

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



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Rulemaking Regarding Whether, or Subject to  
What Conditions, the Suspension of Direct  
Access May Be Lifted Consistent with Assembly  
Bill IX And Decision 01-09-060.

R.07-05-025  
(Filed May 24, 2007)

**RESPONSE OF  
SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E)  
TO THE PETITION OF CALIFORNIA STATE UNIVERSITY FOR  
MODIFICATION AND CLARIFICATION OF D.10-03-022**

CARLOS F. PEÑA  
101 Ash Street, HQ12  
San Diego, California 92101-3017  
Telephone: (619) 696-4320  
Facsimile: (619) 699-5027  
E-mail: CFPena@semprautilities.com

Attorney for  
SAN DIEGO GAS & ELECTRIC COMPANY

**July 23, 2010**

#246058

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OF THE STATE OF CALIFORNIA**

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**I. INTRODUCTION**

On March 15, 2010, the Commission authorized the limited reopening of direct access (“DA”) transactions under Senate Bill (SB) 695 in its *Decision Regarding Increased Limits for Direct Access Transactions* in D.10-03-022 (“DA decision”). On June 23, 2010, a *Petition of the California State University for Modification and Clarification of D.10-03-022* (“CSU PFM”) was filed requesting modification and clarification of certain aspects of the Commission’s DA decision. On July 19, 2010, Southern California Edison Company (“SCE”) and The Utility Reform Network (“TURN”) filed a joint response to the CSU PFM urging the Commission to reject CSU’s PFM (“SCE/TURN response”). Similarly, and pursuant to Rule 16.4(f) of the Rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (“Commission”), San Diego Gas & Electric Company (“SDG&E”) hereby respectfully submits the following response to the CSU PFM supporting Commission rejection of the CSU PFM.

## II. RESPONSE

CSU's PFM suggests there were differences in how the utilities and customers interpreted the DA decision and CSU therefore recommends that the Commission modify the decision to give preference to customers that were previously eligible for DA service under AB 1X, essentially claiming that such customers should be "grandfathered" under the switching rules in place prior to the Commission's DA decision.<sup>1</sup> Specifically, CSU's PFM requests the Commission modify the DA decision for both grandfathered DA and new DA-eligible customers to: i) clarify that the DA rules for switching remain in effect for those temporary, one time changes utilized during the initial open enrollment window (OEW), which enrollment has already closed; and, ii) clarify that grandfathered DA customers who are currently fulfilling, or have already fulfilled, their three-year BPS commitment may return to DA service under existing switching rules by giving their six-month advanced notice as long as room exists under the overall cap.<sup>2</sup>

Without repeating the arguments contained in the SCE/TURN response, SDG&E supports Commission rejection of the CSU PFM for many of the same reasons raised by SCE/TURN.<sup>3</sup> Moreover, it is important to note that the modifications and clarifications proposed by CSU's PFM are not limited to SCE. If approved, the requested changes would impact all three of the California electric investor-owned utilities (IOUs) as well as each of those IOUs' DA-eligible customers

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<sup>1</sup> CSU PFM, pp. 3-4.

<sup>2</sup> *Id.* CSU also claims that its requested modifications and clarifications are necessary because one of their campuses, Cal Poly Pomona, was within 6 months of completing its three year BPS commitment and filed its required six-month notice to resume DA service on December 8, 2010 and was rejected by SCE.

<sup>3</sup> SCE/TURN response, pp. 3-9.

by artificially creating two distinct classes of DA eligible customers, further exacerbating the potential for undue customer confusion. In addition, such a modification would unnecessarily create additional administrative burdens and costs since SDG&E's back-office computer systems would need to be reprogrammed and it is likely the other utilities' IT systems would be similarly impacted.

Given that the utilities have already fully implemented the processes described in the DA decision, along with the fact that DA-eligible customers have been operating under such processes for over 3 months and the majority of such parties appear to be ready to move on to the next phase of the proceeding, SDG&E believes the need for finality of the Commission's DA decision in this case is imperative. Importantly, CSU does not claim that it was unable to fully participate in the proceeding leading to the Commission's final DA decision, nor has it been able to show that it was unfairly treated under the utilities' implementation of that decision. Accordingly, CSU should not be allowed to substantively modify the decision to the potential detriment of the other utilities or their DA-eligible customers.

