

Robert F. Kidd (State Bar No. 077000)
YAMAMOTO KIDD, LLP
The London Building
160 Franklin Street, Suite 206
Oakland, CA 94607
Telephone: (510) 433-9340
Facsimile: (510) 433-9342

Attorneys for
Big Valley Lumber Company

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO

In re:

PACIFIC GAS & ELECTRIC
COMPANY, a California corporation,

Debtor.

Federal ID No. 94-0742640

No. 01-30923 DM

Chapter 11

**NOTICE OF MOTION AND MOTION OF
BIG VALLEY LUMBER COMPANY TO
COMPEL DEBTOR-IN-POSSESSION
PACIFIC GAS AND ELECTRIC
COMPANY TO ASSUME OR TO REJECT
POWER PURCHASE AGREEMENT, OR
RELIEF FROM THE AUTOMATIC STAY,
OR FOR ALTERNATE RELATED RELIEF**

RFS No.

Date: July 18, 2001

Time: 1:30 p.m.

Judge: Hon. Dennis Montali

I. NOTICE OF MOTION

Please take notice that on the date at the time noted above, at the United States Bankruptcy Court, moving party Big Valley Lumber Company ("Big Valley") will move and it does now move the above-entitled Court for the relief set forth below.

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ADD

II. RELIEF REQUESTED.

1. Big Valley prays that the above-entitled Court:

- a. Enter its order requiring debtor-in-possession Pacific Gas and Electric Company ("PGE") immediately to decide whether it will seek to assume or to reject the 1983 power purchase agreement, as amended, between PGE and Big Valley ("the PPA");
- b. If PGE elects to assume the PPA, enter its order requiring PGE immediately to cure all defaults under the PPA;
- c. In the alternative, if the Court is inclined to issue an order which parallels the provisions of the "Oildale Energy Order"¹, enter its order modifying Clause (ii) of Paragraph 7(a) of Oildale Energy Order to require PGE to pay Big Valley one hundred percent (100%) of the Pre-Petition Default Amount, as that term is used in the Oildale Energy order; and
- d. In the alternative, if the Court is inclined to deny the relief sought above, enter its order granting to Big Valley relief from the automatic stay to exercise its contractual rights to terminate the PPA.

¹ The term "Oildale Energy Order" refers to that order entitled "Order Re Motions of Oildale Energy LLC, Wadham Energy, LP and KES-Kingsburg LP for an Order (i) (A) Compelling the Debtor To Assume or Reject Power Purchase Agreement with Debtor on or before June 1, 2001, Etc.," the proposed form of which order was submitted to the Court on June 8, 2001, and which proposed form of order purports to set forth the terms of the Court's order rendered following the June 1, 2001, hearing on the referenced motions.

1 **III. GOOD CAUSE EXISTS TO GRANT THE MOTION.**

2
3 This motion is based upon: this Notice, the Declaration of Bruce Main,
4 Memorandum of Points and Authorities, and the Exhibits filed herewith; the Oildale
5 Energy Order; and all papers and pleadings on file herein.
6

7 For the reasons set forth in the declaration of Bruce Main filed herewith, good
8 cause exists under the Oildale Energy Order, Bankruptcy Code section 365 and
9 Bankruptcy Code section 362 to grant the relief requested above.
10

11 **IV. COPIES OF THIS MOTION.**

12
13 You may obtain copies of this motion and its supporting documents by either
14 contacting the below-signed attorney at the telephone number or address noted above,
15 or accessing the website located at www.pge.com/court_docs.
16

17 **V. PRAYER**

18
19 WHEREFORE Big Valley prays for relief as is set forth in Section II above.
20

21 DATED: June 20, 2001.
22

23 YAMAMOTO KIDD LLP

24 By 

25 Robert F. Kidd
26 Attorneys for
27 Big Valley Lumber Company
28

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001