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9-15-14
01:21 PM

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

Application of Pacific Gas and Electric
Company Proposing Cost of Service and Rates
for Gas Transmission and Storage Services for
the Period 2015-2017

(U 39 G)

Application 13-12-012
(Filed December 19, 2013)

And Related Matter.

Investigation 14-06-016

**PACIFIC GAS AND ELECTRIC COMPANY'S NOTICE OF
IMPROPER EX PARTE COMMUNICATIONS**

MARTIN S. SCHENKER
COOLEY LLP
101 California Street
5th Floor
San Francisco, CA 94111-5800
Phone: (415) 693-2154
Fax: (415) 693-2222
E-Mail: mschenker@cooley.com

Dated: September 15, 2014

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

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

Application of Pacific Gas and Electric
Company Proposing Cost of Service and Rates
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**PACIFIC GAS AND ELECTRIC COMPANY'S NOTICE
OF IMPROPER EX PARTE COMMUNICATIONS**

Pacific Gas and Electric Company ("PG&E") hereby provides notification that PG&E has become aware of ex parte communications between PG&E and Commission personnel concerning this proceeding. PG&E believes that these communications violated the Commission's Rules of Practice and Procedure governing ex parte communications.

The written communications at issue are dated from January 9, 2014 to January 29, 2014. The subject matter of the communications is the assignment of this proceeding to particular Administrative Law Judges and Commissioners. Written ex parte communications on this subject matter of which PG&E is currently aware are included in Attachment A of this notice. PG&E believes that oral ex parte communications concerning the same topic occurred during this same time period.

PG&E cautions that its evaluation of the facts and circumstances surrounding these communications is ongoing. PG&E will provide notice in the event additional ex parte communications are identified.

The undersigned is counsel in this proceeding only for purposes of representing PG&E on issues related to these ex parte communications.

Respectfully Submitted,

MARTIN S. SCHENKER

By: /s/ Martin S. Schenker
MARTIN S. SCHENKER

Cooley LLP
101 California Street
5th Floor
San Francisco, CA 94111-5800
Phone: (415) 693-2154
Fax: (415) 693-2222
E-Mail: mschenker@cooley.com

Dated: September 15, 2014

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

ATTACHMENT A

From: Cherry, Brian K
Sent: 1/9/2014 10:25:43 AM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov) (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: FW: GT&S Rate Case

[Just wondering....](#)

From: Horner, Trina
Sent: Thursday, January 09, 2014 10:25 AM
To: Cherry, Brian K
Subject: RE: GT&S Rate Case

[No. have you heard anything?](#)

From: Cherry, Brian K
Sent: Thursday, January 09, 2014 9:42 AM
To: Horner, Trina
Subject: GT&S Rate Case

No GT&S Assigned Commissioner and ALJ yet ?

From: Cherry, Brian K
Sent: 1/13/2014 2:48:56 PM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: GTS

That will be a problem.

Sent from my iPad

On Jan 13, 2014, at 2:35 PM, "Brown, Carol A." <carol.brown@cpuc.ca.gov> wrote:

Hello: it looks like it will be assigned to Peterman – Florio is way too busy and wants to mentor Peterman through the process. Peevey is OK with it – but wanted you to know the assignment is based on Florio's request (he does have SB and SONGS)

From: Brown, Carol A.
Sent: 1/13/2014 3:06:18 PM
To: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7)
Cc:
Bcc:
Subject: RE: GTS

He told me if Wong was the judge it would not matter who the assigned commissioner was - he is just overwhelmed with big cases and does not want this one

-----Original Message-----

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Monday, January 13, 2014 2:49 PM
To: Brown, Carol A.
Subject: Re: GTS

Can you wait ? Florio said he would take it if Wong was ALJ.

Sent from my iPad

On Jan 13, 2014, at 2:35 PM, "Brown, Carol A." <carol.brown@cpuc.ca.gov<<mailto:carol.brown@cpuc.ca.gov>>> wrote:

Hello: it looks like it will be assigned to Peterman - Florio is way too busy and wants to mentor Peterman through the process. Peevey is OK with it - but wanted you to know the assignment is based on Florio's request (he does have SB and SONGS)

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To learn more, please visit <http://www.pge.com/about/company/privacy/customer/>

From: Brown, Carol A.
Sent: 1/15/2014 8:18:12 AM
To: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7)
Cc:
Bcc:
Subject: RE:

It's in the works

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cherry, Brian K"
Date: 01/14/2014 5:26 PM (GMT-08:00)
To: "Brown, Carol A."
Subject:

As long as ALJ Wong has the case (which Florio confirms), we are ok with what Mike wants to do on the assignment. Can you get it done ASAP please ?.

