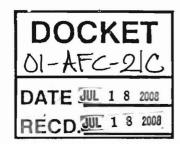
# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Expedited Approval Of The Tesla Generating Station And Issuance of a Certificate of Public Convenience and Necessity and Request For Interim Order Authorizing Early Project Commitment to Stabilize Costs

(U 39 E)

Application 08-07-\_\_\_



APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR EXPEDITED APPROVAL OF THE TESLA GENERATING STATION AND ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND REQUEST FOR INTERIM ORDER AUTHORIZING EARLY PROJECT COMMITMENT TO STABILIZE COSTS

(PUBLIC VERSION)

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AND REQUEST FOR INTERIM ORDER AUTHORIZING EARLY PROJECT
COMMITMENTS TO STABILIZE COSTS

### (PUBLIC VERSION)

#### I. INTRODUCTION

Pursuant to Rule 3 of the Rules of Practice and Procedure ("Rules") of the California Public Utilities Commission ("Commission"), General Order No. 131-D ("GO 131-D"), and Sections 1001-1005.5 of the California Public Utilities Code, Pacific Gas and Electric Company ("PG&E") hereby submits this Application for Expedited Approval and Issuance of a Certificate of Public Convenience and Necessity ("Application") for PG&E's Tesla Generating Station, a new, 560 megawatt ("MW") natural gas-fired combined-cycle generating facility to be located in eastern Alameda County. The Tesla Generating Station would be constructed on an already permitted site that currently has an advanced status in the California Independent System Operator Corporation's ("CAISO") interconnection queue. Given the termination and delayed nature of 913 MW of projects from its 2004 Long Term Request for Offers ("LTRFO"), PG&E needs new, viable generation in Northern California by Summer 2012. The Tesla Generating Station presents a unique opportunity to develop a cost-effective, environmentally-sensitive, new generation resource that will ensure customers in Northern California continued, reliable service.

PG&E also requests in this Application that the Commission issue an expedited interim order by September 18, 2008 confirming that, if the Commission ultimately denies PG&E's request for a CPCN, PG&E's reasonable termination costs, including Allowance for Funds Used During Construction ("AFUDC"), will be eligible for recovery in rates as "abandoned project" costs. PG&E has entered into certain early commitments necessary to secure long-lead time equipment needed for the Tesla Generating Station in order to stabilize project costs and preserve the opportunity to commence operations of the project when needed for reliability by Summer 2012. These commitments will be terminated if the Commission denies PG&E's Certificate of Public Convenience and Necessity ("CPCN") request; however, termination costs will apply and will approach \$50 million by January 2009, when a final decision is requested. PG&E is requesting an interim order by September 18, 2008 so that it can be assured of recovery of any termination costs reasonably incurred to pursue the timely development of the Tesla Generating Station. A determination by September 18<sup>th</sup> is essential because termination costs will increase from about \$5 million to \$15 million soon after that date, and the interim order PG&E has requested will allow PG&E to proceed with the additional financial commitments necessary to keep the development of the Tesla Generating Station on schedule.

Finally, PG&E seeks expedited consideration of this Application because prompt action is required to develop the Tesla Generating Station to serve as a replacement for the 913 MWs of planned Northern California generation projects resulting from PG&E's 2004 LTRFO that have been terminated by the developers or are at-risk and in need of additional regulatory and permitting approvals in order to be able proceed with development. The Tesla Generating Station is licensed by the California Energy Resources Conservation and Development Commission ("CEC") and is a timely, cost effective and viable alternative for replacing these terminated or at-risk projects. Given the challenges in developing new generation resources in California, and the recent termination and delays of a number of proposed projects that were necessary to ensure long-term reliability, the Tesla Generating Station is clearly needed and benefits customers by providing a reliable, environmentally sensitive, and cost-effective new

generation resource.

#### II. BACKGROUND

#### A. FPL's Tesla Power Project

On October 12, 2001, Midway Power LLC<sup>1/</sup> filed an Application for Certification ("AFC")<sup>2/</sup> with the CEC for the Tesla Power Project. The Tesla Power Project application specified a design consisting of two combined cycle units utilizing four Combustion Turbine-Generators ("CTGs"), four Heat Recovery Steam Generators ("HRSGs"), two Steam Turbine Generators ("STG"), an evaporative cooling tower installation, a zero liquid discharge system ("ZLD"), two new transmission circuits connected to the nearby PG&E Tesla substation, and other facilities.

On January 9, 2002, the CEC deemed the AFC to be "data adequate" and formally initiated the AFC proceeding. The CEC issued its Preliminary Staff Assessment on September 16, 2002, and issued its Final Staff Assessment ("FSA") on April 8, 2003. The CEC approved the Tesla Power Project on June 16, 2004. In approving the Tesla Power Project, the CEC made several significant findings, including:

- The Tesla Power Project will improve electric reliability in the Greater Bay Area;
- The Tesla Power Project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative adverse environmental impacts; and
- The evidence of record does not establish any environmentally superior alternatives.

Midway Power LLC is a wholly-owned subsidiary of ESI Energy LLC, which itself is a wholly-owned subsidiary of FPL Energy, LLC. For purposes of this Application, PG&E will refer to these entities collectively as "FPL."

The AFC is part of CEC Docket No. 01-AFC-21, and can be accessed via the CEC's website at <a href="http://www.energy.ca.gov/sitingcases/tesla/index.html">http://www.energy.ca.gov/sitingcases/tesla/index.html</a>. Given the voluminous nature of the CEC materials, including the AFC, Final Staff Assessment issued on April 8, 2003 and the CEC decision approving the Tesla Project issued June 16, 2004, PG&E has not included these materials as exhibits to this Application. These materials are publicly available on the CEC website. PG&E incorporates the CEC materials by reference in this Application and requests that the Commission officially notice these materials and include them by reference as a part of the record in this proceeding.

The CEC also approved a new approximately 0.8-mile double circuit 230 kV transmission line to connect the plant to PG&E's Tesla Substation, and relocation of the existing Tesla-Ravenswood 230 kV line within Tesla Substation and re-termination of the existing Tesla-Newark 230 kV line.

The CEC's final decision also imposed project-specific Conditions of Certification concerning facility design and engineering, transmission system engineering and safety, air quality, public health, worker safety, hazardous materials, waste management, biological resources, soil and water resources, cultural resources, geological and paleontological resources, and local impacts to land use, traffic, socioeconomics, noise and visual resources. The CEC determined that the Conditions of Certification ensure that the Tesla Power Project is designed, constructed, and operated in conformity with applicable law.

### B. PG&E's Proposed Tesla Generating Station

#### 1. PG&E's Purchase Of The Tesla Site

The Tesla site was permitted in June 2004, but was never developed. On July 16, 2008, PG&E entered into an agreement to acquire from FPL all of the interests and development rights associated with the Tesla Power Project site. The Tesla Power Project has a CEC certification for a 1,120 MW combined-cycle generating facility, utilizing two power trains capable of generating 560 MW each. However, in this Application, PG&E only seeks a CPCN to construct one of the two generating units ("First Power Train"). Under the acquisition agreement with FPL, PG&E retains the option to proceed with the development of the Second Power Train at some point in the future. PG&E's acquisition will be effective upon a Closing Date. There would be three associated payments from PG&E to FPL as follows:

- (1) PG&E is to pay \$ to FPL on the Closing Date.
- (2) PG&E is to pay \$ to FPL within 30 days of PG&E's receipt of final Commission approval for the First Power Train.

<sup>3/</sup> The acquisition agreement between PG&E and FPL is described in more detail in Chapter 2 of PG&E's testimony supporting this Application.

(3) PG&E is to pay \$ \_\_\_\_\_ to FPL within 30 days of PG&E's receipt of final Commission approval for the Second Power Train.

In addition, if the acquisition closes, PG&E is obligated to reimburse FPL for up to \$ in costs that FPL may incur prior to closing with respect to the construction of a water supply line to the project. The acquisition agreement also provides for a seller repurchase option, which will be extinguished by PG&E's filing of this Application. 4/

PG&E proposes to apportion one-half of the first two payments (i.e., \$ and the water supply line reimbursement costs to the First Power Train. This amount is included in PG&E's estimated initial capital cost of \$ PG&E proposes to classify the second half of the first two payments as attributable to the Second Power Train as plant held for future use.

### 2. Description Of PG&E's Proposed Tesla Generating Station

PG&E's proposed Tesla Generating Station will be a new nominal 560 MW gas-fired combined-cycle generating unit located in eastern Alameda County, about 0.5 mile north of PG&E's Tesla Substation. The project will consist of two Frame 7FA CTGs, each with its own HRSG. In this standard 2x1 configuration, each CTG will generate power and will exhaust directly into its own HRSG, where the exhaust heat will be captured and used to generate steam for use in the steam turbine. The exhaust steam leaves the turbine and is condensed for reuse in the steam cycle in the condenser. As permitted, the Tesla Generating Station is "wet cooled"

LTRFO bid submission date is 1:00 p.m., July 21, 2008. PG&E was concerned that potential bidders in the 2008 LTRFO may modify their bids based on the initial capital cost information for the Tesla Generating Station if that information was available before 2008 LTRFO bids are due. Thus, PG&E has redacted the initial capital cost information from the Application and supporting testimony. PG&E intends to submit a revised version of this Application and the supporting testimony on July 21 after the 2008 LTRFO bid deadline. The revised version will make public the initial capital costs of the Tesla Generating Station. This is consistent with Commission Decision 07-12-052, which allows a utility to keep commercially sensitive information confidential in an initial application filing, subject to disclosure of the information within ninety days of the filing date. See D.07-12-052 at 268-269. Here, PG&E only intends to keep this information confidential for a few days until 2008 LTRFO bids are received.

(i.e., utilizes a steam surface condenser and mechanical cooling towers to condense the exhaust steam from the steam turbine). The water supply is recycled local wastewater provided from the City of Tracy's wastewater treatment facility. There is no sewer connection, so the plant must use a ZLD system to process cooling tower and process waste water flows to eliminate liquid discharge from the facility. In this configuration, the facility is designed to achieve a design heat rate of approximately 7,000 British thermal units ("Btu")/kilowatt-hour ("kWh").

Air emissions are controlled through the use of Dry Low Nitrogen Oxide ("NOx") combustion coupled with selective catalytic reduction ("SCR") systems. Each HRSG will be equipped with a SCR system to further reduce NOx and a carbon monoxide ("CO") catalyst to control emissions of CO. Consistent with permitting regulations, any remaining emissions of NOx, CO, oxides of sulfur ("SOx"), and particulate matter ("PM") have been offset with the purchase of (or options to purchase) emissions reduction credits ("ERCs").

Additionally, the Tesla Generating Station will be equipped with two capacity-enhancing technologies to improve output during peak generation periods, including evaporative coolers at the inlet to the CTGs and duct burners to increase steam production in the HRSGs resulting in increased STG output. The facility will be a reliable and efficient source of capacity, energy, and ancillary services for PG&E's customers.

Electricity will be generated at 18 kV by the two CTGs and one STG, and then stepped up at the Tesla Generating Station switchyard to 230 kV for delivery to the Tesla Substation. As part of the Tesla Generating Station, PG&E proposes to construct: (1) a new double-circuit 230 kV Transmission Line ("Tie-Line") approximately 0.8 mile long that will connect PG&E's Tesla Project to the Tesla Substation; and (2) associated substation modifications. 6/

The Tesla Generating Station proposal includes relocating the existing Tesla-Ravenswood 230 kV and Tesla-Newark 230 kV transmission lines, but this aspect of the project is exempt from a requirement for a CPCN as it involves either substation modifications and/or minor relocations of existing 230 kV lines with a total length of 2,000 feet or less.

# III. IT IS ESSENTIAL THAT THE COMMISSION GRANT PG&E'S REQUEST FOR AN INTERIM ORDER FOR TERMINATION COSTS IN ORDER FOR THE TESLA GENERATING STATION TO PROCEED

In order to ensure that the Tesla Generating Station is timely developed no later than Summer 2012 at the initial capital cost proposed in this Application, PG&E has entered into certain early commitments with equipment suppliers to acquire major, long lead time machinery. These contracts contain termination provisions in the event the Commission does not approve this Application. Making these commitments in advance of a final Commission decision is reasonable and in customers' best interests for two reasons. First, the commitments lock-in the price on major components of the Tesla Generating Station. This provides price stability in a period of rapid price escalation. For example, the cost of comparable equipment has increased over significantly from last Fall when PG&E priced it in connection with the Colusa project. Fixed prices for major equipment also provide a firmer basis for PG&E's cost estimate for the total Tesla Generating Station, allowing PG&E to minimize equipment-related contingencies and hold the cost to customers as low as possible. Second, the early commitments ensure timely delivery of the equipment so as to accommodate commercial operations no later than Summer 2012. The typical time for delivery of major power plant equipment is approximately months from the time of commitment. If PG&E were to wait until after final Commission approval to order the equipment, assuming availability and delivery under the historic schedule, PG&E would be unable to achieve commercial operation by Summer 2012.

