



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

06-23-10
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Application of Pacific Gas and Electric Company (U 39 M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2011.

A.09-12-020
(Filed December 21, 2009)

MOTION OF AGLET CONSUMER ALLIANCE

TO STRIKE PORTION OF PG&E REBUTTAL TESTIMONY

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Aglet Consumer Alliance (Aglet) submits this motion to strike a portion of rebuttal testimony served by applicant Pacific Gas and Electric Company (PG&E) in its test year 2011 general rate case. Aglet requests a ruling by Administrative Law Judge (ALJ) David Fukutome that will strike three sentences of rebuttal testimony sponsored by PG&E witness Timothy Valhstrom concerning uncollectibles.

1. Disputed Testimony

In Exhibit PG&E-18, Volume 4, p. 40-13, in Q & A 21, beginning at line 31 and going over to line 2 on the next page, the witness states:

"As predicted, and as the economy continued to decline, shareholder losses in 2009 were even higher at over \$33.5 million (a number over eight times the prior 22-year average)."

Then on p. 40-14, in Q & A 22, beginning at line 8, the witness states:

"As stated earlier, PG&E's shareholder losses sustained in 2008 and 2009 were approximately \$50 million. This is not an amount PG&E considers insignificant."

2. Argument

Rebuttal is evidence that the testimony of another witness is not true. (Black's Law Dictionary.) The offending testimony is not properly rebuttal.

The Aglet testimony to which PG&E responds in the first passage above states that "there is no convincing basis for PG&E's pleas about shareholder losses." (Exhibit Aglet-4, p. 25, line 16.) In its direct testimony and workpapers, PG&E calculated the alleged shareholder losses through 2008. PG&E could not have made similar calculations for 2009 because PG&E served its direct testimony prior to the end of the year. Aglet's testimony responded to PG&E's direct testimony but said nothing about uncollectibles in 2009. Aglet has seen no data for 2009 uncollectibles. In its rebuttal testimony, PG&E does not show that Aglet's testimony is not true, but attempts to selectively update its direct testimony to include 2009 uncollectibles results.

The Aglet testimony to which PG&E responds in the second passage above states that "the proposed [uncollectibles] mechanism is too complicated for the money at stake." (Exhibit Aglet-3, p. 26, line 10.) The offending rebuttal passage says nothing about Aglet's testimony, but only restates the alleged impact of recorded 2009 uncollectibles.

PG&E's attempt to update its direct showing is also inappropriate in light of its repeated opposition to the introduction of 2009 data. Many times PG&E has objected to Aglet discovery requests for recorded information through the present. For example, in response to Aglet Q 3, PG&E stated:

"PG&E objects to this question on the grounds that it asks for 2009 data, which is not the basis of PG&E's 2011 GRC request."

See also PG&E response to Aglet Q 8, Exhibit Aglet-5, p. 31, and PG&E response to Aglet Q 188, Exhibit Aglet-5, p. 74. Aglet can produce many other examples if necessary.

Aglet and other customer interests do not have the resources to review 2009 updates covering all operational data that might be relevant to this proceeding. PG&E has found an example where it believes 2009 data show a shareholder loss. Commission staff and intervenors do not have a reasonable opportunity to search for examples where 2009 data might show offsetting shareholder gains. It would be unfair to allow PG&E to selectively update its showing.

3. Conclusion

Aglet respectfully requests that ALJ Fukutome strike the disputed rebuttal testimony cited in Section 1 above.

* * *

Dated June 23, 2010, at Sebastopol, California.

/s/

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CERTIFICATE OF SERVICE

I certify that I have this day by electronic mail served a true copy of the original attached "Motion of Aglet Consumer Alliance to Strike Portion of PG&E Rebuttal Testimony" on all parties of record in this proceeding or their attorneys of record. I will serve paper copies of the pleading on Commissioner Michael Peevey and Administrative Law Judge David Fukutome.

Dated June 23, 2010, at Sebastopol, California.

/s/

James Weil