



**FILED**

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

Order Instituting Rulemaking to Address  
Utility Cost and Revenue Issues Associated  
with Greenhouse Gas Emissions.

Rulemaking 11-03-012  
(Filed March 24, 2011)

**ADMINISTRATIVE LAW JUDGE'S RULING CONFIRMING PARTY STATUS**

This ruling confirms that the July 3, 2012 motion for party status filed by Panoche Energy Center, LLC (Panoche) was granted in this proceeding, Rulemaking (R.) 11-03-012, via electronic mail on July 5, 2012.

Panoche seeks party status in this proceeding in order to address concerns regarding responsibility for greenhouse gas costs in existing contracts that were executed prior to the passage of Assembly Bill (AB) 32<sup>1</sup> and lack specific terms and conditions to address such costs. Simultaneously with its motion for party status, Panoche filed a motion to amend the scoping ruling for expedited consideration of greenhouse gas compliance cost responsibility for contracts executed prior to AB 32, which will be addressed at a later date.

On August 4, 2011 the Administrative Law Judges in R.10-05-006 and R.11-03-012 issued a joint ruling clarifying that issues related to greenhouse gas procurement and compliance costs would remain within the scope of R.10-05-006. On April 24, 2012, the Commission issued D.12-04-046 in

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<sup>1</sup> Statutes of 2006, Chapter 488.

R.10-05-006, which directed the utilities to renegotiate the type of contracts at issue so that they reasonably address allocation of AB 32 compliance costs. Absent renegotiation and submission of such contracts to the Commission for approval 60 days from the effective date of D.12-04-046, the Commission committed to resolve the issue in one of several rulemakings, inclusive of R.11-03-012. On June 20, 2012, in response to a request for extension by Pacific Gas and Electric Company, the Commission's Executive Director clarified that greenhouse gas costs responsibility issues from existing contracts would be addressed within R.11-03-012, but parties were encouraged to continue engaging in contract negotiations.

**IT IS RULED that:**

1. The party status of Panoche Energy Center, LLC, granted via electronic mail on July 5, 2012, is confirmed.
2. Panoche Energy Center, LLC's July 3, 2012 motion to amend the scoping ruling for expedited consideration of greenhouse gas compliance cost responsibility for contracts executed prior to Assembly Bill 32 will be addressed at a later date.

Dated July 9, 2012, at San Francisco, California.

MELISSA K. SEMCER  

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Melissa K. Semcer  
Administrative Law Judge