PG&E has entered into an interim notice to proceed with the turbine manufacturer for supply of two combustion turbine generators ("CTGs") and one steam turbine generator ("STG"). PG&E has already made in July 2008 an initial payment for the turbine equipment for million and will be responsible for an additional payment of million in August 2008. PG&E expects to provide the turbine manufacturer the final notice to proceed on or about September 22, 2008, resulting in ongoing monthly payment obligations for the manufacture and delivery of the turbine equipment. PG&E must pay the turbine manufacturer million in September, and will make that payment if the Commission grants PG&E's request for an interim

order. Assuming the project proceeds, PG&E can expect to pay varying amounts of additional progress payments in the following months. Commission issuance of an interim decision will support continuation of the project. The termination right for the turbine equipment contract may be exercised either before or after final notice to proceed. The termination fee is established at an amount that is less than or equal to PG&E's cumulative progress payments according to a payment and termination schedule.

PG&E requests that the equipment-related costs and associated engineering, permitting and procurement-related costs ("termination costs") be recoverable as an abandoned project expense, and that these costs include AFUDC. For the benefit of the Commission, PG&E identifies these estimated costs (in millions) through May 2009 in the table below. As is evident from the table, the termination costs for the Tesla Generating Station increase dramatically after September 2008, reaching \$20 million in October 2008, \$49 million in January 2009 and \$99 million in May 2009.

|                        | July<br>2008 | Aug<br>2008 | Sept<br>2008 | Oct 2008 | Nov 2008 | Dec 2008 | Jan<br>2009 | Feb. 2009 | March<br>2009 | Apr<br>2009 | May 2009 |
|------------------------|--------------|-------------|--------------|----------|----------|----------|-------------|-----------|---------------|-------------|----------|
| Monthly<br>Termination | 3 M          | 2 M         | 10 M         | 6 M      | 5 M      | 6 M      | 17 M        | 10 M      | 6 M           | 10 M        | 24 M     |
| Costs<br>Cumulative    | 3 M          | 5 M         | 15 M         | 21 M     | 26 M     | 32 M     | 49 M        | 59 M      | 65 M          | 75 M        | 99 M     |
| Total                  |              | - 1.7       | 10.112       |          |          | 02,112   |             |           |               | 1           |          |

PG&E requests that the Commission issue an interim order by September 18, 2008 authorizing PG&E to enter into such early commitments and, in the event the Commission does not ultimately grant the requested CPCN for the Tesla Generating Station, to recover fully in rates as "abandoned project" costs the termination costs it has incurred. Cost recovery authorization in the interim order would be subject to a review of PG&E's reasonable management and administration of such equipment contracts and associated termination costs. The revenue requirement associated with the abandoned project recovery will be recorded in the UGBA and included in rates on January 1 of the following year. The amount recorded in the UGBA will depend on when the final Commission decision is issued. If the Application is

approved, PG&E will not incur any termination costs and the interim order would be moot.

# IV. THE TESLA GENERATING STATION IS NECESSITATED BY THE TERMINATION AND DELAYS OF PPAS FROM PG&E'S 2004 LTRFO

#### A. Status Of The 2004 LTRFO Resources

In late 2004, the Commission issued D.04-12-048, adopting a long-term procurement plan or "LTPP" for each of the three investor-owned utilities. For PG&E, the Commission determined that there was a need for 2,200 MW of new generation in Northern California by 2010<sup>7/</sup> and directed PG&E to initiate a solicitation to secure these resources.<sup>8/</sup> PG&E conducted its solicitation in 2004-2005, receiving over 50 bids for projects totaling in excess of 12,000 MW. Of these, PG&E selected and sought approval for five PPAs with terms from 10 to 20 years. In addition, PG&E sought approval for a Purchase and Sale Agreement ("PSA") for the Colusa Project that was to be developed by a power plant developer and purchased and operated by PG&E, and an Engineering, Procurement and Construction ("EPC") contract for a new generator at PG&E's Humboldt Power Plant. The seven new generation facilities were:

| FACILITY                   | CAPACITY | PROPOSED<br>ON-LINE DATE |
|----------------------------|----------|--------------------------|
| Starwood Power             | 118 MW   | May 2009                 |
| Eastshore Energy Center    | 116 MW   | May 2009                 |
| Panoche Energy Center      | 339 MW   | August 2009              |
| Bullard Energy Center      | 196 MW   | September 2009           |
| Humboldt Power Plant       | 163 MW   | September 2009           |
| Colusa Generating Station  | 657 MW   | May 2010                 |
| Russell City Energy Center | 601 MW   | June 2010                |

Together, the five PPAs and two new utility-owned resources would have resulted in the

<sup>7/</sup> D.04-12-048, Finding of Fact ("FOF") 19.

<sup>8/</sup> Id. Ordering Paragraph ("OP") 4.

construction of 2,250 MW of new generation facilities in Northern California by 2010. On November 30, 2006, the Commission issued D.06-11-048 approving the five PPAs, the PSA for Colusa, and the EPC for Humboldt. Since November 2006, there have been a number of significant developments related to these new generation resources. <sup>9</sup>/

#### **Bullard Termination**

The developer of the 196 MW Bullard Energy Center originally planned to start construction in 2008 and to commence commercial operation by Summer 2009. The acting Director of the City of Fresno Planning and Development Department notified the Bullard project manager that the proposed project was not consistent with the Fresno Zoning Ordinance and the policies of the Fresno 2025 General Plan. In response to the City's determination, Bullard sought to alter its site location and notified the CEC of its intent to enter negotiations for an adjacent parcel. Since that time, the zoning classification proved to be a fatal flaw in the permitting process, and the CEC terminated the Bullard AFC Proceedings. Bullard notified PG&E by letter dated January 28, 2008, that Bullard would not receive all governmental approvals to proceed with the project by the permitting milestone date defined in the PPA, and that therefore it was electing to terminate its PPA.

#### **Eastshore Termination**

The 116 MW Eastshore Energy Center project ("Eastshore") faced significant public opposition from its inception. The CEC staff performed a detailed alternatives analysis, which took into account other various locations in which the Eastshore project could be located. In its analysis, CEC staff indicated that the thermal plume generated by Eastshore could present an aviation hazard to inbound and outbound traffic from the Hayward Executive Airport. Public opposition, as well as a potential significant impact to aircraft, delayed the CEC's analysis and

In the fall of 2007, the developer of the Colusa Project notified PG&E of its termination of the PSA, immediately prompting PG&E to seek a CPCN granting PG&E permission to construct and operate the Colusa project itself. The Commission granted PG&E its final approval of the Colusa CPCN on June 12, 2008 (D.08-06-012), helping to ensure that PG&E could begin construction so that the Colusa Project will be online in 2010.

decision on Eastshore. As a result, Eastshore notified PG&E by letter dated May 16, 2008, that Eastshore had not received a timely decision on its plant siting permit, and that therefore it was electing to terminate its PPA. On June 20, 2008, a committee designated by the CEC to review Eastshore released its presiding member's proposed decision, which recommended against licensing the facility and recommended that Eastshore's Application for Certification be denied.

### Russell City Energy Center Project ("RCEC Project")

The RCEC Project, owned by Russell City Energy Center, LLC ("RCEC"), has also experienced delays, despite having received its CEC license in October of 2007 after an extended CEC licensing process. The Bay Area Air Quality Management District approved RCEC's air permit in November 2007 but an appeal of this permit is currently awaiting decision by the Environmental Appeals Board of the Environmental Protection Agency ("EAB"). Until the EAB issue a final decision on this appeal, RCEC cannot initiate construction.

In addition, RCEC has applied for a two-year extension of its CEC license for the project, which, if granted, would require construction to begin by September 2010. The challenge to the air permit, in conjunction with the extended CEC process, has resulted in a significant delay of the project.

PG&E and RCEC have reached agreement in principle on an amendment to the RCEC PPA to revise the pricing and extend the on-line date by two years to June 2012. This agreement in principle is subject to senior management and/or corporate approvals of both companies and is conditioned on Commission approval. If final agreement is reached and internal approvals are obtained, PG&E will submit an application for approval to the Commission as soon as possible within the next 30 to 60 days. In addition, PG&E will supplement its economic assessment in Chapter 6 to include an assessment of the RCEC PPA amendment. As discussed above, RCEC still needs to obtain final permits for the facility and the Commission needs to approve the amended PPA.

### B. The Tesla Generating Station Can Replace The Terminated Or At-Risk PPAs

In its recent 2006 LTPP decision, D.07-12-052, the Commission confirmed that the need established in the 2004 LTPP decision remains and that "if a previously authorized resource is determined unviable during the development process and the associated contract is terminated, the procurement authority for those megawatts remains." The two terminated projects, totaling 312 MW, and the delayed RCEC Project, which is an additional 601 MW, were to be on-line by 2009-2010 and were needed to ensure continued reliability in Northern California. Although these projects have now terminated, or are significantly delayed, the need for new generation resources remains.

The Tesla Generating Station is one of the few viable alternatives available to satisfy this Commission-approved procurement need. As the Commission recognized in D.07-12-052, developing new generation resources is challenging, risky and time consuming. 111/1 New generation resources can take up to seven years to develop when a project is required to go through Commission approval, permitting, construction and testing. 121/1 The Tesla Generating Station is unique in that it is already permitted by the CEC, and construction can begin as early as 2009, so that the project can be in operation by Summer 2012. Moreover, the Tesla site currently has an advanced position in the CAISO interconnection queue. As described in more detail in Section V.A below, an advanced CAISO queue position is essential to the timely development of any new generation facility in California. The current permitted status of the Tesla site and the very high CAISO interconnection queue position make the Tesla Generating Station a truly unique opportunity to replace the failed or at-risk projects from the 2004 LTRFO.

There are only two combined cycle projects that likely can be developed in time to replace the failed or at-risk 2004 LTRFO projects – the Tesla Generating Station and the RCEC Project under an amended PPA. PG&E considers pursuit of both a contract amendment to the

<sup>10/</sup> D.07-12-052 at 103.

<sup>11/</sup> Id. at 21.

<sup>12/</sup> Id.

RCEC Project and development of the Tesla Generating Station as a complementary strategy for replacement of the terminated or at-risk 2004 LTRFO projects. Having two projects on track for commercial operations by Summer 2012 reduces the risk of supply shortages. In light of the recent track record of failed project development in California, having two projects on track for commercial operation by Summer 2012 ensures that if one project is delayed, there will be sufficient new generation resources to satisfy customer demand. Moreover, there is still a need to replace the 312 MW of generation associated with the terminated Bullard and Eastshore projects. Finally, if both projects are ultimately approved by the Commission, PG&E could adjust the 800 MW to 1,200 MW of need adopted by the Commission for the 2008 LTRFO.

Consistent with the authority granted by the Commission in D.07-12-052 to replace terminated projects, this Application to develop the Tesla Generating Station should be expeditiously approved.

# V. THE TESLA GENERATING STATION COMPLIES WITH THE UTILITY-OWNERSHIP REQUIREMENTS IN D.07-12-052

In authorizing PG&E to replace previously approved resources that have terminated, as described above, D.07-12-052 did <u>not</u> require PG&E to demonstrate a reliability need, the infeasibility of an RFO, or "extraordinary circumstances." Thus, PG&E believes that the discussion above describing the terminated and at-risk 2004 LTRFO projects, and its demonstration that the Tesla Generating Station is a viable and cost-effective replacement for these projects, fully satisfies the requirements of D.07-12-052. However, PG&E expects that some parties in this proceeding will assert that D.07-12-052 requires a utility to demonstrate "extraordinary cîrcumstances" when it proposes a utility-owned project outside of the RFO process. Although D.07-12-052 is clear that no such showing is required to replace a failed project, even if the Commission were to apply the "extraordinary circumstances" standard, the Tesla Generating Station proposal readily satisfies that standard as well.

