE REDUCTION,
ABAG PUBLICLY OWNED ENERGY RESOURCES,
AND TIGER NATURAL GAS
TO MOTION OF PACIFIC GAS AND ELECTRIC COMPANY
FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY IN RESPONSE TO
PREPARED REBUTTAL TESTIMONY OF MICHAEL ROCHMAN**

Pursuant to Commission Rule 11.1(d), the School Project for Utility Rate Reduction (“SPURR”), ABAG Publicly Owned Energy Resources (“ABAG POWER”), and Tiger Natural Gas (“Tiger”), file this response to the Motion for Extension of Time to File Rebuttal Testimony filed by Pacific Gas and Electric Company (“PG&E”) on January 19, 2010 (the “Motion for Extension”).

A. BACKGROUND

The Motion for Extension seeks two rulings from the Commission:

(a) a delay in the start of evidentiary hearings on the issue of the Core Brokerage Fee (the “CBF”), currently scheduled to start on Monday, January 25, 2010, and

(b) an extension of time “to request discovery and for the filing of rebuttal testimony” in response to the Prepared Rebuttal Testimony of Michael Rochman (the “Rochman Testimony”) filed on December 17, 2009, on behalf of the School Project for Utility Rate Reduction (“SPURR”), ABAG Publicly Owned Energy Resources (“ABAG POWER”), and Tiger Natural Gas (“Tiger”).

As grounds for the requested relief, the Motion for Extension cites “health-related reasons” affecting a PG&E attorney assigned to this case and PG&E’s witness on the topic of the CBF.¹ No other grounds for relief are cited.

B. DISCUSSION

SPURR, ABAG POWER, and Tiger extend our best wishes for a speedy recovery to the affected PG&E personnel and their families. In view of these exigent personal circumstances, we consent to a continuance of the evidentiary hearing on the CBF; provided, however, that hearings start on the postponed date with parties in the same procedural and substantive positions they would have occupied had the hearing started on January 25, as scheduled.

¹ Motion for Extension, at page 2.

We consent to a continuance for reasons of medical necessity. We do not consent to PG&E's attempt to leverage these unfortunate events to obtain additional procedural and substantive rights, such as continued discovery and the introduction of new testimony. PG&E's request for expanded rights on the eve of the scheduled hearing on this basis is, frankly, undignified.

ALJ Wong has already delineated PG&E's method to respond to the Rochman Testimony. In denying PG&E's Motion to Strike the Rochman Testimony, ALJ Wong stated that "There will be ample opportunity for PG&E to ask its core brokerage fee witness on additional direct, or on redirect, to respond to the points raised in Rochman's testimony. In addition, PG&E is free to cross examine Rochman on the core brokerage fee and on what cost elements should make up this fee."²

The Commission has ruled that PG&E may respond to the Rochman Testimony by examination and cross-examination in the hearing. Of course, PG&E will also be able to argue its points as well in briefs.

C. CONCLUSION

SPURR, ABAG POWER, and Tiger consent to a continuance of the hearing, based on the exigent personal circumstances cited by PG&E.

Although PG&E did not specify a new date for the start of hearings, we request that the Commission quickly determine a date that would be convenient for all parties. We suggest the week of February 22 as a possible time for the continued hearing. We believe that a new date could be set by exchange of e-mails, without the need for a conference as suggested by PG&E.

We urge the Commission to reject PG&E's request to conduct additional discovery and to file additional testimony.

Respectfully submitted,

January 21, 2010

/s/ MICHAEL ROCHMAN

Michael Rochman, Managing Director
School Project for Utility Reduction
1430 Willow Pass Road, Suite 240
Concord, CA 94520
Tel: 925-743-1292, Fax: 925-743-1014
E-Mail: service@spurr.org

² Administrative Law Judge's Ruling on PG&E's Motion to Strike (filed January 15, 2010), at page 5.

CERTIFICATE OF SERVICE

I hereby certify that I have served, this day, a copy of the foregoing –

**RESPONSE OF THE SCHOOL PROJECT FOR UTILITY RATE REDUCTION,
ABAG PUBLICLY OWNED ENERGY RESOURCES,
AND TIGER NATURAL GAS
TO MOTION OF PACIFIC GAS AND ELECTRIC COMPANY
FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY IN RESPONSE TO
PREPARED REBUTTAL TESTIMONY OF MICHAEL ROCHMAN**

via electronic mail to all parties on the service list for **A. 09-05-026** who have provided an electronic mail address and by first class mail, postage prepaid to any “Appearance” or “State Service” parties on the service list who have not provided an electronic mail address.

Executed January 21, 2010, at Concord, California.

