



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

FILED

03-07-11
04:59 PM

Order Instituting Rulemaking to Continue
Implementation and Administration of California
Renewables Portfolio Standard Program.

Rulemaking 08-08-009
(Filed August 21, 2008)

**CALIFORNIA ASSOCIATION OF SMALL AND MULTI –JURISDICTIONAL
UTILITIES (CASMU) BRIEF ON IMPLEMENTATION OF SENATE BILL 32
JOINTLY PROVIDED BY BEAR VALLEY ELECTRIC SERVICE, A DIVISION OF
GOLDEN STATE WATER COMPANY (U 913 E), CALIFORNIA PACIFIC ELECTRIC
COMPANY, LLC (U 933 E), MOUNTAIN UTILITIES (U 906 E), AND
PACIFICORP (U 901 E)**

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March 7, 2011

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Pursuant to the January 27, 2011 Administrative Law Judge’s Ruling Setting Schedule for Briefs on Implementation of Senate Bill 32 (ALJ Ruling), the California Association of Small and Multi-Jurisdictional Utilities (CASMU), which includes Bear Valley Electric Service, a division of Golden State Water Company (BVES), California Pacific Electric Company, LLC doing business as Liberty Energy – California Pacific Electric Company (CalPeco), Mountain Utilities (MU), and PacifiCorp, dba Pacific Power (PacifiCorp) hereby provides this brief addressing issues in the ALJ Ruling about the implementation of Senate Bill (SB) 32 and SB 380.¹

I. Introduction and Summary.

The existing tariffs adopted in this proceeding utilize the market price referent (MPR) as the tariff rate. Revisions to the tariffs pursuant to SB 32 and SB 380 would also presumably

¹ Pursuant to Commission Rule of Practice and Procedure 1.8(d), the undersigned has been authorized to tender this filing on behalf of CASMU.

utilize the MPR as the updated tariff rate.² However, there is currently a pending petition before the Federal Energy Regulatory Commission (FERC) challenging the Commission's ability to use the MPR as a standard tariff rate. Accordingly, the current timing for briefs is premature and should be deferred until FERC has resolved the petition and it is clear to what extent the Commission can set tariff pricing.

Assuming that the Commission continues forward with this proceeding, it is important that the unique characteristics of the CASMU utilities are recognized. Public Utilities Code Section 399.20(c) allows the Commission to “modify or adjust the requirements of this section for any electrical corporation with less than 100,000 service connections, as individual circumstances merit.” All of the CASMU utilities have less than 100,000 service connections and for each CASMU member there are circumstances that merit significant departures from any program developed for the three largest utilities. Additionally, as described in greater detail below, none of the CASMU utilities have customers utilizing their existing tariffs and it is unlikely that modifications to the tariffs will result in increased use of the tariffs. Accordingly, based on the unique circumstances of the CASMU utilities, the Commission should exercise the explicit statutory authority provided in Section 399.20(c) and not require any of the CASMU utilities to modify their existing tariffs.

BVES is a small electric utility serving approximately 23,000 customers in the San Bernardino Mountains located about 80 miles east of Los Angeles. MU is a microutility, serving approximately 700 customers in a mountain resort community near Lake Tahoe that is not connected with any other utility system. PacifiCorp serves approximately 45,000 customers in rural areas of Shasta, Siskiyou and Del Norte counties in Northern California with no significant

² According to Public Utilities Code Section 399.20(d), “[t]he payment shall be the market price determined by the commission pursuant to Section 399.15...”

large commercial or industrial loads, located within a PacifiCorp controlled Balancing Authority. CalPeco serves approximately 46,000 customers in the Lake Tahoe area of California with no significant large commercial or industrial loads, located within a Balancing Authority operated by NV Energy in Nevada.

The CASMU members are investor-owned utilities that differ significantly from the three largest investor-owned electric utilities in California: Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company (collectively the Joint Utilities). The Joint Utilities are mega-utilities, serving more customers in California than the CASMU utilities by orders of magnitude. This disparity in size has been recognized by the Commission in the decision implementing the existing water and wastewater tariffs where the three largest utilities were assigned 99.401% of the statewide total generating capacity for these facilities, while the *total combined* obligation of all CASMU members constituted only 0.599%.³ Moreover, the Legislature recognized the distinguishing nature of the CASMU members when it provided the Commission explicit authority to modify the program for these smaller and differently situated utilities.

