



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

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Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the California Solar Initiative,
the Self-Generation Incentive Program and Other
Distributed Generation Issues.

Rulemaking R.10-05-004
(Filed May 6, 2010)

**REPLY COMMENTS OF RECOLTE ENERGY ON PHASE 1 ISSUES
REGARDING CSI MODIFICATIONS**

RECOLTE ENERGY

Gopal Shanker
410 Lafata Street, Suite 102
St. Helena, CA 94574
Telephone: (707) 480-1960
Facsimile: (866) 561-9002
Email: gopal@recolteenergy.com

Date: December 20, 2010

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Pursuant to *Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge, and Request for Comment on Phase 1 Issues* (“Scoping Memo”), Récolte Energy hereby submits these Reply Comments. These comments are a general response to the Parties’ opening comments as they pertain to Sections 2.2, 2.3, 2.4, and 2.5 in the Staff Proposal for Program Modifications to the California Solar Initiative (CSI) Program (“CSI Staff Proposal”).

In its opening comments, Récolte Energy recommended abandoning the Bill Credit Transfer (BCT) tariff; expanding Virtual Net Metering (VNM) to all customer classes; making an Investor Owned Utility’s (IOU) entire territory the proper boundary for VNM; avoiding any cost shifting by creating a tariff that enables the IOU to charge its customers a fee per linear foot from the point of generation to the point of use and basing the tariff only on the costs of operating and maintaining the most direct lines between the points of generation and use; and allowing all renewable energy generating technologies, not just solar photovoltaics (PV), to be eligible for VNM.

Récolte Energy hopes to demonstrate that its recommendations are a synthesis, rather than a compromise, of various viewpoints, and that the implementation of these recommendations, rather than resulting in any cost shifting, will be universally beneficial. Récolte Energy will present two views – a top down one and a bottom up one – in support of its recommendations.

II. TOP DOWN VIEW (CONTEXT FOR THE RECOMMENDATIONS)

The history of humankind, which most of us remember through particular dates, events, or people, is really one continuous, if irregular, process of humans becoming freer, proportionately more disciplined, and more connected. I will use the term “intelligence” to describe this state of increased freedom, discipline, and connectedness.

The process involves the emergence of an idea or tool that increases intelligence, the rallying and coalescing of forces to propagate the idea, and the ultimate dissolution, diminution, or harmonization of these forces with other forces, when a newer and better idea emerges. The forces could be individuals, organizations, political entities, and so on.

When multiple ideas compete for dominance, true progress takes place when there is a resolution between, or a *synthesis* of, these complementary and contradictory forces. A solution based on synthesis results in the dissemination of greater intelligence, because in a synthesis all ideas are replaced by something better. A solution based on compromise does not have the same effect, because good ideas often

get diluted. Consider, for instance, BCT.

Examples of the flow of forces that resulted in intelligence becoming more widespread in society can be found in individuals (slavery → free peoples), political systems (Hunter-gatherer societies → feudal systems → democracies), travel (human power → animal power → mechanized transport), literacy (limited to scribes and clerics → universal education), communication (telegraphs → telephones → cell phones; letters → email → social networking), computers (mainframes → desktops → cloud computing), energy (whale blubber → kerosene → electricity), economic systems (monopolies → free market), and organizational structure (hierarchies → collaborative teams).

These forces have formed, concentrated, diminished, and harmonized through artificial or natural means, for good and bad, by violent or non-violent methods, through revolution or evolution, but ultimately have resulted in intelligence becoming more widespread.

Given these inevitable trends, the current model of electricity delivery – centralized production, uni-directional transmission and distribution of electricity to passive customers – is an anachronism. The emerging model of greater intelligence is one in which more and more electricity will be produced on-site and from distributed sources, before harmonizing into energy being produced from multiple sources.

Allowing VNM to be expanded to all customer classes with the IOU's entire territory being the boundary, and for all renewable technologies to be eligible for

VNM, will enable the intelligence that is currently concentrated in the utilities to be released to its customers.

The Commission has the opportunity to adopt and implement the recommendations proposed here to immediately relieve the burden shouldered by those who are leading the move to expand intelligence to a greater group and enable the IOUs to plan and manage the transition to the newly harmonized states. Taking action now will minimize the costs of the transition for all ratepayers. Delaying action to accommodate established and powerful forces will cost us all dearly in the long run.

II. BOTTOM UP VIEW (VIEW FROM THE FRONT LINES)

The bottom up view represents the views of customers with multiple meters who have tried and failed; tried and succeeded, but at great cost to themselves; or are still trying to produce electricity on-site to offset the bills associated with their meters.

Current laws and regulations allow customers with multiple meters to size individual PV systems to offset each of these meters separately and to receive full retail value for the electricity they generate – despite the fact that they are using the utilities’ infrastructure to receive electricity when the sun doesn’t shine.

The question to be answered here is whether there is any *additional* cost-shifting if customers with multiple meters installed a single system to offset their combined electricity usage. There are two potential areas of *additional* cost shifting, the first around billing and the second around using the utilities’ transmission and distribution (T&D) infrastructure.

Billing

Does it cost more for the utilities to produce and send a customer one bill in which two or more meters are combined than to produce and send a customer two or more individual bills? Récolte Energy thinks not and refers readers to Ecoplexus and IREC's comments. However, to the extent that there are legitimate and demonstrable variable (incremental) billing costs that the IOUs incur with each new VNM customer, these should be recouped from the VNM customer.

Using the Utilities' T&D infrastructure

There are two conditions under which there could be additional cost shifting based on using the utilities' T&D infrastructure: first, if the PV systems are aggregated, and the utility has to upgrade its infrastructure to accommodate the electricity delivered by the aggregated PV system. Second, if the customer is using the IOU's T&D infrastructure to transmit electricity produced from the point of generation to the point of consumption.

These two costs are legitimate costs that should be recovered. The first kind is already routinely quantified. The second kind should be easily quantifiable, by basing it on the costs of operating and maintaining the most direct line between the points of generation and use.

Récolte Energy's customers include those who have multiple meters: in the same electrical closet (The Gasser Foundation and the Napa Valley Vintners Community Health Center), on the same parcel and served by a single delivery point (Del Mesa Carmel), on the same parcel but served by more than one service delivery

point (Sonoma Valley Unified School District), on separate but contiguous parcels (most winery clients, including Far Niente), or on non-contiguous parcels (City of Calistoga).

The Gasser Foundation. Eleven meters located in one electrical closet. They should have been allowed to install one PV system and use VNM for no additional charge, because they weren't using the IOU's T&D infrastructure. Their situation is described in greater length in Récolte Energy's opening comments. However, they had to incur \$70,000 in unnecessary costs because VNM wasn't available to them.

The Napa Valley Vintners Community Health Center. Five collocated meters. This is a project under development. Unless VNM is made available to them, they will have to install five separate PV systems and incur unnecessary additional expenses and complications. There should be no additional T&D charges for them, because they aren't using PG&E's T&D infrastructure.

Del Mesa Carmel Adult Community. Thirteen PG&E transformers and 154 meters, all served through a single service delivery point. Their situation is described in greater length in Récolte Energy's opening comments. This is a project that cannot be developed unless Del Mesa's aggregated load is offset using VNM and fuel cells. Del Mesa met with PG&E and expressed their willingness to pay to use PG&E's distribution infrastructure from the service delivery point. Del Mesa was told that current regulations prohibited PG&E from allowing them to implement their proposed solution.

Sonoma Valley Unified School District (SVUSD) – Sonoma Valley High School, Adele Harrison Middle School and Prestwood Elementary School. One parcel multiple service delivery points. This is a project under development. Unless VNM is made available to them, they will have to install multiple PV systems and incur unnecessary additional expenses and complications. SVUSD staff met with PG&E to ask about the possibility of aggregating PV systems so a single fenced off (to avoid costs associated with getting Division of State Architect approval, which would be required if the PV systems were accessible to students) PV system could offset the combined loads of the three collocated schools. SVUSD expressed willingness to pay to use PG&E's lines from the point of interconnection of the aggregated system to the meters at the individual schools. SVUSD was told that current regulations prohibited PG&E from allowing them to implement their proposed solution.

Far Niente. Multiple meters on separate but contiguous parcels. This project has already been developed. Far Niente was among the wineries (others included Chateau Montelena, Nickel and Nickel, Saintsbury, Sutter Home, and the Wine Service Co-operative) that met with PG&E in January 2006 to develop a VNM-type solution. Far Niente's situation is described in greater length in Récolte Energy's opening comments. Far Niente and the others were told that current regulations prohibited PG&E from allowing them to implement their proposed solution. Had VNM been available to Far Niente, they would not have had to incur an additional \$650,000 on a \$4,000,000 project.

City of Calistoga. Multiple meters on non-contiguous parcels. The city of Calistoga's largest electricity bill is at its waste water treatment plant. It does not have

space on the same or a contiguous parcel to accommodate PV to offset this meter. It has land around its water treatment plant. Even though the City of Calistoga is eligible to use RES-BCT, the economics of compensation at the generation rate instead of full retail and the unavailability of CSI rebates for the meter at the waste water treatment plant make RES-BCT an unviable alternative. Their project will not be feasible without VNM.

These and other clients have variously been stymied in their cost reduction and climate protection efforts. Not one of them has asked to get a “free ride” off of PG&E’s T&D infrastructure. They have been willing to pay for the portion of the T&D infrastructure from the point of delivery to the point of use. Instead of which, they have been forced to incur huge expenses to replicate PG&E’s infrastructure or not proceed with their projects at all.

