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09-26-11
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2012- 2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017
(Filed May 16, 2011)

And Related Matters.

Application 11-05-018
Application 11-05-019
Application 11-05-020

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S
JOINT SCOPING MEMO AND RULING**

This scoping memo and ruling follows two prehearing conferences in the above-captioned consolidated proceeding (Consolidated Proceeding). The most recent prehearing conference was held on September 6, 2011 and was conducted by Commissioner Timothy Alan Simon and Administrative Law Judge (ALJ) Kimberly H. Kim. This ruling establishes the scope and schedule for the Consolidated Proceeding, addresses other procedural matters, and schedules public workshops as set forth in Attachment 1 to this ruling.

This Consolidated Proceeding relates to the 2012-2014 Energy Saving Assistance Program (ESAP) (formerly referred to as Low Income Energy Efficiency (LIEE)) and California Alternate Rates for Energy (CARE) Program budget applications of Pacific Gas and Electric Company (PG&E), Southern

California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas) (collectively, IOUs or Utilities).

1. Scope of Issues within the Consolidated Proceeding

The following issues are within the scope of the Consolidated Proceeding, in no particular order:

Overview of Lessons Learned

- A. Review of major ESAP and CARE Program related studies, pilots and reports since Decision (D.) 08-11-031, including (a) Final Report on Low Income Energy Efficiency Program, 2009–2010 Process Evaluation, and (b) Final Report on Impact Evaluation of the 2009 California Low Income Energy Efficiency Program;

Review ESAP (including Measure Level)

- B. Review of overall effectiveness of the ESAP at the programmatic level in reaching the energy savings Strategic Plan goals and cost effectiveness of ESAP as a program, including examination of potential barriers to energy savings, methods of removing barriers to energy savings, and review of delivery models;
- C. Review of cost effectiveness at the measure level, including review of cost effectiveness methodology and what and how measures are added, deleted, etc.;
- D. Consider whether the Commission should retire and approve certain measures proposed by the IOUs from their 2012–2014 approved measures list;
- E. Consider how the Commission should categorize homes that receive only energy education from an IOU under the ESAP program (treated, untreated, ineligible or other);

Multi-Family Sector

- F. Review of multi-family sector needs, proposals, and any related operational and legal concerns;

Workforce, Education and Training

- G. Review of workforce, education, and training issues, including review of current contractor selection and bidding process;
- H. Consider whether the Commission should examine the current ESAP contractors' bidding process and other different delivery models;

Outreach, Education and Enrollment

- I. Review of current ESAP outreach and enrollment practices/efforts and explore ways to improve them to reach the Commission's Strategic Plan goals, including any energy education proposal;
- J. Consider whether the Commission should authorize a study and evaluation of the IOUs' energy education programs under the ESAP program to determine if there are ways to optimize or otherwise improve the educational component of the ESAP program;

Review of CARE Program including Enrollment Issues

- K. Review of current CARE program, including recertification, post enrollment verification, categorical eligibility, and high usage customers;
- L. Review of CARE penetration level – where it is and should be;
- M. Review of CARE administration, including complaint and oversight mechanisms;

Working Groups, Pilots and Studies

- N. Review of potential ongoing working groups, pilots, and studies to improve the ESAP and CARE programs in the near-term and longer term;

Other Overall Programmatic Review

- O. Consider whether the Commission should authorize IOUs to conduct another joint 2012–2014 Impact Evaluation Study to capture more accurate energy savings accomplishments in the ESAP program or consider a different evaluation approach that more closely aligns with the non-low income, or mainstream energy efficiency evaluations;
- P. Consider whether the Commission should review the methodology adopted in D.08-11-031 in estimating and calculating eligible low-income population;
- Q. Consider whether the Commission should review the existing refrigerator replacement rules;
- R. Review and clarify, if necessary, the Commission’s Fund Shifting rules;
- S. Consider IOUs’ proposed CARE budgets, and underlying assumptions and estimates;
- T. Consider IOUs’ proposed ESAP budgets, and underlying assumptions and estimates;
- U. Consider how the Commission should continue its coordination with the Department of Community Services and Development (CSD) to increase most effectively the number of overall homes treated in California pursuant to programs administered by the Commission and CSD;
- V. Review of IOUs’ strategies and programs for the budget years 2012–2014 toward accomplishing the long-term and enduring energy savings, ways to leverage the resources of other entities, and ways to coordinate ESAP with other demand-side programs, especially energy efficiency programs;
- W. Review of effective methods of tracking costs for each ESAP and CARE program elements and participation in each that will permit cost-benefit analysis for each program element and that are consistent for all Utilities;
- X. Review how the Commission should and will track and oversee the IOUs' performance of their ESAP and CARE

programs during the 2012–2014 timeframe, and any midcourse audit or review that the Commission should conduct;

- Y. Review of any issue we asked the IOUs to address in our March 30, 2011 guidance ruling, <http://docs.cpuc.ca.gov/efile/RULINGS/132944.pdf>; and
- Z. Review of any other issue expressly added by the assigned ALJ or Commissioner in the final scoping memo ruling, to be issued following the herein prehearing conference.