In D.07-12-052, the Commission authorized the development of utility-owned generation ("UOG") outside of an RFO in five unique circumstances where UOG "may be the most

attractive option to ratepayers for resource development." Two of the circumstances identified that apply to this Application are: (1) an attractively priced resource representing a "unique opportunity;" or (2) a resource that is needed to "meet specific, unique reliability issues (particularly under circumstances in which it becomes evident that reliability may be compromised if new resources are not developed), and the only means of developing new resources in sufficient time is via UOG." The Tesla Generating Station satisfies both of these circumstances, as described in more detail below. D.07-12-052 includes several additional requirements for UOG projects proposed outside of an RFO. These requirements are also satisfied, as explained in Section V.C below.

### A. The Tesla Generating Station Is A Unique Opportunity to Acquire a Permitted Site

The Commission recently recognized the significant amount of time needed to develop new generation resources, the risk associated with new generation development, and the corresponding need to find viable projects that will actually be developed. In D.07-12-052, the Commission noted that developing a new generation facility, from initial contract development to commercial operation, can take up to seven years. Even after a contract is executed, developers face significant hurdles permitting and constructing new facilities. In D.07-12-052, the Commission also urged the utilities to consider viability, and the status of permitting, when considering new generation proposals, given the significant uncertainty in development, and the reliability risk that a proposed new generation facility will never actually develop. The Tesla site was permitted by the CEC in 2004, and is one of the few fully permitted sites available in Northern California. The site is located near the Greater Bay Area and PG&E's existing gas and electric transmission systems.

<sup>13/</sup> Id. at 210.

<sup>14/</sup> Id. at 212.

<sup>15/</sup> D.07-12-052 at 21.

<sup>16/</sup> Id. at 105-106, 157-158 (noting significant development challenges being faced by new generation throughout California).

The Tesla Generating Station is also well situated in the CAISO queue. As the Commission is aware, the CAISO has experienced significant problems with its queue process and has currently predicted extended delays before it is able to study proposed new generation projects. The CAISO's procedure for interconnecting generators involves studies of the capability of the transmission system to handle the increased generation. The CAISO maintains an interconnection queue of generator interconnection requests. Projects currently in the queue now represent 105,000 MW of new potential capacity. To put this number into context, the total peak load handled by the CAISO was 50,270 MW. As the number of generation projects in the CAISO interconnection queue far exceed the amount of generation that can reasonably be expected to be developed, the CAISO has begun a reform process for clearing the queue and keeping it manageable going forward. However, generation projects currently in the CAISO queue may experience significant delays while the CAISO works its way through the process of resolving the number of projects now in the queue.

The CAISO closed the current queue at the end of May 2008, and opened a new queue cluster on June 2, 2008. Projects in the closed queue will be studied in two groups, the Serial Study Group and Transition Cluster. The Serial Study Group includes those projects that are advanced in the interconnection process, and the CAISO and Participating Transmission Owners ("PTOs") are working to complete these applications this year. The Tesla Generating Station is in the Serial Study Group. The project currently has an advanced status in the CAISO queue and interconnection studies are expected to be completed by October 2008. For projects that are not as advanced as the Tesla Generating Station, the CAISO forecasts clearing the Transition Cluster in late 2010. Projects that apply for interconnection after the end of May 2008 will not have completed transmission studies and executed Interconnection Agreements until the first quarter 2012, at the earliest. A permitted site with a high CAISO queue position is incredibly unique

<sup>17/</sup> See e.g. California Independent System Operator Corp., FERC Docket No. ER08-960-000, indicating that tens of thousands of megawatts of proposed projects are currently in the CAISO queue and that simply initiating the transmission studies necessary to review these proposed projects will likely take several years, at a minimum.

and valuable in today's market.

Although FPL obtained the CEC permit and CAISO queue position, it elected not to proceed with the development of the project and instead made it available to PG&E. This is a unique opportunity. There are few, if any, permitted sites with such an advanced CAISO queue position, and none of the other permitted sites are available for PG&E to develop. While other developers may propose projects, or even make sites available, the permitting and transmission study process is challenging, time-consuming and risky. PG&E took advantage of a unique, fleeting opportunity to acquire the Tesla site. The current CEC permit requires that construction commence in June 2009. Given the time required for Commission approval, PG&E could not delay acquiring the Tesla site or proposing its development. PG&E had to act quickly including its acquisition of the site and initiation of negotiations with major equipment suppliers prior to Commission approval — in order to take advantage of this fleeting opportunity to acquire and develop a permitted site in time to meet its approved need for new resources. The fact that Tesla is already permitted by the CEC not only makes Tesla a unique opportunity, but also makes it an attractively-priced resource. PG&E could have entered into a PPA with a higher total cost and no guarantee that the developer would actually develop the project by 2012 at the agreed-upon cost. The terminated and at-risk projects resulting from PG&E's 2004 LTRFO underscore the significant uncertainties of development. In short, the proposed Tesla Generating Station is a unique opportunity. Thus, the project fully satisfies the requirements of D.07-12-052.

- B. The Tesla Generating Station is Needed to Meet Specific, Unique Reliability Needs
  - 1. Additional Generation is Needed by 2012 to Fill the Void Caused by Terminated or Delayed Contracts

It is highly likely that there will be insufficient generation in California to maintain an adequate electric supply beginning in 2012. As described above, three proposed projects from PG&E's 2004 LTRFO have been either terminated or at-risk. This will have a substantial

adverse effect on PG&E's ability to meet the current 15-17% Planning Reserve Margin ("PRM"). <sup>18/</sup> In the 2006 LTPP decision (*i.e.*, D.07-12-052), the Commission approved a ten-year forecast for PG&E's service area, projecting a 20% PRM in 2012 and a 18% PRM in 2013. However, this forecast assumed that all of the projects proposed in the 2004 LTRFO would be constructed and operational. Taking into account the terminated or delayed projects from the 2004 LTRFO, PG&E's PRM, based on the Commission-approved analysis, drops to 16.3 % in 2012 and 13.7% in 2013. Moreover, the D.07-12-052 forecasts are premised on certain additional new generation resources that will likely not materialize. In particular, the City and County of San Francisco's ("CCSF") 180 MW San Francisco Reliability Project ("SFRP") is uncertain. Without the SFRP, the 2012 drops to 15.5% and the 2013 PRM drops to 13.0%. Finally, these numbers assume that all of the other new generation resources approved from PG&E's 2004 LTRFO develop, as well as the significant forecasts of renewable resources included in PG&E's 2006 LTPP. If some of these resources do not develop, as is likely given the experience with the 2004 LTRFO, PG&E's PRM in 2012 will drop below the Commission-mandated 15% and the 2013 PRM will drop even lower.

The analysis above assumes the current PRM remains in place. The 2012 PRM-deficiency will only increase if the Commission decides to modify the current PRM in Rulemaking No. 08-04-012. Based on PG&E's analysis and information obtained from the CAISO, PG&E believes the Commission's currently approved PRM of 15% to 17% does not meet the industry reliability standard of one-day-in-ten years. This issue is being explored in R.08-04-012. If the Commission ultimately agrees with PG&E in that proceeding, it will need to increase the PRM to meet industry standards. In that case, PG&E's PRM concerns for 2012-

In the 2006 LTPP proceeding, PG&E argued that the current PRM was not sufficient to ensure reliable service consistent with current industry standards, and recommended procuring additional resources to satisfy industry standards. The Commission rejected PG&E's argument in that proceeding (see D.07-12-052 at 98-100), but subsequently initiated a separate rulemaking to evaluate the appropriate PRM. See R.08-04-012. By referring to the current Commission-approved PRM standards in this Application, PG&E is not endorsing these standards or changing its position that the current PRM needs to be increased. Instead, PG&E is demonstrating that even under the current PRM standards, the Tesla Generating Station is needed.

2013 will be even more significant as to the required PRM will be even higher than 17%. A decision in the PRM proceeding is expected in June 2009. However, PG&E and its customers cannot wait until that proceeding concludes to procure needed new generation. Given that new generation resources can take up to seven years to develop, PG&E needs to plan now to meet its 2012-2013 PRM needs, both under the current standards, and if those standards are subsequently changed.

Finally, this assessment, while derived from PG&E's most recent long-term procurement plan approved by the Commission, understates the reliability risk in material respects. First, there is uncertainty in the peak load forecast. PG&E has observed a notable increase in ambient temperature in the past decade. Accounting for a continued trend of higher ambient temperatures consistent with global climate change models would result in a peak load that is about 600 MW higher than previously forecasted in 2012 and 2013. Second, aging plants may retire sooner than expected, further impacting reliability and PG&E's planning reserve margin. In D.07-12-052, the Commission assumed about 600 MW of retirements per year until all 4,400 MW of aging plants in PG&E's service area are retired in 2015. However, the State Water Resources Control Board recently initiated a rulemaking to consider prohibiting the use of once-through cooling for existing fossil-fueled power plants by 2015. Given these potential requirements, it is possible that plant owners may accelerate their plans to retire these aging units.

### 2. The Tesla Generating Station Is The Most Viable Alternative To Meet Customer Needs

Currently, there are only six available sites that have received final authorization from the CEC and which could potentially provide sufficient generation necessary to ensure reliability starting in 2012: Tesla, RCEC, East Altamont, Los Esteros, San Joaquin, and SFRP. The status of the RCEC Project is discussed above. East Altamont, Los Esteros and San Joaquin are all owned by Calpine. PG&E has not been presented with a proposal to purchase power from these facilities since the close of its 2004 LTRFO. Los Esteros is a combined-cycle upgrade to the Calpine peakers and only represents 140 MWs. Neither East Altamont nor San Joaquin have

existing CAISO transmission queue positions for interconnection and thus are unlikely to be available to meet CAISO loads by the summer of 2012. Finally, as noted above, the development of the SFRP is uncertain.

Any developer planning to construct a new resource will first need to obtain a CEC permit which, as discussed above, is time-consuming and challenging. In addition, the developer will need to submit an interconnection agreement to the CAISO and, given the volume of the CAISO queue, will have to wait for years before studies for the project can even be initiated. Another challenge faced by new generation projects is that capital costs have increased substantially in recent years, and even in recent months. Costs of steel and concrete have increased sharply, driven by worldwide demand. Current currency exchange rates have increased the price of imported materials. The heavy national demand for the type of skilled labor needed to construct power plants has increased labor costs. At the same time, the electric power industry is entering a major capital investment phase which will put further upward pressure on prices. A recent press release by Cambridge Energy Research Associates describes an index it uses to track the costs of building coal, gas, wind and nuclear power plants, and states that the index indicates that a power plant that cost \$1 billion to construct in 2000 would, on average, cost \$2.31 billion today. [19]

To the extent a planned or proposed new facility does not have its equipment and construction costs locked down already, the anticipated rise in costs that simply come with the passage of time jeopardizes the ability to complete the facility within initially projected timeframes or at a competitive cost. Because PG&E has already taken steps to lock-in significant capital costs such as major equipment purchases for the Tesla Generating Station, it is in a better position to avoid incurring continued escalating costs than other projects that have not yet done so.

There is a dearth of new generation that could potentially take the place of these

<sup>19/</sup> See http://www.cera.com/aspx/cda/public1/news/pressReleases/pressReleaseDetails.aspx?CID=9505.

cancelled and delayed projects by 2012. The development of new generating facilities, including site selection, site control, electric and gas interconnection studies, procurement of emission offsets and water, project design, permitting, and financing, is a time and capital-intensive effort. For each project, whether these efforts result in construction of a project is highly uncertain. In California in particular, the challenges associated with permitting a generating facility can significantly delay or cause the cancellation of a project. Additionally, the rapid and unprecedented rise in the underlying power plant construction costs due to recent materials and labor cost increases has created significant economic pressure on participants who previously offered and committed to deliver a power plant under a fixed price contract.

Permitting uncertainties include a significant backlog at the CEC, which means that the agency is unlikely to meet the twelve month prescribed standard for processing generator applications. Power plant developers also have experienced significant local opposition in the form of challenges to siting and permitting. Such challenges, even if ultimately unsuccessful, can significantly delay a project's on-line date and increase project costs. Moreover, with the quantity of cases before the CEC, the Siting Division staff has routinely requested and received additional time from the Commission in analyzing cases.