Not expanding VNM to all customer classes and renewable energy technologies creates cost shifting of another kind, wherein customers who are contributing ratepayers and wants to offset their electricity bills using NEM and CSI/SGIP, aren’t allowed to (or can, but at great additional expense) because of the current regulatory framework.

V. CONCLUSION

Récolte Energy hopes the Commission recognizes that: VNM, a common sense, affordable software solution is more replicable, more scalable, and therefore less expensive than hardware solutions; by expanding VNM to all customer classes and renewable technologies, all ratepayer will benefit hugely, and; established and powerful

forces wanting to maintain the status quo need to be controlled and redirected in the best interests of all.

Respectfully submitted this 20th day of December, 2010 at San Francisco, California.

RECOLTE ENERGY

Gopal Shanker

410 Lafata Street, Suite 102

St. Helena, CA 94574

Telephone: (707) 480-1960

Facsimile: (866) 561-9002

Email: gopal@recolteenergy.com

Gopal Shanker

By

Gopal Shanker

Certificate of Service

I hereby certify that I have this day served a copy of the:

**REPLY COMMENTS OF RECOLTE ENERGY ON STAFF PROPOSAL PHASE
1 ISSUES FOR CALIFORNIA SOLAR INITIATIVE PROGRAM
MODIFICATIONS**

on all known parties of record in this proceeding by delivering a copy via electronic mail and mailing a properly addressed copy by first-class mail with postage prepaid to each party named in the official service list without an electronic mail address.

I have also sent a hard copy by U.S First Class mail to Administrative Law Judges Dorothy Duda and Maryam Ebke and President Michael Peavey.

Executed on December 20, 2010, at San Francisco, California.

RECOLTE ENERGY

Gopal Shanker
410 Lafata Street, Suite 102
St. Helena, CA 94574
Telephone: (707) 480-1960
Facsimile: (866) 561-9002
Email: gopal@recolteenergy.com

By



Gopal Shanker

Parties

HUGH YAO
SOUTHERN CALIFORNIA GAS COMPANY
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: SOUTHERN CALIFORNIA GAS COMPANY
SUSTAINABLE

DENNIS HAINES
ENVIRONMENTAL POWER CORP.
EMAIL ONLY
EMAIL ONLY, NY 00000-0000
FOR: MICROGY, INC.

COMMISSION

MARTIN HOMEC
REDWOOD RENEWABLES/CARE
COUNSEL
EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: WOMEN'S ENERGY MATTERS

STEVEN HUHMANN
MORGAN STANLEY CAPITAL GROUP INC.
2000 WESTCHESTER AVENUE
PURCHASE, NY 10577
FOR: MORGAN STANLEY CAPITAL GROUP, INC.

JOHN M. STANTON
VP - GOV'T AFFAIRS
SOLARCITY CORPORATION
575 7TH STREET, NW, SUITE 400
WASHINGTON, DC 20004
FOR: SOLARCITY CORPORATION

HEATING SYSTEMS

KELSEY M. WALKER
TAS ENERGY
6110 CULLEN BLVD.
HOUSTON, TX 77021
FOR: HEAT IS POWER

ANDREW MCALLISTER
CALIFORNIA CENTER FOR

EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: CALIFORNIA CENTER FOR

ENERGY

G. PATRICK STONER
PROGRAM DIRECTOR
LOCAL GOVERNMENT COMMISSION
EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: LOCAL GOVERNMENT

MICHAEL O. BROWN
VP BUSINESS DEVELOP AND GEN

UTC POWER CORPORATION
195 GOVERNORS HIGHWAY
SOUTH WINDSOR, CT 06074
FOR: UTC POWER CORPORATION

ETHAN BROWN
BALLARD POWER SYSTEMS
2 INDUSTRIAL AVE.
LOWELL, MA 18510
FOR: BALLARD POWER SYSTEMS

GARY HILBERG
EXECUTIVE VICE PRESIDENT
TAS
6110 CULLEN BLVD.
HOUSTON, TX 77021
FOR: TAS / POWER GENERATION /
AUGMENTATION. COOLING &

/ INDUSTRIAL PROCESS SYSTEMS

PETER THOMPSON
SALES MANAGER
ABENGOA SOLAR IST
11500 WEST 13TH AVENUE
LAKEWOOD, CO 80215
FOR: ABENGOA SOLAR IST

LORI A. GLOVER
PRESIDENT
S.O.L.I.D. USA, INC.
10645 N. TATUM BLVD., SUITE 200-306
PHOENIX, AZ 85028
FOR: S.O.L.I.D. SOLAR

KATIE AVILA
FLUIDIC ENERGY
8455 NORTH 90TH STREET
SCOTTSDALE, AZ 85258
FOR: FLUIDIC ENERGY

STEVEN D. PATRICK
SAN DIEGO GAS AND ELECTRIC COMPANY
LLC
555 WEST FIFTH STREET, SUITE 1400
LOS ANGELES, CA 90013-1011
FOR: SAN DIEGO GAS & ELECTRIC/SOCAL GAS
SOLUTIONS, LLC

EDRIC F. GUISE
NATIONAL ENERGY SOLUTIONS,
10601 CALLE LEE, SUITE 190
LOS ALAMITOS, CA 90720
FOR: NATIONAL ENERGY

JUSTIN RATHKE
CAPSTONE TURBINE CORPORATION
21211 NORDHOFF STREET
1030
CHATSWORTH, CA 91311
8102
FOR: CAPSTONE TURBINE CORPORATION
COALITION

DANIEL W. DOUGLASS
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE
WOODLAND HILLS, CA 91367-
FOR: DIRECT ACCESS CUSTOMER
(DACC)

LISA ROSEN
SECRETARY
ENERGY EFFICIENCY SOLAR
COMPANY
308 W. MONTEREY AVENUE
POMONA, CA 91768
FOR: ENERGY EFFICIENCY SOLAR
EDISON COMPANY

ANNETTE GILLIAM
ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA

FRANK J. MAZANEC
BIOFUELS ENERGY LLC
2211 ENCINITAS BLVD.
ENCINITAS, CA 92024
FOR: BIOFUELS ENERGY, LLC

SCOTT DEBENHAM
DEBENHAM ENERGY LLC
11317 VALLE VISTA ROAD
LAKESIDE, CA 92040
FOR: DEBENHAM ENERGY, LLC

SCOTT SAREM
EVERYDAY ENERGY
804 PIER VIEW WAY, NO. 201
OCEANSIDE, CA 92054
FOR: EVERYDAY ENERGY

KIRK MULLIGAN
CLEAN POWER SYSTEMS
580 AIRPORT RD. A
OCEANSIDE, CA 92058-1207
FOR: CLEAN POWER SYSTEMS

DONALD C. LIDDELL
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA 92103
FOR: CALIFORNIA ENERGY STORAGE

JOPSEPH PERRY
FLEXENERGY
9601 IRVINE CENTER DRIVE
IRVINE, CA 92618
FOR: FLEXENERGY LLC

ALLIANCE/VRB POWER SYSTEMS INC./ ICE
ENERGY INC.

RENE SANTOS
ENGINEERING MANAGER
GUARDIAN INDUSTRIES CORP - KINGSBURG
11535 E. MOUNTAIN VIEW
KINGSBURG, CA 93631
FOR: GUARDIAN INDUSTRIES CORP.

ERIC LEE
HARPIRIS ENERGY, LLC
25205 BARONET ROAD
CORRAL DE TIERRA, CA 93908
FOR: HARPIRIS ENERGY, INC.

S. GARY VARGA
ATTORNEY AT LAW
LAW OFFICES OF S. GARY VARGA
585 CANNERY ROW, SUITE 300
MONTEREY, CA 93940
FOR: ALISAL WATER CORPORATION D/B/A
SERVICE, INC.
ALCO WATER SERVICE

S. GARY VARGA
ATTORNEY AT LAW
LAW OFFICES OF S. GARY VARGA
585 CANNERY ROW, SUITE 300
MONTEREY, CA 93940-1431
FOR: CALIFORNIA UTILITIES

ANGELA LIPANOVICH
GENERAL COUNSEL
WESTINGHOUSE SOLAR
16005 LOS GATOS BLVD.
LOS GATOS, CA 94000
FOR: WESTINGHOUSE SOLAR

SUNFUND CORPORATION
PO BOX 3206
LOS ALTOS, CA 94024
FOR: SUNFUND CORPORATION

ADAM SIMPSON
ETAGEN, INC.
186 CONSTITUTION DRIVE
203
MENLO PARK, CA 94025
FOR: ETAGEN, INC.
LLC

MATTHEW B. WILSON
FOUNDATION WINDPOWER
200 MIDDLEFIELD ROAD, SUITE
MENLO PARK, CA 94025
FOR: FOUNDATION WINDPOWER,

SUZANNE H. EMERSON
EMERSON ENVIRONMENTAL, LLC
160 PLYMOUTH AVENUE
SAN CARLOS, CA 94070-1621
FOR: EMERSON ENVIRONMENTAL, LLC
SYSTEMS

JULIA A. SOUDER
JAS ENERGIES
369 OAK STREET
SAN FRANCISCO, CA 94102
FOR: BALANCE ENERGY, A BAE

INITIATIVE

DIANA L. LEE
CALIF PUBLIC UTILITIES COMMISSION
FRANCISCO
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FRANCISCO
FOR: DRA

STEPHEN A. S. MORRISON
CITY & COUNTY OF SAN
CITY HALL, SUITE 234
1 DR CARLTON B. GOODLET PLACE
SAN FRANCISCO, CA 94102-4682
FOR: CITY & COUNTY OF SAN

ADAM LORIMER
ALPHABET ENERGY INC.
239 8TH ST., S239 8TH ST., STE. 12
SAN FRANCISCO, CA 94103
FOR: ALPHABET ENERGY INC.