Some issues explicitly set forth above as deemed within the scope of the Consolidated Proceeding may be examined but may also be set for further or ongoing examination (e.g., studies, working groups, etc.) beyond the timeframe for the upcoming decision on the 2012–2014 ESAP and CARE budget decision. Thus, parties should keep that in mind.

Parties are also advised that some issues of general relevance to the ESAP and CARE programs that are noncontroversial, minor or otherwise uncontested and not listed above may still be addressed in the upcoming decision on the 2012–2014 ESAP and CARE budget decision in less detailed manner, if supported by necessary record.

2. Issues outside the Scope of the Consolidated Proceeding

Generally, unless expressly added by the assigned ALJ or Commissioner, any major issues not set forth in the foregoing section of this ruling will be outside the scope or are issues that will not be addressed in upcoming decision on the IOUs' 2012–2014 ESAP and CARE budgets. Specifically, the following issues are not within the scope of the Consolidated Proceeding:

1. Consideration of any augmentation to CARE discount rate design, which should be reviewed in appropriate rate design proceeding; and

2. Consideration of proposals for CARE program changes relating to disconnection issues and assisting CARE customers by preventing disconnections or managing arrearages are outside the scope of the Consolidated Proceedings. Such issues are currently before the Commission's review in a related rulemaking proceeding, Rulemaking 10-02-005 (Disconnection Proceeding).

Specific recommendations or directives by Commission resulting from the Disconnection Proceeding may later require the scope of the Consolidated Proceeding to be amended to include certain recommended disconnection-related CARE program changes to be incorporated in this Consolidated Proceeding.

3. Schedule for the Consolidated Proceeding

The following is the proceeding schedule for the Consolidated Proceeding:

Date(s)	Event
May 19, 2011	Applications Calendared
May 20, 2011	Protests filed
June 30, 2011	Replies to Protests
August 1, 2011	Prehearing Conference Statements
Augusts 8, 2011	Prehearing Conference
September 6, 2011	Second Prehearing Conference
September 2011	Scoping Ruling
September/October/November 2011	ESAP and CARE Workshops and Working Group Activities, including post workshop activities such as comments (See Attachment 1 to this ruling on Workshop Framework and Schedule).
November 10, 2011	Proposed Decision on Bridge Funding
November 18, 2011	Intervenors' Testimony

Date(s)	Event
Mid-November 2011	Ruling setting January hearing and briefing schedule as necessary, consistent with the general schedule herein.
December 9, 2011	Reply Testimony
*January 2012	Possible Hearings
*January 2012	Opening Briefs
*January 2012	Reply Briefs
*January 2012	Request for Final Oral Argument
*January 2012	Submission Date
*March 2012	Proposed Decision
*April 2012	Final Decision

*** Dates to be determined by mid-November 2011 ruling.**

Our goal is to resolve this case as soon as possible. We anticipate that the resolution will not exceed 18 months from issuance of this scoping memo, pursuant to Pub. Util. Code § 1701.5. The assigned ALJ and Commissioner may alter this schedule as they see fit.

4. Extension to Advice Letters and Bridge Funding

D.04-08-010 and D.03-04-027 requires the IOUs to file respective advice letters to update the Gas and Electric Public Purpose Program (PPP) surcharge rates in October of each year for rates effective the following year, starting January 1, or related utility-specific ratemaking requirements.

In order for the IOUs to comply with the foregoing filing requirements for the upcoming year, the Commission must first issue a decision on the ESAP and CARE budget applications, the Consolidated Proceeding, setting forth a gas and electric revenue requirement effective January 1, 2012 based on 2011 ESAP and CARE Program budgets, for recovery in rates starting January 1, 2012.

