

BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF CALIFORNIA



FILED
06-21-10
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Application of Pacific Gas and Electric
Company (U 39-E) for Approval of its 2010
Rate Design Window Proposal for 2-Part Time
Rebate and Recovery of Incremental
Expenditures Required for Implementation.

Application No. 10-02-028
(Filed February 26, 2010)

**WITHDRAWAL OF THE DIVISION OF RATEPAYER ADVOCATES'
MOTION TO STRIKE PORTIONS OF
PACIFIC GAS AND ELECTRIC COMPANY'S TESTIMONY**

Pursuant to permission obtained on June 18, 2010 from Administrative Law Judge (ALJ) MacDonald the Division of Ratepayer Advocates (DRA) submits this withdrawal of its "Motion to strike portions Pacific Gas and Electric Company's (PG&E) Testimony" (Motion) filed on April 26, 2010. PG&E filed a response in opposition to the Motion on May 11, 2010. Parties have now reached an agreement (Attachment A) that has mostly resolved the issues contained within DRA's Motion. Therefore, DRA withdraws the original Motion based on the reasons stated herein.

In its Motion filed on April 26, 2010, DRA moved to strike the revenue requirement in the instant proceeding. DRA withdraws its Motion to Strike due to an agreement executed with PG&E (Attached) that contains, but is not limited to, the following terms:

1. PG&E shall file supplemental testimony in the instant proceeding as well as its Application (A.)10-03-014 to remove the information technology (IT) Revenue Requirement from the instant proceeding, A.10-02-028 to Phase 3 of A.10-03-014;
2. PG&E shall accept the Commission's creation of the Phase III for A.10-03-014, where parties will litigate the issues pertaining to the Dynamic Pricing

- Rates, including the Revised Customer Energy Statement (RCES), and all incremental costs associated with the Real Time Pricing (RTP) and RCES;
3. PG&E shall voluntarily pay the costs of DRA's retention of a consultant to review PG&E's Phase 3 costs for IT costs for RTP, RCES, and PTR, subject to a cap of \$240,000.; and
 4. PG&E shall agree that the Commission's adoption of the Joint DRA and The Utility Reform Network's (TURN) Petitions for Modifications (PFM) will not result in PG&E's failure to perform any of the above actions or the agreement, marked as Attachment A.

DRA's withdrawal of its Motion is contingent on PG&E's performance of the agreement (Attachment A), which includes the terms listed above. DRA reserves the right to reinstate the Motion if PG&E violates any terms of the agreement or in the event the Commission, Assigned Commissioner, or Administrative Law Judge in A.10-03-014 or A.10-02-028 rejects or does not implement any one or more of the terms or provisions of the agreement.

Respectfully submitted,

/s/ RASHID A. RASHID

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June 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day *served* a copy of “**WITHDRAWAL OF THE DIVISION OF RATEPAYER ADVOCATES’ MOTION TO STRIKE PORTIONS OF PACIFIC GAS AND ELECTRIC COMPANY’S TESTIMONY**” to the official service list in **A. 10-02-028** by using the following service:

E-Mail Service: sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

U.S. Mail Service: mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on **June 21, 2010** at San Francisco, California.

/s/ HALINA MARCINKOWSKI

Halina Marcinkowski

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