Indeed, the record is clear that the Commission's DA decision was reached after workshops were conducted and multiple rounds of comments were received from interested parties. In that regard, numerous parties actively participated in the proceeding representing a diversity of stakeholder interests and their input was carefully considered and addressed in the Commission's DA decision. The Commission's decision also made numerous substantive determinations to contested issues raised by the parties on the methodology to be used during the reopening

process and therefore the final decision was properly based on all of the facts and pleadings submitted in the proceeding.

### III. CONCLUSION

Under the circumstances presented in this case, SDG&E firmly believes that the need for finality of the Commission's DA decision is paramount. As more fully discussed herein, and given the utilities' and DA-eligible customers' reasonable reliance on the Commission's decision to implement and act on the processes established therein, SDG&E urges the Commission to reject the CSU PFM request to create a distinct grandfathered customer class with preference over other DA-eligible customers. Moreover, SDG&E supports SCE/TURN's request asking the Commission to expressly "reiterate that D.10-03-022 provides no preference under the switching rules or set-aside under the annual load limits for any DA-eligible customers."<sup>4</sup>

Respectfully submitted,

*/s/ Carlos F. Peña*

Carlos F. Peña

101 Ash Street, HQ12

San Diego, California 92101-3017

Telephone: (619) 696-4320

Facsimile: (619) 699-5027

E-mail: [CFPeña@semprautilities.com](mailto:CFPeña@semprautilities.com)

Attorney for

San Diego Gas & Electric Company

July 23, 2010

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<sup>4</sup> SCE/TURN response, p. 9.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of **RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) TO THE PETITION OF CALIFORNIA STATE UNIVERSITY FOR MODIFICATION AND CLARIFICATION OF D.10-03-022** has been electronically mailed to each party of record of the service list in R.07-05-025. Any party on the service list who has not provided an electronic mail address was served by placing copies in properly addressed and sealed envelopes and by depositing such envelopes in the United States Mail with first-class postage prepaid.

Copies were also sent via Federal Express to the assigned Administrative Law Judges and Commissioner.

Executed this 23rd day of July, 2010 at San Diego, California.

\_\_\_\_\_/s/ Jenny Norin

Jenny Norin



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### Parties

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EDWARD TOPPI  
CUSTOMIZED ENERGY SOLUTIONS, LTD  
1528 WALNUT ST., 22ND FLOOR  
PHILADELPHIA, PA 19102  
FOR: CUSTOMIZED ENERGY SOLUTIONS, LTD

KEITH R. MCCREA  
ATTORNEY AT LAW  
SUTHERLAND, ASBILL & BRENNAN, LLP  
1275 PENNSYLVANIA AVE., N.W.  
WASHINGTON, DC 20004-2415  
FOR: CALIFORNIA MANUFACTURERS &  
TECHNOLOGY ASSOCIATION

TOM WERTZ  
TYR ENERGY  
7500 COLLEGE BOULEVARD, SUITE 650  
OVERLAND PARK, KS 66210  
FOR: CALPEAK POWER, LLC

DEBRA S. GALLO  
SOUTHWEST GAS CORPORATION  
5241 SPRING MOUNTAIN ROAD  
LAS VEGAS, NV 89150  
FOR: SOUTHWEST GAS CORPORATION

CHRISTOPHER A. HILEN  
ASSOCIATE GENERAL COUNSEL  
SIERRA PACIFIC POWER COMPANY  
6100 NEIL ROAD  
RENO, NV 89511  
FOR: SIERRA PACIFIC POWER COMPANY

TREVOR DILLARD  
SIERRA PACIFIC POWER COMPANY  
6100 NEIL ROAD, MS S4A50 / PO BOX 10100  
RENO, NV 89520-0024  
FOR: SIERRA PACIFIC POWER COMPANY

S. NANCY WHANG  
ATTORNEY AT LAW  
MANATT, PHELPS & PHILLIPS, LLP  
11355 WEST OLYMPIC BLVD.  
LOS ANGELES, CA 90064  
FOR: INDICATED COMMERCIAL  
PARTIES/LOWE'S HOME IMPROVEMENT/DEL TACO

LEN PETTIS  
CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR  
401 GOLDEN SHORE, 2ND FLR.  
LONG BEACH, CA 90802-4210  
FOR: CALIFORNIA STATE UNIVERSITIES

GREGORY S.G. KLATT  
DOUGLASS & LIDDELL  
411 E. HUNTINGTON DRIVE NO.107-356  
ARCADIA, CA 91006  
FOR: ALLIANCE FOR RETAIL ENERGY MARKETS

DANIEL DOUGLASS  
ATTORNEY  
DOUGLASS & LIDDELL  
21700 OXNARD STREET, SUITE 1030  
WOODLAND HILLS, CA 91367  
FOR: WESTERN POWER TRADING FORUM.