The CASMU members have relatively few California customers, so the Commission must act carefully when considering the implementation or imposition of additional requirements for CASMU utilities to ensure that the program benefits outweigh the program costs. This is particularly true where there is a likelihood that the customer-funded programs will not be utilized. For example, despite prior administrative efforts required to develop and adopt a tariff to comply with Section 399.20 of the Public Utilities Code for water and wastewater facilities, none of the CASMU utilities' existing tariffs for the purchase of electricity from certain eligible

³ D.07-07-027, p. 9.

facilities have ever been utilized. Although the Commission is working to modify the existing tariffs to incorporate required changes from SB 32 and SB 380, changes to the CASMU utilities' tariffs are unlikely to increase utilization of the tariffs simply because of the specific characteristics of the CASMU members' individual service territories. However, the California customers of the CASMU utilities will have to bear any program administration and implementation costs required to modify the existing tariff. Accordingly, pursuant to explicit discretion in Public Utilities Code Section 399.20(c) to modify program requirements for entities like the CASMU utilities, the Commission should not require the CASMU utilities to amend their existing tariffs at this time.

Should, however, the Commission determine that the CASMU utilities' tariffs must be modified, the CASMU members request that the Commission bifurcate this proceeding to defer implementation of SB 32 for utilities with less than 100,000 service connections until such time as the Commission has completed the development and implementation of a tariff program for the three largest investor-owned utilities.

II. Briefs Addressing Implementation of SB 32 are Premature as the Commission has not Resolved Pricing Issues Central to the Tariffs in this Proceeding.

Both the existing tariffs adopted in this proceeding and any revised tariffs adopted in this proceeding utilize the MPR as the tariff rate.⁴ However, on January 31, 2011, the Joint Utilities filed a Petition for Enforcement Pursuant to Section 210(h) of the Public Utility Regulatory Policies Act of 1978 (Petition) with FERC.⁵ The Petition alleges that certain Commission decisions in Rulemaking (R.) 08-06-024 requiring utilities to establish a feed-in tariff for

⁴ According to Public Utilities Code Section 399.20(d), “[t]he payment shall be the market price determined by the commission pursuant to Section 399.15...”

⁵ See, FERC Docket EL11-19-000.

combined heat and power (CHP) facilities violate the Public Utility Regulatory Policies Act of 1978 (PURPA) by setting a tariff price at a price other than a utilities' avoided cost. The tariff price at issue in the Petition relies on the MPR to determine the tariff price.

Because the tariff price in the instant proceeding is also based on the MPR, it is premature for the Commission to determine how to implement SB 32. Instead, the Commission should wait until FERC resolves the issues presented in the Petition as FERC's determination is likely to impact the Commission's ability to use the MPR in various proceedings, including the instant proceeding. This is a prudent course of action simply to avoid the time and expense of efforts that may subsequently require substantive revisions.

III. The Commission Should Exercise its Explicit Statutory Discretion to Modify Tariff Requirements for the CASMU Utilities and Not Require the CASMU Utilities to Modify their Existing Tariffs at this Time.

The ALJ Ruling asks that “[i]f a party believes that two or more of the issues set forth below should be considered together, the party should identify the issues and provide reasons for such treatment.”⁶ CASMU believes that the explicit statutory authority found in Section 399.20(c) to modify program requirements is an issue that must be considered together with all of the other issues enumerated in the ALJ Ruling. Therefore, the sections below addressing issues in the ALJ Ruling must also consider the Commission's discretion to modify program requirements for the CASMU utilities.

Public Utilities Code Section 399.20(c) states that “[t]he commission may modify or adjust the requirements of this section for any electrical corporation with less than 100,000 service connections, as individual circumstances merit.” The CASMU utilities' current tariffs have never been utilized and there is little chance of any additional facilities using the tariffs

⁶ ALJ Ruling, p. 2.

(even if modified). Furthermore, the CASMU utilities have a small number of California customers that will bear the costs of any program modifications. Accordingly, CASMU asks that the Commission exercise the explicit statutory discretion to modify the requirements for utilities such as the CASMU members and avoid requiring the CASMU utilities to modify their tariffs at this time.