In short, there is a demonstrated need for new resources that can be on-line by 2012 and few alternatives to develop such resources. The Tesla Generating Station meets a specific, unique reliability issue that cannot be satisfied in sufficient time and sufficient certainty through an RFO or other time-consuming methods. In this case, the requirements of D.07-12-052 for a specific reliability project are fully satisfied.<sup>20</sup>/

### C. The Tesla Generating Station Satisfies The Other Requirements of D. 07-12-052

In addition to the unique opportunity and/or reliability criteria, D.07-12-052 established

Although the Tesla Generating Station is not needed to meet demand until Summer 2012, PG&E plans to have Tesla on-line by November 1, 2011 for several reasons. First, targeting a Fall 2011 on-line date allows PG&E to maintain a construction schedule designed to manage costs to stay within the requested \$850 million cost cap. Second, an earlier on-line date will reduce customer costs, such as AFUDC.

several other requirements for UOG developed outside of an RFO. First, the utility is required to make a showing that holding a competitive RFO is infeasible. Second, if the utility elects to use an EPC contract for the UOG project, it must explain why a competitive RFO for PSAs is inappropriate. Finally, the utility must demonstrate that truly extraordinary circumstances justify the proposed UOG project. As described below, all of these criteria are satisfied.

### 1. A Competitive RFO is Infeasible and Impractical

Competitive RFOs require a substantial amount of time to conduct, requiring execution of agreements with the most attractive, viable projects, obtaining Commission approval, and commencing development of a new generation resource. For example, PG&E issued its 2004 LTRFO on November 2, 2004. Conducting the solicitation, short-listing bidders, negotiating contracts, submitting contracts to the Commission and receiving approval required a little more than two years. The Commission issued its decision on November 30, 2006, approving generation with the earliest on-line date of May 1, 2009. Similarly, Southern California Edison ("SCE") issued its Standard Track RFO on August 14, 2006, for resources expected to be on-line beginning on August 1, 2013, totaling a seven year estimated RFO process. Even SCE's Fast Track RFO is estimated to take approximately four years from RFO issuance to generation operation dates.

In D.07-12-052, the Commission recognized that the typical RFO process for new generation can require seven years. PG&E's customers cannot afford to wait that long to develop new generation resources that are needed by 2012. Moreover, there is no guarantee that a winning RFO bid intended to be developed by 2012 will actually be developed by 2012. Past experience underscores this uncertainty. Of the five PPAs resulting from PG&E's 2004 LTRFO, two have terminated and one is delayed and may never be developed. Effectively, 64% percent

<sup>21/</sup> Id. at 211.

<sup>22/</sup> Id. at 212.

<sup>23/</sup> Id. at 212-213.

<sup>24/</sup> PG&E later issued a revised LTRFO on March 18, 2005.

of the total PPA MWs are either terminated or at-risk. Even if PG&E were able to expedite a new generation RFO, there is no guarantee the RFO would provide the needed new resources by 2012.

### 2. The Tesla Project Requires an EPC, not a PSA

As PG&E has purchased the Tesla Project from FPL, an EPC is more suitable for the Tesla Generating Station than a PSA. PSA contracts typically require the developer to obtain the permits for and to construct a new generation facility on a "turn key" basis. FPL was unwilling to proceed on that basis thus making a PSA infeasible. Moreover, in this case, there is no need for a PSA since the development risk is largely resolved. PG&E will manage construction risk for the Tesla Generating Station but this risk can be managed reasonably and appropriately by PG&E through an EPC contracting structure. In fact, because the Tesla site is already permitted and the development risks largely resolved, requiring a PSA would only increase customer costs for no corresponding substantial benefit. Moreover, a PSA solicitation would require additional time, which would delay the on-line date for the facility by a year or more. An EPC is more cost-effective, given the current fully-permitted status of the site, and will reduce delays.

#### 3. Truly Extraordinary Circumstances Exist

The Commission did not define "truly extraordinary circumstances" in D.07-12-052. However, the Tesla Generating Station qualifies under any reasonable definition. California is rapidly headed toward a situation where demand is approaching available supply, and there is a very real threat of supply shortages in the next few years. Unless corrective action is taken immediately, California will be facing potential shortages, with no possibility of developing generation in time to meet customer needs. A reliable supply of energy is critical for California and is a key Commission goal. This is not the time for the Commission to delay, hoping for conditions that dampen demand or for unknown supply sources to magically appear. The Commission needs to act now to ensure that the Tesla Generating Station is developed in

<sup>25/</sup> D.07-12-052 at 8 ("The Commission initiated the [Long-Term Procurement Plan] proceedings to continue our efforts to ensure a reliable and cost-effective electricity supply in California.")

sufficient time to meet the critical need and extraordinary circumstances facing California. As the Commission has previously determined, "interruption in service has a cost to individual business and residential customers who are without power, and the economy of the state as a whole could suffer both directly in loss of products and services and the loss of income and taxes, and indirectly in making California less desirable as a place for business and jobs." The Tesla Generating Station is one of the few alternatives reasonably available to be developed by 2012-2013 to satisfy California's reliability needs.

# VI. TESLA IS A FLEXIBLE RESOURCE THAT PROVIDES ADDITIONAL OPERATIONAL AND ENVIRONMENTAL BENEFITS FOR CUSTOMERS.

In making PG&E's need determination in D.07-12-052, the Commission recognized the need for PG&E to procure dispatchable ramping resources that can be used to adjust for the morning and evening ramps created by the intermittent types of renewable resources. The Tesla Generating Station meets this Commission requirement. The project is designed to be operationally flexible, with the capability to start up quickly and frequently, and to increase and decrease output to meet changing system conditions. This type of technology is increasingly important to accommodate the intermittent renewable resources being added by PG&E to achieve California's 20% Renewable Procurement Standard ("RPS") requirement. Many renewable resources are intermittent and require available quick start generation to ensure reliable service for customers. As California's utilities strive to achieve the 20% RPS standard by 2010, and possibly a 33% standard in the future, operationally flexible facilities such as the Tesla Generating Station are essential.

The combined-cycle design is also an environmentally sound way to generate electric power using natural gas. The Tesla Generating Station will be equipped with two capacity-enhancing technologies to further cost-effectively improve energy output during peak generation periods: evaporative coolers at the inlet to the CTGs and duct burners to increase

<sup>26/</sup> D.07-01-041 at 23.

<sup>27/</sup> D.07-12-052 at 106.

steam production in the multi-pressure HRSG resulting in increased condensing STG output. In addition, the project is expected to have an average heat rate of 7,000 British Thermal Units/kilowatt-hour ("Btu/kWh") and a corresponding average carbon dioxide ("CO<sub>2</sub>") emission rate of 0.82 pounds/kWh, which is better than many currently operating natural-gas fueled facilities.

The CEC approved the Tesla Generating Station with conditions to mitigate environmental and community impacts such as the use of state-of-the-art control equipment to minimize air emissions. Air emissions will be controlled through the use of dry NO<sub>x</sub> combustion coupled with selective catalytic reduction ("SCR") systems. Each HRSG will be equipped with a SCR system to further reduce NO<sub>x</sub>, as well as a carbon monoxide ("CO") catalyst to control CO emissions. This ensures that the Tesla Generating Station is designed, constructed, and operated in a manner that will protect public health and safety, promote the general welfare, and preserve environmental quality.

In addition to preserving environmental quality, the Tesla Generating Station will have other additional environmental benefits. First, because the facility will operate at a low heat rate, it will use less natural gas and produce fewer greenhouse gas emissions per unit of electricity output than many currently operating natural gas fueled power facilities. Second, the Tesla Generating Station can replace older generation facilities that rely on once-through cooling technology, helping improve water quality. The operational and environmental benefits of the Tesla Generating Station are described in more detail in Chapter 2 of PG&E's testimony.

# VII. PG&E'S TESLA PROJECT IS REASONABLE AND COST-EFFECTIVE FOR CUSTOMERS

#### A. PG&E's Capital and Operations and Maintenance Cost Estimates

### B. The Tesla Generating Station Capital And O&M Costs Are Reasonable.

The Tesla Generating Station is cost-effective in both relative and absolute terms. PG&E compared the costs and benefits of the Tesla Generating Station to the costs and benefits associated with an offer for a PPA applicable to the Tesla Power Project which was submitted by FPL at PG&E's request, and the amended RCEC PPA. The Tesla Generating Station has a greater market value these alternatives, as described in more detail in Chapter 6 to PG&E's testimony. In addition, PG&E compared the value of the Tesla Generation Station to the value of the PPAs and PSA approved in the 2004 LTRFO. The Tesla Generating Station again had a better market value as described in Chapter 6.

### VIII. THE COMMISSION SHOULD GRANT A CPCN FOR THE TESLA GENERATING STATION

# A. Public Convenience and Necessity Requires Construction of The Tesla Generating Station

Public convenience and necessity requires the construction of the Tesla Generating

Station, including a 560 MW combined-cycle facility, and an approximately 5,000 feet Tie-Line
that will connect the project to the CAISO-controlled grid at PG&E's existing Tesla

Substation. Public Utilities Code section 1001 provides that "[n]o... electrical corporation...

shall begin the construction... of a line, plant, or system... without having first obtained from
the commission a certificate that the present or future public convenience and necessity requires
or will require such construction." In determining whether the proposed construction is

This Application does not require the Commission to consider the four factors enumerated in Cal. Pub. Util. Code § 1002(a). Instead, the issues evaluated under those factors have been determined by the CEC, whose decision in the AFC proceeding "shall take the place of the requirement for consideration by the commission of the four factors . . . ." Cal. Pub. Util. Code § 1002(b).

"necessary," the Commission has traditionally considered such factors as the adequacy of existing service, the ability of the proposed project to meet any identified need, and the impact of the proposed project on rates. <sup>29/</sup> Ultimately, the question for the Commission in any CPCN proceeding is whether the "rights and interests of the general public will be advanced" by the granting of the certificate. <sup>30/</sup> Approval of the Tesla Generating Station will advance the public interest.

PG&E's Tesla Generating Station is needed to replace 913 MW of terminated or at-risk projects from PG&E's 2004 LTRFO. The Commission has already determined a need for this generation which, as a result of contract terminations and other delays, will not be filled by 2012 unless immediate corrective action is taken. The Tesla Generating Station is one of the only large-scale generation projects capable of being completed in time to meet that need. With limited options available for meeting PG&E's customers' energy needs in 2012 and beyond, the Commission should support PG&E's efforts to take advantage of this unique, cost-effective opportunity. The lack of timely, cost-effective alternatives to the Tesla Generating Station further demonstrates that construction of the project remains in the public interest.

# B. PG&E's Costs are Reasonable And Should Be Adopted Consistent With Public Utilities Code Section 1005.5(a)

As discussed above in Section VII, and in Chapters 4, 5 and 6 of PG&E's testimony, the estimated initial capital cost of \$\frac{1}{2}\$ is reasonable. Public Utilities Code section 1005.5(a) requires that, whenever the Commission issues a CPCN for a project estimated to cost greater than \$50 million, it must specify in the certificate the "maximum cost determined to be reasonable and prudent" for that facility. Based upon the cost estimates discussed in Chapter 4, PG&E requests that the Commission approve an initial capital cost of \$\frac{1}{2}\$ for the Tesla Generating Station, consistent with section 1005.5(a).

<sup>29/</sup> See e.g., Jamshid Anvaripour certificate, Decision No. 90943, 1979 Cal. PUC LEXIS 1125; see also Northern California Power Agency v. Public Utilities Comm., 5 Cal. 3d 370 (1971).

<sup>30/</sup> Oro Electric Corp. v. R.R. Commission, 169 Cal. 466, 475 (1915).

### C. Project Implementation Plan, Design and Construction Management and Cost Control Plan

In Chapter 4, PG&E provides a project implementation plan as required by Public Utilities Code sections 1003(b) and (e). The project implementation plan includes a description of how the project would be contracted for and constructed; a timetable identifying the design, construction completion, and operation dates for each major component of the project; and a design and construction management and cost control plan that indicates the contractual and working responsibilities and interrelationships between PG&E's management and other major parties involved in the project. A preliminary estimate of the cost of decommissioning the Tesla Generating Station is in Chapter 7.

PG&E has formed project execution teams that include Development Management and Construction Management and will complete this project in a similar fashion to PG&E's Gateway and Colusa generation projects. The Development Team will take responsibility for all permitting and other development activities, including coordinating all project activities with the local communities and the existing operations. The Development Team will also be responsible for the execution of commercial agreements for the fuel, water and electrical interconnection facilities.