DANIEL W. DOUGLASS  
DOUGLASS & LIDDELL  
21700 OXNARD STREET, SUITE 1030  
WOODLAND HILLS, CA 91367-8102  
FOR: CALIFORNIA ALLIANCE FOR CHOICE IN  
ENERGY SOLUTIONS/ALLIANCE FOR RETAIL  
ENERGY MARKETS/SEMPRA ENERGY SOLUTIONS  
LLC/WAL-MART STORES, INC./CALIFORNIA  
STATE UNIVERSITIES

AKBAR JAZAYERI  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVENUE  
ROSEMEAD, CA 91770  
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

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

RONALD MOORE  
GOLDEN STATE WATER/BEAR VALLEY ELECTRIC  
630 EAST FOOTHILL BOULEVARD  
SAN DIMAS, CA 91773  
FOR: GOLDEN STATE WATER/BEAR VALLEY  
ELECTRIC

JOHN W. LESLIE, ESQ.  
ATTORNEY AT LAW  
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP  
600 WEST BROADWAY, STE. 2600  
SAN DIEGO, CA 92101  
FOR: SHELL ENERGY NORTH AMERICA (US),  
LLP

KIM HASSAN  
SEMPRA ENERGY  
101 ASH STREET, HQ12  
SAN DIEGO, CA 92101  
FOR: SAN DIEGO GAS AND ELECTRIC

CARLOS PENA  
SEMPRA ENERGY  
101 ASH STREET  
SAN DIEGO, CA 92101-3017  
FOR: SAN DIEGO GAS & ELECTRIC COMPANY

KELLY M. FOLEY  
SAN DIEGO GAS & ELECTRIC COMPANY  
101 ASH STREET, HQ12  
SAN DIEGO, CA 92101-3017  
FOR: SAN DIEGO GAS & ELECTRIC COMPANY

DONALD C. LIDDELL  
DOUGLASS & LIDDELL  
2928 2ND AVENUE  
SAN DIEGO, CA 92103  
FOR: CALPEAK POWER, LLC

JEFF MALONE  
CALPEAK POWER LLC  
7365 MISSION GORGE ROAD, SUITE C  
SAN DIEGO, CA 92120-1274  
FOR: CAL PEAK POWER

GINA M. DIXON  
SAN DIEGO GAS & ELECTRIC COMPANY  
8330 CENTURY PARK COURT, MS CP32D  
SAN DIEGO, CA 92123  
FOR: SAN DIEGO GAS & ELECTRIC COMPANY

J. STEVE RAHON  
SAN DIEGO GAS AND ELECTRIC  
8330 CENTURY PARK COURT CP32C  
SAN DIEGO, CA 92123-1548  
FOR: SAN DIEGO GAS AND ELECTRIC

EDWIN W. DUNCAN  
ATTORNEY AT LAW  
GREENBERG & BASS  
674 COUNTY SQUARE DRIVE, SUITE 302-A  
VENTURA, CA 93003  
FOR: DIRECT ACCESS RESIDENTIAL ENERGY

MONA TIERNEY-LLOYD  
SENIOR MANAGER WESTERN REG. AFFAIRS  
ENERNOC, INC.  
PO BOX 378  
CAYUCOS, CA 93430  
FOR: ENERNOC, INC.

EVELYN KAHL

MARC D. JOSEPH

ATTORNEY AT LAW  
ALCANTAR & KAHL, LLP  
33 NEW MONTGOMERY STREET, SUITE 1850  
SAN FRANCISCO, CA 94015  
FOR: BP AMERICA, INC.

