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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
To Revise Its Electric Marginal Costs, Revenue
Allocation, and Rate Design. (U39M)

Application 06-03-005
(Filed March 2, 2006, Petition
for Modification filed
December 17, 2009)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING
MARIN ENERGY AUTHORITY MOTIONS FOR PARTY STATUS AND
PROPOSED DECISION COMMENT PERIOD**

On December 17, 2009, a Petition for Modification of Decision 07-09-004 (Petition) was filed by Pacific Gas and Electric Company (PG&E), Division of Ratepayer Advocates, The Utility Reform Network, and the Western Manufactured Housing Communities Association (collectively Petitioners). Petitioners requested that the method used to establish rate differentials among electric rate tiers be revised. While the distribution rate component would continue to change from tier to tier, the generation rate component would be recalculated and flattened across all tiers. Additionally, a new non-generation rate component would be added and calculated to offset the generation rate changes by tier so that total bundled rates by tier do not change. There were no responses to the Petition. After my review, a proposed decision (PD) granting Petitioners' request was drafted. Pursuant to Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure (Rule), public review of the PD was waived, and the PD was included on the agenda for the April 8, 2010 Commission meeting.

On April 1, 2010, Marin Energy Authority (MEA) filed a motion for party status pursuant to Rule 1.4(a)(4). At the same time, pursuant Rule 11.1, MEA

filed a motion requesting that an opening and reply comment period on the PD be provided.

MEA was not a party to this proceeding and thus did not receive a copy of the Petition. MEA states that, at the time the Petition was filed, it was still awaiting Commission certification that its Community Choice Aggregation Implementation Plan and Statement of Intent filed with the Commission on December 4, 2009, complied with all of the requirements of Pub. Util. Code § 366.2(c)(4). It therefore was in a state of uncertainty and had neither the budget nor the manpower to monitor every pleading that might be filed by PG&E, particularly those that were unrelated to the existing community choice aggregation (CCA) docket, Rulemaking 03-10-003.

MEA further states that had it been aware of the Petition, it would have filed a protest that would have demonstrated the negative effects that approval of the PD would have, with regard to the development of CCA in PG&E's service territory.

On April 5, 2010, PG&E filed a response to MEA's motions and went to some length in explaining why both should be denied. However, MEA's concern that it will be adversely impacted by the PD may be legitimate, and it should be granted party status so that it can protect its interests by explaining that concern. The appropriate way to do this is through comments and reply comments on the PD, since this now has become a contested matter. The PD has been withdrawn from the April 8, 2010 agenda and will be filed and served for comment.¹

¹ An incorrect version of the PD was inadvertently included on the April 8, 2010 agenda. The correct version will be filed and served.

IT IS RULED that:

1. The Marin Energy Authority Motion for Party Status that was filed on April 1, 2010 is granted.
2. The Marin Energy Authority Motion for Comment Period on Proposed Decision that was filed on April 1, 2010 is granted.

Dated April 8, 2010, at San Francisco, California.

/s/ DAVID FUKUTOME

David Fukutome
Administrative Law Judge

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