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From: Cherry, Brian K
Sent: 1/17/2014 3:52:07 PM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: GT& S Case Assigned

Thanks.....

From: Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]
Sent: Friday, January 17, 2014 3:52 PM
To: Cherry, Brian K
Subject: RE: GT& S Case Assigned

Take a deep breath - I am working on it

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cherry, Brian K"
Date:01/17/2014 11:49 AM (GMT-06:00)
To: "Brown, Carol A."
Subject: RE: GT& S Case Assigned

Please, please check. This is a major problem for us. Florio said he would agree to help Peterman if Wong got it.

From: Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]
Sent: Friday, January 17, 2014 9:48 AM
To: Cherry, Brian K
Subject: RE: GT& S Case Assigned

I can see if anything can be done

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cherry, Brian K"
Date:01/17/2014 11:38 AM (GMT-06:00)
To: "Brown, Carol A."
Subject: RE: GT& S Case Assigned

There is a huge world of difference between Long and Wong. I'm not sure we could get someone worse. This is a very important case that is now in jeopardy.

From: Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]
Sent: Friday, January 17, 2014 9:33 AM
To: Cherry, Brian K
Subject: RE: GT& S Case Assigned

I was told it would be Wong
We don't control judge assignments.
Think carefully before you bounce him -you could get some one worse.

----- Original message -----

From: "Cherry, Brian K"
Date: 01/17/2014 11:19 AM (GMT-06:00)
To: "Brown, Carol A."
Subject: RE: GT& S Case Assigned

We will bounce him and I don't want to do that.

-----Original Message-----

From: Cherry, Brian K
Sent: Friday, January 17, 2014 9:17 AM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Subject: FW: GT& S Case Assigned

Is this right ? Judge Long ? What happened to Wong ?

> On Jan 17, 2014, at 8:42 AM, "Cotroneo, Eileen" <EFM2@pge.com> wrote:

>
> The GTS case assignment appeared on the daily calendar - assigned to ALJ Long and Commissioner Peterman. I will issue a note to our team.
>
> Eileen
>
> Eileen Cotroneo
> (415)973-2751 Office
> (415)260-0555 Mobile

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From: Cherry, Brian K
Sent: 1/17/2014 9:55:00 AM
To: Michael R. Peevey (michael.peevey@cpuc.ca.gov) (michael.peevey@cpuc.ca.gov)
Cc:
Bcc:
Subject: FW: GT& S Case Assigned

This is a problem. Hope Carol can fix it.

From: Cherry, Brian K
Sent: Friday, January 17, 2014 9:49 AM
To: 'Brown, Carol A.'
Subject: RE: GT& S Case Assigned

Please, please check. This is a major problem for us. Florio said he would agree to help Peterman if Wong got it.

From: Brown, Carol A. [<mailto:carol.brown@cpuc.ca.gov>]
Sent: Friday, January 17, 2014 9:48 AM
To: Cherry, Brian K
Subject: RE: GT& S Case Assigned

I can see if anything can be done

Sent from my Verizon Wireless 4G LTE smartphone

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Sent: Friday, January 17, 2014 9:17 AM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Subject: FW: GT& S Case Assigned

Is this right ? Judge Long ? What happened to Wong ?

> On Jan 17, 2014, at 8:42 AM, "Cotroneo, Eileen" <EFM2@pge.com> wrote:
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> Eileen
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> (415)973-2751 Office
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From: Cherry, Brian K
Sent: 1/17/2014 1:35:31 PM
To: Florio, Michel Peter (MichelPeter.Florio@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: GT& S Case Assigned

[We could get Bushey...](#)

From: Florio, Michel Peter [mailto:MichelPeter.Florio@cpuc.ca.gov]
Sent: Friday, January 17, 2014 1:18 PM
To: Cherry, Brian K
Subject: RE: GT& S Case Assigned

I'm horrified! He still has not produced a PD for Sempra's PSEP/TCAP after much prodding and cajoling-- we are considering asking that another ALJ be assigned to finish for him. Plus he may retire any day, and uses that as a threat to deflect any direction. Sepideh spoke to John Wong and he said he's just too overloaded, which we didn't know. John is a true workhorse so it must be true. If I were you I would bump him-- you really can't do any worse! Even a brand new ALJ would at least work hard and try -- you'll get neither from him... Keep me posted and I'll do what I can on this end.....

