BEFORE THE PUBLIC UTILITIES COMMISSION OF THE 
STATE OF CALIFORNIA


Application No. A.10-08-001 (Filed August 2, 2010)

SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E) OPPOSITION TO THE ALLIANCE FOR RETAIL ENERGY MARKETS’ MOTION FOR PARTY STATUS

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Dated: December 13, 2010
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA


SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E) OPPOSITION TO THE ALLIANCE FOR RETAIL ENERGY MARKETS’ MOTION FOR PARTY STATUS


I. INTRODUCTION

The Commission should summarily reject AReM’s belated attempt to become a party to this proceeding. AReM seeks to raise an entirely new issue that was not included in the Commission’s scoping memo, i.e., whether or not SCE’s Power Charge Indifference Adjustment (PCIA) and market price benchmark values should be kept at their current levels pending Commission action in an on-going Direct Access Rulemaking, (R.)07-05-025. In addition to being untimely, AReM does not provide any reason whatsoever for its belated attempt to intervene in this proceeding. The time for intervenor testimony and hearings has passed, briefing
has concluded, and the Administrative Law Judge (ALJ) is prepared to issue his proposed decision.

Nor can AReM justify its untimely motion for party status in this proceeding. As explained below, AReM was served with SCE’s ERAA Forecast Application the day that it was filed with the Commission, on August 2, 2010. AReM, therefore, had months to review SCE’s Application and direct testimony and decide if it wanted to become a party to this proceeding to make its proposal. AReM, for reasons it never explains or justifies, decided to wait until the parties filed their reply briefs in December before attempting to intervene. AReM’s unjustified decision to wait until this late stage is unacceptable and prejudicial. Indeed, SCE notes that AReM made an identical proposal in Pacific Gas and Electric Company’s (PG&E’s) ERAA Forecast proceeding (A.10-08-001) on November 22, 2010 in which it stated that it had also reviewed SCE’s update testimony and was “concerned” in PG&E’s case about SCE’s calculation of the PCIA and market price benchmark. Clearly, AReM was fully aware of its belated claim weeks in advance of the date for filing reply briefs in this proceeding and unilaterally chose to do nothing. The Commission should not sanction AReM’s unexplained and prejudicial tardiness by allowing it to now become a party to this proceeding.

Furthermore, the Commission did not adopt AReM’s “identical” proposal in its final decision in PG&E’s ERAA Forecast proceeding, Decision (D.)10-12-007. Given that the Commission has already rejected AReM’s proposal in PG&E’s ERAA Forecast proceeding, AReM should not be allowed to make the identical proposal in this proceeding. Doing so could lead to inconsistent rulings on the same issue and should not be permitted.
II.
THE COMMISSION SHOULD REJECT AREM’S BELATED MOTION TO BECOME A PARTY TO THIS ERRA FORECAST PROCEEDING

A. AREM’s Motion to Become a Party to This Proceeding Is Untimely

SCE filed this ERRA Forecast Application on August 2, 2010. In Chapter VIII of its supporting direct testimony, Exhibit SCE-1, SCE explained that it was setting forth its methodology for calculating the 2011 PCIA and Competition Transition Charge (CTC) per D.06-07-030, as modified. SCE explained that it calculates the PCIA and CTC in accordance with the methodology adopted by the Commission in D.06-07-030 (as modified). SCE then informed the Commission that it would update its calculation of the CTC and PCIA in November 2010, after receiving the 2011 market price benchmark from the Energy Division.

On November 10, 2010, SCE served update testimony in this proceeding, Exhibit SCE-4. In Chapter IV of its update testimony, SCE explained that, unlike in past years, it had not yet received the market price benchmark from the Energy Division. Therefore, SCE estimated the market price benchmark at $44.51/MWh using the Commission’s adopted methodology in D.06-07-030. SCE explained that if the Energy Division’s 2011 market price benchmark differed from SCE’s, then it would revise its calculation of the CTC and PCIA in its advice letter filed in compliance with a final Commission decision in this proceeding.

SCE served AREM with a copy of its application and supporting testimony on August 2, 2010. Although it had months to do so, AREM did not file a motion to become a party to this proceeding.

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1 D.06-07-030 was modified by D.07-01-030 and D.07-05-005 (SCE’s citation to D.07-01-025 on page 79 of its direct testimony as one of the modifying decisions was in error).
2 Because there is no official service list in place at the time SCE files its annual ERRA Forecast Applications with the Commission, SCE’s practice is to use service lists for prior Commission proceedings to serve its Forecast Applications. A copy of the proceeding service lists that SCE used to serve its August 2010 ERRA Forecast Application are included in Attachment “A.” As shown therein, SCE served its August Application on the individuals listed either as parties or “information only” for A.07-11-011, R.03-10-003, A.09-08-001, and A.10-04-002. This included AREM’s counsel, listed on page one of the service list for A.07-11-011 and page two of the service list for R.03-10-003.
proceeding or even be placed on the Commission’s “information only” service list. Now, however, after the deadline for hearings and intervenor testimony has passed and the parties have filed their briefs with the Commission, AReM wants in reply briefs to intervene in this proceeding to challenge SCE’s calculation of the PCIA and market price benchmark in its November 10 update testimony. The Commission should not permit AReM to do so. AReM cannot legitimately claim that it was unaware that SCE’s application was currently pending before the Commission, as it was timely served on AReM. Nor can AReM claim that it was unaware that SCE would be calculating the PCIA and market price benchmark in this proceeding because SCE and the other investor-owned utilities (IOUs) routinely include these calculations in their annual ERRA Forecast Applications pursuant to D.06-07-030, as modified. The Commission should not reward AReM for untimely attempting to intervene in this proceeding.

Furthermore, there is undeniable evidence that AReM was in fact actively monitoring this proceeding and had reviewed SCE’s calculation of the PCIA and market price benchmark back in November when SCE first submitted them to the Commission. On November 22, 2010, AReM made an identical proposal in PG&E’s ERRA Forecast proceeding (A.10-05-022) in which it stated that it had reviewed SCE’s November 10 update testimony and had “concerns” about SCE’s calculation of the PCIA and market price benchmark (emphasis added):

The concerns of the Joint Parties are clearly illustrated in the PCIA values that PG&E’s November 5 Update testimony presents. In that testimony, PG&E presented CTC and PCIA rates based on its calculation of the old Market Price Benchmark according to the procedure presented in Appendix 1 to Decision 06-07-030 and as modified by Decision 07-01-030, Ordering Paragraph 2. The resulting PCIA value is $42.42/MWh. In A.10-10-001, Southern California Edison (“SCE”) also filed updated ERRA application numbers, including PCIA values based on its calculation of the market benchmark ($44.51/MWh).³

³ See AReM’s comments on the proposed decision in PG&E’s ERRA Forecast proceeding (AReM Comments) at p. 4. SCE has included a copy of AReM’s Comments in Attachment “B.”
Clearly, AReM had knowledge of SCE’s calculation of the PCIA and market price benchmark as early as November 22, 2010, if not sooner. Yet it chose not to intervene in this proceeding or take any action until December, after the parties had filed opening and reply briefs. AReM offers no explanation whatsoever for its untimely attempt to intervene at this late stage and, as a consequence, the Commission should summarily reject its motion.

B. AReM’s Proposal Was Rejected by the Commission in its Final Decision in PG&E’s ERRA Forecast Proceeding (A.10-05-022), D.10-12-007

AReM states that it wants to become a party to this proceeding because it believes that the Commission should not allow SCE and the other IOUs to revise their calculations of the PCIA and market price benchmark until after the Commission issues a decision in R.07-05-025. As noted above, AReM’s proposal—by its own admission—is “identical” to the one that it made in its comments on the Commission’s proposed decision in PG&E’s ERRA Forecast proceeding, A.10-05-022.⁴ Indeed, AReM requested the Commission to adopt the same finding of fact and ordering paragraph that it now proposes in its reply brief in this proceeding:

**Finding of Fact:** The calculation of the PCIA and Market Price Benchmark are to be examined in R.07-05-025 and may possibly be revised therein.