The Construction Management Team will comprise PG&E internal staff and third party support in some areas and will include engineers, a Project Manager, a Construction Manager, field inspection staff, and operations support. The team will include several home office personnel, <sup>31</sup>/<sub>2</sub> and a full-time field staff located at the site. This team will provide technical support to the Development Team, and will manage the EPC contractor and turbine manufacturer. They will also communicate and coordinate their activities with the operations staff during the entire project to achieve a smooth transition into the operations phase. The field staff will be on the site from the mobilization of the EPC contractor, to Substantial

<sup>31/</sup> Home office support includes mid-level management, budgeting, accounting, environmental, and other internal resources that contribute directly to the project, on a part time basis.

Completion, when PG&E operations staff will take full care, custody and control of the facility.

Meeting the schedule milestones will be coordinated by the Development Management and Construction Management Teams, and is only achievable with a timely Commission approval of PG&E's Application. To ensure the EPC contractor maintains the project schedule, the EPC contractor will be required to submit monthly detailed progress reports and schedules. The Construction Management Team will monitor the progress on a daily basis, and will confirm work has been completed before payments are paid to the EPC contractor.

### IX. THE COMMISSION SHOULD ADOPT PG&E'S PROPOSED RATEMAKING AND COST RECOVERY MECHANISMS

#### A. PG&E's Ratemaking Proposal for Development of the First Power Train.

Although PG&E has expended considerable effort to ensure that its estimated costs for the Tesla Generating Station are reasonable, there remains a risk that the actual costs of completing the project are greater than estimated. To address this risk, PG&E proposes the following mechanism to give PG&E a strong financial incentive to develop an accurate cost estimate and avoid cost overruns:

- PG&E requests that the Commission adopt \$ as a reasonable and prudent estimate of the initial capital cost for the Tesla Generating Station.
- If the actual cost of the Tesla Generating Station is \$
   PG&E would be entitled to include the entire cost in rate base and recover it in rates without the need for an after-the-fact reasonableness review.
- If the actual cost of the Tesla Generating Station is <u>less than</u>

  \$ PG&E would be allowed to recover only its actual capital costs, thereby giving the benefit of the lower cost entirely to customers.

<sup>32/</sup> Substantial Completion is defined as the date when the EPC contractor has completed all performance testing (including a reliability test), met the minimum performance guarantees, and performed all of the work other than uncompleted minor items of work on the punch list. When Substantial Completion is achieved, the facility is ready to be dispatched for commercial operation by PG&E.

- If the actual capital cost of the Tesla Generating Station exceeds , when the project becomes operational PG&E would be entitled to include in ratebase and recover in rates \$ without an after-the-fact reasonableness review. PG&E would then have the option to file a separate application to recover any costs above \$ to the extent that: (1) excess costs result from operational enhancements to the project; or (2) the excess costs are the result of an action or force that was beyond PG&E's reasonable control. For example, excess costs attributable to permitting delays or changes to the project mandated by regulatory agencies would be eligible for recovery under such an application process. In the interim, while any such application is pending, the revenue requirement for any amount above \$ would accrue in a balancing account.
- PG&E also requests that any performance incentives or penalties associated with the EPC contract or equipment suppliers, which have been not included in the estimate of the initial capital costs, be recovered or returned through an advice filing after the amounts are known, similar to the treatment adopted for the Colusa and Humboldt facilities in D.06-11-048.

#### B. Initial Revenue Requirement

This revenue requirement will begin to accrue in the Utility Generation Balancing Account ("UGBA") as of the date of commercial operation of the Tesla Generating Station, and will be included in rates on January 1 of the following year. This initial revenue requirement will stay in effect until superseded by the rates to be established in PG&E's next General Rate Case ("GRC") following commercial operation of Tesla. Fuel costs will be recovered through the Energy Resources Recovery Account ("ERRA") proceeding. 33/

PG&E proposes to recover fuel costs through the ERRA mechanism. ERRA was established to record the authorized revenue requirement and actual power costs to determine the recovery of PG&E's procurement plan power costs, excluding costs associated with the California Department of Water Resources ("CDWR") power contracts. PG&E's power costs include, as defined in Decision 02-10-062 and modified

Before commercial operation, PG&E will file an advice letter to update the initial revenue requirement to reflect the then current cost of capital, franchise and collectibles factors, and property tax factors and any changes in the prudent and reasonable initial capital cost estimate approved. In the first GRC following commercial operation, PG&E will update its revenue requirement retroactively to reflect the actual initial capital cost of the project.

# C. Ratemaking For First Unit Acquisition Costs if the Project is Not Approved

If the Commission does not grant the requested CPCN for the Tesla Generating Station, PG&E requests that all reasonably incurred acquisition costs associated with the Tesla site and related permitting costs be treated as Plant Held for Future Use ("PHFU"). For property acquired in advance, for future utility use, the Commission may allow the utility to earn a cash return on the cost of the property, without any depreciation expense, until the time that the property is placed in service. The estimated annual revenue requirement for PHFU treatment for the First Power Train, including AFUDC, of PG&E proposes that this revenue requirement begin accruing in UGBA as of the date of the decision denying the CPCN for the Tesla Generating Station and be included in rates on January 1 of the following year, subject to true-up to the actual final amount. If the Tesla Generating Station is approved, this request for the First Power Train is moot.

# D. PG&E's Ratemaking Proposal For Development Of The Second Unit of the Tesla Project

The Tesla Power Project was licensed by the CEC in 2004 as a nominal 1,120 MW natural gas-fired combined-cycle generating station consisting of two generating units. PG&E proposes to construct only one of the two generating units at this time, capable of producing approximately 560 MW. Therefore, PG&E requests acquisition costs associated with a possible

by Decision 02-12-074, utility retained generation ("URG") fuels, Qualifying Facility ("QF") contracts, inter utility contracts, CAISO charges, irrigation district contracts and other PPAs, bilateral contracts, forward hedges, pre-payments and collateral requirements associated with procurement, and ancillary services, along with other related power procurement costs. Therefore, ERRA is the appropriate mechanism for recovery of the fuel costs.

### X. THE COMMISSION SHOULD EXPEDITE THE APPROVAL OF THIS APPLICATION

PG&E requests that the Commission review and approve this Application on an expedited basis. PG&E's proposed procedural schedule for this proceeding is set forth below in Section XI.C. Specifically, PG&E requests that the Commission approve this Application and issue a CPCN by January 29, 2009 so that PG&E can commence and complete the Tesla Generating Station on schedule, and have the regulatory certainty it needs to proceed with significant and necessary project investments that are required to adhere to the current construction schedule. Moreover, the CEC permit for Tesla prescribes a construction start date no later than June 2009. PG&E must have Commission approval by January 29, 2009 in order to maintain a June 2009 construction start date. Finally, termination payments for equipment contracts, which will reach \$50 million by January 29, 2009, ramp up significantly after that. PG&E's request for a January 29, 2009 Commission decision ensures that PG&E's customers will not be subject to costs in excess of \$50 million if the Commission does not approve PG&E's Application.

This proceeding can be expedited because many of the key issues have already been resolved or determined in advance of this Application. First, Public Utilities Code section

1002(b) provides that any power plant requiring a certificate pursuant to the Warren-Alquist State Energy Resources Conservation and Development Act (California Public Resources Code § 25000 et seq.) is exempt from 1002(a), and instead must comport with the environmental requirements and criteria established by the CEC. Thus, the Commission does not need to address the Section 1002(a) requirements. Second, the reliability need for this plant has already been considered and approved by the Commission in PG&E's 2004 LTPP, and re-affirmed in PG&E's 2006 LTPP. Finally, this Application either contains or references the information required by General Order No. 131-D, including Appendix B, and by Public Utilities Code section 1003.5, which streamlines the review of CPCN applications for new plants that are subject to the CEC's licensing process.

### XI. INFORMATION REQUIRED BY THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE AND GENERAL ORDER 131-D

### A. Identification of Statutory Authority

Pursuant to Rule 2.1, PG&E files this Application pursuant to Rule 3.1, GO 131-D, Public Utilities Code sections 1001-1005.5, and prior decisions, orders, and resolutions of this Commission.

# B. Legal Name and Principal Place of Business; Correspondence or Communication Regarding This Application

In accordance with Rule 2.1(a), PG&E's exact legal name is Pacific Gas and Electric Company. PG&E is, and has been since October 10, 1905, an operating public utility corporation, organized under the laws of the State of California. PG&E is engaged principally in the business of furnishing gas and electric service in California. PG&E's principal place of business is 77 Beale Street, San Francisco, California 94105. Pursuant to Rule 2.1(b), communications regarding this application should be addressed to the following:

William V. Manheim Charles R. Middlekauff Kerry C. Klein Joshua S Levenberg Law Department Pacific Gas & Electric Company P.O. Box 7442 (B30A) San Francisco, CA 94120 Telephone: (415) 973-6971

Facsimile: (415) 973-5520 E-mail:CRMD@pge.com

## C. Scoping Memo, Categorization, Hearings, Issues to be Considered and Proposed Schedule

Pursuant to Rule 2.1(c), PG&E proposed the following categorization, need for hearings, issues to be considered, and proposed schedule. PG&E proposes that this Application be categorized as a "rate setting" proceeding. PG&E proposes the following issues be considered in this proceeding:

- Should PG&E be granted an interim order authorizing PG&E to enter into early project commitments to stabilize costs and, in the event the Commission does not ultimately approve PG&E's CPCN request for the Tesla Generating Station, to recover in rates as abandoned project costs the reasonable termination costs PG&E incurred prior to obtaining a final decision from the Commission?
- Should the Commission approve the Tesla Generating Station as replacement generation for a portion of the 913 MW of terminated or at-risk projects from its 2004 LTRFO?
- Should the Commission grant PG&E a CPCN for construction of the Tesla Generating Station on an expedited basis?
- If the Commission does not grant PG&E a CPCN for construction of the Tesla Generating Station, should the Commission adopt PG&E's proposals for cost recovery for acquisition and termination costs?
- Should the Commission approve the proposed ratemaking for the Tesla Generating Station?

In order to meet and maintain the Tesla Generating Station construction schedule and allow PG&E to contain costs by making early commitments for equipment, PG&E requests that the Commission approve the following proposed schedule:

Rule 1.3(e) defines "rate setting" as "proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities)."

| Date                    | Action Item  |  |  |  |  |
|-------------------------|--|--|--|--|--|
| July 18, 2008           | Application file date  |  |  |  |  |
| August 20, 2008         | Protests Due   |  |  |  |  |
| August 22, 2008         | Response to Protests Due   |  |  |  |  |
| August 26, 2008         | Pre-hearing Conference   |  |  |  |  |
| August 29, 2008         | ALJ/AC issues Scoping Memo identifying final schedule for Interim Order, Proposed Decision, Comments, and Final Decision |  |  |  |  |
| September 3, 2008       | ALJ issues Proposed Interim Order  |  |  |  |  |
| September 10, 2008      | Comments on Proposed Interim Order Due   |  |  |  |  |
| September 15, 2008      | 15, 2008 Reply Comments on Proposed Interim Order Due  |  |  |  |  |
| September 18, 2008      | Final Commission Decision on Interim Order   |  |  |  |  |
| September 22, 2008      | Interested Party Testimony   |  |  |  |  |
| October 6, 2008         | Concurrent Rebuttal Testimony  |  |  |  |  |
| October 20-24, 2008     | Evidentiary Hearings (if needed)   |  |  |  |  |
| November 14, 2008       | Opening Briefs   |  |  |  |  |
| November 28, 2008       | Reply Briefs   |  |  |  |  |
| December 30, 2008       | CPUC issues Proposed Decision  |  |  |  |  |
| January 20, 2009        | Comments Due on Proposed Decision  |  |  |  |  |
| <b>January 26, 2009</b> | Reply Comments on Proposed Decision  |  |  |  |  |
| By January 29, 2009     | CPUC issues Final Decision   |  |  |  |  |

### D. Exhibit List and Statement of Readiness

PG&E is ready to proceed with this case based on the testimony of witnesses regarding the facts and data contained in the accompanying exhibits in support of the revenue request set forth in this Application. The following is a list of the Exhibits to this Application:

Exhibit A: PG&E's Proposed Revenue Increase

Exhibit B: PG&E's Statement of Proposed Changes on Adopted Results of

Operations

Exhibit C: PG&E's Total Operative Plant and Depreciation Reserve

In addition to these exhibits, PG&E is submitting Chapters 1-7 of testimony in support of this Application.

### E. Organization and Qualification to Transact Business

Pursuant to Rule 2.2, a copy of PG&E's Restated Articles of Incorporation, effective April 12, 2004, certified by the Secretary of State of the State of California, was most recently filed with the Commission as part of Application No. 04-05-005, on May 3; 2004, and is incorporated herein by reference.