MATT GOLDEN
SUSTAINABLE SPACES, INC.
1167 MISSION STREET, FLR 2
SAN FRANCISCO, CA 94103
FOR: SUSTAINABLE SPACES INC

MARCEL HAWIGER
THE UTILITY REFORM NETWORK
115 SANSOME STREET, SUITE 900
SUITE 1850
SAN FRANCISCO, CA 94104
FOR: TURN
COALITION

NORA SHERIFF
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET,
SAN FRANCISCO, CA 94105
FOR: ENERGY PRODUCERS & USERS

MICHAEL S. HINDUS
PILLSBURY WINTHROP SHAW PITTMAN LLP
50 FREMONT STREET
SAN FRANCISCO, CA 94105-7880
FOR: CHEVRON ENERGY SOLUTIONS COMPANY

ADAM BROWNING
THE VOTE SOLAR INITIATIVE
300 BRANNAN STREET, SUITE 609
SAN FRANCISCO, CA 94107
FOR: VOTE SOLAR INITIATIVE

ERIK STUEBE
ECOPLEXUS LLC
1733 20TH STREET
SAN FRANCISCO, CA 94107
FOR: ECOPLEXUS, LLC

JOE KARP
ATTORNEY
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CA 94111
FOR: GRID ALTERNATIVES

MICHAEL B. DAY
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111-3133
FOR: SOLAR ALLIANCE

CHRIS LAVERY
POWERGETICS
2027 MARKET STREET, SUITE 6
SAN FRANCISCO, CA 94114
FOR: POWERGENTICS, INC.

RANDALL J. LITTENEKER
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442, B30A
SAN FRANCISCO, CA 94120
EFFICIENCY AND
FOR: PACIFIC GAS AND ELECTRIC COMPANY
(CEERT)

SARA STECK MYERS
ATTORNEY AT LAW
122 28TH AVENUE
SAN FRANCISCO, CA 94121
FOR: CENTER FOR ENERGY
RENEWABLE TECHNOLOGIES

BILL BROBECK
BROBECK SOLAR ENERGY LLC
BOOTH
1125 BOLLINGER CANYON ROAD
MORAGA, CA 94556
FOR: BROBECK SOLAR ENERGY LLC
CONSUMER

WILLIAM H. BOOTH
LAW OFFICES OF WILLIAM H.
67 CARR DRIVE
MORAGA, CA 94556
FOR: CALIFORNIA LARGE ENERGY

ADVOCATE

SUE KATELEY
EXECUTIVE DIRECTOR
CALIF. SOLAR ENERGY INDUSTRIES ASSN.
PO BOX 782
RIO VISTA, CA 94571
FOR: CALIFORNIA SOLAR ENERGY INDUSTRIES
ASSN.

GOPAL SHANKER
RECOLTE ENERGY
410 LAFATA STREET, SUITE 102
ST. HELENA, CA 94574
FOR: RECOLTE ENERGY

HANK M. LEIBOWITZ
PRESIDENT
CONTRATORS ASSN.
WASTE HEAT SOLUTIONS
2010 CROW CANYON PLACE, SUITE 300
SAN RAMON, CA 94583
PERFORMANCE
FOR: WASTE HEAT SOLUTIONS L.L.C.

ROBERT L. KNIGHT
CAL. BLDG. PERFORMANCE
1000 BROADWAY, SUITE 410
OAKLAND, CA 94607
FOR: CALIFORNIA BUILDING
CONTRACTOR'S ASSOCIATION

JODY LONDON
JODY LONDON CONSULTING
FOUNDER
PO BOX 3629
OAKLAND, CA 94609
FOR: SUSTAINABLE CONSERVATION

ERICA MACKIE, P.E.
EXECUTIVE DIRECTOR & CO-
FOUNDER
GRID ALTERNATIVES
3834 OPAL ST., NO. B
OAKLAND, CA 94609-2625
FOR: GRID ALTERNATIVES

JOSHUA HARRIS
LAW OFFICES OF STEPHAN C. VOLKER
436 14TH STREET, SUITE 1300
OAKLAND, CA 94612
FOR: CARE
ENERGY

KEVIN T. FOX
KEYES & FOX LLP
5727 KEITH AVENUE
OAKLAND, CA 94618
FOR: INTERSTATE RENEWABLE
COUNCIL (IREC)

GREGG MORRIS
DIRECTOR
GREEN POWER INSTITUTE
2039 SHATTUCK AVENUE, STE 402
3D
BERKELEY, CA 94704
FOR: GREEN POWER INSTITUTE

ENRIQUE GALLARDO
ATTORNEY AT LAW
LATINO ISSUES FORUM
1918 UNIVERSITY AVENUE, STE.
BERKELEY, CA 94704-1051
FOR: LATINO ISSUES FORUM

CLYDE MURLEY
COMMUNITY COLLEGE LEAGUE OF CALIFORNIA
1031 ORDWAY STREET
ALBANY, CA 94706
FOR: COMMUNITY COLLEGE LEAGUE OF
CALIFORNIA

JAIMIE LEVIN
AC TRANSIT
1600 FRANKLIN STREET
OAKLAND, CA 94707
FOR: AC TRANSIT

KAREN DZIENKOWSKI
PVT SOLAR, INC, .
LTD
2607 7TH STREET, SUITE G
BERKELEY, CA 94710
FOR: PVT SOLAR, INC.
GROUP LTD.

JOHN PROCTOR
PROCTOR ENGINEERING GROUP,

418 MISSION AVENUE
SAN RAFAEL, CA 94901
FOR: PROCTOR ENGINEERING

SUSAN E. BROWN
ATTORNEY AT LAW
A WORLD INSTITUTE FOR SUSTAINABLE HUMANI
PO BOX 428
MILL VALLEY, CA 94942
FOR: A WISH

KELLY DESY
SOLFOCUS, INC.
510 LOGUE AVENUE
MOUNTAIN VIEW, CA 94943
FOR: SOLFOCUS, INC.

MARY TUCKER
CITY OF SAN JOSE
CORPORATION
200 EAST SANTA CLARA ST., 10TH FLOOR
STE. 510
SAN JOSE, CA 95113-1905
FOR: CITY OF SAN JOSE
CORPORATION

SHIN TANIMOTO
SANYO NORTH AMERICA

550 SOUTH WINCHESTER BLVD.,

SAN JOSE, CA 95128
FOR: SANYO NORTH AMERICA

JULIE BLUNDEN
SUNPOWER CORPORATION
3939 NORTH FIRST ST.
SAN JOSE, CA 95134
FOR: SUNPOWER CORPORATION

MICHAEL KYES
7423 SHAUN CT.
SEBASTOPOL, CA 95472
FOR: KGA ASSOCIATES LLC

ERIC LEE
SR. ENGINEER
AGENCIES
DAVIS ENERGY GROUP
123 C STREET
DAVIS, CA 95616
CALIFORNIA WATER
FOR: DAVIS ENERGY GROUP

LON W. HOUSE, PH.D
ASSOCIATION OF CAL WATER

4901 FLYING C RD.
CAMERON PARK, CA 95682
FOR: ASSOCIATION OF

AGENCIES (ACWA)

MATTHEW KOBER
PYRAMID SOLAR INC.
LLC
PO BOX 1358
COLFAX, CA 95713
FOR: PYRAMID SOLAR
CONSULTING, LLC

NICK GOODWIN SELF
GOODWIN SELF ECO CONSULTING,

6480 CAROLINDA DRIVE
GRANITE BAY, CA 95746
FOR: GOODWIN SELF ECO

JEDEDIAH J. GIBSON
ATTORNEY AT LAW
L.L.P.

LYNN M. HAUG
ELLISON, SCHNEIDER & HARRIS,

ELLISON SCHNEIDER & HARRIS LLP
400
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905
FOR: BLOOM ENERGY CORPORATION

2600 CAPITOL AVENUE, SUITE
SACRAMENTO, CA 95816-5931
FOR: FUELCELL ENERGY

JAMES L. HODGES
AND ENERGY SERVICES
ASSOCIATION OF CALIFORNIA COMMUNITY
FEDERATION
1069 45TH STREET
SACRAMENTO, CA 95819
FOR: ASSOCIATION OF CALIFORNIA
FEDERATION
COMMUNITY AND ENERGY SERVICES (ACCES)

KAREN NORENE MILLS
ATTORNEY AT LAW
CALIFORNIA FARM BUREAU
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833
FOR: CALIFORNIA FARM BUREAU

ANN L. TROWBRIDGE
DAY CARTER & MURPHY LLP
3620 AMERICAN RIVER DRIVE, SUITE 205
SACRAMENTO, CA 95864
FOR: CALIFORNIA CLEAN DG COALITION

JIM MASKREY
SOPOGY, INC
2660 WAIWAI LOOP
HONOLULU, HI 96819
FOR: SOPOGY, INC.

WILLIAM R. MARTINI
TECOGEN INC. - WESTERN OFFICE
2245 NW 111TH AVENUE
PORTLAND, OR 97229
FOR: TECOGEN INC.

