BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.	)	Rulemaking 04-04-003 (Filed April 1, 2004)
Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-run and Long-run Avoided Costs, Including Pricing for Qualifying Facilities.	)	Rulemaking 04-04-025 (Filed April 22, 2004)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE COMMUNICATION

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Dated: **June 13, 2007**

LAW#1370942

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.	)	Rulemaking 04-04-003 (Filed April 1, 2004)
Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-run and Long-run Avoided Costs, Including Pricing for Qualifying Facilities.	)	Rulemaking 04-04-025 (Filed April 22, 2004)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, Southern California Edison Company (SCE) hereby gives notice of the following *ex parte* communication in the above-referenced proceedings.

On Friday, June 8, 2007 at 10:00 a.m., Bruce C. Foster, Senior Vice President, and Michael Hoover, Director of Regulatory Affairs, of SCE met with Jaclyn Marks, Advisor to Commissioner Simon. The meeting was held at the Commission's offices, located at 505 Van Ness Avenue, San Francisco, California, and lasted approximately thirty minutes.

The communication was initiated by SCE and was both oral and written. Mr. Hoover discussed SCE's concerns with the Proposed Decision of Administrative Law Judge Halligan on Future Policy and Pricing for Qualifying Facilities (QFs), issued on April 24, 2007 (Proposed Decision). Mr. Hoover explained that the Proposed Decision makes significant progress by basing short run avoided cost (SRAC) energy payments on a market-based formula (MIF), by adopting a heat rate collar to protect against volatility, and by rejecting five-year, fixed energy prices as a substitute for variable SRAC. Mr. Hoover further explained that the Proposed Decision has several significant flaws which, if left uncorrected, will produce above-market

payments in excess of avoided cost and impose additional – and unnecessary – long-term contracting burdens on utility bundled service customers that will not be shared by customers of other retail providers. Mr. Hoover stated that, in order to correct these flaws, the Proposed Decision should be modified to: eliminate the two new standard offer contracts for existing and new QFs, eliminate the double-payment for variable O&M in the MIF, and reduce the "as-available" and firm capacity payments. A copy of the written material used during the communication is attached to this *ex parte* notice.

To receive a copy of this *ex parte* notice, please contact Henry Romero at (626) 302-4124 [e-mail address: Henry.Romero@sce.com]

Respectfully submitted,

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June 13, 2007

Attachment

Proposed Decision on QF Policy and Pricing

- The Proposed Decision gets many things right.
  - Short Run Avoided Cost (SRAC) energy payments based on a market based formula (MIF)
  - A "heat rate collar" as a basis for reopening consideration of SRAC under extreme market conditions.
  - Rejects five-year, fixed energy prices as a substitute for variable SRAC.
- The Proposed Decision needs to be modified in three areas:
  - Eliminate the two new Standard Offer Contracts for existing and new QFs;
  - Eliminate variable O&M double payment in SRAC energy payments;
  - Reduce capacity payments for as available and firm capacity.

