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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
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

NOTICE OF EX PARTE COMMUNICATION

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September 14, 2007

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
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NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Cogeneration Association of California[1] and the Energy Producers and Users Coalition[2] (jointly CAC/EPUC), submit this notice. This notice describes the following Ex Parte communication in the above-referenced consolidated proceedings.

On September 12, 2007, Michael Alcantar and Nora Sheriff, counsel to CAC/EPUC met with Robert Kinosian, advisor to Commissioner Bohn, from

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[1] CAC represents the power generation, power marketing and cogeneration operation interests of the following entities: Coalinga Cogeneration Company, Mid-Set Cogeneration Company, Kern River Cogeneration Company, Sycamore Cogeneration Company, Sargent Canyon Cogeneration Company, Salinas River Cogeneration Company, Midway Sunset Cogeneration Company and Watson Cogeneration Company.

[2] EPUC is an ad hoc group representing the electric end use and customer generation interests of the following companies: BP America Inc. (including Atlantic Richfield Company), Chevron U.S.A. Inc., ConocoPhillips Company, Shell Oil Products US, THUMS Long Beach Company, Occidental Elk Hills, Inc., and Valero Refining Company - California.

approximately 10:00 to 10:30 AM. They then met with Jaclyn Marks, advisor to Commissioner Simon and Andrew Campbell, advisor to Commissioner Chong, from approximately 1:30 to 2:00 PM. Followed by a meeting with Andrew Schwartz, advisor to President Peevey, from approximately 2:30 to 3:00 PM. All the meetings were held at the Commission's office in San Francisco and were initiated by counsel for CAC/EPUC.

Issues raised in CAC/EPUC's written comments were reviewed and discussed regarding the Alternate Proposed Decision. The attached handout outlined the issues and urged adoption of positions taken by CAC/EPUC in formal comments.

Mr. Alcantar expressed the need for contracts under the Commission's Prospective QF Program to have certainty both as to term and pricing, along with the importance of a policy for new, small QFs.

To request a copy of this notice, please contact:

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Dated: September 14, 2007

Respectfully submitted,

Michael Alcantar
Rod Aoki

Counsel to the Cogeneration Association of California

Evelyn Kahl
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Counsel to the Energy Producers and Users Coalition

Discussion Outline for Grueneich Alternate Decision
R.04-04-025; 04-04-003
September 12, 2007

1. **Process for Review of the Alternate?** What QF issues warrant additional explanation? What issues raised by the utilities or other parties warrant QF responses? Who is drafting and providing guidance for the final decision?

2. **Standard Offer – Need, Specific Terms or Guidance, Timing and Piecemeal Implementation Risks.**
   - **a.** Eliminate unwarranted and prejudicial delay in scheduling workshop and adopting a Standard Offer (SO);
   - **b.** Set specific and comprehensive framework for SO terms and conditions;
   - **c.** "Piecemeal" implementation of the Commission's final decision;
   - **d.** CAC/EPUC offered fully integrated LRAC SO contract.

3. **Definition of Small QFs** – Clarify the definition of "small" QFs eligible for SO contracts consistent with TURN & CAC/EPUC (as stated in the Alternate at 2, 3, 120, 144); 25 MW capacity 75% to grid, or equivalent energy limit in MWhs (164,250 MWhs).

4. **LRAC Pricing – Capacity and Energy; Fixed Price Option.** –
   - **a.** Substantial evidence supports the Alternate's LRAC pricing;
   - **b.** Establish a fixed heat rate energy pricing option for long term firm capacity resources at a reasonably discounted level (8,100 Btu/KWh) to allow these CHP projects to secure a long-term, predictable energy price stream (see savings table).

5. **As-Available Capacity Pricing.** –
   - **a.** Reduction in capacity payment for Ancillary Service (AS) "credit" mistakenly assumes QFs are paid a peaker reservation fee for all hours whether they operate/dispatched or not – QFs are only paid when they actually deliver;
   - **b.** The SCE $4.93 as-available capacity price was unlawful and warrants upward adjustment for periods beginning in 2003.

6. **Legal Issues to Safeguard Decision.** –
   - **a.** Defend California's long term CHP policy decision against predictable utility appellate challenges asserting mistaken claims of federal pre-emption;
   - **b.** California's plenary legal authority over procurement, utility waiver under the RPS program, and the state's authority pursuant to EPAct 2005 grandfathering should be explicitly stated in the decision.

7. **MRTU and Implications for Long Term Policy.** – Specify the standards that the Commission will require to certify the viability of the MRTU "market" to reasonably establish utility avoided costs in the future.

Fixed Heat Rate Savings Calculation		
Line	**Description**	**Assumptions & Calculations**
1	Assumed Natural Gas Price (Annual Average)	$7.50/MMBtu
2	Energy for 900 MW* at 90% Capacity Factor	7,095,600 MWh
3	Alternative PD Illustrative MIF Heat Rate	8,598 Btu/kWh
4	Proposed LRAC Fixed Heat Rate	8,100 Btu/kWh
5	Heat Rate Reduction	498 Btu/kWh
	Annual Reduced Energy Payment at Fixed Heat Rate	
6	Reduction [Line 2 x ((Line 1 x Line 5) ÷ 1000))]	$26,502,066.00
* Watson, Sycamore & MSCC @ 900 MW		

CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Ex Parte Notice** in R.04-04-003/R04-04-025 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated September 14, 2007 at San Francisco, California.

Karen Terranova

Karen Terranova

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