**Ordering Paragraph:** PG&E shall not revise its PCIA and Market Price Benchmark values until such time as the issues raised in R.07-05-025 are ruled upon by the Commission. At that time, PG&E shall calculate the Market Benchmark and PCIA values for the balance of 2011.⁵

PG&E filed a reply to AReM’s comments urging the Commission to reject AReM’s proposal.⁶ In its reply, PG&E explained that the presiding ALJ, Seaneen M. Wilson, had already ruled that the ERRA Forecast proceeding was not an appropriate forum to litigate the proper

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⁴ AReM Reply Brief, p. 2.
⁵ AReM Comments, p. 5. See Attachment “B.”
⁶ See PG&E’s reply comments on the proposed decision in PG&E’s ERRA Forecast proceeding (PG&E Reply Comments) at pp. 3-5. SCE has included a copy of PG&E’s Reply Comments in Attachment “C.”
methodology for calculating the PCIA and market price benchmark. Specifically, PG&E cited ALJ Wilson’s ruling granting PG&E’s motion to strike testimony submitted by the Marin Energy Authority (MEA) and the City and County of San Francisco (CCSF), which had also challenged PG&E’s calculation of the PCIA as being unfair and erroneous. PG&E noted that its motion to strike addressed this argument by clarifying that “PG&E and other utilities have implemented PCIA ratemaking pursuant to the methodology adopted in Decision 06-07-030 and other Commission decisions,” and, therefore, that “any reopening of that approved methodology should take place in a proceeding that includes all interested parties, including the other utilities.” PG&E then cited ALJ Wilson’s ruling agreeing with its position and granting its motion to strike (emphasis added):

I find that, even though the issues may be valid, they are outside the scope of the current proceeding, so the Commission cannot act on them here. The issues raised by CCSF and MEA may be legitimate issues for the Commission to consider, but this is not the proper forum for that review.

PG&E noted that AReM was a party to A.10-05-022 and, although it had the opportunity to do so, did not present intervenor testimony in that proceeding or otherwise address PG&E’s motion to strike. Having missed its opportunity, and based on the foregoing ruling by ALJ Wilson, PG&E urged the Commission to reject AReM’s proposal to “resurrect issues that have already appropriately been ruled to be beyond the scope of this ERRA Forecast proceeding.” Instead, PG&E stated that AReM should continue to litigate its concerns in R.07-05-025.

The Commission agreed with PG&E and rejected AReM’s recommendation. In its final decision in that proceeding, D.10-12-007, the Commission noted AReM’s comments, but did not adopt its proposed finding of fact and ordering paragraph. This issue should therefore be considered settled and, accordingly, the Commission should summarily reject AReM’s attempt to resurrect its proposal in this proceeding. The Commission should consider AReM’s attempt to

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2 The Commission issued D.10-12-007 on December 6, 2010. SCE has included a copy of the decision in Attachment “D.” AReM’s comments are noted on page 13 of the decision.
again raise its proposal in SCE’s ERRA Forecast proceeding as constituting a collateral attack on the Commission’s final decision in A.10-05-022, which is precluded under Public Utilities Code Section 1709. Section 1709 specifically states that “[i]n all collateral actions or proceedings, the orders and decisions of the Commission which have become final shall be conclusive.” (Emphasis added).  

III.
CONCLUSION

For the reasons explained above, the Commission should summarily reject AReM’s motion for party status in this proceeding.

Respectfully submitted,

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December 13, 2010

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8 Indeed, SCE notes that AReM has also raised its “identical” proposal in San Diego Gas and Electric Company’s (SDG&E’s) ERRA Forecast proceeding, A.10-10-001, and that SDG&E also has requested the Commission to deny AReM party status based on D.10-12-007. See Appendix “E” for a copy of SDG&E’s ex parte notice, which was filed with the Commission on December 10, 2010.
CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists

PROCEEDING: A0711011 - EDISON - TO INCREASE
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LIST NAME: LIST
LAST CHANGED: JUNE 14, 2010

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Appendix B
COMMENTS OF THE ALLIANCE FOR RETAIL ENERGY MARKETS ON THE PROPOSED DECISION ADOPTING PACIFIC GAS AND ELECTRIC COMPANY’S 2011 ELECTRIC PROCUREMENT COST REVENUE REQUIREMENT FORECAST

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November 22, 2010
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for
Adoption of Electric Revenue Requirements and Rates
Associated with its 2011 Energy Resource Recovery
Account (ERRA) and 2011 Ongoing Competition
Transition Charge (CTC) Forecasts.

(Application 10-05-022
(Filed May 28, 2010)
(U 39 E)

COMMENTS OF THE ALLIANCE FOR RETAIL ENERGY MARKETS ON THE
PROPOSED DECISION ADOPTING PACIFIC GAS AND ELECTRIC
COMPANY'S 2011 ELECTRIC PROCUREMENT COST
REVENUE REQUIREMENT FORECAST

In accordance with Article 14 of the Commission’s Rules of Practice and Procedure, the
Alliance for Retail Energy Markets ("ARem") respectfully submits to the California Public
Utilities Commission ("Commission") the following opening comments on the Proposed
Decision ("PD") of Administrative Law Judge ("ALJ") Seaneen M. Wilson issued on November
Procurement Cost Revenue Requirement Forecast. The PD resolves issues pertaining to
Application 10-05-022 ("Application") filed by Pacific Gas and Electric Company ("PG&E") on
May 28, 2010, regarding its electric revenue requirements and rates associated with the 2011
Energy Resource Recovery Account ("ERRA") forecasts of PG&E.

I. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

ARem’s comments and recommendations focus on the manner in which PG&E
calculates the Power Charge Indifference Adjustment ("PCIA"). Due to the fact that this issue

1 ARem is a California non-profit mutual benefit corporation formed by electric service providers that are active in
California’s direct access market. The positions taken in this filing represent the views of ARem but not necessarily
those of particular members or the affiliates of its members with respect to the issues addressed herein.
has been set for consideration in R.07-05-025, as discussed below in more detail, ARem recommends that the PD be modified to provide that the current values for the PCIA be retained and utilized by PG&E until such time as the Commission acts on any proposed revisions to the calculation methodology.

II. PROCEDURAL HISTORY

PG&E filed the Application on May 28, 2010, and concurrently filed its Prepared Testimony. PG&E subsequently filed the PG&E Supplemental Testimony which updated PG&E’s projections regarding CCA and DA departing load and concurrently filed Rebuttal Testimony dated August 30, 2010, which responded to the MEA Testimony. On September 1, an evidentiary hearing was held regarding PG&E’s Application.

III. COMMENTS ON PROPOSED DECISION

Subsequent to the issuance of the PD, on November 5, 2010, PG&E filed updated testimony on its ERRA and Competition Transition Charge (“CTC”) revenue requirements, along with explicit calculations of the CTC rate and vintage PCIA rates (“Update”). ARem has several concerns with this Update. First, the various revenue requirement and rate numbers in the November 2, 2010 PD are incorrect, in that they are from the original June application and not the updated testimony. Second, the accuracy of the current PCIA calculation is an issue much in dispute among parties.

In connection with this issue, on September 15, 2010, a broad coalition of parties (the “Joint Parties”\(^2\)) filed a motion in dockets R.07-05-025, R.02-01-011, R.03-10-003 and R.06-02-013, asking that a new expedited phase be convened in R.07-05-025, the Direct Access

\(^2\) The Joint Parties consist of the Direct Access Customer Coalition, California State University, Alliance for Retail Energy markets, City and County of San Francisco, Marin Energy Authority, San Joaquin Valley Power Authority, California Municipal Utilities Association, Energy Producers and Users Coalition, California Large Energy Consumers Association and California Manufacturers & Technology Association.
rulemaking, to promptly review and if necessary modify the methodology used to calculate departing load charges. A key concern expressed in the PCIA Motion is that the Market Price Benchmark used to determine departing load charges does not provide for bundled customer indifference, as follows:

- The current formula for the Market Price Benchmark used to determine departing load charges results in a Market Price Benchmark that is too low. As currently formulated, the Market Price Benchmark is well below prices for recent sales and purchases of renewable and non-renewable resources.

