

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**  
05-03-10  
04:59 PM

Order Instituting Rulemaking Regarding Policies and Protocols for Demand Response Load Impact Estimates, Cost-Effectiveness Methodologies, Megawatt Goals and Alignment with California Independent System Operator Market Design Protocols.

Rulemaking 07-01-041  
(Filed January 25, 2007)

**LATE-FILED NOTICE OF EX PARTE COMMUNICATION**

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, EnerNOC, Inc. (EnerNOC), CPower, Inc. (CPower), and EnergyConnect, Inc. ("Joint Parties"); Alliance for Retail Energy Markets (AReM); and the Direct Access Customer Coalition (DACC) hereby give notice of the following ex parte communication.

The communication occurred at 2:00 p.m. on Tuesday, April 27, 2010. The communication was oral and took place at the Commission's offices at 505 Van Ness Avenue, San Francisco, California 94102.

Mona Tierney-Lloyd, EnerNOC's Senior Manager of Western Regulatory Affairs, initiated the communication with Robert Kinosian, advisor to Commissioner John Bohn. Also present at the time of the communication was Sue Mara, Principal, RTO Advisors, on behalf of AReM and DACC.

Ms. Tierney-Lloyd stated that the Joint Parties continue to strongly disagree with the legal conclusions drawn by the Proposed Decision (PD) as it relates to the Commission's jurisdiction over demand response providers (DRPs). In particular, Joint Parties are concerned about the vague references to a registration and certification process for DRPs.

Ms. Tierney-Lloyd further indicated that the Joint Parties supported the California ISO's (CAISO's) comments that the Commission does not need to determine every dollar associated with direct participation before determining, on a policy basis, that this is the appropriate course. Lastly, Ms. Tierney-Lloyd stated that the Joint Parties find the PD vague as it relates to identifying outstanding issues and determining a timeline for resolution of those issues.

Ms. Mara stated that PG&E's proposal to prohibit direct access (DA) customers from participating directly in the CAISO unless the DA customer provided its own meter data management agent (MDMA) and meter services provider (MSP) was unjustified. Ms. Mara confirmed with the CAISO that the data requirements for Proxy Demand Resource (PDR) were no different than for any other CAISO transaction. Further, Ms. Mara stated that AReM and DACC supported the PD's Conclusion of Law 3, but sought further clarification to recognize that DA customers can participate directly in the CAISO on their own or through energy service providers.

Ms. Mara also said that Southern California Edison Company (SCE) is expanding the "approval" required by the utility from the CAISO before a DRP can enroll a customer beyond its intention. Ms. Mara stated that such action was not appropriate since the utility's approval role was intended to be ministerial, confirming that customer data was accurate, was not intended to provide broad veto authority.

To obtain a copy of this notice, please contact:

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Respectfully submitted by:

May 3, 2010

/s/ SARA STECK MYERS  
Sara Steck Myers  
On behalf of the  
Joint Parties, AReM and DACC

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**CERTIFICATE OF SERVICE**

I, Sara Steck Myers, am over the age of 18 years and employed in the City and County of San Francisco. My business address is 122 - 28<sup>th</sup> Avenue, San Francisco, California 94121.

On May 3, 2010, I served the within document **NOTICE OF EX PARTE COMMUNICATION (MEEUSEN)** in R.07-01-041, with service on the R.07-01-041 service list in the manner prescribed by the Commission's Rules of Practice and Procedure and with additional and separate delivery of paper copies by U.S. Mail to Assigned Commissioner Grueneich and Assigned ALJs Sullivan, Hecht, and Farrar, at San Francisco, California.

Executed on May 3, 2010, at San Francisco, California.

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/s/ SARA STECK MYERS

Sara Steck Myers

**Service List**  
**R.07-01-041 (DR)**  
**May 3, 2010**

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