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: "Cherry, Brian K"
Date: 01/17/2014 9:26 AM (GMT-08:00)
To: "Florio, Michel Peter"
Subject: FW: GT& S Case Assigned

If I don't bounce him, I will need an alternate.

> On Jan 17, 2014, at 8:42 AM, "Cotroneo, Eileen" <EFM2@pge.com> wrote:

>
> The GTS case assignment appeared on the daily calendar - assigned to ALJ Long and Commissioner Peterman. I will issue a note to our team.
>
> Eileen
>
> Eileen Cotroneo
> (415)973-2751 Office
> (415)260-0555 Mobile

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From: Brown, Carol A.
Sent: 1/22/2014 2:18:06 PM
To: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7)
Cc:
Bcc:
Subject: RE: RE:

Wong was never promised by Judge Clopton – and she is in charge of the judges!

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Wednesday, January 22, 2014 2:17 PM
To: Brown, Carol A.
Subject: RE: RE:

No. It just isn't what was understood.

From: Brown, Carol A. [<mailto:carol.brown@cpuc.ca.gov>]
Sent: Wednesday, January 22, 2014 1:53 PM
To: Cherry, Brian K
Subject: RE: RE:

What can I say? Would you rather have Long?

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Wednesday, January 22, 2014 1:47 PM
To: Brown, Carol A.
Subject: RE: RE:

Let's just say she has a history of being very hard on us. You may recall the Billing Oll where we got screwed royally...

From: Brown, Carol A. [<mailto:carol.brown@cpuc.ca.gov>]
Sent: Wednesday, January 22, 2014 1:40 PM
To: Cherry, Brian K
Subject: RE: RE:

I can't control everything! Wong is overbooked and Julie knows what she is doing and is not too busy – she just finished burning up vacation -

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Wednesday, January 22, 2014 1:38 PM
To: Brown, Carol A.
Subject: RE: RE:

Julie Halligan ?

Thanks for helping Carol, but I think Tom is going to have a harder time on HECA internally as a result of not getting Wong.

From: Brown, Carol A. [<mailto:carol.brown@cpuc.ca.gov>]
Sent: Wednesday, January 22, 2014 1:35 PM
To: Cherry, Brian K
Cc: Florio, Michel Peter; Khosrowjah, Sepideh
Subject: RE: RE:

The judge division kindly re-visited its assignment and the matter will now be under the guidance of Judge Julie Halligan who is excited about the assignment and it will allow her to use her vast gas pipeline experience! This notice has not been issued – so do not

broadcast too broadly!

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Wednesday, January 22, 2014 9:29 AM
To: Brown, Carol A.
Subject: RE: RE:

Please. Thanks. We are nearing the 10 day pre-emptory limit.

From: Brown, Carol A. [<mailto:carol.brown@cpuc.ca.gov>]
Sent: Wednesday, January 22, 2014 5:43 AM
To: Cherry, Brian K
Subject: RE:

I will check

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cherry, Brian K"
Date: 01/21/2014 4:58 PM (GMT-08:00)
To: "Brown, Carol A."
Subject:

Any progress ?

Brian K. Cherry
PG&E Company
VP, Regulatory Relations
77 Beale Street
San Francisco, CA. 94105
(415) 973-4977

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From: Florio, Michel Peter
Sent: 1/22/2014 5:44:18 PM
To: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7)
Cc:
Bcc:
Subject: RE: Letter from House Energy & Commerce Democratic Women to NARUC

The only one that I know for sure is Core Aggregation Pipeline capacity, which is my case. But there must be others. John is a workhorse and would never shirk an interesting assignment.

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Wednesday, January 22, 2014 5:24 PM
To: Florio, Michel Peter
Subject: RE: Letter from House Energy & Commerce Democratic Women to NARUC

Yes indeed. Do you know what cases Wong is working on that is keeping him so busy ?