As set forth in the scope and schedule of this Consolidated Proceeding, it is our plan at this time to allow the Commission adequate time to review thoroughly the Utilities' ESAP and CARE budget applications for the 2012-2014 budget cycle, which will not conclude until spring of 2012. In the interim, it is our plan to issue a proposed bridge funding decision to authorize continued funding for 2012 for ESAP and CARE programs in October 2011 to prevent any disruption in program delivery while the Commission is conducting its review of the Utilities' ESAP and CARE budget applications for the 2012-2014 budget cycle.

We have consulted with the Commission's Executive Director, who approves of the requested extension. This ruling therefore grants an extension to the Utilities for filing of their Electric and Gas PPP filings to November 15, 2011.

5. Motion for Party Status

Pending motions for party status by following individuals or organizations are granted, and they will be added to the current service list for the Consolidated Proceeding:

Erik S. Emblem, Executive Administrator
Joint Committee on Energy and Environmental Policy
1809 S Street, Suite 101-207
Sacramento, CA 95811
(916) 339-7359
(866) 397-2517 (facsimile)
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Jorge Corralejo, Chairman and President,
Latino Business Chamber of Greater Los Angeles
634 S. Spring Street, Suite 600
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Faith Bautista, President,
National Asian American Coalition
1758 El Camino Real
San Bruno, CA 94066
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Len Canty, Chairman,
Black Economic Council
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(510) 835-8621 (facsimile)
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Kent Qian
National Housing Law Project
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San Francisco, CA 94103
(415) 546-7000 x. 3112

(415) 546-7007 (facsimile)

E-mail: kqian@nhlp.org

6. Intervenor Compensation

The parties who have been granted party status in Section 5 of this ruling, are also granted permission to file their Notice of Intent to Claim Intervenor Compensation (NOI) within 15 days of the date of this ruling. Green For All has been designated as a lead on one or more workshops in the Consolidated Proceeding but have not filed an NOI to date. Green For All therefore is granted leave to file an NOI within 15 days of this ruling, if it so chooses. Each NOI should describe the intervenor's planned participation and interest. If more than one organization or individual intends to participate in this proceeding, each should coordinate its work with other parties to avoid duplication of effort.

Requests for compensation in this proceeding must comply with all Commission rules and Pub. Util. Code § 1801 et seq. Generally, each must demonstrate: (1) a substantial contribution to a Commission order, decision, or proceeding by an advocate or expert witness; (2) that the intervenor avoided duplication of effort, or contributed, supplemented or complemented the work of another party and that; and (3) the compensable work conducted in the proceeding benefited ratepayers.

Requests must allocate hours to each of the specific issues addressed. Parties who have questions about how to qualify for intervenor compensation or the process for doing so should contact the Commission's Public Advisor at (415) 703-2074, or (866) 849-8390, or email public.advisor@cpuc.ca.gov.

7. Category of Proceeding and Hearings

This proceeding has been categorized as ratesetting. Examination of the filings in the Consolidated Proceeding to date does not demonstrate that

hearings are necessary. However, potential hearing dates have been placed on the schedule for this Consolidated Proceeding, in the event it becomes apparent that a hearing is necessary and appropriate at a later time.

8. Presiding Officer

Pursuant to Commission Rule 13.2(b), assigned Commissioner Timothy Alan Simon designates ALJ Kimberly H. Kim as the presiding officer for this Consolidated Proceeding.

9. Communications with Decision Makers (Ex Parte Communication)

Pursuant to Pub. Util. Code § 1701.1, *ex parte* communications are prohibited in this proceeding except under the following circumstances. Oral *ex parte* communications may be permitted at any time by any Commissioner if all interested parties are invited and given not less than three days' notice.

Written *ex parte* communications are permitted by any party provided that copies of the communication are transmitted to all parties on the same day.

Commission Rule 8.1 et seq. explains the *ex parte* rules in more detail. The Commission's rules are available on the www.cpuc.ca.gov website at http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/70731.htm.

10. Discovery Issues

If the parties experience discovery disputes they are unable to resolve by meeting and conferring, they shall contact the assigned ALJ Kimberly H. Kim to determine whether a written or oral motion is required.

IT IS RULED that:

1. The scope and schedule for the consolidated proceeding are as set forth in this ruling, unless subsequently modified by assigned Commissioner or assigned Administrative Law Judge (ALJ) directive.