#### F. Balance Sheet and Income Statement

As required by Rules 2.3 and 3.2(a)(1), a copy of PG&E's most recent balance sheet and income statement are attached as Exhibit B to the Application of PG&E and PG&E Corporation For Limited Exemption From Affiliate Transaction Rule V.E. To Allow Pacific Gas And Electric Company And PG&E Corporation To Share The Same Chief Executive Officer And President on July 9, 2008 ("PG&E's Application No. 08-07-014"), and is incorporated herein by reference.

### G. CEQA Compliance

In compliance with Rule 2.4, PG&E notes that pursuant to California Public Resources Code section 25519(c) and California Public Utilities Code sections 1001 and 1002(b), CEQA does not apply to this Application, because the CEC has completed the CEQA review and approved the Project.

#### H. Statement of Presently Effective Rates

In accordance with Rule 3.2(a)(2), PG&E's presently effective electric rates are set forth in Exhibit B to the Application of PG&E for Approval of 2009-2011 Demand Response Programs and Budgets on June 2, 2008 ("PG&E's Application No. 08-06-003"), and is incorporated herein by reference.

## I. Statement of Proposed Rate Changes and Results of Operations at Proposed Rates

Pursuant to Rule 3.2(a)(3) and Rule 3.2(a)(5), the proposed rate changes and the Results

of Operation at Proposed Rates are set forth in Exhibits A and B to this Application.

### J. General Description of PG&E's Electric Department Facility

Pursuant to Rule 3.2(a)(4), a general description of PG&E's Electric Department properties, their original cost, and the depreciation reserve applicable to these properties are shown in Exhibit C to this Application

### K. Summary of Earnings

Exhibit D of PG&E's Application No. 08-06-003 shows for the recorded year 2006 the revenues, expenses, rate bases, and rate of return for PG&E's Electric and Gas Departments, in accordance with Rules 3.2(a)(6), and is incorporated herein by reference.

## L. Statement of Method of Computing Depreciation Deduction for Federal Income Tax

Pursuant to Rule 3.2(a)(7), a statement of the method of computing the depreciation deduction for federal income tax purposes is included in Exhibit A of PG&E's Application No. 08-06-003, and is incorporated herein by reference.

### M. Most Recent Proxy Statement

Pursuant to Rules 3.1(i) and 3.2(a)(8), since PG&E Corporation, the parent company of PG&E, is listed on a national exchange, a copy of PG&E's most recent proxy statement dated April 14, 2008, was filed with the Commission in connection with PG&E's Application No. 08-04-022, and is incorporated herein by reference.

### N. Type of Rate Change Requested

In accordance with Rule 3.2(a)(10), the rate change proposed in this Application reflects changes in PG&E's base revenues to reflect the costs PG&E incurs to own, operate and maintain its gas and electric facilities and to enable PG&E to provide adequate service to its customers.

### O. Notice and Service of Application

Pursuant to GO 131-D, Section XI.A and Rule 3.2(b, c and d) of the Commission's Rules of Practice and Procedure, notice of this Application shall be given within ten days of filing the

Application by mail, <sup>35/</sup> by advertisement, <sup>36/</sup> and by posting: <sup>37/</sup> (1) to certain public agencies and legislative bodies; (2) to owners of property located on or within 300 feet of the project area; (3) by advertisement in a newspaper or newspapers of general circulation in the Project area; and (4) by posting a notice on-site and off-site at the project location. PG&E will also comply with its obligations to provide notice of proposed rate changes to government entities and customers pursuant to Rule 3.2 (c and d). PG&E has given, or will give, proper notice within the time limits prescribed in GO 131-D and the Commission's Rules of Practice and Procedure.

In addition, PG&E will provide a copy of this Application to each party identified in the service list from R.04-04-003 (Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning), R.06-02-013 (Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans), A. 06-04-012 (Application of Pacific Gas & Electric Company for Approval of Long-Term Request for Offer Results and For Adoption of Cost Recovery and Ratemaking Mechanisms), and R.08-02-007 (2008 Long Term Plan Proceeding) who has provided an e-mail address, and to each party to FPL's Tesla Project CEC process in Docket No. 01-AFC-21.

Pursuant to GO 131-D (Section XI.A.1), notice of the filing of an application for a CPCN must be sent by direct mail to "(a) [t]he planning commission and the legislative body for each county or city in which the proposed facility would be located, the CEC, the State Department of Transportation and its Division of Aeronautics, the Secretary of Resources Agency, the Department of Fish and Game, the Department of Health Services, the State Water Resources Control Board, the Air Resources Board, and other interested parties having requested information. The utility shall also give notice to the following agencies and subdivisions in whose jurisdiction the proposed facility would be located: the Air Pollution Control District, the California Regional Water Quality Control Board, the State Department of Transportation's District Office, and any other State or Federal agency which would have jurisdiction over the proposed construction; and (b) [a]ll owners of land on which the proposed facility would be located and owners of the property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent[.]"

<sup>&</sup>lt;u>36</u>/ Pursuant to GO 131-D (Section XI.A.2), notice of the filing of an application for a CPCN must be "[b]y advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application[.]"

Pursuant to GO 131-D (Section XI.A.3), notice of the filing of an application for a CPCN must be affected "[b]y posting a notice on-site and off-site where the project would be located."

### P. Full Description and Map of the Proposed Construction

Pursuant to Rule 3.1(a) and (c), Appendix B (Sections I and III) to GO 131-D and Public Utilities Code section 1003(b), PG&E offers the following information: A map of suitable scale showing the location of the proposed construction, and its relation to other public utilities, corporations, persons, or entities with which the Project is likely to compete appears in the Project's AFC for the Tesla Project, which is available on CEC's website and incorporated by reference herein. 38/

Regarding maps and diagrams, Figures 3.6-1 and 4.2-1 provide a general location for the Project; Figure 3.3-1 provides a site plan, including offsite linear components; Figure 3.4-1 provides a detailed plot plan identifying each major structure; and Figures 3.4-2 and 3.4-3 provide cross-sections of the proposed facilities. Figure 3.7-5 shows a Conceptual Landscape Plan. Figure 3.6-2 shows the proposed transmission line routing plan, Figure 3.6-3 shows the transmission line interconnection, and Figure 3.6-4 shows typical cross-sections of proposed transmission towers. A listing of all engineering and design related laws, ordinances regulations and standards ("LORS") required of the Project are included in Chapter 6, Appendices A through E and K, and summarized in Table 6.1-1 of the AFC. In addition, Section I of the CEC's Decision certifying the Tesla Project, entitled Project Purpose and Description, contains a detailed description of the Project, its characteristics, components, and location.

A description of the proposed construction, and the manner in which it will be constructed, appears in Section 3.7 of the AFC. Section 3.6 of the AFC, Transmission Facilities, describes the design of the transmission structures and electrical components necessary to interconnect the project to the Tesla Substation.

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Section 3.7.2 of the AFC, Gas Transmission Pipeline, identifies the pipeline specification, including typical preliminary construction drawings. Section 3.7.4 of the AFC, Water Supply Pipeline and Pump Station, identifies the preliminary design of the water conveyance and intake structure. Section 3.11 of the AFC identifies the applicable LORS to which the system will be

<sup>38/</sup> See http://www.energy.ca.gov/sitingcases/tesla/index.html.

designed.

### Q. Required Health & Safety Permits

Pursuant to Rule 3.1(d) and Appendix B (Section III) to GO 131-D, the franchises and such health and safety permits that public authorities have required or may require for the proposed Project construction are identified in the following sections of the AFC:

**Engineering and Facility Design** – Section 5.1

Air Quality - Section 5.2

Biological Resources - Section 5.3

Water Resources - Section 5.4

Geologic Hazards and Resources - Section 5.5

Agriculture and Soils – Section 5.6

Land Use - Section 5.7

Socioeconomics – Section 5.8

Noise - Section 5.9

Visual Resources – Section 5.10

Traffic and Transportation – Section 5.11

**Hazardous Materials Handling** – Section 5.12

Waste Management – Section 5.13

Worker Safety - Section 5.14

Public Health – Section 5.15

Cultural Resources- Section 5.16

Paleontological Resources – Section 5.17

### R. Statement of Estimated Cost of Project

Pursuant to Public Utilities Code section 1003(c), Rule 3.1(f) and (l)(3) and Appendix B (Section VI) to GO 131-D, PG&E offers the following information. The estimated initial capital cost for the Tesla Generating Station is \$ \_\_\_\_\_\_\_. The estimated annual fixed and variable O&M costs, including contingency, are approximately \$ \_\_\_\_\_\_\_ in the first year.

## S. Load and Resource Data and Existing Rated and Effective Operating Capacity

Pursuant to Rule 3.1(l)(1) and (2) and Appendix B (Sections IV and V) to GO 131-D, PG&E offers the following information. Load and resource data related to the Tesla Generating Station appear in Chapter 3 and in the workpapers, which contain load and resource data reported to the CEC, including the capacity of generating plants and planned additions for a 10 year period. The nominal output for the Tesla Generating Station is 560 MW, and the guaranteed heat rate is 7,000 Btu/kWh.

### T. Financial Ability to Render Proposed Service and Finance Project

Pursuant to Rule 3.1(g), this section addresses the financial ability of PG&E to finance the project. PG&E will own 100% of the assets of the Tesla Generating Station. These assets will be added to PG&E's utility rate base. PG&E intends to finance the Tesla Generating Station cost with the same proportions of debt and equity with which all other rate base assets are financed: 46 percent long-term debt, 2 percent preferred stock, and 52 percent common stock.

PG&E anticipates that funds to finance the Tesla Generating Station will be primarily derived from cash generated by PG&E's operations and, to the extent necessary, from external sources of funds. External sources of funds would come from the issuance of some combination of debt and equity securities. PG&E's ability to fund the Tesla Generating Station is demonstrated through financial statements contained in PG&E Corporation's Quarterly Report on Form 10-Q filed May 6, 2008, for the period ending March 31, 2008, which is available on PG&E's web-site and incorporated by reference herein. <sup>39/</sup> As shown therein, PG&E generated \$236 million in net income from operating activities for the three months ended March 31, 2008. PG&E believes that its utility operations will continue to generate substantial cash with which to fund construction activities.

### XII. REQUEST FOR RELIEF

Wherefore, PG&E respectfully requests that the Commission:

<sup>39/</sup> See http://www.pgecorp.com/investors/financial reports/

- 1. Grant a CPCN authorizing PG&E to construct the Tesla Generating Station as described in this Application, subject to compliance with CEC permit conditions;
- 2. Determine, pursuant to Public Utilities Code section 1005.5(a), that the maximum reasonable and prudent cost for the Tesla Generating Station is
- 3. Issue an interim order no later than September 18, 2008 authorizing PG&E to enter into early equipment commitments and, in the event the Commission denies this Application, to recover fully in rates as "abandoned project" costs the actual termination costs PG&E has incurred prior to obtaining a final decision on the Application, including equipment termination fees, associated engineering, permitting and procurement-related costs, and that these costs include AFUDC. Cost recovery authorization in the interim order would be subject to a review of PG&E's reasonable management and administration of such equipment contracts and associated termination costs. If the Commission ultimately grants a CPCN for the Tesla Generating Station, the interim order would be moot;
- 4. Issue no later than January 2009 a final decision approving the \$\frac{1}{2}\] initial capital cost and determine that PG&E is entitled to include the entire initial capital cost in rate base and recover it in rates without the need for an after-the-fact reasonableness review.
  - a. If the actual cost of the Tesla Generating Station is <u>less than</u> \$ \_\_\_\_\_\_, PG&E would be allowed to recover only its actual capital costs, thereby giving the benefit of the lower cost entirely to customers;
- 5. Determine that all reasonably incurred acquisition costs associated with the Tesla site and related permitting costs be treated as PHFU if the

Commission denies the CPCN for the Tesla Generating Station. For property acquired in advance, for future utility use, the Commission may allow the utility to earn a cash return on the cost of the property, without any depreciation expense, until the time that the property is placed in service;

- 6. Determine that if a CPCN is granted for the First Power Train, all reasonably incurred acquisition costs associated with a possible Second Power Train at the Tesla site be included in PHFU until such time as a second unit is developed;
- 7. Confirm that PG&E is entitled to recover any stranded costs associated with the Tesla Generating Station through a non-bypassable charge for a ten-year period following commercial operation;
- 8. Determine that any performance incentives or penalties associated with the EPC contract or equipment suppliers, which have been not included in the estimate of the initial capital costs, be recovered or returned through an advice filing after the amounts are known, similar to the treatment adopted for the Colusa and Humboldt facilities in D.06-11-048;
- 9. Approve recovery of fuel costs, including commissioning fuel cost, associated with the facility through the ERRA mechanism; and,

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10. Granting such other relief as is necessary to effectuate the Application and issuance of a CPCN.