Information Only

ADAM HOLTZ
FAFCO SOLAR WATER HEATING
COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

ANDREA RIEMANN
PACIFIC GAS AND ELECTRIC
EMAIL ONLY
EMAIL ONLY, CA 00000

ANDY BLAUVELT
EAH HOUSING
ASSOCIATION
EMAIL ONLY
EMAIL ONLY, CA 00000

BEN FORD
OLD REDWOOD COMMONS
EMAIL ONLY
COTATI, CA 00000

CARLOS LAMAS-BABBINI
COMVERGE, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000

CHUCK HORN BROOK
ITRON, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000

DEREK JONES
PACIFIC GAS AND ELECTRIC COMPANY
LABORATORY
EMAIL ONLY
EMAIL ONLY, CA 00000

EDWARD VINE
LAWRENCE BERKELEY NATIONAL
EMAIL ONLY
EMAIL ONLY, CA 00000

ERIC J. PAUL
ALTA TERRA RESEARCH
COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

HAROLD HIRSCH
PACIFIC GAS AND ELECTRIC
EMAIL ONLY
EMAIL ONLY, CA 00000

HEIDI OCHSNER
THE CADMUS GROUP, INC.
EMAIL ONLY
EMAIL ONLY, OR 00000

J K HUEBNER
GOODWIN PROCTER LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

JAN PEPPER
ELECTRIC DIV., MGR.
SILICON VALLEY POWER
EMAIL ONLY
EMAIL ONLY, CA 00000

JANICE LIN
MANAGING PARTNER
STRATEGEN CONSULTING LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

JOHN R. PITTS, JR.
EMAIL ONLY
EMAIL ONLY, CA 00000

JORDAN RAMER
EV CONNECT
EMAIL ONLY
EMAIL ONLY, CA 00000

JULIE K. HOFFMAN
GOODWIN PROCTER LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

KATHRINA FRITZ INTWALA
UTC POWER CORPORATION
EMAIL ONLY
EMAIL ONLY, CT 00000

NOAH LONG
NATURAL RESOURCES DEFENSE COUNCIL
EMAIL ONLY
EMAIL ONLY, CA 00000

RICHARD S. FLOOD
JOHNSON CONTROLS, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000

TAM HUNT
HUNT CONSULTING
UTILITIES DISTRICT
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: COMMUNITY ENVIRONMENTAL
COUNCIL/COMMUNITY RENEWABLE SOLUTIONS

TIMOTHY N. TUTT
SACRAMENTO MUNICIPAL
EMAIL ONLY
EMAIL ONLY, CA 00000

DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

BENJAMIN AIRTH
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

CHRIS BEEBE
SUSTAINABLE-EDGE
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

DAN PERKINS
ENERGYSMARTHOMES.NET
EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: CLEANTECH ENERGY SOLUTIONS INC.

ERIN GRIZARD
THE DEWEY SQUARE GROUP
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

IRENE M. STILLINGS
EXECUTIVE DIRECTOR
CALIF. CTR. FOR SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

JENNIFER BARNES
NAVIGANT CONSULTING, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

JENNIFER PORTER
POLICY AND OUTREACH MANAGER
COMPANY
CALIF. CENTER FOR SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

JESSICA TELLEZ
PACIFIC GAS AND ELECTRIC
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

JOHN NIMMONS
JOHN NIMMONS & ASSOCIATES, INC.
EMAIL ONLY
SUSTAINABLE ENERGY
EMAIL ONLY, CA 00000-0000

JON FORTUNE
PROGRAM MANAGER
CALIFORNIA CENTER FOR
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

KATRINA PEREZ
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

KATRINA PHRUKSUKARN
CALIFORNIA CENTER FOR
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

KRIS KIM
BLOOMENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

MARK STOUT
MERIDIAN ENERGY USA, INC
EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: CLEANTECH AMERICA

NATHAN ARONSON
FAFCO, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

NICK CHASET
TESSERA SOLAR NORTH AMERICA
EMAIL ONLY
EMAIL ONLY, AZ 00000-0000

NICK STIMMEL
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

RICHARD W. RAUSHENBUSH
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

ROBERT CHAN
PACIFIC GAS AND ELECTRIC COMPANY
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

RYAN AMADOR
CALIFORNIA CENTER FOR
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

SCOTT J. SACHS
ATKINSON ANDELSON LOYA RUUD & ROMO
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

SEPHRA A. NINOW
CALIFORNIA CENTER FOR
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

SHARYN BARATA
VP MARKETING
SUSTAINABLE ENERGY
OPINION DYNAMICS
EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: OPINION DYNAMICS

SIOBHAN FOLEY
CALIFORNIA CENTER FOR
SUSTAINABLE ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

TERRY CLAPHAM
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
EMAIL ONLY
INITIATIVE
EMAIL ONLY, CA 00000-0000

TERRY MOHN
VP, REGULATORY AFFAIRS
BALANCE ENERGY, A BAE SYSTEMS
INITIATIVE
EMAIL ONLY
EMAIL ONLY, CA 00000-0000
FOR: BALANCE ENERGY, A BAE

SYSTEMS

INITIATIVE

THOMAS MILLHOFF
HELIO MICRO UTILITY, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

TIM FRIGON
ONLINE CLEAN ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

ROBERT PANORA
TECOGEN, INC.
45 FIRST AVENUE
WALTHAM, MA 02451

ROBERT J. TIERNEY
UTC POWER CORPORATION
195 GOVERNORS HWY
SOUTH WINDSOR, CT 06074

EMILY N. SMITH
ATTORNEY AT LAW
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH ST., NW

MELISSA R. DORN
MCDERMOTT WILL & EMERY
600 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20005

WASHINGTON, DC 20005

MICHAEL A. YUFFEE
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH STREET, N.W.
500
WASHINGTON, DC 20005-3096

JACK CONWAY
PARETO ENERGY
1101 30TH STREET, NW, SUITE
WASHINGTON, DC 20007

SVEN L. ANDEN
VP SALES AND MARKETING
ZEROPEX A.S.
570 S. GLENHURST DR.
BIRMINGHAM, MI 48009
CORP.

RAY SIADA
CORPORATE ENERGY MANAGER
GUARDIAN INDUSTRIES CORP
2300 HARMON ROAD
AUBURN HILLS, MI 48326
FOR: GUARDIAN INDUSTRIES

JIM ROSS
RCS, INC.
500 CHESTERFIELD CENTER, SUITE 320
CHESTERFIELD, MO 63017

GARY HINNERS
RRI ENERGY, INC.
PO BOX 148
HOUSTON, TX 77001-0148

BURT Y. CHAO
INSTITUTIONAL RESEARCH
SIMMONS & COMPANY INTERNATIONAL
700 LOUISIANA, STE 1900
HOUSTON, TX 77002

JOHN ROHRBACH
RRI ENERGY SERVICES, INC.
1000 MAIN ST, 11TH FLOOR
HOUSTON, TX 77002

KIRBY BOSLEY
JP MORGAN VENTURES ENERGY CORP.
CORP.
700 LOUISIANA ST. STE 1000, 10TH FLR
10TH FLR
HOUSTON, TX 77002

PAUL TRAMONTE
JP MORGAN VENTURES ENERGY
700 LOUISIANA ST., STE 1000,
HOUSTON, TX 77002

PEARCE HAMMOND
SIMMONS & COMPANY
700 LOUISIANA, STE 1900
HOUSTON, TX 77002

ROBERT HANNA
RRI ENERGY, INC.
1000 MAIN ST SUITE 1100
HOUSTON, TX 77002

BRENT BARKETT
SUMMIT BLUE CONSULTING
1722 14TH STREET, SUITE 230
BOULDER, CO 80302

KEVIN COONEY
PRINCIPAL/CEO
SUMMIT BLUE CORPORATION
1722 14TH STREET, SUITE 230
BOULDER, CO 80302

DANIELLE PRALL
GOLDEN POWER PARTNERS
LABORATORY
813 14TH ST., STE. B

TIM MERRIGAN
NATIONAL RENEWABLE ENERGY
1617 COLE BLVD. M/S 1725

GOLDEN, CO 80401

LORI SMITH SCHELL
EMPOWERED ENERGY
OPERATIONS
174 N. ELK RUN
DURANGO, CO 81303
SUITE 600

ROBERT L. PETTINATO
L.A. DEPT. OF POWER & WATER-NAT. GAS GRP
111 NORTH HOPE STREET, ROOM 1150
LOS ANGELES, CA 90012-0100

ALANA STEELE, ESQ.
HANNA AND MORTON LLP
444 S. FLOWER ST., SUITE 1500
1500
LOS ANGELES, CA 90071-2916

JEFF PALMER
SOLARCITY
10451 JEFFERSON BLVD.
CULVER CITY, CA 90232

ARLEEN NOVOTNEY
SOUTHERN CALIFORNIA FORUM
941 PALMS BLVD.
VENICE, CA 90291

SUSAN MUNVES
ENERGY AND GREEN BLDG. PROG. ADMIN.
CITY OF SANTA MONICA
1212 5TH STREET, FIRST FLOOR
SANTA MONICA, CA 90401