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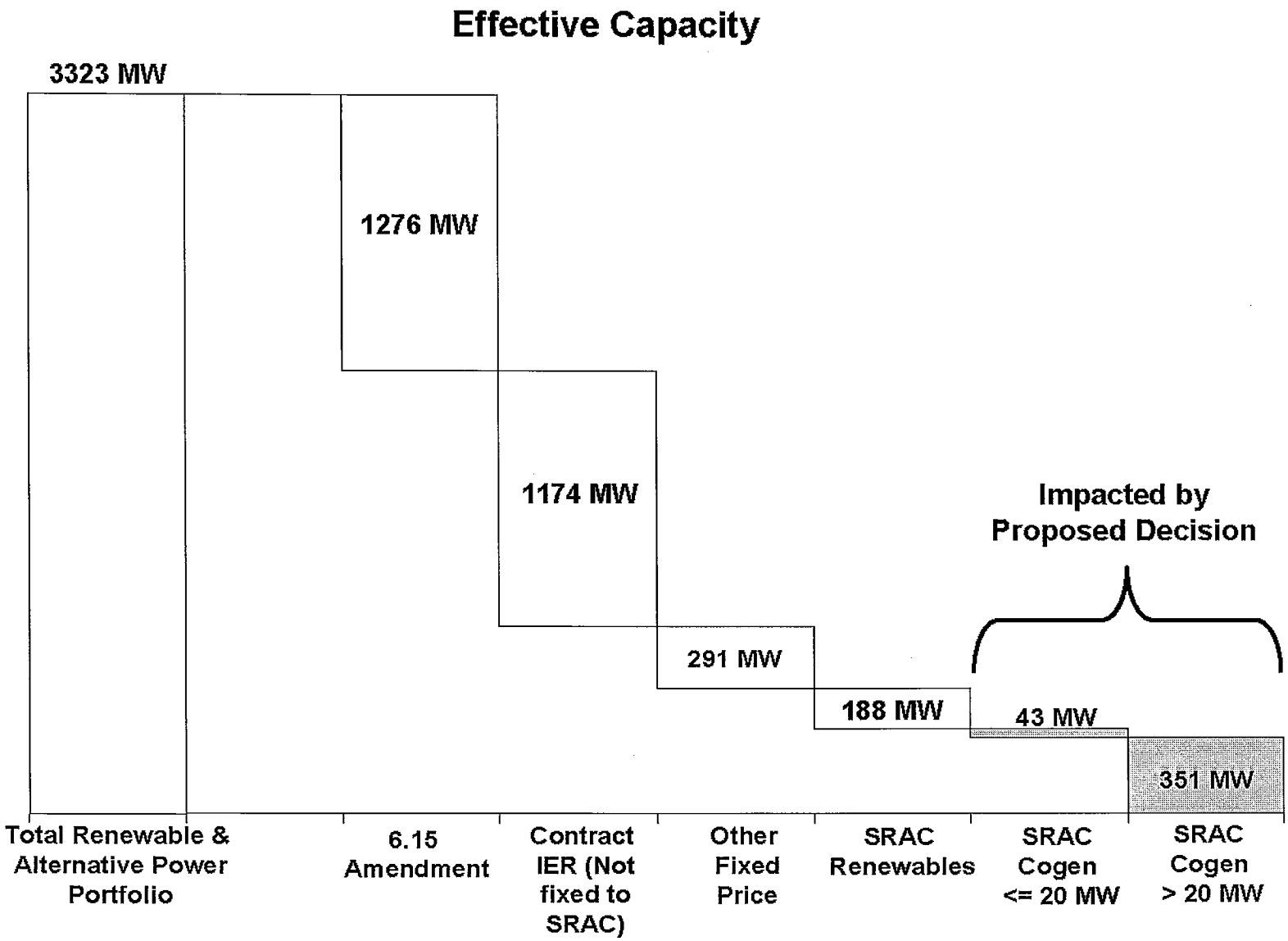
Eliminate the Standard Offer Contracts

- The PD proposes two Standard Offer Contracts for new and existing QFs.
- These new standard offer contracts should be rejected.
  - Inconsistent with the Commission's OIR regarding Direct Access.
    - Imposes long term contracts only on IOUs not on all Load Serving Entities.
    - Preferential treatment of QFs, guaranteed market share, and must take obligations are inconsistent with retail choice.
  - Inconsistent with FERC order 688 and MRTU.
    - MRTU will satisfy FERC requirements for relief from mandatory purchase obligations next year.
    - SCE plans to file with the FERC for relief from PURPA mandatory purchase obligation.
  - Potential for a gold rush of expiring and new QF contracts without addressing issues such as cost allocation to all customers.

Impact of Proposed Decision



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Eliminate the Variable O&M Double Payment

- Proposed Decision adopts a Market Index Formula (MIF) for calculating SRAC energy payments.
  - Market based heat rate is calculated from historical day ahead market prices and and burner tip gas prices.
  - Variable O&M (VOM) of 0.2 cents/kWH is added to calculate Market Index Formula
- VOM is already included in the market based heat rate and adding it to calculate the SRAC energy payment is double-counting.
- NPV of overpayment is almost $500 million

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Reduce capacity payments for as available and non-firm capacity

- PD includes as available and firm capacity payments.
  - As available based on fixed costs of CT less value of ancillary services: $60.84/kw-yr in 2007.
  - Firm capacity is based on the full capital cost of the CCGT proxy in the MPR: $104/kW-year
- The PD understates the ancillary services deduction by about $10/kW-year.
  - Record shows the value is $14.82/kw-year. PD reduces this to $4.94/kW-year.
- Firm Capacity needs to be reduced to reflect energy related capital costs and residual value.
  - ERCC is at least $21/kW-year. This is a standard adjustment used to account for capital recovery that occurs through energy payments.
  - Residual Value adjustment is $10/kW-year.
  - These corrections result in a firm capacity payment that is about $73/kW-year.