Not only have the CASMU utilities' current tariffs never been utilized, but the proposed changes contemplated by SB 32 and the ALJ Ruling are unlikely to result in additional facilities seeking to use a revised and expanded tariff. Even with the expanded eligibility size and program cap limitations, the proportionate share for the CASMU utilities will remain very low (as described in greater detail in Section IV (D) below). Currently, the proportionate shares of the CASMU utilities are as follows: BVES' proportionate share of the current 497 megawatt (MW) program cap is 0.077 MW; CalPeco's proportionate share of the current program cap is 0.404 MW; MU's proportionate share of the current program cap is 0.003 MW; and PacifiCorp's proportionate share of the current program cap is 1.013 MW.

Notwithstanding the approximate 250 MW increase applied to reach the new 750 MW statewide cap, the new proportionate shares for the CASMU utilities (established from load share as determined in D.07-07-027) results in a *total* program requirement as follows: BVES – 0.154 MW; CalPeco – 0.808 MW; MU – 0.006 MW; and PacifiCorp – 2.026 MW. Therefore, even assuming that facilities would seek to utilize the current or revised tariff, the number of facilities at any of the CASMU members' service areas would be extremely limited. The proportionate caps for all the CASMU utilities are likely to be *exceeded by one facility*. It is uneconomical and burdensome to implement a standardized tariff structure that is not utilized at all or, at best, utilized on a "one-off" basis for very few facilities.

Additionally, the CASMU utilities' California peak demands and number of customers are significantly smaller than the demands and customer sizes of the Joint Utilities, as evidenced by the proportionate shares of the current program cap. Requiring the CASMU utilities to adopt a tariff that is identical or even similar to the tariffs required by the Joint Utilities simply does not make sense. These differences were considered by the Legislature when it adopted Section 399.20(c). Based on the different characteristics and smaller size of the CASMU utilities, the Commission should refrain from requiring the CASMU utilities to modify their existing tariffs.

As potential revisions to the CASMU utilities' existing tariffs are unlikely to result in any facilities utilizing the tariff, CASMU requests that the Commission use the explicit statutory authority to modify the requirements for utilities like the CASMU utilities and avoid requiring the CASMU utilities to revise their tariffs. Alternatively, CASMU suggests that the Commission bifurcate the schedule for SB 32 implementation and delay any requirements to modify the CASMU utilities' tariffs to determine whether any potential facilities would seek to utilize such a tariff. This revised schedule would also provide the Commission with the opportunity to evaluate modifications of larger utility tariffs and determine what modifications are most effective.

IV. Issues Relevant to the Commission's Implementation of SB 32.

A. Customers and Eligibility.

As described above, there are currently no customers using any of the CASMU utilities' tariffs. Additionally, even with proposed modifications to definitions of eligible customers, based on the CASMU utilities' proportionate share of the statewide program cap, it is unlikely that additional customers would utilize their tariffs. Accordingly, the Commission should exercise its discretion pursuant to Section 399.20(c) and avoid requiring the CASMU utilities to

modify their tariffs at this time.

B. Increase in Size of Eligible Facility to Three MW.

According to Section 399.20(b)(1), an eligible facility “[h]as an effective capacity of not more than three megawatts.” Currently, the *combined total* proportionate share of the statewide cap for the CASMU utilities is 1.497 MW. If the cap is expanded to 750 MW, the proportionate shares for the CASMU utilities should be as follows: BVES – 0.154 MW; CalPeco – 0.808 MW; MU – 0.006 MW; and PacifiCorp – 2.026 MW. Therefore, the *combined total* proportionate share for the CASMU utilities would increase to approximately 2.994 MW. As the entire program allotment for all of the CASMU utilities combined would be below 3 MW, eligible facilities for the CASMU utilities should not be larger than the program cap.

For this reason, the Commission should not require the CASMU utilities to alter their tariffs pursuant to the explicit statutory authority of Section 399.20(c). If, however, the Commission does require the CASMU utilities to alter their tariffs, it should ensure that the maximum size of an eligible facility for the CASMU utilities is not more than each utility’s proportionate share of the program cap. This means, for MU, an eligible facility could not be larger than 0.006 MW. The size of eligible facilities for the other CASMU utilities would similarly reflect the size of their program caps.

In the unlikely event a proposed eligible facility is in excess of the utilities’ cap, the limited threshold under the tariff does not prohibit the utility and the customer from negotiating a separate agreement for the excess output through a number of contracting mechanisms already available to these customers, including a qualifying facility power purchase agreement. This flexibility may reduce costs to customers while continuing to promote the development of renewable power under the tariff.

