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08-17-10
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U39E), Modesto Irrigation District, and Merced Irrigation District For Approval Of Nonbypassable Charge Agreement.

Application 09-06-023
(Filed June 24, 2009)

**ADMINISTRATIVE LAW JUDGE'S RULING
IDENTIFYING AND MARKING DOCUMENTS**

The February 26, 2010, Administrative Law Judge (ALJ) ruling (February 26, 2010 Ruling) directed the Modesto Irrigation District, the Merced Irrigation District, and Pacific Gas and Electric Company (collectively, Applicants) to file and serve comments on issues raised by Application (A.) 09-06-023 (Application), and invited parties to A.09-06-023, Rulemaking (R.) 02-01-011 and R.06-07-010 to submit comments on the same.

On March 15, 2010, Mr. Kurt Danzinger, on behalf of the Publicly Owned Utility Customer Association, submitted a letter in response to the February 26, 2010 Ruling via electronic mail to the ALJ, (Danzinger Letter). On March 18, 2010, the Department of Water Resources (DWR) served a memorandum response (DWR Memorandum Response). On March 18, 2010, the Applicants filed and served comments in response to the February 26, 2010 Ruling, and on March 26, 2010, Applicants filed and served reply comments. On March 29, 2010, Southern California Edison Company filed and served reply comments.

Exhibit 2		
CPUC Proceeding A.09-06-023		
Sponsor/Witness: Danzinger		
Date Ident.	8/17/10	Recd.
Richard Smith Administrative Law Judge		

From: kurt danziger [mailto:kdanzi22@sbcglobal.net]
Sent: Monday, March 15, 2010 5:10 PM
To: Smith, Richard; Public.advisor; docket.office@cpuc.ca.gov
Cc: ahk4@pge.com; atrowbridge@daycartermurphy.com; DER1@pge.com; CJGf@PGE.com; kdanzi22@sbcglobal.net; tomk@mid.org; blaising@braunlegal.com; Martin, Laura A.
Subject: A09-06-023

RS1/lil 2/26/2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Honorable Judge Smith,

My name is Kurt Danziger and I live in Escalon , California . I represent the Publically Owned Utility Customer Association (POUCA), and we are fully recommending the passage of Application 09-06-023 by the California Public Utilities Commission as it stands.

I have been a party responsible for channeling the affected public outrage and opposition to the NMDL NBC billing of approximately 8,500 Modesto and Merced Irrigation District homeowners and business ratepayers. We are the unrepresented, unseen consequences of PUC 369 and decisions/Resolutions such as E-4064.

The reaction of the POU customers to the CPUC rulings that allows PG&E to exact monies from us for nothing in return was one of confusion and disbelief. When the billing began the confusion and disbelief morphed into outrage. From the time we first became aware and notified of it in mid April 2008 until the billing began in mid June 2008, we joined together to gather petitions opposing the action. We sent those petitions to the CPUC, PG&E and our elected officials. We held town hall meetings in

Merced and Oakdale that were attended by the CPUC (Merced only as the CPUC declined to participate in the Oakdale meeting), PG&E, Modesto and Merced Irrigation Districts and our elected officials or their representatives. Through those efforts our elected officials called us in September 2008 to meet in Sacramento with the representatives of PG&E, Modesto and Merced Irrigation District and other POU's. After hearing our steadfast opposition position they directed PG&E, Modesto and Merced Irrigation District and POUCA to commit to meetings with the goal of forging together a resolution to this NMDL issue and to report the progress of those meetings to them. The meetings took place in San Francisco, Sacramento and Modesto over many months.

This process of just getting these utilities to meet, start a discourse and ultimately put forth this application was not an easy proposition. From POUCA's point of view we believe that all sides presented their cases professionally and earnestly. This application is fair. It does not cost shift to PG&E's ratepayers as PG&E will receive more total compensation from Modesto and Merced Irrigation Districts than PG&E would get by continuing to bill NMDL customers and trying to pursue those customers who refuse to pay. It will not harm DWR, which was given a draft of the agreement before it was finalized and agreed that the calculations were reasonable and acceptable. It makes it crystal clear that the Modesto and Merced Irrigation District NMDL and New NMDL customers will not be billed by PG&E now or in the future for NBCs etc. It returns the payments made by those NMDL customers that paid PG&E for NBCs etc. It does not limit any litigation or rights of IOU's to collect NBC's, CRSs, CTCs, DWR bond charges, NDs from other POU customers not part of this application. It does allow the intent of E-4064 for "Schedule E-NMDL to permit bilateral agreements between PG&E and publicly-owned utilities (POUs) or POU customers as an alternative to PG&E Schedule E-NMDL". And lastly, I hope that the approval of this application can serve as a template for future territorial agreements so as to avoid the inherent unfairness of an IOU collecting any NBCs from a POU's NMDL and New NMDL customers. The CPUC Commissioners and their staffs should always remember that POU NMDL customers never get a choice as to their utility provider and have no idea what is coming. These matters are best resolved by IOUs and POU's prior to traveling down this road we are on.

Thank you for your consideration,

Kurt Danziger
POUCA

(END OF EXHIBIT 2)

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 Notice of Availability 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 Notice of Availability of the filed document is current as of today's date.

Dated August 17, 2010, at San Francisco, California.

/s/ SANDRA M. JACKSON

Sandra M. Jackson

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.