TED BARDACKE
SENIOR ASSOCIATE
POWER
GLOBAL GREEN USA
SUITE 200
2218 MAIN STREET, 2ND FLOOR
SANTA MONICA, CA 90405

ERIC KLINKNER
PASADENA DEPARTMENT OF WATER AND POWER
& POWER

GOLDEN, CO 80401

WON HEE PARK
MANAGER, STRATEGIC MARKETING

FIRST SOLAR, INC.
350 W. WASHINGTON STREET,
TEMPE, AZ 85281

DAVID SCHNEIDER
SAFEPLUG
8419 LOYOLA BLVD
LOS ANGELES, CA 90045

NORMAN A. PEDERSEN, ESQ.
HANNA & MORTON LLP
444 S. FLOWER STREET, SUITE
LOS ANGELES, CA 90071-2916

RICHARD R. KRIETE
CALNETIXPS
324 MARINE AVENUE
MANHATTAN BEACH, CA 90266

DAVID NEMTZOW
ICE ENERGY, INC.
1254 9TH STREET
SANTA MONICA, CA 90401

RICK RUIZ
ZENVIROMENT
209 MONTANA AVENUE, NO. 307
SANTA MONICA, CA 90403

REN ZHANG
CITY OF PASADENA WATER AND
150 S. LOS ROBLES AVENUE,
PASADENA, CA 91101

STEVE ENDO
PASADENA DEPARTMENT OF WATER

150 SOUTH LOS ROBLES AVENUE, SUITE 200
200
PASADENA, CA 91101-2437

150 S. LOS ROBLES AVE., STE.
PASADENA, CA 91105

TOM HAMILTON
SR. MANAGER
ICF INTERNATIONAL
14724 VENTURA BLVD. SUITE 1001
SHERMAN OAKS, CA 91403
FOR: ICF INTERNATIONAL

BRUNO JEIDER
BURBANK WATER & POWER
164 WEST MAGNOLIA BLVD.
BURBANK, CA 91502

MICHAEL TEN EYCK
RANCHO CUCAMONGA MUNICIPAL UTILITY
10500 CIVIC CENTER DRIVE
COMPANY
RANCHO CUCAMONGA, CA 91730
BOX 800

AKBAR JAZAYERI
VP OF REGULATORY OPERATIONS
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVE., PO
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA

EDISON COMPANY

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
COMPANY
2244 WALNUT GROVE AVENUE
800
ROSEMEAD, CA 91770

GARY BARSLEY
SOUTHERN CALIFORNIA EDISON
2244 WANUT GROVE AVE., PO BOX
ROSEMEAD, CA 91770

MICHAEL D. MONTOYA
SOUTHERN CALIFORNIA EDISON COMPANY
COMPANY
2244 WALNUT GROVE AVENUE, PO BOX 800
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

MICHAEL TOMLIN
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

SHIELA LINAO
SOUTHERN CALIFORNIA EDISON COMPANY
COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

WALTER GORDON
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVE.
ROSEMEAD, CA 91770

MARC ESSER
NEGAWATT CONSULTING
247 ELDER AVENUE
SAN DIEGO, CA 91910

RONALD K. ISHII
AESC, INC.
5927 BALFOUR COURT, SUITE 213
CARLSBAD, CA 92008

DAVID BRUDER
ONSITE ENERGY CORPORATION
2701 LOKER AVE. WEST, SUITE 107
107

RICHARD T. SPERBERG
ONSITE ENERGY CORPORATION
2701 LOKER AVE. WEST., SUITE

CARLSBAD, CA 92010

KEITH DAVIDSON
DE SOLUTIONS
732 VAL SERENO DRIVE
ENCINITAS, CA 92024
FOR: DE SOLUTIONS

JEFF COX
FUELCELL ENERGY INC.
1557 MANDEVILLE PLACE
ESCONDIDO, CA 92029

WILLIAM R. MOWRY
SD COUNTRY ESTATES HOMEOWNERS ASSOC.
26194 BELLEMORE DRIVE
RAMONA, CA 92065

TRACY TSUI
SOLAR EDGETECH
7710 BALBOA AVE., SUITE 218-B
ONE
SAN DIEGO, CA 92111

CAROL MANSON
SAN DIEGO GAS & ELECTRIC CO.
8330 CENTURY PARK COURT CP32D
COMPANY
SAN DIEGO, CA 92123-1530

JOY C. YAMAGATA
SAN DIEGO GAS & ELECTRIC/SOCALGAS
8330 CENTURY PARK COURT, CP 32 D
CP31-E
SAN DIEGO, CA 92123-1530

EVELYN LEE
CITY OF SAN DIEGO
9601 RIDGEHAVEN COURT, SUITE 120
SAN DIEGO, CA 92123-1636
120

JACK MUELLER
CALIFORNIA POWER PARTNERS, INC.
ANALYSIS DIV.)
8525 ARJONS DRIVE, SUITE I

CARLSBAD, CA 92010

DAVID GUEVARA
SKELLY ELECTRIC INC.
440 N. HALE AVENUE
ESCONDIDO, CA 92029

ALLEN SELIGSON
13075 OLD WINERY ROAD
POWAY, CA 92064

FREDERICK M. ORTLIEB
OFFICE OF CITY ATTORNEY
CITY OF SAN DIEGO
1200 THIRD AVENUE, SUITE 1200
SAN DIEGO, CA 92101

LISA BICKER
CLEANTECH SAN DIEGO
4510 EXECUTIVE DRIVE, PLAZA
SAN DIEGO, CA 92121

DEAN A. KINPORTS
REGULATORY CASE ADMINISTRATOR
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK CT., CP32D
SAN DIEGO, CA 92123-1530

CENTRAL FILES
SDG&E AND SOCALGAS
8330 CENTURY PARK COURT,
SAN DIEGO, CA 92123-1550

TOM BLAIR
ENERGY ADMINISTRATOR
CITY OF SAN DIEGO
9601 RIDGEHAVEN COURT, SUITE
SAN DIEGO, CA 92123-1636

BOB RAMIREZ
ITRON, INC. (CONSULTING &
11236 EL CAMINO REAL

SAN DIEGO, CA 92126

HOWARD E. SUSMAN
STOEL RIVES, LLP
12265 EL CAMINO REAL, STE. 303
SAN DIEGO, CA 92130

CHARLES R. TOCA
UTILITY SAVINGS & REFUND, LLC
PROPERTIES
PO BOX 54346
IRVINE, CA 92619-4346
FOR: UTILITY SAVINGS & REFUND, LLC

HOWARD GREEN
SUN EDISON
1130 CALLE CORDILLERA
SAN CLEMENTE, CA 92673

LES NELSON
WESTERN RENEWABLES GROUP
30012 AVENTURA, SUITE A
RANCHO SANTA MARGARITA, CA 92688

STEVEN SCIORTINO
CITY OF ANAHEIM
200 SOUTH ANAHEIM BOULEVARD
ANAHEIM, CA 92805

JANET M. GAGNON
SOLARWORLD CALIFORNIA
4650 ADOHR LANE
CAMARILLO, CA 93012

DAVID ALBERS
BIOENERGY SOLUTIONS, LLC
200 NEW STINE ROAD, SUITE 220
BAKERSFIELD, CA 93309

THOMAS R. ADCOCK
PRESIDENT
ALISAL WATER CORPORATION
SUITE 1850
249 WILLIAMS ROAD
SALINAS, CA 93905
USERS

SAN DIEGO, CA 92130
FOR: ITRON, INC.

JEFFREY M. GARBER
GENERAL COUNSEL
IMPERIAL IRRIGATION DISTRICT
333 EAST BARIONI BOULEVARD
IMPERIAL, CA 92251

ETIENNE BRODEUR
STEADFAST RESIDENTIAL
4343 VON KARMAN, SUITE 300
NEWPORT BEACH, CA 92660

WILLIAM L. SCOTT
28292 VIA ALFONSE
LAGUNA NIGUEL, CA 92677

JIM STEVENS
RENEWABLE ENERGY PARTNERS
2425 KISER
TUSTIN, CA 92782

SHAUN YEAGER
MOHR POWER SOLAR, INC
1454 POMONA ROAD
CORONA, CA 92882

MEGAN BIRNEY
RENEWABLE ENERGY SPECIALIST
26 W. ANAPAMU, SECOND FLOOR
SANTA BARBARA, CA 93101

CASEY CRUZON
MAINSTREAM ENERGY
775 FIERO LANE, SUITE 200
SAN LUIS OBISPO, CA 93401
FOR: REC SOLAR, INC.

EVELYN KAHL
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET,
SAN FRANCISCO, CA 94015
FOR: ENERGY PRODUCERS AND
USERS

FOR: ALISAL WATER CORPORATION D/B/A
ALCO WATER SERVICE/CALIFORNIA UTILITIES
SERVICE, INC.

