

50-295/323

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10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 In re
14 PACIFIC GAS AND ELECTRIC COMPANY, a
15 California corporation,
16 Debtor.
17 Federal I.D. No. 94-0742640

18 Case No. 01 30923 DM
19 Chapter 11 Case
20 Date: February 6, 2002
21 Time: 1:30 p.m.
22 Place: 235 Pine Street, 22nd Floor
23 San Francisco, California

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

24 AMENDED NOTICE OF MOTION AND MOTION FOR AUTHORIZATION TO (1) ASSUME
25 EXECUTORY MAIN LINE EXTENSION CONTRACTS AND (2) PAY OUTSTANDING AMOUNTS
26 DUE UNDER NON-EXECUTORY MAIN LINE EXTENSION CONTRACTS¹

27 [Memorandum of Points and Authorities, Declaration Of Robert G. Gross And
28 Request For Judicial Notice In Support Hereof Filed Separately]

PLEASE TAKE NOTICE that on February 6, 2002 at 1:30 p.m., or as soon thereafter as the matter may be heard, in the Courtroom of the Honorable Dennis Montali, located at 235 Pine Street, 22nd Floor, San Francisco, California, Pacific Gas and Electric Company (the "Debtor" or "PG&E"), the debtor and debtor in possession in the above-captioned Chapter 11 case, will and hereby does move the Court for entry of an Order For Authorization To (1) Assume Executory Main Line Extension Contracts and (2) Pay Outstanding Amounts Due Under Non-Executory Main Line Extension Contracts (the "Motion").

Currently, PG&E is party to approximately 50,000 "line extension" contracts (which are entered into by customers who, for example, require an extension of gas and/or electricity service upon the construction of a new residential development). By this Motion, PG&E seeks authority to assume those line extension contracts that are executory (i.e., the developer has not fully completed construction of the project which is the subject of the line extension contract or fully performed other obligations). In addition, PG&E

¹This Notice is filed as an "Amended Notice" due to a revision in the reference to the Bankruptcy Local Rules which appears on page 2 hereof.

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1 seeks authority to make payments validly owed to customers under those line extension contracts which may
2 not be executory.

3 PG&E seeks this authorization pursuant to Sections 365 and 105(a) of the Bankruptcy Code (11
4 U.S.C. §§365, 105(a)), on the grounds that it is in the best interests of the estate and the reorganization
5 process for PG&E to pay amounts validly owed under the line extension contracts and to assume the
6 executory line extension contracts. The Motion is based on this Notice of Motion and Motion, the
7 Memorandum of Points and Authorities in support thereof, the Declaration of Robert G. Gross and Request
8 for Judicial Notice filed herewith, the record of this case, and any admissible evidence presented to the Court
9 at or prior to the hearing on the Motion.

10 PLEASE TAKE FURTHER NOTICE that pursuant to Rule 9014(c)(1) of the Bankruptcy
11 Local Rules of the United States District Court for the Northern District of California, any opposition to the
12 Motion and the relief requested herein must be filed with the Bankruptcy Court and served upon appropriate
13 parties (including counsel for PG&E) at least fourteen (14) days prior to the scheduled hearing date. If there
14 is no timely objection to the requested relief as described in this paragraph, the Court may enter an order
15 granting such relief without further hearing.

16 Copies of the Memorandum of Points and Authorities, the Declaration of Robert G. Gross and
17 the Request for Judicial Notice filed in support hereof may be obtained from PG&E's counsel in one of the
18 following two ways: (1) email your request to nhunt@hrice.com, in which event copies of such pleadings
19 shall be transmitted to you via email at the email address specified in your email (or, if you do not expressly
20 specify an email address, then via a reply email to your email); or (2) fax your request to Nate Hunt at
21 415/217-5910, in which event such pleadings shall be faxed to you at the fax number that you specify.

22 DATED: December 28, 2001.

23 Respectfully,

24 HOWARD, RICE, NEMEROVSKI, CANADY,
25 FALK & RABKIN
26 A Professional Corporation

27 By: Janet A. Nexon
28 JANET A. NEXON

Attorneys for Debtor and Debtor in Possession
PACIFIC GAS AND ELECTRIC COMPANY

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