2. The categorization is ratesetting and hearings do not appear to be necessary.
3. ALJ Kimberly H. Kim is the presiding officer in this proceeding.
4. Parties shall participate in the workshops scheduled and noticed on Attachment 1 to this ruling in good faith.
5. The Utilities are granted extension for filing of their Electric and Gas Public Purpose Program (PPP) advice letter filings to November 15, 2011.
6. Following parties are granted party status, shall be added to the current service list of the Consolidated Proceeding. Green For All and the following parties have 15 days from the date of this ruling to file the required Notices of Intent to Claim Intervenor Compensation:

Erik S. Emblem, Executive Administrator
Joint Committee on Energy and Environmental Policy
1809 S Street Suite 101-207
Sacramento, CA 95811
(916) 339-7359
(866) 397-2517 (facsimile)
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Kent Qian
National Housing Law Project
703 Market St., Ste. 2000
San Francisco, CA 94103
(415) 546-7000 x. 3112
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E-mail: kqian@nhlp.org

7. Pursuant to Pub. Util. Code § 1701.1, *ex parte* communications are prohibited except as set forth above and in Commission Rule 8.1 et seq.

8. If the parties experience any discovery dispute they are unable to resolve by meeting and conferring, they shall contact ALJ Kimberly H. Kim to determine whether a written or oral motion is required.

9. This ruling shall also be served on all parties on the current service list of the Consolidated Proceeding (Application (A.) 11-05-017 et al.) and proceeding A.08-05-022 et al.

Dated September 26, 2011, at San Francisco, California.

/s/ TIMOTHY ALAN SIMON
Timothy Alan Simon
Assigned Commissioner

/s/ KIMBERLY H. KIM
Kimberly H. Kim
Administrative Law Judge

ATTACHMENT 1

ESAP and CARE Workshop Framework and Schedule

Energy Savings Assistance Program (ESAP) and California Alternate Rates for Energy (CARE) Program Workshop Framework and Schedule

Core Working Groups

The core working group for each workshop has been pre-assigned by the assigned Administrative Law Judge (ALJ) based on expertise and interest on the subject matter of the workshop and are reflected on the schedule column below under title “Working Group and Lead/Co-Leads.” The core working group will collaborate as a team, assist the lead or co-lead and decide as a group to choose more and/or different lead or co-lead for the workshop.

Lead or co-leads

A lead or co-lead for each workshop is pre-assigned by the ALJ for each of the workshops, but maybe changed by the core working group. The Utilities will confer, designate one or more Utilities representative(s) for each of the scheduled workshop, as appropriate, and contact the lead or co-lead for each workshop of those representative designations. The Energy Division has the option to designate different representative(s) for each of the scheduled workshop, as appropriate, and contact the lead or co-lead for each workshop of those representative designations. Lead or co-lead, will take the lead in:

1. Generally coordinating and leading pre-workshop planning discussion including:
 - logistical issues (technology, etc.) leading to and carrying out the workshops;
 - help framing the purpose and objectives of the workshop;
 - help pre-workshop discussion on developing a general format and framework for the workshop to manage informational flow (e.g., flip charts, etc.);
 - identifying ways to constructively and meaningfully agendize, discuss and explore ways to address parties’ and Commission’s potentially relevant concerns, including operational, legal, policy issues; and
 - identifying any goals or workshop deliverable products to result from the workshop.
2. Receiving and incorporating requests from all interested parties to prepare an agenda and agendize relevant agenda items, consistent with the scope of the proceeding.

3. By no later than 15 days before any given scheduled workshop, prepare and submit a proposed agenda to the ALJ.
4. Once approved by the ALJ, distributing the approved agenda to all parties confirming necessary agenda items.
5. Present as a lead or as co-leads, in a panel format with others, or any other format/manner approved by the ALJ, an overview of the workshop issue or issues to set the stage for a meaningful discussion on the subject matter of the workshop.
6. Assist the ALJ or any other facilitator of the workshop as needed.

Facilitator

The ALJ will facilitate each of the workshops, unless otherwise noted in the final approved agenda for each of the workshop. As the facilitator, the ALJ's role is neutral in the parties' workshops to maintain order and to manage a fair, respectful, and open process and forum for the parties. As the facilitator, the ALJ will not rule, signal or otherwise participate in the workshops in her decision making capacity.

Agenda

Proposed agenda for each workshop will be prepared and submitted to the ALJ for review and approval by the workshop lead or co-leads, at least 15 days prior to each scheduled workshop, and once approved, the final agenda for each workshop will be distributed to all parties before each workshop. The ALJ and the lead/co-leads for each workshop will make all reasonable efforts to provide the parties as much notice of the agenda for each workshop as practicable by finalizing and distributing the final agenda as soon as practicable.