ATTORNEY AT LAW  
ADAMS, BROADWELL, JOSEPH & CARDOZO  
601 GATEWAY BLVD., STE. 1000  
SOUTH SAN FRANCISCO, CA 94080  
FOR: CUE

CHARLYN A. HOOK  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4107  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: DRA

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  
FOR: CITY AND COUNTY OF SAN FRANCISCO

NORMAN J. FURUTA  
FEDERAL EXECUTIVE AGENCIES  
1455 MARKET ST., SUITE 1744  
SAN FRANCISCO, CA 94103-1399  
FOR: FEDERAL EXECUTIVE AGENCIES

MICHEL PETER FLORIO  
THE UTILITY REFORM NETWORK  
115 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94104  
FOR: THE UTILITY REFORM NETWORK (TURN)

SHERYL CARTER  
NATURAL RESOURCES DEFENSE COUNCIL  
111 SUTTER STREET, 20TH FLOOR  
SAN FRANCISCO, CA 94104  
FOR: NATURAL RESOURCES DEFENSE COUNCIL

MARK R. HUFFMAN  
ATTORNEY AT LAW  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET / PO BOX 7442 (B30A)  
SAN FRANCISCO, CA 94105  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

MICHAEL S. HINDUS  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
50 FREMONT STREET  
SAN FRANCISCO, CA 94105-7880  
FOR: AT&T SERVICES

LISA ZYCHERMAN  
DAVIS WRIGHT TREMAINE LLP  
505 MONTGOMERY ST. STE 800  
SAN FRANCISCO, CA 94111  
FOR: THE ALLIANCE FOR RETAIL ENERGY

MICHAEL B. DAY  
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111  
FOR: RRI ENERGY, INC.

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

STEVEN F. GREENWALD  
ATTORNEY AT LAW  
DAVIS WRIGHT TREMAINE, LLP  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111-6533  
FOR: THE ALLIANCE FOR RETAIL ENERGY

CHARLES R. MIDDLEKAUFF  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B30A  
SAN FRANCISCO, CA 94120  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

BRIAN K. CHERRY  
VP - REGULATORY RELATIONS  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 770000 / 77 BEALE ST., MC B10C  
SAN FRANCISCO, CA 94177  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

ALEXIS WODTKE  
CONSUMER FEDERATION OF CALIFORNIA  
520 S. EL CAMINO REAL, SUITE 340  
SAN MATEO, CA 94402  
FOR: CONSUMER FEDERATION OF CALIFORNIA

MICHAEL ROCHMAN  
MANAGING DIRECTOR  
SPURR  
1430 WILLOW PASS ROAD, SUITE 240  
CONCORD, CA 94520

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

FOR: SCHOOL PROJECT FOR UTILITY RATE  
REDUCTION

CONSUMERS ASSOCIATION

MARK BYRON  
VICE PRESIDENT  
GWF ENERGY, LLC  
4300 RAILROAD AVENUE  
PITTSBURG, CA 94565-6006  
FOR: GWF ENERGY, LLC

MATTHEW BARMACK  
DIR  
CALPINE CORPORATION  
4360 DUBLIN BLVD., SUITE 100  
DUBLIN, CA 94568  
FOR: CALPINE CORPORATION

DONALD R. SCHOONOVER  
ATTORNEY AT LAW  
AT&T SERVICES, INC.  
2600 CAMINO RAMON, 2W805  
SAN RAMON, CA 94583  
FOR: AT&T SERVICES, INC.

GEORGE WAIDELICH  
VP - ENERGY OPERATIONS  
SAFeway INC.  
5918 STONERIDGE MALL ROAD  
PLEASANTON, CA 94588-3229  
FOR: SAFEWAY INC.

PETER W. HANSCHEN  
ATTORNEY AT LAW  
MORRISON & FOERSTER, LLP  
101 YGNACIO VALLEY ROAD, SUITE 450  
WALNUT CREEK, CA 94596  
FOR: CONSTELLATION ENERGY COMMODITIES  
GROUP, INC./CONSTELLATION GENERATION  
GROUP, INC.

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

MICHAEL E. BOYD  
CALIFORNIANS FOR RENEWABLE ENERGY, INC.  
5439 SOQUEL DRIVE  
SOQUEL, CA 95073-2659  
FOR: CALIFORNIANS FOR RENEWABLE ENERGY,  
INC

ROBERT L. HINES  
SILICON VALLEY LEADERSHIP GROUP  
224 AIRPORT PARKWAY, STE. 620  
SAN JOSE, CA 95110  
FOR: SILICON VALLEY LEADERSHIP GROUP

MICHAEL LAMOND  
ALPINE NATURAL GAS OPERATING COMPANY  
PO BOX 550  
15 ST. ANDREWS ROAD, SUITE 7  
VALLEY SPRINGS, CA 95252  
FOR: ALPINE NATURAL GAS OPERATING  
COMPANY