- The Market Price Benchmark does not reflect the value of renewable resources even though the cost of these resources is included in the IOU costs used to calculate departing load charges.

- The Market Price Benchmark does not reflect the value of CAISO services even though the cost of these services is included in the IOU costs used to calculate the departing load charges.

- The Market Price Benchmark does not reflect the value of the delivery profile of the resources even though the delivery profile of the resources is reflected in the IOU costs used to calculate the charges.

On October 22, 2010, ALJ Pulsifer issued his Administrative Law Judge's Ruling Scheduling Prehearing Conference (“Ruling”). The Ruling notes that:

The Joint Parties believe that the current methodology to determine non-bypassable departing load charges has become unbalanced and unfair, and

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3 Motion of Direct Access Customer Coalition, Alliance for Retail Energy Markets, City and County of San Francisco, Marin Energy Authority, San Joaquin Valley Power Authority, California Municipal Utilities Association, Energy Producers and Users Coalition, Cogeneration Association of California, California Large Energy Consumers Association, and California Manufacturers & Technology Association to Create A Separate Expedited Phase in this Proceeding to Review and Address the Flaws in the Methodology to Determine Departing Load Charges (“PCIA Motion”).
does not result in bundled customer indifference, to the detriment of non-
bundled ratepayers. A key concern is that the market price benchmark
used to determine non-bypassable departing load charges does not provide
for bundled customer indifference.

A prehearing conference on this matter was held on November 5, 2010, before ALJ
Pulsifer. The issue at the November 5, 2010 prehearing conference was not whether or not the
Joint Parties’ concern had merit. Rather, it was accepted that the issues raised in the PCIA Motion would be examined. The discussion instead focused on how it should be addressed:
through hearings, workshops or some combination thereof. It is anticipated that a ruling will be
issued shortly scheduling a series of workshops and possible evidentiary hearings to consider
exit fee issues in general and the calculation of the PCIA and Market Price Benchmark in
particular.

The concerns of the Joint Parties are clearly illustrated in the PCIA values that PG&E’s
November 5 Update testimony presents. In that testimony, PG&E presented CTC and PCIA
rates based on its calculation of the old Market Price Benchmark according to the procedure
presented in Appendix 1 to Decision 06-07-030 and as modified by Decision 07-01-030,
Ordering Paragraph 2. The resulting PCIA value is $42.42/MWh. In A.10-10-001, Southern
California Edison (“SCE”) also filed updated ERRA application numbers, including PCIA values
based on its calculation of the market benchmark ($44.51/MWh). If confirmed by the Energy
Division, these would represent record low values for the Market Benchmark and be
approximately 30% lower than only one year ago.

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4 In fact, D.06-07-030 says that the Energy Division must calculate the benchmark and provide that calculation to
the utilities to use in the calculation of the PCIA. As the Energy Division had not provided PG&E that calculation,
it performed the calculation itself and noted it would change the benchmark were the Energy Division’s calculation
differs from its own.

5 A.10-05-022, November 5 Update, at p. 4.

6 A.10-08-001, November 10 Update, at p. 11.
The resulting PCIA values coming from the two utility's calculations confirm the worst fears of the Joint Parties: given the current calculation methodology, the PCIA values are skewed so high as to render the option of Community Choice Aggregation and the re-opened Direct Access nearly meaningless. PG&E's proposed Vintage 2010 PCIA values are 23% higher than in 2010 (based on Medium Commercial PCIA rates). For reference, SCE's Vintage 2010 PCIA values are over 200% higher than they were in 2010.

To that end, AReM recommends that the reconsideration of the PCIA calculation being currently addressed in A.07-05-025 be allowed to come to resolution prior to implementing new PCIA values in 2011. This would mean that the current PCIA rates would remain in place into 2011 until the issue was resolved in A.07-05-025. AReM therefore recommends the following language be added to the Proposed Decision:

Finding of Fact: The calculation of the PCIA and Market Price Benchmark are to be examined in R.07-05-025 and may possibly be revised therein.

Ordering Paragraph: PG&E shall not revise its PCIA and Market Price Benchmark values until such time as the issues raised in R.07-05-025 are ruled upon by the Commission. At that time, PG&E shall calculate the Market Benchmark and PCIA values for the balance of 2011.

IV. CONCLUSION

Given the fact that the Commission will be examining the PCIA calculation methodology in R.07-05-025, it is premature at this time to adopt the Market Price Benchmark calculation embodied in PG&E's Update. AReM therefore recommends that the PD be modified to note that the PCIA and Market Benchmark issues are under consideration in R.07-05-025 and that the current values for those calculations should remain in place until such time as the Commission
has determined whether, and to what extent, the calculation methodologies for each should be revised. AReM attaches hereto proposed wording revisions to the PD to accomplish that goal.

For the reasons set forth above AReM recommends that the PD be modified as discussed herein. AReM expresses its appreciation to the Commission and ALJ Wilson for their consideration of the matters discussed herein.

Respectfully submitted,

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November 22, 2010
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy Comments of the Alliance for Retail Energy Markets on the Proposed Decision Adopting Pacific Gas and Electric Company’s 2011 Electric Procurement Cost Revenue Requirement Forecast on all parties of record in proceeding A.10-05-022 by serving an electronic copy on their email addresses of record and by mailing a properly addressed copy by first-class mail with postage prepaid to each party for whom an email address is not available.

Executed on November 22, 2010, at Woodland Hills, California.

Michelle Dangott
Application of Pacific Gas and Electric Company (U 39 E) for Adoption of Electric Revenue Requirements and Rates Associated with the 2011 Energy Resource Recovery Account (ERRA) and Ongoing Competition Transition Charge (CTC) Forecasts

Application 10-05-022
(Filed May 28, 2010)

(U 39 E)

REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY ON PROPOSED DECISION OF ALJ SEANEEN M. WILSON ADOPTING PACIFIC GAS AND ELECTRIC COMPANY'S 2011 ELECTRIC PROCUREMENT COST REVENUE REQUIREMENT FORECAST

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Dated: November 29, 2010
I. INTRODUCTION

Pursuant to Rule 14.3 of the Commission’s Rule of Practice and Procedure, Pacific Gas and Electric Company (PG&E) respectfully submits these reply comments addressing the opening comments filed on the Proposed Decision (PD) of Administrative Law Judge (ALJ) Seaneen M. Wilson issued on November 2, 2010. The only parties to file opening comments on the PD, on November 22, 2010, were: PG&E, the Division of Ratepayer Advocates (DRA) and the Alliance for Retail Energy Markets (AReM).

As shown in this reply, the matters raised in DRA’s and AReM’s opening comments are either untimely or beyond the scope of this proceeding, and neither party’s comments presents a valid reason for the CPUC not to adopt PG&E’s 2011 ERRA Forecast as updated by PG&E in its scheduled November 5, 2010 Update.

Therefore, PG&E requests that the CPUC move forward to issue a timely decision in this proceeding by adopting the PD in this proceeding before the end of December, with minor modifications necessary to reflect PG&E’s November Update. Such minor modifications were set forth in PG&E’s Opening Comments, including in Appendix A which shows the necessary revisions to the Findings of Fact and Conclusions of Law consistent with the record in this case.
II. PG&E’S REPLY TO DRA’S COMMENTS


DRA’s opening comments on the PD allege that it has not been afforded sufficient time to properly analyze PG&E’s November 5, 2010 Update to PG&E’s original 2011 Forecast filed back in May 2010. Specifically, DRA’s comments noted that it was still working with PG&E on discovery efforts pertaining to the November 5, 2010 Update and needed additional time to further review the reasonableness of the updated forecast in relation to PG&E’s originally filed May 28, 2010 forecast. PG&E believes the time afforded to DRA to review the November Update, under the long-adopted schedule in this case to which DRA agreed, is adequate; indeed it is the same as in prior years’ proceedings. Moreover, PG&E has been working with DRA to respond expeditiously to its questions, and has provided all requested data responses. PG&E appreciates that DRA’s opening comments concluded that DRA would not object to the updated forecast in its reply comments if its analysis of the entire forecast were not completed by the filing deadline.