Public Accessibility and Telephone and Video-Conference

All persons interested in the subject matter of the workshops are welcome to attend and participate. The only requirement is that the person attends and participates in an orderly and respectful manner and in good faith. To encourage and foster candid dialogue, the workshops will not be recorded. To maximize opportunities for participation of all of the stakeholders throughout the State, all reasonable efforts will be made to video-conference or telephone conference each of the workshops where possible with workshops held in San Francisco, California, and possible satellite location in Los Angeles, California. The final approved agenda for each of the workshops will further confirm the specifics of which workshop will be telephone-conferenced and which will be video-conferenced as well as the specific time, date, and location(s) information.

Workshop Schedule

The workshop schedule is below and may be revised by the ALJ with reasonable notice to the parties. If at any time before or during the course of any of the workshop, the ALJ, the facilitator, and/or the workshop working group determines that a workshop is unproductive or counter-productive, the workshop facilitator will determine whether it is necessary to terminate the workshop, and upon determination by the facilitator, the workshop may be terminated, with notice to the parties.

Date, Time, Location	Workshop Subject	Working Group and Lead/Co-Leads
October 17, 2011 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA (Video-conference with Los Angeles satellite location)	Workshop #1 [Overview of Lessons Learned]: Review of major ESAP and CARE Program related studies, pilots and reports since D.08-11-031, including (1) Final Report on Low Income Energy Efficiency Program, 2009-2010 Process Evaluation, and (2) Final Report on Impact Evaluation of the 2009 California Low Income Energy Efficiency Program.	DRA* and Utilities representatives, and Energy Division Staff (Staff) Tim Drew and Peter Franzese.
October 19, 2011 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA (Teleconferenced)	Workshop #2 [Review of ESAP]: Review of overall effectiveness of the ESAP in reaching the energy saving Strategic Plan goals, and cost effectiveness of ESAP, including examination of potential barriers to energy savings, methods of removing barriers to energy savings and review of delivery models.	NRDC* and Utilities representatives, and Staff Ava Tran and Joy Morgenstern.
October 20, 2011 10 a.m. – 4 p.m. Golden Gate Room 505 Van Ness Avenue San Francisco, CA (Teleconferenced)	Workshop #3 [Cost Effectiveness Methodology and Measures]: Discussion and review of cost effectiveness at the measure level, including discussion on cost effectiveness methodology and what and how measures are added, deleted, etc.	NRDC*, TELACU* and Utilities representatives, and Staff Ava Tran and Joy Morgenstern.

Date, Time, Location	Workshop Subject	Working Group and Lead/Co-Leads
<p>October 21, 2011 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA (Video-conference with Los Angeles satellite location)</p>	<p>Workshop #4 [Multi-Family Sector Issues]: Review of multi-family sector needs, proposals, and any related operational and legal concerns.</p>	<p>NCLC*, CHPC*, Utilities representatives and Staff Tory Francisco.</p>
<p>October 24, 2011 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA (Video-conference with Los Angeles satellite location)</p>	<p>Workshop #5 [Workforce, Education and Training]: Review of workforce, education and training issues, including review of current contractor selection and bidding process.</p>	<p>Green For All* and Utilities representatives, and Staff Tory Francisco.</p>
<p>October 26, 2011 10 a.m. – 4 p.m. Golden Gate Room 505 Van Ness Avenue San Francisco, CA (Teleconferenced)</p>	<p>Workshop #6 [Outreach and Enrollment]: Review of current ESAP outreach and enrollment practices/efforts and ways to improve them to reach the Strategic Plan goals, including any energy education proposal.</p>	<p>SCE*, EEC, and Utilities representatives and Staff Tory Francisco.</p>
<p>October 28, 2011 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA (Video-conference with Los Angeles satellite location)</p>	<p>Workshop #7 [Review of CARE Program]: Review of current CARE Program, including recertification, categorical eligibility, high usage customers and CARE Program complaint and oversight.</p>	<p>SFCP* and Utilities representatives and Staff Tory Francisco.</p>
<p>October 31, 2011 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA</p>	<p>Workshop #8 [Working Groups, Pilots and Studies]: Review of potential ongoing working groups, pilots and studies to improve the ESAP and CARE</p>	<p>DRA* and Utilities representative and Staff Syreeta Gibbs.</p>

Date, Time, Location	Workshop Subject	Working Group and Lead/Co-Leads
(Video-conference with Los Angeles satellite location)	Program in the near-term and longer term, including standardizing Utilities' various reports.	

* Pre-assigned lead/co-leads.

(END OF ATTACHMENT 1)