RAY CZAHAR  
WEST COAST GAS COMPANY  
9203 BEATTY DRIVE  
SACRAMENTO, CA 95436

MARTIN HOMEC  
PO BOX 4471  
DAVIS, CA 95617  
FOR: CALIFORNIANS FOR RENEWABLE ENERGY  
(CARE)

MARTIN HOMEC  
CALIFORNIANS FOR RENEWABLE ENERGY, INC.  
PO BOX 4471  
DAVIS, CA 95617  
FOR: CALIFORNIANS FOR RENEWABLE ENERGY,  
INC. (CARE)

JACQUELINE DEROSA  
DIRECTOR OF REGULATORY AFFAIRS - CA  
CUSTOMIZED ENERGY SOLUTIONS  
101 PARKSHORE DRIVE SUITE 100  
FOLSOM, CA 95630  
FOR: CUSTOMIZED ENERGY SOLUTIONS

WAYNE AMER  
PRESIDENT  
MOUNTAIN UTILITIES (906)  
PO BOX 205  
KIRKWOOD, CA 95646  
FOR: MOUNTAIN UTILITIES

MARY LYNCH  
VP - REGULATORY AND LEGISLATIVE AFFAIRS  
CONSTELLATION ENERGY COMMODITIES GRP

CAROLYN KEHREIN  
ENERGY MANAGEMENT SERVICES  
2602 CELEBRATION WAY

2377 GOLD MEADOW WAY, STE 100  
GOLD RIVER, CA 95670  
FOR: CONSTELLATION ENERGY COMMODITIES  
GROUP

WOODLAND, CA 95776  
FOR: ENERGY USERS FORUM

DOUGLAS DAVIE  
WELLHEAD ELECTRIC COMPANY  
650 BERGUT DRIVE, SUITE C  
SACRAMENTO, CA 95814  
FOR: WELLHEAD ELECTRIC COMPANY

ANDREW B. BROWN  
ATTORNEY AT LAW  
ELLISON SCHNEIDER & HARRIS, LLP (1359)  
2600 CAPITOL AVENUE, SUITE 400  
SACRAMENTO, CA 95816-5905  
FOR: CONSTELLATION NEWENERGY, INC. AND  
CONSTELLATION ENERGY COMMODITIES GROUP,  
INC.

RONALD LIEBERT  
ATTORNEY AT LAW  
CALIFORNIA FARM BUREAU FEDERATION  
2300 RIVER PLAZA DRIVE  
SACRAMENTO, CA 95833  
FOR: CALIFORNIA FARM BUREAU FEDERATION

ZACH DAVIS  
ADVANTAGE IQ, INC.  
1313 N. ATLANTIC ST., STE. 500  
SPOKANE, WA 99201  
FOR: ADVANTAGE IQ

## Information Only

---

BRAD WETSTONE  
EMAIL ONLY  
EMAIL ONLY, CA 00000

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

CINDY L. CASSELMAN  
PILOT POWER GROUP, INC.  
EMAIL ONLY  
EMAIL ONLY, CA 00000  
FOR: PILOT POWER GROUP, INC.

TARYN CIARDELLA  
SR. LEGAL SECRETARY  
NV ENERGY  
EMAIL ONLY  
EMAIL ONLY, NV 00000

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

TAM HUNT  
HUNT CONSULTING  
EMAIL ONLY  
EMAIL ONLY, CA 00000-0000

JAMES MCMAHON  
29 DANBURY ROAD  
NASHUA, NH 03064

STEPHEN ZAMINSKI  
STARWOOD ENERGY GROUP  
591 WEST PUTNAM AVENUE  
GREENWICH, CT 06830

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

ROBERT ANDERSON  
CONSOLIDATED EDISON SOLUTIONS, INC.  
100 SUMMIT LAKE DRIVE, SUITE 410  
VALHALLA, NY 10595

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

STACEY RANTALA  
NATIONAL ENERGY MARKETERS ASSOCIATION  
3333 K STREET, N.W., SUITE 110  
WASHINGTON, DC 20007

JOE DONOVAN

RALPH E. DENNIS

CONSTELLATION ENERGY RESOURCES, LLC  
100 CONSTELLATION WAY  
BALTIMORE, MD 21202

DENNIS CONSULTING  
2805 BITTERSWEET LANE  
LA GRANGE, KY 40031

SHANNON MALONEY  
2519 KLONDIKE COURT  
MISSOULA, MT 59808

JON M. CASADONT  
SENIOR VICE PRESIDENT & GENERAL COUNSEL  
BLUE STAR ENERGY SERVICES INC  
363 WEST ERIE STREET, SUITE 700  
CHICAGO, IL 60610