Respectfully Submitted,

WILLIAM V. MANHEIM CHARLES R. MIDDLEKAUFF KERRY C. KLEIN JOSHUA S LEVENBERG

CHARLES R. MIDDLEKAUFF

Pacific Gas and Electric Company

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San Francisco, CA 94120 Telephone: (415) 973-6971 Facsimile: (415) 973-5520

E-mail: CRMd@pge.com

Attorneys for

PACIFIC GAS AND ELECTRIC COMPANY

Dated: July 18, 2008

### **VERIFICATION**

I, the undersigned, say:

I am an officer of PACIFIC GAS AND ELECTRIC COMPANY, a corporation, and am authorized to make this verification for and on behalf of said corporation, and I make this verification for that reason; I have read the foregoing Application and am informed and believe that the matters contained therein are true and on that ground I allege that the matters stated herein are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at In Francisco, CA, this/ 2th day of July, 2008.

ROY KUGA

Vice President, Energy Supply

### **EXHIBIT A**

## Pacific Gas and Electric Company Illustrative Revenue Increase

| Line |                         | Present<br>Revenue | Proposed<br>Revenue<br>Increase | Percentage | Line |
|------|-------------------------|--------------------|---------------------------------|------------|------|
| No.  | Customer Class          | (000's)            | (000's)                         | Change     | No.  |
|      | Bundled Service*        |                    |                                 |            |      |
| 1    | Residential             | \$4,711,879        | \$70,355                        | 1.5%       | 1    |
| 2    | Small Commercial        | \$1,413,067        | \$20,342                        | 1.4%       | 2    |
| 3    | Medium Commercial       | \$1,844,398        | \$32,661                        | 1.8%       | 3    |
| 4    | Large Commercial        | \$1,015,713        | \$19,217                        | 1.9%       | 4    |
| 5    | Streetlights            | \$64,840           | \$819                           | 1.3%       | 5    |
| 6    | Standby                 | \$28,947           | \$443                           | 1.5%       | 6    |
| 7    | Agriculture             | \$561,328          | \$8,120                         | 1.4%       | 7    |
| 8    | Industrial              | \$1,146,354        | \$23,907                        | 2.1%       | 8    |
| 9    | Total                   | \$10,786,526       | \$175,865                       | 1.6%       | 9    |
|      | Direct Access Service** |                    |                                 |            |      |
| 10   | Residential             | \$3,585            | \$3                             | 0.1%       | 10   |
| 11   | Small Commercial        | \$5,741            | \$                              | 0.0%       | 11   |
| 12   | Medium Commercial       | \$71,176           | \$                              | 0.0%       | 12   |
| 13   | Large Commercial        | \$63,049           | \$                              | 0.0%       | 13   |
| 14   | Agriculture             | \$1,198            | \$                              | 0.0%       | 14   |
| 15   | Industrial              | \$112,391          | \$                              | 0.0%       | 15   |
| 16   | Total                   | \$257,141          | \$3                             | 0.0%       | 16   |

Customers who receive electric generation as well as transmission and distribution service from PG&E.

<sup>\*\*</sup> Customers who purchase energy from non-PG&E suppliers.

### **EXHIBIT B**

# Pacific Gas and Electric Company Statement of Proposed Changes on Adopted Results of Operations Electric Generation 2011 Generation Project Tesla (Thousands of Dollars)

| Line<br>No. | -                           | 2011<br>Total Generation<br>@ Present Rates | 2011 Proposed<br>Generation<br>Project Tesla | 2011<br>Total Generation<br>@ Proposed<br>Rates | Line<br>No. |
|-------------|-----------------------------|---|--|---|-------------|
| 1           | Operating Revenue           | 1,139,755                                   | 175,869                                      | 1,315,625                                       | 1           |
|             | Operating Expense           |   |  |   | _           |
| 2           | Operations and Maintenance  | 450,622                                     | 23,653                                       | 474,274   | 2           |
| 3           | Administrative and General  | 182,449                                     | 1,830  | 184,279   | 3           |
| 4           | Uncollectibless             | 2,942                                       | 454  | 3,396   | 4           |
| 5           | Franchise Requirements      | 8,628                                       | 1,328  | 9,956   | 5           |
| 6           | Amortization                | 6,476                                       | 0  | 6,476   | 6           |
| 7           | Other Adjustments           | 118,603                                     | 0  | 118,603   | 7           |
| 8           | Subtotal Operating Expenses | 769,719                                     | 27,264                                       | 796,983   | 8           |
|             | Taxes                       |   |  |   |             |
| 9           | Property                    | 24,518                                      | 9,882  | 34,400  | 9           |
| 10          | Payroll & Other             | 21,769                                      | 352  | 22,121  | 10          |
| 11          | State Corporation Franchise | 12,298                                      | 7,594  | 19,892  | 11          |
| 12          | Federal Income              | 46,245                                      | 28,086                                       | 74,330  | 12          |
| 13          | Subtotal Taxes              | 104,830                                     | 45,912                                       | 150,742   | 13          |
| 14          | Depreciation                | 135,416                                     | 28,335                                       | 163,751   | 14          |
| 15          | Decommissioning Accrual     | (26,812)                                    | 666  | (26,146)  | 15          |
| 16          | Total Operating Expenses    | 983,153                                     | 102,178                                      | 1,085,331                                       | 16          |
| 17          | Net For Return              | 156,603                                     | 73,691                                       | 230,294   | 17          |
| 18          | Weighted Average Rate Base  | 1,781,886                                   | 837,914                                      | 2,619,800                                       | 18          |
|             | Rate of Return              |   |  |   |             |
| 19          | On Rate Base                | 8.79%                                       | 8.79%  | 8.79%   | 19          |
| 20          | On Equity                   | 11.35%                                      | 11.35%                                       | 11.35%  | 20          |



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## PACIFIC GAS AND ELECTRIC COMPANY ELECTRIC DEPARTMENT TOTAL OPERATIVE PLANT AND DEPRECIATION RESERVE AS OF DECEMBER 31, 2007

(000's)

|          | Asset                | FERC       |   | Utility            |                   | Diablo Car | nyon     |
|----------|----------------------|------------|---|--------------------|-------------------|------------|----------|
| ine      | Class                | Account    | Description   | Plant              | Reserve           | Plant      | Reserve  |
|          |                      |            |   |                    |                   |            |          |
|          |                      |            | Electric Intangible   | 61.61              |                   | 2          |          |
| 1        | E)P30201             | 302        | Franchises & Consents                                       | 91,514             | 28,694            | 0          | 1        |
| 2        | E1P30301             | 303        | USBR  | 1,000              | 1,000             | 0          |          |
| 3        | E1P30302             | 303        | Patents   |                    | 0                 | 0          |          |
| 4        | EIP30303             | 303        | Software  | 8,656<br>101,170   | 8,656<br>38,350   | 0          |          |
| 5        |                      |            | Total Electric Intangible                                   | 101,170            | 38,350            | U          |          |
|          | F050.004             |            | Electric Steam Production - Fossil                          |                    | _                 |            |          |
| 6        | ESF31001             | 310        | Land  | 574                | 0                 | 0          |          |
| 7        | ESF31002             | 310        | Land Rights   | 38                 | 0                 | 0.         |          |
| 8        | ESF31101             | 311        | Structures and Improvements                                 | 11,416             | 10,342            | 0          |          |
| 10       | ESF31201<br>ESF31202 | 312<br>312 | Boiler Plant Equipment Boiler Ptt Equip Pollution Cont      | 12,137             | 31,300<br>0       | 0          |          |
| 11       | ESF31301             | 313        | Engines & Engine Driven Gen                                 | 1,059              | 953               | 0          |          |
| 12       | ESF31401             | 314        | Turbogenerator Units  | 7,327              | 10,161            | 0          |          |
| 13       | ESF31501             | 315        | Accessory Electric Equipment                                | 2,620              | 4,303             | 0          |          |
| 14       | ESF31601             | 316        | Misc. Power Plant Equipment                                 | 4,827              | 4,057             | 0          |          |
| 15       | 20101001             | 310        | Total Steam Production - Fossil                             | 39,999             | 61,115            | 0          |          |
|          |                      |            | Florida Markan Baratantan                                   |                    |                   |            |          |
| 16       | ENP10900             | 109        | Electric Nuclear Production DCPP FASB 109 Gross Up          | 0                  | 0                 | 468,499    | 468,49   |
| 17       | ENP32001             |            | Land  | ō                  | Ō                 | 17,174     | 17,17    |
| 18       | ENP32002             |            | Land Rights   | 0                  | 0                 | 4,414      | 4,4      |
| 19       | ENP32100             |            | Structures and Improvements                                 | 0                  | 0                 | 953,119    | 949,24   |
| 20       | ENP32200             |            | Reactor Plant Equipment                                     | 0                  | 0                 | 2,887,497  | 2,815,89 |
| 21       | ENP32300             |            | Turbogenerator Units  | 0                  | 0                 | 1,168,802  | 1,032,14 |
| 22       | ENP32400             | 324        | Accessory Electric Equipment                                | 0                  | 0                 | 768,227    | 741,83   |
| 23       | ENP32401             | 324        | Accessory Electric Equip HBPP                               | 0                  | 0                 | 0          |          |
| 24       | ENP32500             | 325        | Misc. Power Plant Equipment                                 | 0                  | 0                 | 575,863    | 523,14   |
| 25       | ENP32501             | 325        | Misc. Power Plant Equip HBPP                                | 0                  | 0                 | 0          |          |
| 26       |                      |            | Total Electric Nuclear Production                           | 0                  | 0                 | 6,843,597  | 6,552,33 |
|          |                      |            | Electric Hydro Production                                   |                    |                   |            |          |
| 27       | EHP30200             | 302        | Franchises / Consents                                       |                    | 0                 |            |          |
| 28       | EHP33001             | 330        | Land  | 18,966             | 0                 | 0          |          |
| 29       | EHP33003             | 330        | Recreation Facilities / land                                | 6                  | 0                 | 0          |          |
| 30       |                      |            | Land Rights   | 15,029             | 0                 | 0          |          |
| 31       | EHP33005             |            | Land Rights - Fish & Wildlife                               | 6                  | 0                 | 0          |          |
| 32       |                      |            | Land Rights Recreation Facility                             | 1,934              | 0                 | 0          |          |
| 33       |                      |            | Structures and Improvements                                 | 123,198            | 74,167            | 0          |          |
| 34       |                      |            | Struc & Improvements Fish/Wild                              | 313                | 117               | 0          |          |
| 35       |                      |            | Struc & Improvements Rec Fac                                | 13,911             | 8,500             | 0          |          |
| 36       |                      |            | Resvrs Dams Wirwys Frbys Postk                              | 979,777            | 633,821           | 0          |          |
| 37       |                      |            | Resvrs Dams Wtrwys Fish/Wild                                | 8,847              | 4,376             | 0          |          |
| 38<br>39 |                      |            | Resvrs Dams Wrwys Rec Facility                              | 12,627             | 9,809             | 0          |          |
| 40       |                      |            | Water Wheels Turbines & Gen<br>Accessory Electric Equipment | 293,617<br>114,069 | 145,689<br>46,259 | 0          |          |
| 41       |                      |            | Misc. Power Plant Equipment                                 | 38,057             | 11,800            | 0          |          |
| 42       |                      |            | Roads Railroads and Bridges                                 | 33,385             | 19,562            | 0          |          |
| 43       |                      | 350        | Total Electric Hydro Production                             | 1,653,742          | 954,100           | 0          |          |
|          |                      |            |   |                    |                   |            |          |
| 44       | EHH3020              | 0 302      | Electric Hydro Production Helms Franchises and Consents     | 0                  | 0                 | 0          |          |
| 45       |                      |            | Land  | 3                  | 0                 | 0          |          |
| 46       |                      |            | Land Rights   | 0                  | ő                 | 0          |          |
| 47       |                      |            | Structures and Improvements Equ                             | 160,026            | 69,520            | 0          |          |
| 48       |                      |            | Resvrs Dams Wtrwys Frbys Pns                                | 404,757            | 173,352           | ŏ          |          |
| 49       |                      |            | Water Wheels Turbines Gen                                   | 166,782            | 64,935            | ō          |          |
| 50       |                      |            | Accessory Electric Equipment                                | 41,715             | 18,718            | ō          |          |
| 51       | EHH3350              |            | Misc Power Plant Equipment                                  | 14,899             | 6,336             | 0          |          |
| 52       |                      |            | Roads Railroads and Bridges                                 | 8,495              | 3,727             | 0          |          |
| 53       |                      |            | Total Electric Hydro Production - Heims                     | 796,876            | 336,587           | 0          |          |
|          |                      |            | Electric Other Production                                   |                    |                   |            |          |
| 54       | EOP3400              | 2 340      | Land Rights   | 8                  | 0                 | 0          |          |
| 55       | EOP3410              | 0 341      | Structures and Improvements                                 | 266                | 116               | 0          |          |
| 56       | EOP3420              | 0 342      | Fuel Holders Producers & Acc                                | 19                 | (15)              | . 0        |          |
| 57       | EOP3430              | 0 343      | Prime Movers  | 485                | 494               | 0          |          |
| 58       | EOP3440              | 0 344      | Generators  | 7,940              | 4,171             | 0          |          |
| 59       |                      |            | Accessory Electric Equipment                                | 1,438              | 59                | 0          |          |
| 60       |                      | 0 346      | Misc. Power Plant Equipment                                 | 95                 | 29                | 0          |          |
| 61       |                      |            | Total Electric Other Production                             | 10,250             | 4,854             | 0          |          |
| 62       |                      |            | Total Production Plant                                      | 2,500,666          | 1,356,657         | 6,843,597  | 6,552,3  |
|          |                      |            |   |                    |                   |            | -,,-     |

