

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

Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning

Rulemaking 04-04-003  
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-Run and Long-Run Avoided Costs, Including Pricing for Qualifying Facilities

Rulemaking 04-04-025  
(Filed April 22, 2004)

Application of Southern California Edison Company (U 338-E) for Applying the Market Index Formula and As-Available Capacity Prices Adopted in D.07-09-040 to Calculate Short-Run Avoided Cost for Payments to Qualifying Facilities Beginning July 2003 and Associated Relief

Application 08-11-001  
(Filed November 4, 2008)

Order Instituting Rulemaking into Implementation of Public Utilities Code Section 390

Rulemaking 99-11-022  
(Filed November 18, 1999)

Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans

Rulemaking 06-02-013  
(Filed February 16, 2006)

**MOTION FOR EXPEDITED CONSIDERATION OF JOINT MOTION FOR  
APPROVAL OF QUALIFYING FACILITY AND COMBINED HEAT AND POWER  
PROGRAM SETTLEMENT AGREEMENT**

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October 8, 2010

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

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**MOTION FOR EXPEDITED CONSIDERATION OF JOINT MOTION FOR  
APPROVAL OF QUALIFYING FACILITY AND COMBINED HEAT AND POWER  
PROGRAM SETTLEMENT AGREEMENT**

Pursuant to California Public Utilities Commission (“Commission”) Rule 11.1, Pacific Gas and Electric Company (“PG&E”), Southern California Edison Company (“SCE”), San Diego Gas & Electric Company (“SDG&E”), the California Cogeneration Council (“CCC”), the Independent Energy Producers Association (“IEP”), the Cogeneration Association of California (“CAC”), the Energy Producers

and Users Coalition (“EPUC”), the Division of Ratepayer Advocates (“DRA”), and The Utility Reform Network (“TURN”) (the parties are referred to hereinafter collectively as the “Joint Parties”) request that the Assigned Administrative Law Judge (“ALJ”) and the Commission expedite consideration of the *Joint Motion For Approval Of Qualifying Facility And Combined Heat And Power Program Settlement Agreement* (“Joint Motion”) that is being filed concurrently with this Motion for Expedited Consideration of Joint Motion for Approval of Qualifying Facility and Combined Heat and Power Program Settlement Agreement (“Motion to Expedite”). The Joint Parties request that the Assigned ALJ issue an order adopting the expedited schedule provided below.

As explained in detail in the Joint Motion, there are several conditions precedent to the Settlement Agreement becoming effective. The first condition precedent is Commission approval of the Settlement Agreement.<sup>1</sup> After Commission approval, the investor-owned utilities (“IOUs”) will submit an application to the Federal Energy Regulatory Commission (“FERC”) seeking waiver of their Public Utility Regulatory Policies Act (“PURPA”) obligations under Section 210(m) of the Federal Power Act.<sup>2</sup> The Settlement Agreement does not become effective until after FERC approves the PURPA waiver application.<sup>3</sup> Because the IOUs cannot file an application at FERC until after the Commission approves the Settlement Agreement,<sup>4</sup> expeditious review is a necessary first step in satisfying the

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<sup>1</sup> See Settlement Agreement, § 16.

<sup>2</sup> *Id.*, § 15.1.6.

<sup>3</sup> *Id.*, § 16.2.1.

<sup>4</sup> *Id.*, § 15.1.6.

conditions precedent. Given the substantial benefits of the Settlement Agreement, as explained in detail in the Joint Motion, expeditious consideration and review is warranted.

In addition, no party will be prejudiced by expedited review. The Joint Parties issued a settlement conference notice on September 24, 2010 and provided the Settlement Agreement term sheet and *pro forma* agreements and amendments on the IOUs' websites on October 4, 2010. Thus, non-settling parties have been on notice of the Settlement Agreement and have had copies of the term sheet and associated *pro forma* agreements and amendments before the Joint Motion was filed. In addition, the Joint Parties presented the Settlement Agreement at a settlement conference held on October 7, 2010.

The Joint Parties are proposing the following schedule for consideration of the Settlement Agreement:

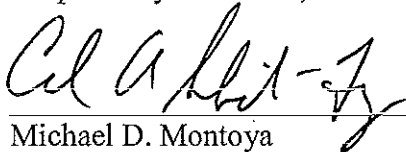
<b>Event</b>	<b>Dates Per The Commission's Rules</b>	<b>Proposed Dates</b>
Joint Motion For Approval of Settlement Agreement		Filed October 8, 2010
Comments on Joint Motion for Approval of Settlement Agreement (Rule 12.2.)	November 8, 2010	October 25, 2010
Reply Comments on Joint Motion for Approval of Settlement Agreement (Rule 12.2.)	November 23, 2010	November 1, 2010
ALJ's Proposed Decision (Rule 14.2.)		November 16, 2010
Comments on Proposed Decision (Rule 14.3(a).)	20 days after Proposed Decision	December 6, 2010
Reply comments on Proposed Decision (Rule 14.3(d).)	5 days after opening comments on Proposed Decision	December 13, 2010
Commission vote on Proposed Decision		December 16, 2010

Based on the foregoing, the Joint Parties respectfully request that the Assigned ALJ adopt the schedule proposed in this Motion to Expedite.

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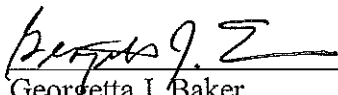
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Respectfully submitted,



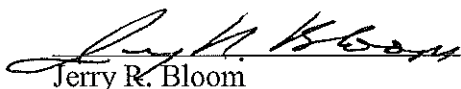
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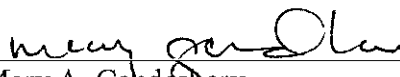
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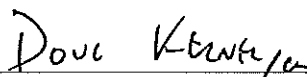
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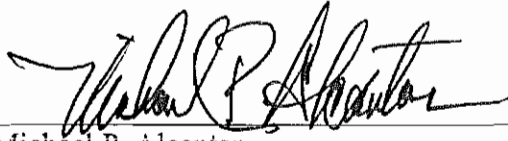
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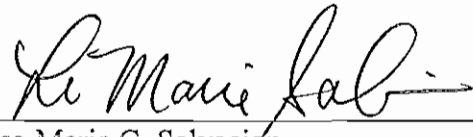
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October 8, 2010



CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. 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 B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 8<sup>th</sup> day of October, 2010, I caused to be served a true copy of:

**MOTION FOR EXPEDITED CONSIDERATION OF JOINT MOTION FOR  
APPROVAL OF QUALIFYING FACILITY AND COMBINED HEAT AND  
POWER PROGRAM SETTLEMENT AGREEMENT**

[XX] By Electronic Mail – serving the above via e-mail transmission to each of the parties listed on the official service list for R.99-11-022, R.04-04-003, R.04-04-025, R.06-02-013 and A.08-11-001.

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 this 8th day of October, 2010, at San Francisco, California.

  
PAMELA J. DAWSON-SMITH