C. Utility Reporting Requirements

According to Section 399.20(m):

Within 10 days of receipt of a request for a tariff pursuant to this section from an owner or operator of an electric generation facility, the electrical corporation that receives the request shall post a copy of the request on its Internet Web site. The information posted on the Internet Web site shall include the name of the city in which the facility is located, but information that is proprietary and confidential, including, but not limited to, address information beyond the name of the city in which the facility is located, shall be redacted.

This reporting requirement appears tailored to large utilities. The large utilities have large proportionate shares of the statewide cap and can accommodate numerous facilities under their tariffs. By posting reports pursuant to the reporting requirement, large utilities provide notice to facilities that would potentially utilize the tariff that other facilities are seeking use of the tariff, thus reducing the remaining available capacity allocation under the tariff.

For smaller utilities with low program caps, this notification requirement is unnecessary and burdensome. Assuming a facility were to use the tariff of a small utility, the single facility would likely meet or exceed the allotted share for that utility, thus making the tariff unavailable to others. Therefore, it is unnecessary to post notice of a request to use the tariff as once the tariff is utilized, it will likely no longer be available to others. This is particularly true in cases where no facilities utilize an existing tariff.

Nevertheless, apart from MU that is subject to different requirements, the CASMU utilities currently comply with the requirements in Section 5 of D.07-07-027 and have web pages dedicated to providing customers with information about their existing tariffs.⁷ However, in

⁷ BVES has a web page devoted to its tariff available at http://www.aswater.com/Organization/Rates_and_Regulations/Bear_Valley_Electric/bear_valley_electric.html#electricrates. CalPeco has a web page devoted to its tariff available at <http://www.liberty-energy.com/pages/rates.html>.

light of the CASMU utilities' approximately 2.994 MW combined total proportionate share of the statewide program cap as well as the fact that no facilities have used the CASMU utilities' existing tariffs, the Commission should use the discretion under Section 399.20(c) and avoid requiring the CASMU utilities to satisfy additional requirements of Section 399.20(m). Alternatively, the CASMU members can provide tariff utilization information to the Commission as requested by Energy Division.

D. Adjustment of Program Cap and Allocation of 750 MW

Section 399.20(f) expands the statewide program cap to 750 MW. The addition of approximately 250 MW to the program should increase the *combined total* proportionate share of the CASMU utilities to only 2.994 MW.

As described above, even this increased share is unlikely to attract additional facilities to use the tariff, particularly as many facilities will exceed the CASMU utilities' proportionate share of the statewide cap. Accordingly, the Commission should not require the CASMU utilities to adjust or modify their existing tariffs. If, however, the Commission seeks to expand the CASMU utilities' proportionate shares, CASMU asks that the Commission bifurcate the proceeding. The Commission would first implement the increased proportionate shares for the large utilities and evaluate the outcome of such modifications to determine if increased proportionate shares should be applied to smaller utilities like the CASMU utilities.

E. Yearly Inspection and Maintenance Report

Many existing contracts already include provisions for yearly inspection and maintenance. For example, PacifiCorp's current contract corresponding with its existing tariff

PacifiCorp has a web page devoted to its tariff available at <http://www.pacificpower.net/env/nmcg/nm/california/nrsfpwawa.html>.

already includes provisions consistent with Section 399.20(p). However, it is CASMU's view that the Commission should follow Section 399.20(c) and avoid requiring the CASMU utilities to modify their current tariffs. If, however, the Commission does require the CASMU utilities to modify their tariffs, it should allow PacifiCorp and other utilities to retain existing language in their contracts that complies with Section 399.20(p).

F. New Contract Provisions

The CASMU utilities maintain that pursuant to Section 399.20(c), the Commission should not modify the existing tariffs of the CASMU utilities. However, if the Commission does require the CASMU utilities to modify their tariffs, CASMU supports the inclusion of contract language like that in Section 399.20(q) to the extent such language is not already included in existing contracts.

G. Utility Discretion to Deny a Tariff

According to Section 399.20(n):

An electrical corporation may deny a tariff request pursuant to this section if the electrical corporation makes any of the following findings:

- (1) The electric generation facility does not meet the requirements of this section
- (2) The transmission or distribution grid that would serve as the point of interconnection is inadequate.
- (3) The electric generation facility does not meet all applicable state and local laws and building standards, and utility interconnection requirements.
- (4) The aggregate of all electric generating facilities on a distribution circuit would adversely impact utility operation and load restoration efforts of the distribution system.