From: Florio, Michel Peter [<mailto:MichelPeter.Florio@cpuc.ca.gov>]
Sent: Wednesday, January 22, 2014 5:23 PM
To: Cherry, Brian K
Subject: RE: Letter from House Energy & Commerce Democratic Women to NARUC

Really helps to have female officers, eh? My how the world has changed

From: Cherry, Brian K [<mailto:BKC7@pge.com>]
Sent: Wednesday, January 22, 2014 9:41 AM
To: Florio, Michel Peter
Subject: FW: Letter from House Energy & Commerce Democratic Women to NARUC

Thought you might enjoy this.

From: Lavinson, Melissa A
Sent: Saturday, January 18, 2014 6:06 AM
To: Williams, Geisha; Burt, Helen; Austin, Karen
Cc: Pruett, Greg S; Bottorff, Thomas E; Cherry, Brian K; Malnight, Steven; Foster, Christopher
Subject: Letter from House Energy & Commerce Democratic Women to NARUC

Geisha, Helen and Karen,

Discussion of letter from Members of Congress to NARUC dated January 17, 2014 redacted,
unrelated to ex parte issue.
Referenced attachment provided.

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Congress of the United States
Washington, DC 20515

January 17, 2014

Ms. Colette D. Honorable
Chairman of the Board and President
National Association of Regulatory Utility Commissioners
1101 Vermont Avenue, NW
Suite 200
Washington, DC 20005

Dear Ms. Honorable:

Recently we had the opportunity to hear from one of the nation's largest electric utilities about the profound changes occurring in the industry, including opportunities for improved reliability, increased affordability, and environmental benefits. We see the potential for technology-based solutions that will significantly benefit the economy and improve the delivery of energy for customers across the country. Success, however, depends on forward-thinking policies that ensure utilities are incented to make the right choices today, so that our nation is positioned competitively in the future. We believe it is imperative that this conversation be moved forward at both the federal and state levels, and are prepared to actively engage.

The electric industry is poised to invest two trillion dollars over the next decade to move our economy and energy infrastructure forward. Due to the capital-intensive nature of these investments, it is incumbent upon legislators, like us, and regulators, like those the National Association of Regulatory Utility Commissioners represents, to review the policies we have in place and make sure they are consistent with our long term goals.

We recognized this need several years ago when we supported many provisions in the American Reinvestment and Recovery Act (ARRA) that focused on supporting the advancement of next generation technologies and helping states and utilities to fund this transition. From supporting the deployment of smart meters, to training home weatherization professionals, to funding research in energy storage, energy management, and battery technologies, ARRA provided opportunities for utilities and state regulators to capitalize on new technologies and facilitate the transformation of our nation's energy infrastructure. While we have taken a number of steps over the past four years through ARRA and other important efforts, we recognize there is more we can do at the federal level to capitalize on these exciting opportunities.

At the same time, some of the very complex and more immediate policies impacting utility investment decisions must be addressed at the state level. In many states, barriers exist to fully realizing the potential of energy efficiency due to the current regulatory model in place. Additionally, distributed generation is an exciting technology that provides many benefits, ranging from helping to combat climate change to providing customers with more autonomy over their energy choices. However, this technology requires that important investments be made

to optimize distributed resources, while also ensuring the reliability and resiliency of the grid for everyone.

Finally, we also recognize that we must begin to consider new uses for electricity and the implications of such uses. The opportunities for electrification are significant – and will provide real environmental, fiscal, and national security benefits. At the same time, we recognize that the more demand that is put on the electric grid, the greater the need to ensure that our infrastructure is robust enough to handle the increased and sometimes unpredictable energy use.

These are truly exciting times for the electric industry and our nation. We look forward to hearing how NARUC and its membership are viewing these issues, and the policies being considered to ensure that we are positioned to capitalize and facilitate these opportunities in a way that also ensures the safety, reliability and affordability of the system for everyone. To that end, we would appreciate receiving from you a list of policies that state regulators are pursuing along with recommendations as to what Congress and the federal government can do to compliment these state efforts and update our energy policies for the 21st century.

Sincerely,



DORIS O. MATSUI
Member of Congress



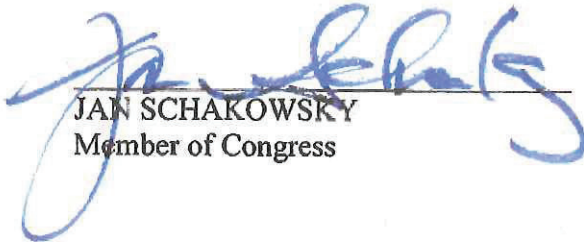
ANNA G. ESHOO
Member of Congress



DIANA DEGETTE
Member of Congress



LOIS CAPPS
Member of Congress



JAN SCHAKOWSKY
Member of Congress



DONNA M. CHRISTENSEN
Member of Congress



KATHY CASTOR
Member of Congress

From: Cherry, Brian K
Sent: 1/22/2014 5:28:35 PM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: Re:

No. Hobson's choice.