In response to DRA’s email request to ALJ Wilson for an additional two days to file reply comments, PG&E indicated by an email response, served on the entire service list, that PG&E would not oppose DRA’s request so long as doing so would not make it impossible for the CPUC to issue a final decision in December 2010 for rates effective January 1, 2011. A timely decision in ERRA Forecast decisions is called for by P.U. Code Section 454.5.¹

PG&E must however insist that, if DRA’s Reply Comments raise new matters that are not responsive to those discussed in PG&E’s Opening Comments, PG&E reserves the right to request the opportunity to quickly file a sur-reply. However, PG&E has followed all CPUC precedents in compiling its November Update, as it does every year, so PG&E is hopeful that nothing further will be necessary given PG&E’s efforts to timely respond to DRA’s ongoing, recent follow-up questions about the Update. It is vital that PG&E receives a final decision in this proceeding before the end of 2010 in order to have the new rates placed into effect January 1, 2011, as called for in the CPUC’s long-established schedule for this proceeding.

¹ In an email dated November 24, 2010, ALJ Wilson denied DRA’s request for an extension on the due date for reply comments, and retained the long-established November 29, 2010 deadline. The decision in this proceeding is currently scheduled to be issued at the CPUC’s December 2, 2010 meeting.
B. DRA’s Review of the Cost Estimates for PG&E’s Annual Electric True-Up

DRA’s opening comments also argue that it has not been given the opportunity to examine PG&E’s 2011 Annual Electric True-Up Proceeding (AET), which DRA claims is needed to conclude its analysis of PG&E’s 2011 procurement cost revenue forecast. DRA asserts that such a review is needed because the electric sales and rates results from a consolidation of costs that is performed in the AET. Every year this is accomplished through a PG&E AET submittal to the CPUC in December 2010. Accordingly, DRA states that it plans to provide further comments on the AET figures as needed per the submission of the final AET numbers.

The implementation of electric rates through the AET is outside of the scope of the ERRA forecast proceeding. If the DRA wants to take issue with the implementation of already approved revenue requirements presented in the AET, it is free to take-up those issues through the procedural processes applicable to the AET proceeding. However, this is not something that concerns the ERRA forecast proceeding. The ERRA Forecast results are merely one of many inputs into the AET. The CPUC should follow existing procedures, and, pursuant to P.U. Code Section 454.5, ensure that its decision in the ERRA Forecast proceeding is timely. Finally, DRA is fully able to participate in the AET proceeding. Therefore, the CPUC should deny DRA’s belated attempt to conflate the AET with the ERRA Forecast at this late moment, especially since doing so could jeopardize the CPUC’s issuance of a timely decision in this ERRA 2011 Forecast proceeding.

III. PG&E’S REPLY TO AREM’S COMMENTS

A. AREM’s Belated Comments Seeking to Alter the Market Price Benchmark and PCIA Calculation Methodology Have Already Been Ruled Beyond the Scope of this Proceeding.

AREM’s November 22, 2010 opening comments on the PD (at p. 5) note that multiple parties have filed comments to adjust and alter the methodology for calculating market price benchmark and departing load charges within R.07-05-025. As a result, AREM now, for the first time in this proceeding, states that it believes that the current numbers used to calculate both the PCIA and the Market Benchmark should not be altered or revised until an official CPUC decision has been issued in R.07-05-025 dictating how, if at all, the methodologies for calculating the PCIA and the Market Benchmark should take place. AREM goes on to list some
of the main concerns with the current calculation methodologies highlighted by the other parties, and that the PD should be revised to include PG&E’s November 5, 2010 Update to the 2011 forecast numbers.

AREM’s comments must be rejected because ALJ Wilson has already ruled on August 31, 2010 that such multi-utility issues are beyond the scope of PG&E’s ERRA Forecast proceeding, in which PG&E is to follow and has followed CPUC precedent on the Market Price Benchmark and PCIA calculation. The appropriate time for AREM to have raised such concerns would have been by filing a response to PG&E’s August 25, 2010 Motion to Strike, which it did not do. PG&E’s motion sought to strike portions of CCSF’s and MEA’s testimony pertaining to PCIA calculation methodology, which PG&E asserted to be outside the scope of this proceeding. In its motion, PG&E argued that “PG&E and other utilities have implemented PCIA ratemaking pursuant to the methodology adopted in Decision 06-07-030 and other Commission decisions, and any reopening of that approved methodology should take place in a proceeding that includes all interested parties, including the other utilities.” Two parties filed substantial responses to that motion: the City and County of San Francisco and the Marin Energy Authority – AREM did not file any response at all. ALJ Wilson carefully considered the record before her and granted PG&E’s motion to strike on August 31, 2010. In that ruling, ALJ Wilson noted that, in her review of the noted testimonies:

“I find that, even though the issues may be valid, they are outside the scope of the current proceeding, so the Commission cannot act on them here. The issues raised by CCSF and MEA may be legitimate issues for the Commission to consider, but this is not the proper forum for that review...I therefore grant PG&E’s Motions to Strike...”

This ruling is definitive and shaped the evidence presented at hearings, which cannot now be changed.

AREM now belatedly notes in its November 22, 2010 comments on this ERRA Forecast PD that the issues of market price benchmark and PCIA calculation methodologies are being discussed by all interested parties within R.07-05-025. Discussion of such issues in a multi-utility forum were precisely what was envisioned when ALJ Wilson granted the motion to strike in this proceeding which only relates to PG&E. Accordingly, PG&E believes AREM’s concerns should continue to be deliberated within the Direct Access Reopening proceeding (R.07-05-025). Therefore, PG&E requests that the CPUC deny AREM’s untimely efforts to resurrect issues that
have already appropriately been ruled to be beyond the scope of this ERRA Forecast proceeding.

IV. CONCLUSION

Based on the foregoing and on its prior filings in this proceeding, PG&E respectfully requests that that CPUC adopt PG&E’s 2011 ERRA Forecast as updated by PG&E in its scheduled November 5, 2010 Update. PG&E further respectfully requests that the CPUC reject the opening comments of DRA and AREM and proceed to issue a timely decision in this proceeding. Specifically, the CPUC should adopt the PD with the minor modifications necessary to reflect PG&E’s November Update filing. These minor modifications were as detailed in PG&E’s November 22, 2010 Opening Comments, including in Appendix A which reflects the necessary amendments to the Findings of Fact and Conclusions of Law to reflect the record in this proceeding.

Respectfully Submitted,

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By: ___________________________ /s/ ___________________________
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Dated: November 29, 2010
Decision 10-12-007 December 2, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA


DECISION ADOPTING PACIFIC GAS AND ELECTRIC COMPANY’S 2011 ELECTRIC PROCUREMENT COST REVENUE REQUIREMENT FORECAST

1. Summary

Today’s decision adopts a 2011 electric procurement cost revenue requirement forecast of $4,084.6 million for Pacific Gas and Electric Company (PG&E) as well as PG&E’s 2011 forecast electric sales and rates subject to the Annual Electric True-up process. The total 2011 forecast of $4,084.6 million is approximately $26 million higher than the 2010 revenue requirement currently reflected in present rates. The $4,084.6 million forecast consists of PG&E’s 2011 Energy Resources Recovery Account revenue requirement forecast of $3,484.3 million, an Ongoing Competition Transition Charge revenue requirement forecast of $633.6 million, and a Power Charge Indifference Amount credit of $33.2 million. The rate changes will be effective on January 1, 2011. The 2011 revenue requirement will be consolidated with the revenue requirement effects of other Commission decisions in the Annual Electric True-Up process.
2. **Procedural Background**

   Pacific Gas and Electric Company (PG&E) filed Application (A.) 10-05-022 on May 28, 2010, requesting Commission adoption of electric revenue requirements of $4,084.6 million. The $4,084.6 million includes an Energy Resource Recovery Account (ERRA) forecast amount revenue requirement of $3,484.3 million, an Ongoing Competition Transition Charge (CTC) revenue requirement of $633.6 million, and a Power Charge Indifference Amount (PCIA) credit of $33.2 million. PG&E also requested adoption of its requested forecast of 2011 electric sales and rates, subject to the Annual Electric True-Up process.