The California operating systems of the CASMU utilities are relatively isolated, serve limited load, and lack significant load migration in the short- and long-term. Therefore, even small changes in load can impact reliability. Accordingly, it is important that the CASMU utilities

have the ability to deny tariff requests if interconnection of the facility could “adversely impact utility operation and load restoration efforts of the distribution system.”

H. Contract Termination Provisions

According to Section 399.20(1):

An owner or operator of an electric generation facility electing to receive service under a tariff or contract approved by the commission shall continue to receive service under the tariff or contract until either of the following occurs:

- (1) The owner or operator of an electric generation facility no longer meets the eligibility requirements for receiving service pursuant to the tariff or contract.
- (2) The period of service established by the commission pursuant to subdivision (d) is completed.

In addition to the conditions in Section 399.20(1) above, many contracts include additional termination provisions. For example, PacifiCorp’s current contract includes termination provisions for facility non-performance and other defaults. The termination provisions in PacifiCorp and other utilities’ current contracts should remain in effect regardless of whether the Commission requires the CASMU utilities to modify their current tariffs.

I. Performance Standards

The CASMU utilities maintain that pursuant to Section 399.20(c), the Commission should not modify the existing tariffs of the CASMU utilities. However, if the Commission does require the CASMU utilities to modify their tariffs, CASMU supports the addition of facility performance standards contemplated by Section 399.20(j) to the extent such standards are not already required by existing tariffs and/or contracts.

J. Commission Discretion to Make Adjustments for Small Utilities

As described above, the Commission should use the explicit statutory authority provided

in Section 399.20(c) and should not require small utilities like the CASMU utilities to amend their existing tariffs and contracts. According to Section 399.20(c):

Every electrical corporation shall file with the commission a standard tariff for electricity purchased from an electric generation facility. The commission may modify or adjust the requirements of this section for any electrical corporation with less than 100,000 service connections, as individual circumstances merit.

In accordance with Section 399.20(c), the Commission has the discretion to alter the requirements for small utilities to adopt a renewable tariff. Based on the unique characteristics of the CASMU utilities as well as the unlikelihood that any facilities will utilize the CASMU utilities' current or modified tariffs, the Commission should avoid requiring the CASMU utilities to amend their tariffs.

Furthermore, the differences between the CASMU utilities and California's large utilities warrant different treatment and requirements. Therefore, what may work for the large utilities may not necessarily work for a small utility like the CASMU utilities. In light of these differences and the explicit statutory authority granted to the Commission, the Commission should not require the CASMU utilities to amend their tariffs.

Alternatively, if the Commission determines that the CASMU utilities should amend their tariffs, the Commission should bifurcate the proceeding and address the required changes for smaller utilities like the CASMU utilities at a later time. This way, the Commission can use experience gained from assessing the modified tariffs of the larger utilities to help determine what changes will be most effective for smaller utilities like the CASMU members.

K. Setting the Tariff Price

With respect to the tariff price, Section 399.20(d)(1) provides:

The payment shall be the market price determined by the commission pursuant to Section 399.15 and shall include all

current and anticipated environmental compliance costs, including, but not limited to, mitigation of emissions of greenhouse gases and air pollution offsets associated with the operation of new generating facilities in the local air pollution control or air quality management district where the electric generation facility is located.

As described in Section II above, CASMU maintains that it is premature to submit briefs and comment on price while there is a pending Petition before FERC challenging the Commission's use of the MPR. Until that Petition is resolved, the Commission should not implement any pricing mechanism that is different from a utility's avoided cost.

When the Commission does investigate what tariff prices should be used, it must consider the unique characteristics of the CASMU utilities. For example, BVES and micro-utility, MU, have extremely small customer bases and are located at high elevation. CalPeco and PacifiCorp are not part of the California Independent System Operator ("CAISO") balancing authority and have no significant high load factor customers. PacifiCorp operates its own balancing authority and CalPeco is located in the NV Energy balancing authority area with almost all of the resources serving its loads located within Nevada. Therefore, CAISO-centric pricing mechanisms will not accurately reflect avoided cost rates for PacifiCorp or CalPeco.

Nevertheless, to ensure that the customers of the CASMU members are not subjected to unnecessary administrative and implementation costs associated with revising the existing tariff, CASMU maintains that the Commission should exercise its discretion and allow the CASMU utilities to keep their existing tariffs without alteration. If the Commission does determine that the CASMU utilities' tariffs must be amended, the Commission should defer that process to a later date and focus first on the large utilities.