COALITION

JOHN PIMENTEL
FOUNDATION WINDPOWER
200 MIDDLEFIELD ROAD, SUITE 203
203
MENLO PARK, CA 94025

KEVIN HAUCK
FOUNDATION WINDPOWER
200 MIDDLEFIELD ROAD, SUITE
MENLO PARK, CA 94025

STEVE SHERR
FOUNDATION WINDPOWER
200 MIDDLEFIELD ROAD, SUITE 203
MENLO PARK, CA 94025

BRUCE KARNEY
833 BUSH STREET
MOUNTAIN VIEW, CA 94041

JOHN KILKENNY
SKYWATCH ENERGY
365 E. MIDDLEFIELD ROAD
MOUNTAIN VIEW, CA 94043

LINDA FORSBERG
CITY OF MOUNTAIN VIEW
231 NORTH WHISMAN ROAD
MOUNTAIN VIEW, CA 94043
FOR: CITY OF MOUNTAIN VIEW

MARC D. JOSEPH
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD. STE 1000
SOUTH SAN FRANCISCO, CA 94080

MICHAEL MCDONALD
1103 TIMBERPINE COURT
SUNNYVALE, CA 94086

JOSH RICHMAN
BLOOM ENERGY CORPORATION
1252 ORLEANS DRIVE
SUNNYVALE, CA 94089
FOR: BLOOM ENERGY CORPORATION

JADE JUHL
SOLAR PROGRAM COORDINATOR
SF DEPT OF THE ENVIRONMENT
11 GROVE STREET
SAN FRANCISCO, CA 94102

JEANNE M. SOLE
DEPUTY CITY ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM. 375
SAN FRANCISCO, CA 94102-4682

ANGLEA PATANE
S.F. PUC POWER ENTERPRISE
1155 MARKET STREET, 4TH FLOOR
SASB FRANCISCO, CA 94103

FRASER D. SMITH
CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PUBLIC UTILITIES COMM
1155 MARKET STREET, 4TH FLOOR
FLOOR
SAN FRANCISCO, CA 94103
FOR: SAN FRANCISCO PUBLIC UTILITIES COMM

ANDRE DEVILBISS
ASSOCIATE, DEVELOPMENT
RECURRENT ENERGY
300 CALIFORNIA STREET, 8TH
SAN FRANCISCO, CA 94104

ANTHONY BROWN
CHEVRON ENERGY SOLUTIONS COMPANY
345 CALIFORNIA STREET

JIM HOWELL
RECURRENT ENERGY
300 CALIFORNIA ST., 8TH FLOOR

SAN FRANCISCO, CA 94104
FOR: CHEVRON ENERGY SOLUTIONS COMPANY

SAN FRANCISCO, CA 94104

LUKE DUNNINGTON
ASSOCIATE, DEVELOPMENT
ECONOMICS, INC
RECURRENT ENERGY
1600
300 CALIFORNIA STREET, 8TH FL
SAN FRANCISCO, CA 94104

MIKE KING
ENERGY & ENVIRONMENTAL
101 MONTGOMERY STREET, SUITE
SAN FRANCISCO, CA 94104

SEAN HAZLETT
MORGAN STANLEY
555 CALIFORNIA ST., SUITE 2200
COMPANY
SAN FRANCISCO, CA 94104

CAITLIN HENIG
PROGRAM MANAGER
PACIFIC GAS AND ELECTRIC
245 MARKET ST. MAIL CODE N4G
SAN FRANCISCO, CA 94105

COREY MAYERS
PACIFIC GAS AND ELECTRIC COMPANY
COMPANY
77 BEALE ST., MC B10B
SAN FRANCISCO, CA 94105

EILEEN COTRONEO
PACIFIC GAS AND ELECTRIC
77 BEALE STREET, MC B9A
SAN FRANCISCO, CA 94105

GAREN GRIGORYAN
PACIFIC GAS AND ELECTRIC COMPANY
COMPANY
245 MARKET STREET, RM. 724B, MC N7R
SAN FRANCISCO, CA 94105

JOSEPHINE WU
PACIFIC GAS AND ELECTRIC
77 BEALE STREET, MC B9A
SAN FRANCISCO, CA 94105

KAREN TERRANOVA
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO, CA 94105

KIM NGO
PACIFIC GAS & ELECTRIC CO
245 MARKET STREET, MC N7R
SAN FRANCISCO, CA 94105

LISA SHELL
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET
COMPANY
SAN FRANCISCO, CA 94105

MARDI WALTON
SR. REGULATORY ANALYST
PACIFIC GAS AND ELECTRIC
77 BEALE STREET, MC B9A
SAN FRANCISCO, CA 94105

MEI TEI WONG
CSI PROJECT MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 717A
TOWER, STE 1200
SAN FRANCISCO, CA 94105

SHANNON GRAHAM
ASSOCIATE DIRECTOR
NAVIGANT CONSULTING, INC.
ONE MARKET, SPEAR STREET
SAN FRANCISCO, CA 94105

SHERIDAN J. PAUKER
WILSON SONSINI GOODRICH & ROSATI
COMPANY
ONE MARKET PLAZA, SPEAR TOWER, STE 3300
SAN FRANCISCO, CA 94105
FOR: VOTE SOLAR INITIATIVE

STACY W. WALKER
PACIFIC GAS AND ELECTRIC
77 BEALE STREET
SAN FRANCISCO, CA 94105

STACY W. WALTER
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B30A
1850
SAN FRANCISCO, CA 94105

TIM LINDL
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., STE.
SAN FRANCISCO, CA 94105

CHESTER A. ROAMAN
1180 DE HARO
SAN FRANCISCO, CA 94107

JOHN GORMAN
ECOPLEXUS, INC
1733 20TH STREET
SAN FRANCISCO, CA 94107

STEVEN MOSS
SAN FRANCISCO COMMUNITY POWER CO-OP
2325 THIRD STREET, STE 344
SAN FRANCISCO, CA 94107

JUNE BRASHARES
GREEN ENERGY DIRECTOR
GLOBAL EXCHANGE
2017 MISSION ST., 2ND FLOOR
SAN FRANCISCO, CA 94110

STACEY REINECCIUS
POWERGETICS INC.
& LAMPREY
3150 - 18TH STREET
SAN FRANCISCO, CA 94110
FOR: POWERGETICS INC.

BRIAN T. CRAGG
GOODIN, MACBRIDE, SQUERI, DAY
& LAMPREY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

BRYCE DILLE
CLEAN TECHNOLOGY RESEARCH
LAMPREY LLP
JMP SECURITIES
600 MONTGOMERY ST. SUITE 1100
SAN FRANCISCO, CA 94111

JEANNE B. ARMSTRONG
GOODIN MACBRIDE SQUERI DAY &
LAMPREY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

JOHN L. CLARK
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
LLLP
505 SANSOME STREET, SUITE 900
3250
SAN FRANCISCO, CA 94111
FOR: EVERYDAY ENERGY, INC.

RAFI HASSAN
SUSQUEHANNA FINANCIAL GROUP,
LLLP
101 CALIFORNIA STREET, SUITE
SAN FRANCISCO, CA 94111

SETH D. HILTON
STOEL RIVES, LLP
555 MONTGOMERY ST., SUITE 1288
FLOOR

MARTIN MATTES
NOSSAMAN LLP
50 CALIFORNIA STREET, 34TH
FLOOR

SAN FRANCISCO, CA 94111

SAN FRANCISCO, CA 94111-4799

CHRIS RAPHAEL
EDITOR
CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST., STE. 303
SAN FRANCISCO, CA 94117
FOR: CALIFORNIA ENERGY MARKETS

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303
SAN FRANCISCO, CA 94117-2242

CASSANDRA MAYALL
PACIFIC GAS & ELECTRIC CO.
PO BOX 7433
SAN FRANCISCO, CA 94120-7433

BETSY WILKINS
WILKINS COMMUNICATIONS
815 25TH AVE., NO. 204
SAN FRANCISCO, CA 94121

RONNIE PETTERSSON
ENERGY RECOMMERCE, INC.
1875 LOMBARD STREET
SAN FRANCISCO, CA 94123-2909

CLINTON PORTER
KACO SOLAR INC.
1002 B. OREILLY AVE
SAN FRANCISCO, CA 94129
FOR: KACO SOLAR INC.

ANDREW YIP
PACIFIC GAS AND ELECTRIC COMPANY
COMPANY
PO BOX 770000, MC B27P
B9A
SAN FRANCISCO, CA 94177

LUCY FUKUI
PACIFIC GAS AND ELECTRIC
COMPANY
PO BOX 770000, RM. 918 - MC
B9A
SAN FRANCISCO, CA 94177

MATT HELING
SR. PROGRAM MGR.
COMPANY
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MC N9P
SAN FRANCISCO, CA 94177

CASE COORDINATION
PACIFIC GAS AND ELECTRIC
COMPANY
PO BOX 770000; MC B9A
SAN FRANCISCO, CA 94177

GRANT KOLLING
SENIOR ASSISTANT CITY ATTORNEY
CITY OF PALO ALTO
250 HAMILTON AVENUE, 8TH FLOOR
PALO ALTO, CA 94301

COLIN EYKAMP
TIOGA ENERGY
2755 CAMPUS DRIVE, SUITE 145
SAN MATEO, CA 94403

JORDAN NEWMAN
TIOGA ENERGY
2755 CAMPUS DRIVE, SUITE 145
SAN MATEO, CA 94403

PAUL DETERING
TIOGA ENERGY
2755 CAMPUS DRIVE, SUITE 145
SAN MATEO, CA 94403

BEN TARBELL
SOLARCITY
393 VINTAGE PARK DR
140

ERIC CARLSON
SOLARCITY
393 VINTAGE PARK DRIVE, SUITE
140

FOSTER CITY, CA 94404

RENEE H. GUILD
DIRECTOR
SOLARCITY
393 VINTAGE PARK DR., SUITE 140
FOSTER CITY, CA 94404

JAY C. MCLAUGHLIN
FATHOM ENGINEERING
4843 SOUTH POINT
DISCOVERY BAY, CA 94505

SCOTT WAYLAND, P.E.
WYLAND ENGINEERING, INC.
ROMO
424 MELROSE COURT
STE. 200
SAN RAMON, CA 94582
FOR: WYLAND ENGINEERING, INC.