|       |           |     | Electric Transmission                               |            |           |           |           |
|-------|-----------|-----|---|------------|-----------|-----------|-----------|
| 63    | ETP35001  | 350 | Land  | 44,025     | 0         | 0         | 0         |
| 64    | ETP35002  | 350 | Land and Land Rights                                | 163,104    | 17,973    | 0         | 0         |
| 65    | ETP35201  | 352 | Structures and Improvements                         | 140,523    | 46,451    | 0         | 0         |
| 66    | ETP35202  | 352 | Struc & Improvements Equipment                      | 7,697      | 1,002     | 0         | 0         |
| 67    | ETP35301  | 353 | Station Equipment                                   | 2,162,269  | 477,953   | 0         | 0         |
| 68    | ETP35302  | 353 | Power Plant Step Up Transformer                     | 136,837    | 62,150    | 0         | 0         |
| 69    | ETP35400  | 354 | Towers and Fixtures                                 | 410,915    | 254,468   | 0         | 0         |
| 70    | ETP35500  | 355 | Poles and Fixtures                                  | 405,686    | 180,618   | 0         | 0         |
| 71    | ETP35600  | 356 | OH Conductors & Devices-Twr Lns                     | 746,686    | 341,107   | 0         | 0         |
| 72    | ETP35700  | 357 | Underground Conduits                                | 260,526    | 25,950    | 0         | 0         |
| 73    | ETP35800  | 358 | Underground Conduct & Devices                       | 131,600    | 25,868    | 0         | 0         |
| 74    | ETP35900  | 359 | Roads and Trails                                    | 20,243     | 8,009     | 0         | 0         |
| 75    | ETX35002  | 350 | Path 15 Trans Plt Land Rights                       | 0          | 0         | 0         | 0         |
| 76    | ETX35201  | 352 | Path 15 Trans Plt: Struct & Imp                     | 0          | 0         | 0         | 0         |
| 77    | ETX35301  | 353 | Path 15 Trans Pit Station Egpt                      | 38,232     | 15,988    | 0         | 0         |
| 78    | ETX35400  | 354 | Path 15 Trans Plt Towers & Fix                      | 5,881      | 2,452     | 0         | 0         |
| 79    | ETX35500  | 355 | Path 15 Trans Plt. Poles & Fix                      | 34         | 14        | 0         | ō         |
| 80    | ETX35600  | 356 | Path 15 Trans Pit. OH Conduct/D                     | 251        | 107       | 0         | 0         |
| 81    | ETX35700  | 357 | Path 15 Trans Plant: UG Conduit                     | 0          | 0         | 0         | 0         |
| 82    | NTP35201  | 352 | DCPP Trans Plant Struc & Improv                     | 0          | 0         | 4.567     | 4.567     |
| 83    | NTP35202  | 352 | DCPP Trans Pint Struct Imp Eq                       | 0          | 0         | 285       | 285       |
| 84    | NTP35301  | 353 | DCPP Trans Plant Station Equip                      | 0          | ō         | 5,932     | 5,893     |
| 85    | NTP35302  | 353 | DCPP Trans Plant Step Up Transf                     | 0          | 0         | 58,067    | 54,992    |
| 86    | 141733302 | 333 | Total Electric Transmission                         | 4,674,509  | 1,460,109 | 68,852    | 65,737    |
| 00    |           |     | Total Electric Transmission                         | 4,074,309  | 1,400,103 | 00,002    | 03,737    |
|       |           |     | Electric Distribution                               |            |           |           |           |
| 87    | EDP36001  | 360 | Land  | 33,975     | 0         | 0         | 0         |
| 88    | EDP36002  | 360 | Land Rights   | 111,689    | 0         | 0         | ő         |
| 89    | EDP36101  | 361 | Structures and Improvements                         | 147,705    | 54,738    | 0         | ő         |
| 90    | EDP36102  | 361 | Struc & Improvements Equipment                      | 16,467     | 4,843     | o         | ő         |
| 91    | EDP36200  | 362 | Station Equipment                                   | 1,604,445  | 518,739   | 0         | ő         |
| 92    | EDP36300  | 363 |   | 335        | 160       | 0         | 0         |
| 93    | EDP36400  | 364 | Storage Battery Equipment Poles Towers and Fixtures | 2,200,707  | 1,012,547 | 0         | 0         |
| 94    | EDP36500  | 365 | OH Conductor & Devices                              |            | 1,234,922 | 0         | 0         |
| (333) |           |     |   | 2,528,822  |           |           |           |
| 95    | EDP36600  | 366 | Underground Conduit                                 | 1,986,674  | 427,145   | 0         | 0         |
| 96    | EDP36700  | 367 | Underground Conduct & Devices                       | 2,740,340  | 1,432,952 | 0         | 0         |
| 97    | EDP36801  | 368 | Line Transformers                                   | 1,188,856  | 401,522   | 0         | 0         |
| 98    | EDP36802  | 368 | Line Transformers Underground                       | 331,532    | 126,955   | 0         | 0         |
| 99    | EDP36901  | 369 | Services - Overhead                                 | 588,175    | 436,145   | 0         | 0         |
| 100   | EDP36902  | 369 | Services - Underground                              | 1,739,859  | 776,739   | 0         | 0         |
| 101   | EDP37000  | 370 | Meters  | 600,384    | 243,032   | 0         | 0         |
| 102   | EDP37100  | 371 | Install on Customer Premises                        | 27,348     | 32,006    | 0         | 0         |
| 103   | EDP37200  | 372 | Leased Prp on Customer Primises                     | 895        | 970       | 0         | 0         |
| 104   | EDP37301  | 373 | Streetlight & Signal Sys OH Co                      | 9,539      | 9,320     | 0         | 0         |
| 105   | EDP37302  | 373 | ST.Light Signal Sys Cond & Ca                       | 23,843     | 8,984     | 0         | 0         |
| 106   | EDP37303  | 373 | St.light & Signal Sys Lamps & E                     | 86,701     | 69,017    | 0         | 0         |
| 107   | EDP37304  | 373 | St.Light & Signal Sys Elect                         | 27,298     | 21,662    | 0         | 0         |
| 108   |           |     | Total Electric Distribution                         | 15,995,591 | 6,812,397 | 0         | 0         |
|       |           |     |   |            |           |           |           |
|       |           |     | Electric General                                    |            | 2         | 12        | 2         |
| 109   | EGP38901  | 389 | Land  | 6          | 0         | 0         | 0         |
| 110   | EGP38902  | 389 | Land Rights   | 415        | 0         | 0         | 0         |
| 111   | EGP39000  | 390 | Structures and Improvements                         | 7,684      | 4,208     | 0         | 0         |
| 112   | EGP39100  | 391 | Office Furniture and Equipment                      | 13,520     | 5,494     | 0         | 0         |
| 113   | EGP39400  | 394 | Tools Shop & Garage Equipment                       | 48,126     | 18,586    | 0         | 0         |
| 114   | EGP39500  | 395 | Laboratory Equipment                                | 12,457     | 7,299     | 0         | 0         |
| 115   | EGP39600  | 396 | Power Operated Equipment                            | 350        | 158       | 0         | 0         |
| 116   | EGP39700  | 397 | Communication Equipment                             | 4,840      | 3,998     | 0         | 0         |
| 117   | EGP39800  | 398 | Miscellaneous Equipment                             | 13,476     | (1,319)   | 0         | 0         |
| 118   | EGP39900  | 399 | Other Tangible Property                             | 0          | 0         | 0         | 0         |
| 119   | NGP38901  | 389 | DCPP General Plant Land                             | 0          | 0         | 4         | 4         |
| 120   | NGP39100  | 391 | DCPP Office Furniture & Equip                       | 0          | 0         | 0         | 0         |
| 121   | NGP39800  | 398 | DCPP Miscellaneous Equipment                        | 0_         | 0         | 29        | 29        |
| 122   |           |     | Total Electric General                              | 100,873    | 38,424    | 33        | 33        |
|       |           |     |   |            |           |           |           |
|       |           |     |   |            |           |           |           |
| 123   |           |     | TOTAL ELECTRIC PLANT AND RESERVE                    | 23,372,809 | 9,705,936 | 6,912,482 | 6,618,102 |
|       |           |     |   |            |           |           |           |

#### CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department, PO Box 7442, San Francisco, CA 94120.

On the 18th day of July 2008, I served a true copy of:

APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING CONSTRUCTION OF THE TESLA GENERATING STATION AND REQUEST FOR INTERIM ORDER AUTHORIZING EARLY PROJECT COMMITMENTS TO STABILIZE COSTS (U 39 E) (PUBLIC VERISON)

by Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the CPUC official service list for R.04-04-003, R.06-02-013, R.08-02-007, A.06-04-012, and CEC Docket No. 01-AFC-21 with an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 18th day of July 2008.

LINDA DANNEWITZ &

#### THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

[R0404003] Downloaded July 17, 2008, last updated on July 16, 2008 Commissioner Assigned: Michael R. Peevey on April 6, 2004 ALJ Assigned: Amy C. Yip-Kikugawa on June 26, 2008

[R0602013] Downloaded July 17, 2008, last updated on July 8, 2008 Commissioner Assigned: Michael R. Peevey on February 23, 2006 ALJ Assigned: Carol A. Brown on February 23, 2006 ALJ Assigned: David K. Fukutome on March 21, 2007

[R0802007] Downloaded July 17, 2008, last updated on July 16, 2008 Commissioner Assigned: Michael R. Peevey on February 20, 2008 ALJ Assigned: Carol A. Brown on February 20, 2008

[A0604012] Downloaded July 17, 2008, last updated on July 1, 2008

### CPUC DOCKET NO. R0404003-R0602013-R0802007-A0604012 & CEC Docket No. 01-AFC-21 CPUC REV 07-16-08

Total number of addressees: 591

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Page 1 of 43 PARTY

CEC Docket No. 01-AFC-21 CPUC REV 07-16-08

Total number of addressees: 591

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| Order Instituting Rulemaking to Promote Policy and Program<br>Coordination and Integration in Electric Utility Resource<br>Planning.                                       | Rulemaking 04-04-003<br>(Filed April 1, 2004)  |
|--|--|
| Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans.   | Rulemaking 06-02-013<br>(Filed February 16, 2006)  |
| Order Instituting Rulemaking to Integrate and Refine Procurement Policies Underlying Long-Term Procurement Plans.  | FILED PUBLIC UTILITIES COMMISSION FEBRUARY 14, 2008 SAN FRANCISCO, CALIFORNIA RULEMAKING 08-02-007 |
| Application of Pacific Gas and Electric Company for Approval of Long-term Request for Offer Results and for Adoption of Cost Recovery and Ratemaking Mechanisms.  (U 39 M) | Application 06-04-012  |

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