L. Expedited Interconnection Procedures

PacifiCorp's current interconnection procedures are modeled after FERC pro forma

agreements which are non-discriminatory in nature. New requirements to expedite interconnection should not be made to existing non-discriminatory interconnection procedures. Therefore, any Commission required tariff modifications based on Section 399.20(e) should not be applied to the CASMU utilities pursuant to Section 399.20(c).

M. Commission Consideration of Locational Benefits

Like the pricing issue discussed above, the allowance of locational benefits is also an issue in the Joint Utilities' Petition to FERC. Accordingly, CASMU maintains that it is premature to address this issue until the Petition is resolved. Nevertheless, if the Commission requires tariffs to address locational benefits, the Commission should not apply such tariff modifications to the CASMU utilities based on Section 399.20(c).

N. Refunds of Incentives Pursuant to the California Solar Initiative, the Self-Generation Incentive Program, or other Commission Approved Programs

Section 399.20(k)(2) provides:

The commission shall require reimbursement of any funds received from these [ratepayer-funded] incentive programs to an electric generation facility, in order for that facility to be eligible for a tariff or standard contract filed by an electrical corporation pursuant to this section, unless the commission determines ratepayers have received sufficient value from the incentives provided to the facility based on how long the project has been in operation and the amount of renewable electricity previously generated by the facility.

Similarly, Section 399.20(k)(3) provides:

A customer that receives service under a tariff or contract approved by the commission pursuant to this section is not eligible to participate in any net metering program.

Fundamental fairness and ensuring equity across all customers dictates that facilities should not be compensated more than once for the same product. Therefore, renewable facilities receiving

incentives should not also be eligible for renewable feed-in tariffs. Additional incentives are unnecessary and would result in certain facilities “double-dipping” into ratepayer-funded incentive programs. Therefore, facilities that received any incentives should not be eligible for the feed-in tariff unless prior incentive payments are reimbursed.

Additionally, it must be noted that although PacifiCorp does not participate in the California Solar Initiative, PacifiCorp submitted an application to the Commission for approval to implement its own solar incentive program.⁸ PacifiCorp maintains that any incentive payments issued pursuant to its own solar incentive program would also need to be reimbursed before a facility could utilize PacifiCorp’s tariff.

V. Conclusion

At this time, the Commission should avoid requiring any electrical corporation to modify its tariff until FERC and the Commission have resolved whether the Commission has the ability to use the MPR for tariff pricing. Once the pricing issue is resolved, based on the unique characteristics of the CASMU utilities and the unlikelihood that facilities will utilize the tariffs of the CASMU utilities, the Commission should avoid requiring the CASMU utilities to modify their tariffs pursuant to the explicit statutory authority of Section 399.20(c). If, however, the Commission does require the CASMU utilities to modify their tariffs, the CASMU utilities respectfully request that the Commission bifurcate the schedule for tariff modification and first

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⁸ See, A.10-03-002, available at <http://docs.cpuc.ca.gov/published/proceedings/A1003002.htm>.

require the large utilities to modify their tariffs. After evaluating modified tariffs of the large utilities, then the Commission can more effectively determine how smaller utilities should modify their tariffs.

Dated: March 7, 2011

Respectfully submitted,

/s/

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VERIFICATION

I am a representative of the California Association of Small and Multi-Jurisdictional Utilities (CASMU), which includes Bear Valley Electric Service, a division of Golden State Water Company (BVES), California Pacific Electric Company, LLC doing business as Liberty Energy – California Pacific Electric Company (CalPeco), Mountain Utilities (MU), and PacifiCorp, dba Pacific Power (PacifiCorp); BVES, CalPeco, MU, and PacifiCorp are absent from the County of Sacramento, California, where I have my office, and I make this verification for that reason. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Executed on March 7, 2011 at Sacramento, California.



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Certificate of Service

I hereby certify that I have this day served a copy of “*California Association of Small and Multi-Jurisdictional Utilities (CASMU) Brief on Implementation of Senate Bill 32 Jointly Provided by Bear Valley Electric Service, a division of Golden State Water Company (U 913 E), California Pacific Electric Company, LLC (U 933 E), Mountain Utilities (U 906 E), and PacifiCorp (U 901 E)*” on all known parties to R.08-08-009 by transmitting an e-mail message with the document attached to each party named in the official service list. Parties without valid e-mail addresses were mailed a properly addressed copy by first-class mail with postage prepaid.

Executed on March 7, 2011 at Sacramento, California.



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R.08-08-009
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