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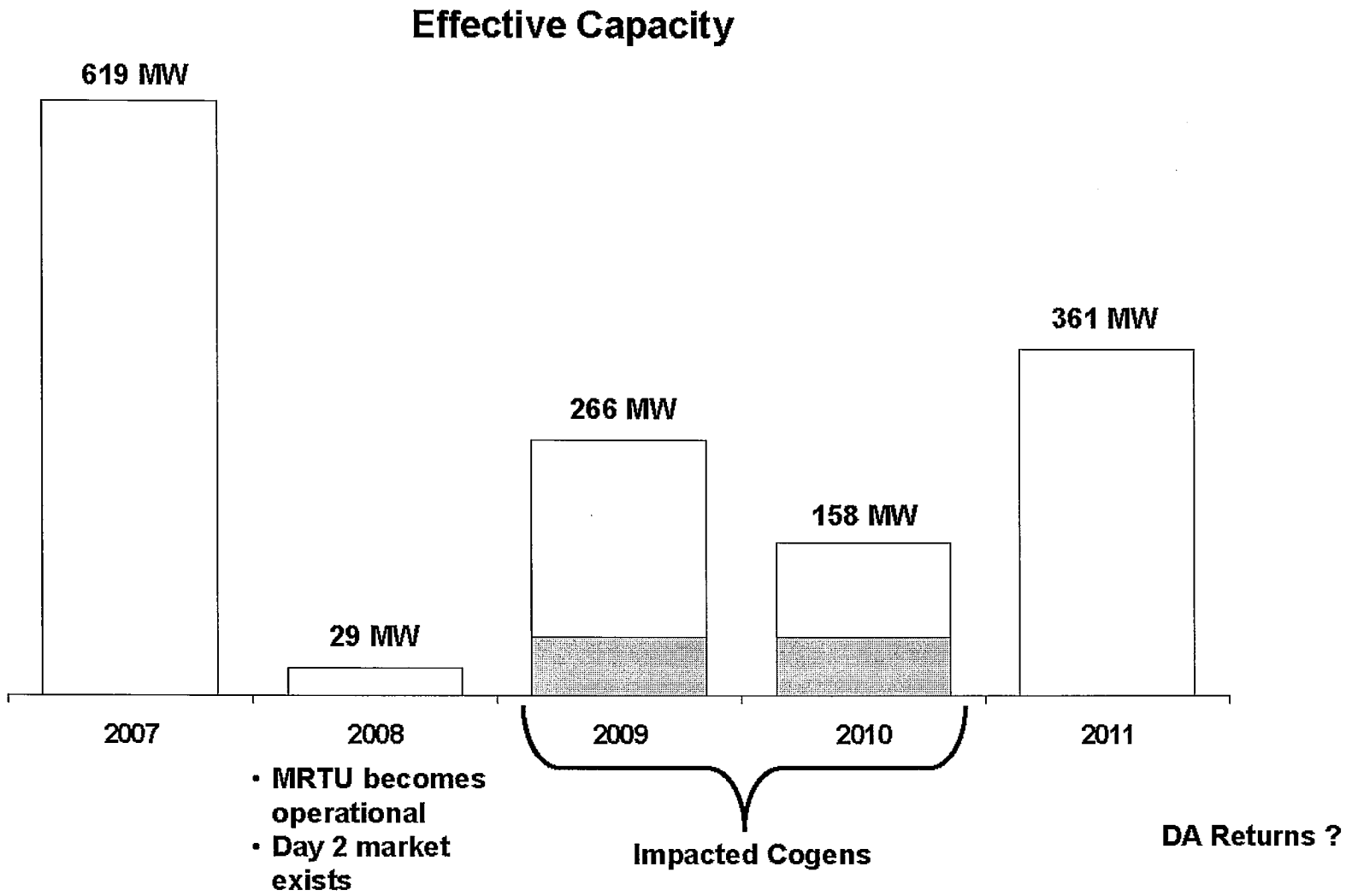
Expiring Contracts Impacted by PD



SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

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 SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE COMMUNICATION 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 **13th day of June, 2007**, at Rosemead, California.

/s/ Henry Romero
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