   Notice of A.10-05-022 appeared on the Daily Calendar on June 3, 2010. On June 23, 2010, and July 27, 2010, PG&E provided proof of compliance with Rules 3.2(c) and 3.2(d), respectively, of the Commission’s Rules of Practice and Procedure\(^1\) regarding public notice of the Application. On June 3, 2010, Resolution ALJ-176-3255 preliminarily determined that this proceeding was ratesetting and that hearings would be necessary.

   On June 22, 2010, the California Municipal Utilities Association (CMUA) filed a response to the application. On July 6, 2010, the Division of Ratepayer Advocates (DRA) and the Marin Energy Authority (MEA) filed protests and the Merced Irrigation District (Merced ID) and Modesto Irrigation District (Modesto ID) jointly filed a response to the application. On July 16, 2010, PG&E filed a reply to the responses and protests, and on July 20, 2010, PG&E filed an amended reply. The City and County of San Francisco (CCSF) filed a motion to intervene on July 20, 2010.

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\(^1\) All references to Rules are to the Commission’s Rules of Practice and Procedure unless otherwise noted.
On July 12, 2010, a *Notice of Prehearing Conference* was issued by Chief Administrative Law Judge (ALJ) Karen Clopton. On July 30, 2010, a prehearing conference (PHC) took place in San Francisco to establish the service list for the proceeding, discuss the scope of the proceeding, and develop a procedural timetable for the management of the proceeding. In addition to PG&E, DRA, MEA, Merced ID, and Modesto ID, who were already parties, the assigned ALJ granted party status at the PHC to the CCSF, California Large Energy Consumers Association, Alliance for Retail Energy Markets, Direct Access Customer Coalition (DACC), Western Power Trading Forum, Energy Producers and Users Coalition, and the CMUA.


On August 25, 2010, PG&E filed motions to strike portions of the testimony of MEA and CCSF, as well as a motion to shorten the time to respond to its motions. On August 26, 2010, via e-mail, the assigned ALJ granted PG&E’s motion to shorten the time to respond to its motions to strike, requiring parties to respond by August 30, 2010. Responses to PG&E’s motions to strike were filed by MEA and CCSF on August 30, 2010. On August 31, 2010, the assigned ALJ issued a ruling granting PG&E’s motion to strike portions of MEA’s and CCSF’s
testimony because this testimony was beyond the scope of this proceeding and we confirm the ALJ ruling here.

On August 30, 2010, PG&E served its Supplemental Testimony (Exhibit PGE-2) on changes in load from the reopening of Direct Access and Community Choice Aggregation activity to date, and also updated its requested ERRA revenue requirement forecast from $3,564.0 million to $3,431.0 million. Also on August 30, 2010, PG&E served its Rebuttal Testimony (Exhibit PGE-3) to MEA and CCSF testimony. Evidentiary hearings were held on September 1, 2010. CCSF requested that, given that a majority of MEA’s and CCSF’s testimony had been stricken, the bulk of Exhibit PGE-3 be stricken. The ALJ ruled that all but selected sections of Exhibit PGE-3 that addressed MEA’s concerns regarding vintaging of contracts would be stricken. CCSF informed the assigned ALJ at evidentiary hearings that it would not present a witness and therefore not submit any of its remaining testimony for inclusion into the record. On September 9, 2010, MEA filed a motion to late-file an exhibit and served that exhibit (Exhibit MEA-3), pursuant to instructions from the assigned ALJ at the evidentiary hearings held on September 1, 2010. We rule herein that Exhibit MEA-3 is received into the record.

PG&E requested its Exhibits PGE-1a and PGE-2a be given confidential treatment under Decision (D.) 06-06-066, and pursuant to Public Utilities (Pub. Util.) Code §§ 454.5(g) and 583. During evidentiary hearings held on September 1, 2010, the assigned ALJ granted confidential treatment to these exhibits, which we confirm herein.

Opening and Reply Briefs were filed by MEA and PG&E on September 20, 2010 and September 27, 2010, respectively, and DRA filed a Reply Brief on September 27, 2010.
On October 14, 2010, the assigned ALJ issued *Assigned Administrative Law Judge Request for Information*, to which PG&E replied as part of its November 5, 2010 update to this application.

On November 5, 2010, PG&E served an update to its application (Update). Based on the Update, PG&E’s total 2011 electric procurement revenue requirement forecast of $4,084.6 consists of PG&E’s 2011 ERRA forecast revenue requirement of $3,484.3 million, Ongoing CTC forecast revenue requirement of $633.6 million, and a PCIA credit of $33.2 million. Primarily, these updates are due to: 1) PG&E’s updated electric sales forecast; 2) updated forward electric and gas prices; 3) update to reflect the final market benchmark; and 4) the corrected vintage for the RSP_100_Harvest_I_Shell_8 (Harvest Wind 8) contract. PG&E’s Update is identified as PG&E Exhibit PGE-4 and received into evidence. The confidential version of PG&E’s Update is identified as Exhibit PGE-4a, is granted confidential treatment as discussed below in Section 8 of this decision, and is received into evidence.

3. **PG&E’s 2011 ERRA, Ongoing CTC, PCIA, and Sales Forecasts**

The ERRA records energy procurement costs associated with serving bundled electric customers. These costs include: (1) post 2002 contracted resource costs; (2) fuel costs of PG&E-owned generation resources; (3) qualifying facility (QF) and purchased power costs; and (4) other electric procurement costs such as natural gas hedging and collateral costs. The ERRA regulatory process includes: (1) an annual forecast proceeding to adopt a forecast of the utility’s electric procurement cost revenue requirement and electricity sales for the upcoming year, and (2) an annual compliance proceeding to review the utility’s compliance in the preceding year regarding energy resource contract
administration, least cost dispatch, fuel procurement, and the ERRA balancing account.

The Ongoing CTC forecast revenue requirement consists of the above-market costs associated with eligible contract arrangements entered into before December 20, 1995, and QF contract restructuring costs. CTC costs are recorded in the Modified Transition Cost Balancing Account.

The PCIA is applicable to departing load customers that are responsible for a share of the Department of Water Resources (DWR) power contracts or new generation resource commitments. The PCIA is intended to ensure that the departing load customers pay their share of the above-market portion of the DWR contract or new generation resource costs and bundled customers remain indifferent to customer departures. PG&E calculates the PCIA, in part, based on the vintage of a generation resource project; i.e., when a Power Purchase Agreement (PPA) contract is executed with an outside party, or when construction of a Utility Owned Generation (UOG) project begins.²

The vintage of a generation resource (year contract executed or construction began) is identified in order to determine which generation costs a departing load customer is responsible for. The departing load customer is responsible for bearing those stranded costs related to generation resource obligations incurred by the utility to provide procurement services to serve the customer’s load, up until the time of the customer’s departure. The departing load customer is not responsible for any such costs incurred by the utility after their departure, since the utility is no longer providing service to them.

² See Decision (D.) 08-09-012, Conclusion of Law 15.
Therefore, knowing the vintage of each generation resource is an essential component of the PCIA calculation. Pursuant to D.08-09-012, if a departing load customer either leaves or provides a binding notice of intent to leave the utility’s system in the first half of a year, say in the first half of Year 2, the calculation of the PCIA will use generation costs with a vintage of Year 1. If a departing load customer either leaves or provides a binding notice of intent to leave the utility’s system in the second half of a year, say in the second half of Year 2, the calculation of the PCIA will use generation costs with a vintage of Year 2.\(^3\)

4. **Issues to be Resolved**

The Scoping Memo limited the issue to be resolved in this proceeding to whether PG&E’s proposed revenue requirement and rates associated with its 2011 ERRA and CTC forecast, and its PCIA credit forecast should be adopted. Part of determining whether PG&E’s forecasts should be adopted was to verify that the methods and inputs used by PG&E in calculating its forecasts, such as its forecast of 2011 electric sales and rates, were in compliance with applicable Commission decisions.

