

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into
Implementation of Pub. Util. Code § 390.

Rulemaking 99-11-022
(Filed November 18, 1999)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING EXTENSION OF TIME TO FILE BRIEFS
ON QF SWITCHER ISSUES**

Background

By telephonic conference on April 24, 2006, and as noted in an e-mail communication to all parties by counsel for Calpine Corporation (Calpine) on April 24, 2006, I granted an extension of the due dates for opening and reply briefs on Qualifying Facilities (QF) switcher issues. These revised due dates are May 11 and May 26, 2006, respectively.

On April 18, 2006, Pacific Gas and Electric Company (PG&E) and the Independent Energy Producers Association (IEP) filed a joint motion for adoption of a settlement agreement (Settlement Agreement) and associated contract amendments (Amendments) executed by certain QF that have power purchase agreements with PG&E. The Settlement Agreement and Amendments will resolve PG&E's claims for a retroactive adjustment of energy payments made to QF switchers.

On May 5, 2006, Calpine and PG&E (Moving Parties) filed a joint motion for an additional extension of time to file briefs on the QF switcher issues (Joint Motion). The Joint Motion requests an additional extension of time such that opening briefs are due 15 calendar days after the Commission approves or denies

approval of the Settlement Agreement and Amendments, and reply briefs are due 10 days after opening briefs. The Joint Motion also states that Moving Parties, absent their mutual agreement to the contrary, would not seek further extensions of the due dates for these briefs. Moving Parties state that they have contacted the Division of Ratepayer Advocates (DRA), The Utility Reform Network (TURN), IEP, the California Cogeneration Council, Southern California Edison Company, and San Diego Gas & Electric Company, and are authorized to state that these parties do not oppose this motion.

Discussion

As noted in the Joint Motion, PG&E, DRA and TURN are the only parties requesting a true-up of QF payments with regard to the QF switcher issues. Furthermore the active parties in this phase of the proceeding do not oppose this extension. Therefore, the extension should be granted.

Also, as the date for the filing of opening briefs is imminent (May 11, 2006), this ruling is necessary prior to the 15-day period (May 20, 2006) otherwise provided under Rule 45 of the Commission's Rules of Practice and Procedure.

Therefore, **IT IS RULED** that:

1. A ruling granting an extension of time is necessary prior to May 20, 2006, the date when responses to the Joint Motion would otherwise be filed.

2. Opening briefs on the matter of Qualifying Facilities switcher issues shall be filed no later than 15 calendar days after the Commission approves or denies approval of the Settlement Agreement and Amendments requested by Pacific Gas and Electric Company and the Independent Energy Producers Association in their joint filing on April 18, 2006.

Dated May 9, 2006, at San Francisco, California.

/s/ BRUCE DEBERRY
Bruce DeBerry
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Extension of Time to File Briefs on QF Switcher Issues on all parties of record in this proceeding or their attorneys of record.

Dated May 9, 2006, at San Francisco, California.

 /s/ FANNIE SID

Fannie Sid

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 insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.