SARAH BESERRA
CALIFORNIA REPORTS.COM
39 CASTLE HILL COURT
SUITE 700
VALLEJO, CA 94591

TIMEA ZENTAI
NAVIGANT CONSULTING
1990 NORTH CALIFORNIA AVE., SUITE 700
WALNUT CREEK, CA 94596

JERRY LAHR
PROGRAM MANAGER
ABAG POWER
101 EIGHT STREET
OAKLAND, CA 94607-4756

ZACH FRANKLIN
DEVELOPMENT DIRECTOR
GRID ALTERNATIVES
STE 650
3833 MANILA AVE.
OAKLAND, CA 94609

JOSEPH F. WIEDMAN
KEYES & FOX LLP
436 14TH STREET, SUITE 1305

FOSTER CITY, CA 94404

JERRY JACKSON
838 CONSTITUTION DRIVE
FOSTER CITY, CA 94404-1802

MELANIE BURNETT
ASSET MANAGER
EDEN HOUSING INC.
22645 GRAND STREET
HAYWARD, CA 94541

W. BRYCE CHASTAIN
ATKINSON ANDELSON LOYA RUUD &
2776 STONERIDGE MALL ROAD,
PLEASANTON, CA 94588

DANA ROTARIU
NAVIGANT CONSULTING, INC.
1990 NORTH CALIFORNIA BLVD.
WALNUT CREEK, CA 94596

KEVIN D. BEST
REAL ENERGY, LLC
6712 WASHINGTON STREET
YOUNTVILLE, CA 94599

STANLEY GRESCHNER
GRID ALTERNATIVES
3833 MANILA AVENUE
OAKLAND, CA 94609
FOR: GRID ALTERNATIVES

ANNE DOUGHERTY
OPINION DYNAMICS CORPORATION
1999 HARRISON ST. FLOOR 6,
OAKLAND, CA 94612

KATE MERRILL
ENERGY SOLUTIONS
1610 HARRISON STREET

OAKLAND, CA 94612

MEGAN CAMPBELL
OPINION DYNAMICS CORPORATION
1999 HARRISON STREET
OAKLAND, CA 94612

JULIA LARKIN
KEMA
155 GRAND AVE., STE. 500
OAKLAND, CA 94612-3747
FOR: KEMA

NELLIE TONG
SENIOR ANALYST
KEMA, INC.
155 GRAND AVE., STE. 500
OAKLAND, CA 94612-3747
FOR: KEMA, INC.

TARA MARCHANT
SUSTAINABLE DEV. PROJECT COORD.
ENERGY CTR.
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE
BERKELEY, CA 94704
FOR: THE GREENLINING INSTITUTE

GREG SAN MARTIN
PO BOX 5114
BERKELEY, CA 94705

R. THOMAS BEACH
CROSSBORDER ENERGY
2560 NINTH STREET, SUITE 213A
BERKELEY, CA 94708

JASON JONES
TILT SOLAR LLC
COORDINATOR
2332 4TH STREET, SUITE H
BERKELEY, CA 94710
FOR: TILT SOLAR LLC

LAUREN TETT
SUNLIGHT AND POWER
LABS
1035 FOLGER AVENUE

OAKLAND, CA 94612

SKY C. STANFIELD
KEYES & FOX LLP
436 14TH STREET, SUITE 1305
OAKLAND, CA 94612

KARIN CORFEE
SENIOR CONSULTANT
KEMA INC.
155 GRAND AVE., STE. 500
OAKLAND, CA 94612-3747
FOR: KEMA INC.

GEOFF TEIGEN
RCM INTERNATIONAL, LLC
PO BOX 4716
BERKELEY, CA 94704

TIMOTHY LIPMAN
US DOE PACIFIC REGION CLEAN
2150 ALLSTON WAY, SUITE 280
BERKELEY, CA 94704

GREG SAN MARTIN
PO BOX 5114
BERKELEY, CA 94705

HEIDE KATE
SUN LIGHT & POWER
1035 FOLGER AVENUE
BERKELEY, CA 94710

KATIE BRANAGH
PROJECT DEVELOPMENT
SUN LIGHT AND POWER
1035 FOLGER AVENUE
BERKELEY, CA 94710

GERALD T. ROBINSON
LAWRENCE BERKLEY NATIONAL
ONE CYCLOTRON ROAD

BERKELEY, CA 94710

RYAN WISER
BERKELEY LAB
LABORATORY
1 CYCLOTRON ROAD, MS-90-4000
90R4000
BERKELEY, CA 94720

CHRIS CHAPPELL
SUNWATER
865 MARINA BAY PARKWAY, SUITE 39
RICHMOND, CA 94804
39

SARA BIRMINGHAM
DIRECTOR, WESTERN POLICY
SOLAR ALLIANCE
BLDG. B
11 LYNN COURT
SAN RAFAEL, CA 94901

JOHN M. SPILMAN
LAW OFFICE OF JOHN M. SPILMAN
DEVELOPMENT
22 FAIRWAY DRIVE
MILL VALLEY, CA 94941-1309

BARBARA GEORGE
WOMEN'S ENERGY MATTERS
PO BOX 548
FAIRFAX, CA 94978-0548

DAVID RAUSCHHUBER
COMFORT ENERGY
1532 CENTRE POINTE DRIVE
MILPITAS, CA 95035

STEVE PECK
PEACHTREE POWER, INC.
716 WOODHAMS ROAD
SANTA CLARA, CA 95051

MICHAEL DURDY
ECOLOGY ACTION
PO BOX 1188

BERKLEY, CA 94720

TAY FEDER
LAWRENCE BERKELEY NATIONAL
1 CYCLOTRON ROAD, MAILSTOP
BERKELEY, CA 94720

JUSTIN WEIL
PRESIDENT
SUNWATER SOLAR INC.
865 MARINA BAY PARKWAY, SUITE
RICHMOND, CA 94804

NICOLE SANTOS
SOLAR POWER PARTNERS, INC.
100 SHORELINE HWY, STE. 210,
MILL VALLEY, CA 94941

JOELENE MONESTIER
MANAGER, COMMERCIAL PROJECT
SPG SOLAR, INC.
20 LEVERONI COURT
NOVATO, CA 94949

JOSE B. TENGCO
AKEENA SOLAR
16005 LOS GATOS AVENUE
LOS GATOS, CA 95032

JIAN ZHANG
CEO
GRIDX, INC.
17115 LINDA MESA DRIVE
MORGAN HILL, CA 95037

MAHLON ALDRIDGE
ECOLOGY ACTION
PO BOX 1188
SANTA CRUZ, CA 95061-1188

ANDREW TANNER
CHROMASUN INC.
1050 N FIFTH ST, SUITE A

SANTA CRUZ, CA 95061-1188

SAN JOSE, CA 95112

FRANCIS RAQUEL
FOCAL POINT ENERGY, INC.
1450 KOLL CIRCLE, SUITE 105
SAN JOSE, CA 95112
FOR: FOCAL POINT ENERGY, INC.

PETER LE LIEVRE
CHROMASUN INC
1050 N 5TH ST, SUITE A
SAN JOSE, CA 95112

KEVIN ARMSTRONG
CITYOF SAN JOSE
200 E. SANTA CLARA ST., 10TH FLOOR
SAN JOSE, CA 95113

DAVID E MCFEELY
DIRECTOR OF GRANTS AND AWARDS
SOLARTECH
1290 PARKMOOR AVE
SAN JOSE, CA 95126

NANCY FOLLY
TURLOCK IRRIGATION DISTRICT
MANAGER
PO BOX 949
TURLOCK, CA 95381
949

WES MONIER
STRATEGIC ISSUES AND PLANNING

TURLOCK IRRIGATION DISTRICT
333 EAST CANAL DRIVE, PO BOX

TURLOCK, CA 95381-0949
FOR: TURLOCK IRRIGATION

DISTRICT

PRESTON BOOKER
SONOMA ENERGY MANAGEMENT
643 WRIGHT STREET
SANTA ROSA, CA 95404

BARBARA R. BARKOVICH
BARKOVICH & YAP, INC.
44810 ROSEWOOD TERRACE
MENDOCINO, CA 95460

DOUGLAS M. GRANDY, P.E.
CALIFORNIA ONSITE GENERATION
DG TECHNOLOGIES
1220 MACAULAY CIRCLE
CARMICHAEL, CA 95608
FOR: CALIFORNIA ONSITE GENERATION

WILL HAMMACK
NATIONAL DEALER COORDINATOR
SOLARROOFS.COM
5840 GIBBONS DRIVE
SACRAMENTO, CA 95608

LIZ MERRY
VERVE SOLAR CONSULTING
2402 WESTERNESSE RD.
DAVIS, CA 95616

RICHARD MCCANN, PH.D
M. CUBED
2655 PORTAGE BAY, SUITE 3
DAVIS, CA 95616

GEORGE SIMONS
ITRON, INC.
2800 FIFTH STREE, SUITE 110
DAVIS, CA 95618
FOR: ITRON

SMITA GUPTA
ITRON, INC.
2800 FIFTH STREET, SUITE 110
DAVIS, CA 95618

ANN PETERSON

DENNIS DE CUIR

ITRON, INC.
CORPORATION
2800 5TH STREET, STE. 110
325
DAVIS, CA 95618-7765

DENNIS W. DE CUIR, A LAW
2999 DOUGLAS BOULEVARD, SUITE
ROSEVILLE, CA 95661

KENNETH SWAIN
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DR., SUITE 600
RANCHO CORDOVA, CA 95670