No party provided alternatives to PG&E’s forecasted figures. MEA, though, raised concerns as to whether the method used by PG&E to assign vintage to photo voltaic (PV) PPA and PPA contracts, and UOG PV projects as part of the PCIA calculation was in compliance with applicable Commission decisions and whether PG&E’s inputs should be changed accordingly.

Therefore, this decision is limited to determining a forecast of revenue requirement and rates associated with PG&E’s 2011 ERRA and CTC forecast, and

\[^3\) D.08-09-012 at 61.\]
PCIA credit forecast, and whether the methods and inputs used by PG&E in its calculations are in compliance with applicable Commission decisions.

5. Parties' Positions

5.1. DRA

In its Reply Brief, DRA supports PG&E's position that when calculating the PCIA, generation costs for its projects financed by PPA's should be vintaged when the PPA contract is executed and that vintaging of costs for new UOG should occur when construction of the new generation begins.

5.2. MEA

MEA is concerned with the contract vintages of generation costs used by PG&E in the calculation of the PCIA, in particular, the vintage and costs associated with selected PV PPA and PPA contracts, and UOG PV projects and the associated amount of megawatts included in a particular year for UOG PV contracts, all of which should be in conformance with D.08-09-012 and D.10-04-052.

MEA stated that the vintage of three PV PPA contracts included by PG&E in its PCIA calculation, including the Avenal Park LLC, Sun City Project LLC, and San Drag LLC projects, should be assigned to 2010 and not 2009 as assigned by PG&E.4

In its Exhibit MEA-3, which included data responses from PG&E, a copy of the PPA contract signature page for the Harvest Wind 8 contract with Shell Energy North America was included, which shows a contract execution date of January 29, 2010, which is different from the 2009 vintage which was provided in

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4 Exhibit MEA-1 at 4.
response to a previous data request.\textsuperscript{5} MEA recommended that the PCIA be recalculated in order to reflect the correct vintage of this PPA contract, in compliance with D.08-09-012.\textsuperscript{6}

Pursuant to D.10-04-052, MEA states that the maximum amount of new UOG capacity from the PV program that can be considered in the calculation of the PCIA for a particular year (vintage) is 50 megawatt (MW) per year over a five year period,\textsuperscript{7} not the 75 MW used by PG&E in its calculation of the PCIA.\textsuperscript{8} MEA recommends that the ERRA and PCIA be recalculated in order to reflect the correct vintages of the UOG PV programs and amounts of new UOG PV capacity in a given year, in compliance with D.08-09-012 and D.10-04-052.\textsuperscript{9}

In its Opening and Reply Briefs, MEA made two new recommendations not addressed in its exhibits entered into the record or in hearings, that: 1) PG&E's ERRA forecast revenue requirement of $3,564 million should be offset by PCIA revenues collected from departing load customers;\textsuperscript{10} and 2) PG&E should provide an update to the Commission by January 31, 2011 regarding which PV PPA and PPA contracts, and UOG PV projects were executed and actually began construction in 2010, and if necessary, provide an update of the 2010 PCIA to comply with Commission vintaging rules.\textsuperscript{11} MEA did not provide

\textsuperscript{5} Exhibit MEA-2 at MEA Data Request 001-Question 01-Attachment A, page 2 of 6.
\textsuperscript{6} MEA Opening Brief at 4-5, and MEA Reply Brief at 1-2.
\textsuperscript{7} See D.10-04-052 at 2.
\textsuperscript{8} Exhibit MEA-1 at 5, and Exhibit PGE-3 at 13.
\textsuperscript{9} MEA Opening Brief at 5, and MEA Reply Brief at 2-3.
\textsuperscript{10} MEA Opening Brief at 3-4.
\textsuperscript{11} MEA Reply Brief at 3-4.
any support for the positions taken or calculations of what that offset amount should be.

5.3. PG&E

PG&E stated that it had properly vintaged its PV PPA contracts, in particular, the Avenal Park LLC, Sun City Project LLC, and San Drag LLC projects, in compliance with D.08-09-012. PG&E agreed with MEA\textsuperscript{13} that the vintage of some UOG PV programs were not in compliance with applicable Commission decisions and should be included in a different year for purposes of determining the PCIA.\textsuperscript{14} PG&E also stated that MEA’s statement that the ERRA revenue requirement forecast should be offset by PCIA revenues\textsuperscript{15} is incorrect.\textsuperscript{16}

6. Discussion

MEA raised concerns regarding the calculation of the PCIA portion of the revenue requirement, but no party provided alternatives to PG&E’s requested 2011 ERRA and CTC forecast, its PCIA credit forecast, and the forecast inputs of 2011 electric sales and rates, for us to consider. Except as noted below, we find PG&E’s revised forecast of $4,084.6 to be reasonable, with the adjustments ordered herein.

\textsuperscript{12} Exhibit PGE-3 at 13, and PG&E Opening Brief at 16.

\textsuperscript{13} Exhibit MEA-1 at 4-5 and MEA Opening Brief at 5.

\textsuperscript{14} Exhibit PGE-3 at 13, and PG&E Opening Brief at 16-17.

\textsuperscript{15} MEA Opening Brief at 3-4.

\textsuperscript{16} PG&E Reply Brief at 1-5.
6.1. PCIA

6.1.1. Vintage of PPA

MEA voiced concern regarding the vintage of several PV PPA and PPA contracts used by PG&E in its PCIA calculation. PG&E provided contract signature pages for the Park LLC, Sun City Project LLC, and San Drag LLC PV PPA contracts that show contract execution dates in 2009, thereby supporting the vintage of 2009 used in its calculation of the PCIA.\(^{17}\) In regards to these contracts, PG&E is therefore in compliance with D.08-09-012.

The vintage of the PPA contract for the Harvest Wind 8 contract should be changed from 2009\(^{18}\) to 2010, as recommended by MEA, since the contract was executed in 2010.\(^{19}\) In its Update, PG&E stated that it has revised the vintage of the Harvest Wind 8 project PPA contract. Since Commission approval is still pending regarding the Harvest Wind 8 PPA contract, it is not included in the current PCIA forecast. If the contract is approved by the Commission, the adjusted PCIA of $40.8 million would be included in subsequent years as a credit to the California Department of Water Resources revenue requirement.

6.1.2. UOG PPV

PG&E updated its calculation of the PCIA to correct the vintage of several UOG PV projects and the amount of MW's included in a particular year, in compliance with D.08-09-012 and D.10-04-052.\(^{20}\) We accept PG&E's revisions to

\(^{17}\) Exhibit PGE-3 at Appendix A.

\(^{18}\) Exhibit MEA-2 at MEA Data Request 001-Question 01-Attachment A, page 2 of 6.

\(^{19}\) Exhibit MEA-3 at response to Data Request MEA_003-02, regarding Harvest Wind 8.

\(^{20}\) Exhibit PGE-3 at 13; PG&E Opening Brief at 16-17; and PG&E Reply Brief at 2.
the vintage of UOG PV projects and amount of MW's in compliance with the above referenced decisions, provided in its Update.

6.1.3. New Issues Raised in Briefs

Since the two new issues raised by MEA regarding a January update and offset of the ERRA revenue requirement by PCIA revenues are outside the scope of this proceeding, other parties did not have an opportunity to comment on the new recommendations, and no support was provided for either recommendation, we reject both recommendations.

7. Conclusion

For all of the foregoing reasons, an ERRA revenue requirement forecast of $3,484.3 million, a CTC revenue requirement forecast of $633.6 million, and a PCIA credit forecast of $33.2 million should be adopted.

We remind PG&E that its calculation of the 2011 ERRA and PCIA must be in compliance with all applicable Commission decisions and regulations that address this issue.

In addition, PG&E's forecast of electric sales and proposed associated electric rates, subject to the Annual Electric True-Up (AET) process, should be adopted. These rates should be effective January 1, 2011.