From: Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]
Sent: Wednesday, January 22, 2014 1:53 PM
To: Cherry, Brian K
Subject: RE: RE:

What can I say? Would you rather have Long?

From: Cherry, Brian K [mailto:BKC7@pge.com]
Sent: Wednesday, January 22, 2014 1:47 PM
To: Brown, Carol A.
Subject: RE: RE:

Let's just say she has a history of being very hard on us. You may recall the Billing OII where we got screwed royally...

From: Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]
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To: Cherry, Brian K
Subject: RE: RE:

I can't control everything! Wong is overbooked and Julie knows what she is doing and is not too busy – she just finished burning up vacation -

From: Cherry, Brian K [mailto:BKC7@pge.com]
Sent: Wednesday, January 22, 2014 1:38 PM
To: Brown, Carol A.
Subject: RE: RE:

Julie Halligan ?

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To: Cherry, Brian K
Cc: Florio, Michel Peter; Khosrowjah, Sepideh
Subject: RE: RE:

The judge division kindly re-visited its assignment and the matter will now be under the guidance of Judge Julie Halligan who is excited about the assignment and it will allow her to use her vast gas pipeline experience! This notice has not been issued – so do not broadcast too broadly!

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To: Brown, Carol A.
Subject: RE: RE:

Please. Thanks. We are nearing the 10 day pre-emptory limit.

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To: Cherry, Brian K
Subject: RE:

I will check

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cherry, Brian K"
Date: 01/21/2014 4:58 PM (GMT-08:00)
To: "Brown, Carol A."
Subject:

Any progress ?

Brian K. Cherry
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VP, Regulatory Relations
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From: Cherry, Brian K
Sent: 1/24/2014 2:54:13 PM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE:

You will own me if you do. ;-)

From: Brown, Carol A. [mailto:carol.brown@cpuc.ca.gov]
Sent: Friday, January 24, 2014 2:53 PM
To: Cherry, Brian K
Subject: RE:

Working on it – I hope all the mess is worth it

From: Cherry, Brian K [mailto:BKC7@pge.com]
Sent: Friday, January 24, 2014 2:25 PM
To: Brown, Carol A.
Subject:

Any news on the reassignment ?

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From: Cherry, Brian K
Sent: 1/27/2014 3:38:14 PM
To: Brown, Carol A. (carol.brown@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: OK

Thank you. Thank you. Thank you.

Brian K. Cherry
PG&E Company
VP, Regulatory Relations
77 Beale Street
San Francisco, CA. 94105
(415) 973-4977

On Jan 27, 2014, at 3:36 PM, "Brown, Carol A." <carol.brown@cpuc.ca.gov> wrote:

Wong and peterman

From: Cherry, Brian K
Sent: 1/29/2014 6:59:35 PM
To: Florio, Michel Peter (MichelPeter.Florio@cpuc.ca.gov)
Cc:
Bcc:
Subject: RE: CPUC-FPSS Subscription: 'PG&E GT&S'

Yes. Now you can help Carla in a way that works with a seasoned ALJ.

Sent from my iPad

On Jan 29, 2014, at 6:52 PM, "Florio, Michel Peter" <MichelPeter.Florio@cpuc.ca.gov> wrote:

I trust you're happier now?? Not sure how this came about, but John is the best

From: fpss-no-reply@cpuc.ca.gov [<mailto:fpss-no-reply@cpuc.ca.gov>]
Sent: Wednesday, January 29, 2014 5:52 PM
To: Florio, Michel Peter
Subject: CPUC-FPSS Subscription: 'PG&E GT&S'

Below are the documents you have subscribed to using the California Public Utilities Commission Subscription Service. Details of this subscription are listed below the document links.

Proceeding #	Document Type	Title	Links	Publish Date/Tim
A1312012	Notice	Notice filed by CALJ/CLOPTON/CPUC on 01/29/2014 Conf# 71591 (Certificate Of Service)	PDF (229 KB)	1/29/2014 12:03:21 PM
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