CAROLYN KEHREJN
ENERGY MANAGEMENT SERVICES
2602 CELEBRATION WAY
WOODLAND, CA 95776

GEOF SYPHERS
CALIFORNIA INFILL BUILDERS ASSN. COUNCIL
2012 K STREET
ASSOC.
SACRAMENTO, CA 95811

AMBER RIESENHUBER
ENERGY ANALYST
INDEPENDENT ENERGY PRODUCERS
1215 K STREET, SUITE 900
SACRAMENTO, CA 95814

DAN L. CARROLL
ATTORNEY AT LAW
DOWNEY BRAND, LLP
621 CAPITOL MALL, 18TH FLOOR
SACRAMENTO, CA 95814

DANIELLE MATTHEWS SEPERAS
CALPINE CORPORATION
1215 K STREET, SUITE 2210
SACRAMENTO, CA 95814

DIANA CHONG
ENERGY ANALYST
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-45
SACRAMENTO, CA 95814

JAN MCFARLAND
CAEATFA
915 CAPITOL MALL, RM. 468
SACRAMENTO, CA 95814

JOHN A. MCKINSEY
STOEL RIVES LLP
500 CAPITOL MALL, SUITE 1600
SACRAMENTO, CA 95814

JOHN SHEARS
CEERT
1100 11TH STREET, SUITE 311
SACRAMENTO, CA 95814
FOR: CENTER FOR ENERGY

EFFICIENCY AND

RENEWABLE TECHNOLOGIES

KELLIE SMITH
SENATE ENERGY/UTILITIES & COMMUNICATION
PARTNERSHIP
STATE CAPITOL, ROOM 2195
SACRAMENTO, CA 95814

LAURENE PARK
THE PUBLIC SUSTAINABILITY
1215 K STREET, 17TH FLR
SACRAMENTO, CA 95814

RYAN BERNARDO
BRAUN BLAISING MCLAUGHLIN, P.C.
P.C.
915 L STREET, SUITE 1270
SACRAMENTO, CA 95814

SCOTT BLAISING
BRAUN BLAISING MCLAUGHLIN
915 L STREET, STE. 1270
SACRAMENTO, CA 95814

PAIGE BROKAW
STATE CAPITOL
OFFICE OF ASSEMBLYMAN HUFFMAN
LLP (1359)
PO BOX 942849
400
SACRAMENTO, CA 95816

ANDREW B. BROWN
ATTORNEY AT LAW
ELLISON SCHNEIDER & HARRIS,
2600 CAPITOL AVENUE, SUITE
SACRAMENTO, CA 95816-5905

GREGGORY L. WHEATLAND
ELLISON SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
DISTRICT
SACRAMENTO, CA 95816-5905

RYAN PISTOCHINI
RESOURCE PLANNING & PRICING
SACRAMENTO MUNICIPAL UTILITY
6301 S ST.
SACRAMENTO, CA 95817

JAYSON WIMBLEY
MGR. OF ENERGY AND ENVIRONMENTAL SVCS.
INC.
DEPT. OF COMMUNITY SERVICES & DEVELOP.
2389 GATEWAY OAKS DRIVE
SACRAMENTO, CA 95833

MARC DAVIS
BARNUM & CELILLO ELECTRIC,
3900 TAYLOR STREET
SACRAMENTO, CA 95838

CHUCK SOLT
LINDH & ASSOCIATES
7909 WALERQA RD., STE 112, PMB 119
PMB 119
ANTELOPE, CA 95843

KAREN LINDH
CALIFORNIA ONSITE GENERATION
7909 WALERGA ROAD, NO. 112,
ANTELOPE, CA 95843

JIM BARNETT
SACRAMENTO MUNICIPAL UTILITY DISTRICT
DISTRICT
PO BOX 15852, MS A203
SACRAMENTO, CA 95852-1803
FOR: SACRAMENTO MUNICIPAL UTILITY
DISTRICT

RACHEL HUANG
SACRAMENTO MUNICIPAL UTILITY
PO BOX 15852, MS A353
SACRAMENTO, CA 95852-1803

STEPHEN FRANTZ
SACRAMENTO MUNICIPAL UTILITY DISTRICT
DISTRICT
PO BOX 15852. MS A353
SACRAMENTO, CA 95852-1803
FOR: SACRAMENTO MUNICIPAL UTILITY
DISTRICT

WADE HUGHES
SACRAMENTO MUNICIPAL UTILITY
PO BOX 15852, MS A203
SACRAMENTO, CA 95852-1803

DIANA SANCHEZ
DAY CARTER & MURPHY LLP
3620 AMERICAN RIVER DRIVE, STE. 205
1750
SACRAMENTO, CA 95864

ANNIE STANGE
ALCANTAR & KAHL LLP
1300 SW FIFTH AVE., SUITE
PORTLAND, OR 97201

MICHAEL ALCANTAR
ALCANTAR & KAHL LLP
1300 SW 5TH AVE., STE 1750
PORTLAND, OR 97201

ERICK PETERSEN
VP OF SALES AND MARKETING
PV POWERED
PO BOX 7348
BEND, OR 97708-7348

TOM ECKHART
CAL-UCONS
INC.
10612 NE 46TH STREET
KIRKLAND, WA 98033
FOR: CAL-UCONS

JENNIFER HOLMES
ENERGY MARKET INNOVATIONS
83 COLUMBIA STREET, SUITE 303
SEATTLE, WA 98104

BRENDA LATTER
ITRON INC.
601 OFFICERS ROW
VANCOUVER, WA 98661
FOR: ITRON INC.

KURT SCHEUERMANN
ITRON, INC.
601 OFFICERS ROW
VANCOUVER, WA 98661
FOR: ITRON, INC.

MATT SUMMERS
ITRON INC.
601 OFFICERS ROW
VANCOUVER, WA 98661
FOR: ITRON INC.

PATRICK LILLY
ITRON, INC.
601 OFFICERS ROW
VANCOUVER, WA 98661

State Service

PATRICK SAXTON
CALIFORNIA ENERGY COMMISSION
COMMISSION
EMIAL ONLY
EMAIL ONLY, CA 00000

JAMES LOEWEN
CALIF PUBLIC UTILITIES
ENERGY DIVISION
320 WEST 4TH STREET SUITE 500
LOS ANGELES, CA 90013

AMY REARDON
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ANDREW SCHWARTZ
CALIF PUBLIC UTILITIES
EXECUTIVE DIVISION
ROOM 5215
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ANNE E. SIMON
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5107

CANDACE MOREY
CALIF PUBLIC UTILITIES
LEGAL DIVISION
ROOM 5119

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DAMON A. FRANZ
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
ENERGY DIVISION
BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DOROTHY DUDA
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5109
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JOE COMO
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
DRA - ADMINISTRATIVE BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JUNAID RAHMAN
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
ENERGY PRICING AND CUSTOMER PROGRAMS BRA
PROGRAMS BRA
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LAURENCE CHASET
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
LEGAL DIVISION
ROOM 5131
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MARYAM EBKE
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

DAVID PECK
CALIF PUBLIC UTILITIES
ELECTRICITY PLANNING & POLICY
ROOM 4103
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JEANNE CLINTON
CALIF PUBLIC UTILITIES
ENERGY DIVISION
ROOM 4008
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JULIE A. FITCH
CALIF PUBLIC UTILITIES
ENERGY DIVISION
ROOM 4004
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KARIN M. HIETA
CALIF PUBLIC UTILITIES
ENERGY PRICING AND CUSTOMER
PROGRAMS BRA
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LISA PAULO
CALIF PUBLIC UTILITIES
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: ENERGY

MELICIA CHARLES
CALIF PUBLIC UTILITIES
EXECUTIVE DIVISION

ROOM 5101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ROOM 5306
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MELISSA SEMCER
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MERIDETH STERKEL
CALIF PUBLIC UTILITIES
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MICHAEL COLVIN
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
POLICY & PLANNING DIVISION
ROOM 5119
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MONA DZVOVA
CALIF PUBLIC UTILITIES
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

NEAL REARDON
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
ENERGY DIVISION
PROGRAMS BRA
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ROBERT LEVIN
CALIF PUBLIC UTILITIES
ENERGY PRICING AND CUSTOMER
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SCOTT MURTISHAW
CALIF PUBLIC UTILITIES COMMISSION
COMMISSION
EXECUTIVE DIVISION
PROGRAMS BRA
ROOM 5303
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

THOMAS ROBERTS
CALIF PUBLIC UTILITIES
ENERGY PRICING AND CUSTOMER
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

WERNER M. BLUMER
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DEVORAH EDEN
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 25
SACRAMENTO, CA 95814

FARAKH NASIM
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-37
SACRAMENTO, CA 95814

LINDA KELLY
ELECTRICITY ANALYSIS OFFICE
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 20
SACRAMENTO, CA 95814

MELISSA JONES
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-39
SACRAMENTO, CA 95814

PAYAM NARVAND
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS -45
SACRAMENTO, CA 95814

SANDY MILLER
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET MS NO.45
SACRAMENTO, CA 95814

DAVID VIDAVER
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-20
SACRAMENTO, CA 95814-5512

PANAMA BARTHOLOMY
ADVISOR TO COMMISSIONER DOUGLAS
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-33
SACRAMENTO, CA 95814-5512

ROD BAYBAYAN
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512