BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

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Order Instituting Rulemaking Regarding Policies, Procedures and Rules for California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.	))))))	Rulemaking 06-03-004 (Filed March 2, 2006)

OPENING COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO THE OPINION OF COMMISSIONER PEEVEY DENYING THE PETITION BY FUELCELL ENERGY TO MODIFY DECISION 04-12-045

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I.

INTRODUCTION AND COMMENTS

Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), Southern California Edison Company (SCE) respectfully files its Opening Comments to the Opinion of Commissioner Peevey Denying the Petition by FuelCell Energy to Modify Decision (D.)04-12-045.

SCE appreciates the opportunity to participate in this proceeding and to provide comments on this Opinion. The Opinion denies the petition to increase the incentive limit under the Self Generation Incentive Program (SGIP) from 1 MW to 3 MW because FuelCell Energy did not provide financial information demonstrating the need for increased incentives, and because of concerns over depletion of the SGIP budget. In its comments to the ALJ's proposed decision, SCE noted that FuelCell Energy's proposal was not limited to renewable technologies. As a compromise between encouraging the growth of renewable fuel cells and preserving program funds, SCE recommended limiting the incentive size increase to renewable fuel cell projects only. SCE also

notes the analysis in the Opinion demonstrating the effect even one 3 MW project would have on the SGIP budget for a single program administrator. SCE would continue to support an increase in incentives for renewable fuel cell projects if the Commission's budget concerns could be met. FuelCell Energy's petition did not alleviate the budget concerns, however. Thus, on this record, SCE supports the Opinion's conclusion that increasing the amount of SGIP incentives paid to a single project is inappropriate at this time.

II.

CONCLUSION

SCE appreciates the opportunity to submit these Opening Comments to the Opinion of Commissioner Peevey. On this record, SCE supports the Opinion's conclusion denying the petition of FuelCell Energy to increase the size limitation on SGIP incentives to 3 MW. Therefore, SCE respectfully requests that the Commission approve the Opinion as drafted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of the OPENING COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO THE OPINION OF COMMISSIONER PEEVEY DENYING THE PETITION BY FUELCELL ENERGY TO MODIFY DECISION 04-12-045 on all parties identified on the attached service list(s). Service was effected by one or more means indicated below.

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **4th day of February, 2008**, at Rosemead, California.

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