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<td><strong>Docket Number:</strong></td>
<td>08-AFC-08A</td>
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<tr>
<td><strong>Project Title:</strong></td>
<td>Hydrogen Energy Center Application for Certification Amendment</td>
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<td><strong>TN #:</strong></td>
<td>203077</td>
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<tr>
<td><strong>Document Title:</strong></td>
<td>Hydrogen Energy Center Application, Sierra Club Filing re PG&amp;E Ex Parte 9-17-14</td>
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<td><strong>Description:</strong></td>
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<td><strong>Filer:</strong></td>
<td>Andrea Issod</td>
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<td><strong>Organization:</strong></td>
<td>Sierra Club / A. Issod</td>
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<td><strong>Submitter Role:</strong></td>
<td>Intervenor</td>
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<td><strong>Submission Date:</strong></td>
<td>9/17/2014 2:29:48 PM</td>
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<td><strong>Docketed Date:</strong></td>
<td>9/17/2014</td>
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</tbody>
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September 17, 2014

Mr. John Heiser  
California Energy Commission  
1516 Ninth Street, MS-40  
Sacramento, CA 95814-5512  
john.heiser@energy.ca.gov

Re: HECA Reference in PG&E Notice of Improper Ex Parte Communications in CPUC Docket A. 13-02-012 (CEC Docket No. 08-AFC-8A)

Dear Mr. Heiser,

Please find attached PG&E's September 15, 2014 filing to the California Public Utilities Commission providing notice of improper ex parte communications. In the email thread, PG&E staffer Brian Cherry lobbies President Peevey's Chief of Staff Carol Brown for ALJ Wong to be assigned to PG&E's multi-billion-dollar gas transmission/storage proceeding.

We bring this to your attention because HECA was referenced in the improper email exchange, raising concerns about fair and transparent vetting of the HECA project throughout the regulatory processes. The email from PG&E states "I think Tom is going to have a harder time on HECA internally as a result of not getting [ALJ Wong on the PG&E's gas transmission/storage proceeding case]."

This document has been e-filed with the Commission and served on parties via the Commission’s e-filing system. Please let me know if you have any questions. Thank you.

Sincerely,

Andrea Issod, Staff Attorney  
Sierra Club Environmental Law Program  
85 Second St, Second Floor  
San Francisco, CA 94105  
andrea.issod@sierraclub.org  
(415) 977-5544
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

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

(U 39 G)

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

Attorneys for

Dated:  September 15, 2014

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
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

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

Attorneys for

Dated:  September 15, 2014

PACIFIC GAS AND ELECTRIC COMPANY
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?
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)
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> 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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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?
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.
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

-------- 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.

Sent from my Verizon Wireless 4G LTE smartphone

-------- 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

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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We could get Bushey…

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.....

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

No. It just isn’t what was understood.

What can I say? Would you rather have Long?

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...

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 -

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.

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
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
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.

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

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

Thought you might enjoy this.

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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To learn more, please visit http://www.pge.com/about/company/privacy/customer/
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
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]
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:
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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To learn more, please visit http://www.pge.com/about/company/privacy/customer/
You will own me if you do. ;-)

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

Any news on the reassignment?

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

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<tr>
<td>A1312012</td>
<td>Notice</td>
<td>Notice filed by CALJ/CLOPTON/CPUC on 01/29/2014 Conf# 71591 (Certificate Of Service)</td>
<td>PDF (229 KB)</td>
<td>1/29/2014 12:03:21 PM</td>
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<td>A1312012</td>
<td>Notice</td>
<td>Notice filed by CALJ/CLOPTON/CPUC on 01/29/2014 Conf# 71591</td>
<td>PDF (103 KB)</td>
<td>1/29/2014 12:03:20 PM</td>
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