8. Request to File Under Seal

PG&E requested that Exhibits PGE-1a, PGE-2a and the confidential version of its Update (identified as PGE-4a) be given confidential treatment under D.06-06-066, and pursuant to Pub. Util. Code §§ 454.5(g) and 583. During evidentiary hearings held on September 1, 2010, the assigned ALJ granted confidential treatment to PG&E's Exhibits PGE-1a and PGE-2a. These exhibits contain forecasts of items such as PG&E's load, utility owned generation, and purchase power requirements, which, pursuant to D.06-06-066 may be provided
confidential treatment. We therefore confirm the assigned ALJ’s ruling of confidential treatment to PG&E’s Exhibits PGE-1a, PGE-2a, and PGE-4a.

9. **Categorization and Need for Hearings**

In Resolution ALJ 176-3255, June 3, 2010, the Commission preliminarily categorized this Application as ratesetting, and preliminarily determined that hearings were necessary. The preliminary determinations made in Resolution ALJ 176-3255 with regard to categorization and hearings are affirmed.

10. **Comments on Proposed Decision**

As provided by Rule 14.3 of our Rules of Practice and Procedure and Pub. Util. Code § 311(g) (1), the draft decision of the ALJ in this matter was mailed to the parties on November 2, 2010. **Opening Comments were filed on** November 22, 2010 by PG&E, DRA, and AREM. Reply Comments were filed on November 29, 2010 by PG&E, DRA, and jointly by MEA, CCSF, DACC, and Energy Users Forum.\(^{21}\) We have considered the comments in our final order.

11. **Assignment of Proceeding**

Nancy E. Ryan is the assigned Commissioner and Seaneen M. Wilson is the assigned ALJ in this proceeding.

**Findings of Fact**


2. By Resolution ALJ 176-3255, dated June 30, 2010, A.10-05-022 was categorized as ratesetting with no need for hearing.

\(^{21}\) On November 29, 2010, Energy Users Forum (EUF) filed a motion for party status with the intent to file reply comments. Because the record is closed, EUF’s motion is denied. The reply comments jointly filed by MEA, CCSF, DACC, and EUF, are therefore considered filed by MEA, CCSF, and DACC only.
3. Protests and responses to the application were filed by CMUA, DRA, MEA, Merced ID, and Modesto ID.

4. Since issues of fact were raised by parties, it was determined that hearings were necessary.

5. On August 25, 2010, PG&E filed motions to strike portions of the prepared testimony served by MEA and CCSF on August 20, 2010, as well as a motion to shorten the time to respond to its motions. On August 26, 2010, via e-mail, the assigned ALJ granted PG&E’s motion to shorten the time to respond to its motions to strike, requiring parties to respond by August 30, 2010. Responses to PG&E’s motions to strike were filed by MEA and CCSF on August 30, 2010. On August 31, 2010, the assigned ALJ issued a ruling granting PG&E’s motion to strike portions of MEA’s and CCSF’s testimony because this testimony was beyond the scope of this proceeding.

6. At evidentiary hearings on September 1, 2010, CCSF requested that, given that a majority of MEAs and CCSFs testimony had been stricken, the bulk of PG&E’s Rebuttal Testimony (Exhibit PGE-3) be stricken. The ALJ ruled that all but selected sections of Exhibit PGE-3 that addressed MEA’s concerns regarding vintaging of contracts would be stricken.

7. At evidentiary hearings on September 1, 2010, CCSF informed the assigned ALJ that it would not present a witness and therefore not submit any of its remaining testimony for inclusion into the record.

8. On September 9, 2010, MEA filed a motion to late-file an exhibit and served that exhibit (Exhibit MEA-3), pursuant to instructions from the assigned ALJ at the evidentiary hearings held on September 1, 2010.

10. PG&E’s updated 2011 ERRA forecast revenue requirement, Ongoing CTC 
forecast revenue requirement, PCIA credit, sales forecast and associated rates, 
are supported by exhibits and filed documents.

11. PG&E’s Application, as updated on November 5, 2010, requests the 
Commission to adopt a total 2011 electric procurement forecast of 
$4,084.6 million, which consists of PG&E’s 2011 ERRA forecast revenue 
requirement of $3,484.3 million, its Ongoing CTC forecast revenue requirement 
of $633.6 million, and its PCIA credit forecast of $33.2 million.

12. No party provided alternatives to the 2011 forecasted amounts requested 
by PG&E for ERRA, Ongoing-CTC, PCIA credit, and electric sales and rates.

13. MEA raised concerns regarding the vintage of PPA and PV PPA contracts, 
and UOG PV projects, all of which are inputs to the calculation of the PCIA.

14. PG&E corrected the vintage of several UOG PV projects as it had agreed to 
do, and included the revised calculation of the PCIA in its Update.

15. PG&E has revised the vintage of its Harvest Wind 8 PPA contract to 2010.

16. Since Commission approval is still pending regarding the Harvest Wind 8 
PPA contract, it is not included in the current PCIA forecast. If the contract is 
approved by the Commission, the adjusted PCIA of $40.8 million would be 
included in subsequent years as a credit to the California Department of Water 
Resources revenue requirement.

17. The total 2011 electric procurement forecast of $4,084.6, as adjusted for the 
revision to the PCIA ordered herein, is approximately $26 million higher than 
the 2010 revenue requirement currently in present rates.

18. PG&E requested that Exhibits PGE-1a and PGE-2a be given confidential 
treatment under D.06-06-066, and pursuant to Pub. Util. Code §§ 454.5(g)
and 583. During evidentiary hearings held on September 1, 2010, the assigned ALJ granted confidential treatment to these exhibits.

19. PG&E requested that Exhibit PGE-4a be given confidential treatment under D.06-06-066, and pursuant to Pub. Util. Code §§ 454.5(g) and 583.

**Conclusions of Law**

1. PG&E’s updated 2011 ERRA forecast revenue requirement of $3,484.3 million, Ongoing CTC forecast revenue requirement of $633.6 million, and PCIA credit forecast of $33.2 million, should be adopted.

2. PG&E’s 2011 forecast of sales and associated rates should be adopted, subject to the AET process.

3. The assigned ALJ’s rulings that the time to respond to PG&E’s motion to strike should be shortened and that portions of MEA’s and CCSF’s prepared testimony should be stricken should be confirmed herein.

4. The assigned ALJ’s ruling that portions of PG&E’s Rebuttal Testimony should be stricken should be confirmed herein.

5. We should rule herein that Exhibit MEA-3 be received into the record.

6. PG&E complied with the assigned ALJ’s ruling, which requested that, in its November 5, 2010, it correct the vintage of several UOG PV projects as it had agreed to do, revised the calculation of the PCIA, and revised the vintage of the Harvest Wind 8 PPA contract to 2010.

7. If the Harvest Wind 8 PPA contract is approved by the Commission, the adjusted PCIA of $40.8 million should be included in subsequent year’s proceedings as a credit to the California Department of Water Resources revenue requirement.
8. PG&E’s calculation of the ERRA forecast, Ongoing CTC, and PCIA, should be in compliance with all applicable Commission decisions and requirements, including but not limited to D.08-09-012 and D.10-04-052.

9. The assigned ALJ’s granting of confidential treatment to PG&E’s Exhibits PGE-1a and PGE-2a should be confirmed herein. Pursuant to D.06-06-066, this information should remain under seal for a period of three years after the date of this order.

10. PG&E Exhibit PGE-4a should be granted confidential treatment under D.06-06-066, and pursuant to Pub. Util. Code §§ 454.5(g) and 583. Pursuant to D.06-06-066, this information should remain under seal for a period of three years after the date of this order.

11. This proceeding should be closed.

ORDER

IT IS ORDERED that:

1. Pacific Gas and Electric Company is authorized to recover a total 2011 electric procurement cost revenue requirement forecast of $4,084.6 million, consisting of its 2011 Energy Resource Recovery Account forecast revenue requirement of $3,484.3 million, an Ongoing Competition Transition Charge forecast revenue requirement of $633.6 million, and a Power Charge Indifference Amount credit of $33.2 million.

2. Pacific Gas and Electric Company’s requested 2011 forecast of electric sales and associated rates is adopted, subject to the Annual Electric True-up process.

3. The revenue requirement and sales forecast adopted in this order shall be consolidated with the revenue requirement effects of other recent Commission decisions through the Annual Electric True-Up process.
4. The assigned Administrative Law Judge’s rulings that the time to respond to Pacific Gas and Electric Company’s motion to strike should be shortened and that portions of Marin Energy Authority’s and City and County of San Francisco’s prepared testimony should be stricken is confirmed.