/s/ MICHAEL ROCHMAN

Michael Rochman

VIA E-MAIL AND FIRST CLASS MAIL

Timothy Alan Simon
Assigned Commissioner
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

John S. Wong
Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

VIA E-MAIL

See attached service list

Service List for A.09-05-026, posted at
http://docs.cpuc.ca.gov/published/service_lists/A0905026_78405.htm
 Last changed: January 14, 2010

liddell@energyattorney.com	DON	LIDDELL	DOUGLASS & LIDDELL
dk@utilitycostmanagement.com	DARA	KERKORIAN	UTILITY COST MANAGEMENT LLC
ek@a-klaw.com	EVELYN	KAHL	ALCANTAR & KAHL, LLP CALIF PUBLIC UTILITIES COMMISSION
rhd@cpuc.ca.gov	Rashid A. MICHEL	Rashid	
mflorio@turn.org	PETER	FLORIO	THE UTILITY REFORM NETWORK
nsuetake@turn.org	NINA	SUETAKE	THE UTILITY REFORM NETWORK
epoole@adplaw.com	EDWARD G.	POOLE	ANDERSON & POOLE
bcragg@goodinmacbride.com	BRIAN	CRAGG	GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY
jmr@pge.com	J. MICHAEL	REIDENBACH	PACIFIC GAS AND ELECTRIC COMPANY
ken@in-houseenergy.com	KEN	BOHN	IN HOUSE ENERGY AND TIGER NATURAL GAS
service@spurr.org	MICHAEL	ROCHMAN	SCHOOL PROJECT UTILITY RATE REDUCTION
JerryL@abag.ca.gov	GERALD L.	LAHR	ABAG POWER
bmcc@mccarthy.com	BARRY F.	MCCARTHY	MCCARTHY & BERLIN, LLP
rob@clfp.com	ROBERT	NEENAN	CALIFORNIA LEAGUE OF FOOD PROCESSORS
ralphdennis@insightbb.com	RALPH E.	DENNIS	DENNIS CONSULTING
francesca.ciliberti@elpaso.com	FRANCESCA E.	CILIBERTI	EL PASO CORPORATION - WESTERN PIPELINES
jlsalazar@semprautilities.com	JEFFREY L.	SALAZAR	SOUTHERN CALIFORNIA GAS COMPANY
npedersen@hanmor.com	NORMAN A.	PEDERSEN	HANNA AND MORTON LLP
douglass@energyattorney.com	DANIEL W.	DOUGLASS	DOUGLASS & LIDDELL
pk@utilitycostmanagement.com	PAUL	KERKORIAN	UTILITY COST MANAGEMENT LLC
marcel@turn.org	MARCEL	HAWIGER	THE UTILITY REFORM NETWORK
CPUCASES@pge.com	JENNIFER S.	NEWMAN	LAW DEPT CPUC CASES PACIFIC GAS AND ELECTRIC COMPANY
KEL3@pge.com	KAREN	LANG	
filings@a-klaw.com	KAREN	TERRANOVA	ALCANTAR & KAHL PACIFIC GAS AND ELECTRIC COMPANY
lhj2@pge.com	LISE H.	JORDAN	
ray.welch@navigantconsulting.com	RAY	WELCH	NAVIGANT CONSULTING, INC.
sls@a-klaw.com	SEEMA	SRINIVASAN	ALCANTAR & KAHL PACIFIC GAS AND ELECTRIC COMPANY
WMLb@pge.com	WENDY	LEI	
cassandra.sweet@dowjones.com	CASSANDRA	SWEET	DOW JONES NEWSWIRES
cem@newsdata.com	HILARY	CORRIGAN	CALIFORNIA ENERGY MARKETS PACIFIC GAS AND ELECTRIC COMPANY
RegRelCPUCases@pge.com	FILE	ROOM	
karla.dailey@cityofpaloalto.org	KARLA	DAILEY	CITY OF PALO ALTO
stoflet@comcast.com	THOMAS	STOFLET	THOMAS & ASSOCIATES

mrw@mrwassoc.com			MRW & ASSOCIATES, LLC
tomb@crossborderenergy.com	R. THOMAS	BEACH	CROSSBORDER ENERGY
bill@jbsenergy.com	WILLIAM B.	MARCUS	JBS ENERGY, INC.
			ASPEN GROUP FOR WESTERN
rmccann@umich.edu	RICHARD	MCCANN	MANUFACTURED
sas@a-klaw.com	ANNIE	STANGE	ALCANTAR & KAHL LLP
wmc@a-klaw.com	MIKE	CADE	ALCANTAR & KAHL, LLP
			CALIF PUBLIC UTILITIES
cpe@cpuc.ca.gov	Eugene	Cadenasso	COMMISSION
			CALIF PUBLIC UTILITIES
jnm@cpuc.ca.gov	Jacqueline	Greig	COMMISSION
			CALIF PUBLIC UTILITIES
jsw@cpuc.ca.gov	John S.	Wong	COMMISSION
			CALIF PUBLIC UTILITIES
psp@cpuc.ca.gov	Paul S.	Phillips	COMMISSION
			CALIF PUBLIC UTILITIES
pzs@cpuc.ca.gov	Pearlie	Sabino	COMMISSION
			CALIF PUBLIC UTILITIES
ram@cpuc.ca.gov	Richard A.	Myers	COMMISSION
tas@cpuc.ca.gov	Timothy Alan	Simon	CALIF PUBLIC UTILITIES
			COMMISSION