5. The assigned Administrative Law Judge’s ruling that portions of Pacific Gas and Electric Company’s Rebuttal Testimony should be stricken is confirmed.

6. We rule herein that Exhibit MEA-3 is received into the record.

7. Energy Users Forum motion for party status is denied.


9. Since the RSP_100_Harvest_I_Shell_8 project Power Purchase Agreement contract was executed in 2010, the vintage of this Power Purchase Agreement contract was changed by Pacific Gas and Electric Company from 2009 to 2010 in its November 5, 2010 update.

10. If the RSP_100_Harvest_I_Shell_8 project Power Purchase Agreement contract is approved by the Commission, the adjusted Power Charge Indifference Amount of $40.8 million must be included in subsequent years proceedings as a credit to the California Department of Water Resources revenue requirement.

11. Pacific Gas and Electric Company’s calculation of the Energy Resource Recovery Account forecast, Ongoing Competition Transition Charge, and Power Charge Indifference Amount, must be in compliance with all applicable Commission decisions and requirements, including but not limited to Decision 08-09-012 and Decision 10-04-052.
12. The assigned Administrative Law Judge’s granting of confidential treatment to Pacific Gas and Electric Company’s Exhibits PGE-1a and PGE-2a is confirmed. We also grant confidential treatment to Pacific Gas and Electric Company’s Exhibits PGE-4a. Pursuant to Decision 06-06-066, this information should remain under seal for a period of three years after the date of this order. During this three-year period, this information may not be viewed by any person other than the assigned Commissioner, the assigned Administrative Law Judge, the Assistant Chief Administrative Law Judge, or the Chief Administrative Law Judge, except as agreed to in writing by Pacific Gas and Electric Company, or as ordered by a court of competent jurisdiction. If Pacific Gas and Electric Company believes that it is necessary for this information to remain under seal for longer than three years, Pacific Gas and Electric Company may file a motion at least 30 days before the expiration of this limited protective order.

13. Application 10-05-022 is closed.

This order is effective today.

Dated December 2, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners
Appendix E
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) for Adoption of its 2011 Energy Resource Recovery Account Revenue Requirement and Competitive Transition Charge Revenue Requirement Forecasts

Application 10-10-001
(filed October 1, 2010)

NOTICE OF EX PARTE COMMUNICATION

John A. Pacheco
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Attorney for: SAN DIEGO GAS & ELECTRIC COMPANY

December 10, 2010
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC
COMPANY (U 902-E) for Adoption of its 2011 Energy
Resource Recovery Account Revenue Requirement and
Competitive Transition Charge Revenue Requirement
Forecasts

Application 10-10-001
(filed October 1, 2010)

NOTICE OF EX PARTE COMMUNICATION

In accordance with Rules 8.2 and 8.3 of the Commission’s Rules of Practice and
Procedure, San Diego Gas and Electric Company ("SDG&E") hereby gives notice of the
following Ex Parte communication in the above captioned proceeding.

On December 9, 2010 at 10:23 a.m., John Pacheco, attorney for SDG&E in this
proceeding, sent an e-mail to Administrative Law Judge Seaneen W. Wilson, with copies
to Daniel Douglass, attorney for the Alliance for Retail Energy Markets ("AReM"), and
Mitchell Shapson, attorney for the Division of Ratepayer Advocates ("DRA"). SDG&E,
AReM, and DRA are the only parties in this proceeding. Mr. Pacheco initiated this
communication and it was limited to the December 9 e-mail, which is appended to this
Notice as Attachment A.

As evidenced by the December 9 e-mail, this communication concerned a follow
up to the December 6, 2010 Pre-Hearing Conference ("PHC"), during which Mr.
Douglass proposed that an issue related to market benchmark data be adopted as an issue
in this proceeding. Mr. Pacheco’s e-mail communicated SDG&E’s objections to Mr.
Douglass' proposal.

Respectfully submitted,

By: /s/ John A. Pacheco
John A. Pacheco
Attorney for:
SAN DIEGO GAS & ELECTRIC COMPANY
101 Ash Street
San Diego, CA 92101
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E-mail: jpacheco@semprautilities.com

DATED at San Diego, California, this 10th day of December 2010
Attachment A
From: Pacheco, John A.  
Sent: Thursday, December 09, 2010 10:23 AM  
To: 'Wilson, Sean'  
Cc: 'douglass@energyattorney.com'; Shapson, Mitchell  
Subject: A.10-05-022: SDG&E’s ERRA Forecast Application  
Attachments: 11-22-10 Opening Comments of AREM - FINAL.PDF; D 10-12-007.pdf

Dear Judge Wilson,

I am writing to follow up on our PHC held on December 6, 2010.

At the PHC, Daniel Douglass, representing the Alliance for Retail Energy Markets (“AREM”), requested party status for the limited purposes of requesting that the scope of the proceeding include the issue of whether or not the Power Charge Indifference Adjustment (“PCIA”) and market price benchmark values should be kept at their current levels pending Commission action in an on-going Direct Access proceeding (R.07-05-025). Mr. Douglass also noted that he has made the same proposal in the SCE and PG&E ERRA forecast proceedings. As was discussed during the PHC, updated market benchmark data is typically provided by Energy Division in November of each year, but this year the information has yet to be provided. As soon as Energy Division releases the updated market benchmark data, SDG&E’s intent is to file an amended Application.

My response to Mr. Douglass’ proposal was that I was not familiar with the Direct Access proceeding he referenced and because I was not aware that AREM would be raising this issue in our proceeding, I was not in a position to agree or disagree.

Now that SDG&E has had an opportunity to consider this issue, we are opposed to including it within the scope of this proceeding. Our main opposition is based on the fact that we have just learned that the Commission issued its final decision in the PG&E ERRA forecast proceeding (D.10-12-007—see attached). In that proceeding, the Commission noted (see p. 13) that it considered AREM’s proposal (see AREM’s comments attached), among other comments to the PD. Despite such consideration, the Commission’s Findings of Facts, Conclusions of Law and Ordering Paragraphs did not adopt the proposal. Given the Commission’s reluctance to adopt AREM’s proposal in PG&E’s ERRA forecast proceeding, AREM should not be allowed to seek the identical proposal in this proceeding. Doing so could lead to inconsistent rulings on the same issue. Moreover, the methodology to calculate the PCIA and CTC rates was established through Commission Decision 06-07-030 and modified by Decision 07-01-030. While the Commission may be considering modifying this methodology in the Direct Access rulemaking, it has yet to do so. Thus, it would be inappropriate to make any changes to the methodology, or freeze the PCIA and CTC rates at their current levels, while waiting for a decision based on an ongoing proceeding.

Thus, SDG&E’s preference would be to follow the course that was approved by the Commission in the PG&E case and either use the Energy Division’s new market benchmark data when it is released, but if it not released prior to January 14 (the date we are to file our amended complaint), then SDG&E will use estimated market benchmark values, similar to what was done in PG&E’s ERRA forecast proceeding.

Thank you for considering these comments. SDG&E felt it was important to make sure our position was known and that your Honor was aware of the recent decision in the PG&E ERRA forecast case prior to issuing the scoping ruling in this case.

I will follow up this e-mail with the filing of a Notice of Ex Parte Communication.

Regards,

[Signature]

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission’s Rules of Practice and Procedure, I have this day served a true copy of the SOUTHERN CALIFORNIA EDISON COMPANY’S (U-338E) OPPOSITION TO THE ALLIANCE FOR RETAIL ENERGY MARKETS’ MOTION FOR PARTY STATUS on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this 13th day of December, 2010, at Rosemead, California.

/s/ Melissa Schary
Melissa Schary
Project Analyst
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists

PROCEEDING: A1008001 - EDISON - FOR APPROVA
FILER: SOUTHERN CALIFORNIA EDISON COMPANY
LIST NAME: LIST
LAST CHANGED: OCTOBER 28, 2010

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REGULATORY CASE ADMINISTRATOR
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