MADELON A. KUCHERA  
BLUESTAR ENERGY SERVICES  
363 WEST EIRE STREET, 7TH FLOOR  
CHICAGO, IL 60654

IGNACIO IBARGUREN  
7500 COLLEGE BLVD, SUITE 650  
OVERLAND PARK, KS 66210

DAVID DICKEY  
HIGH DESERT POWER PROJECT, LLC  
1044 NORTH 115TH STREET, SUITE 400  
OMAHA, NE 68154

CLINT SANDIDGE  
MANAGER, POLICY & REGULATION  
RRI ENERGY, INC.  
1000 MAIN STREET  
HOUSTON, TX 77002

DEBORAH K. CURRIE  
DIRECTOR, POLICY AND REGULATION  
RRI ENERGY, INC.  
1000 MAIN ST.  
HOUSTON, TX 77002  
FOR: RRI ENERGY, INC.

PATRICIA E. LOOK  
RRI ENERGY, INC.  
1000 MAIN ST  
HOUSTON, TX 77002

STEVE LIU  
BEAR ENERGY LP  
700 LOUISIANA STREET, STE 1000, 10TH FL  
HOUSTON, TX 77002

TRENT CARLSON  
VP, REGULATORY AFFAIRS  
RRI ENERGY, INC  
1000 MAIN STREET  
HOUSTON, TX 77002

JULIE L. MARTIN  
NORTH AMERICA GAS AND POWER  
BP ENERGY COMPANY  
501 WESTLAKE PARK BLVD.  
HOUSTON, TX 77079

NAT TREADWAY  
DISTRIBUTED ENERGY FINANCIAL GROUP, LLC  
5731 S. BRAESWOOD BLVD.  
HOUSTON, TX 77096

HARRY KINGERSKI  
SR. DIRECTOR REGULATORY AFFAIRS  
MX ENERGY  
711 LOUISIANNA STREET, SUITE 1000  
HOUSTON, TX 77210-4402  
FOR: MX ENERGY

JOHN HOLTZ  
GREEN MOUNTAIN ENERGY COMPANY  
300 WEST 6TH STREET  
AUSTIN, TX 78701

KEVIN J. SIMONSEN  
ENERGY MANAGEMENT SERVICES  
646 E. THIRD AVE.  
DURANGO, CA 81301  
FOR: ENERGY MANAGEMENT SERVICES

RANDALL W. KEEN  
MANATT PHELPS AND PHILLIPS LLP  
11355 W. OLYMPIC BLVD.  
LOS ANGELES, CA 90064  
FOR: INDICATED COMMERCIAL PARTIES/LOS  
ANGELES UNIFIED SCHOOL DISTRICT/LOS  
ANGELES COUNTY

GURCHARAN BAWA  
PASADENA WATER AND POWER

AMBER E. WYATT  
SOUTHERN CALIFORNIA EDISON COMPANY

150 S. LOS ROBLES, SUITE 200  
PASADENA, CA 91101

2244 WALNUT GROVE AVENUE  
ROSEMEAD, CA 91770

CASE ADMINISTRATION  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVE  
ROSEMEAD, CA 91770  
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

DHAVAL DAGLI  
SOUTHERN CALIFORNIA EDISON  
2244 WALNUT GROVE AVE  
ROSEMEAD, CA 91770

JAMES SCHICHTL  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 GARDEN GROVE AVENUE  
ROSEMEAD, CA 91770

JANET COMBS  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVENUE  
ROSEMEAD, CA 91770

JENNIFER TSAO SHIGEKAWA  
SR. ATTORNEY, CUSTOMER & TARIFF LAW  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVE. / PO BOX 800  
ROSEMEAD, CA 91770-3714

DEBORAH BERGER  
ATTORNEY AT LAW  
3750 VALLEY VISTA FORK  
BONITA, CA 91902

MARY C. HOFFMAN  
PRESIDENT  
SOLUTIONS FOR UTILITIES, INC.  
1192 SUNSET DRIVE  
VISTA, CA 92081

DAVE SMITH  
SEMPRA ENERGY  
101 ASH STREET, HQ-18  
SAN DIEGO, CA 92101

MIKE MCCLENAHAN  
SAN DIEGO GAS & ELECTRIC COMPANY  
101 ASH ST  
SAN DIEGO, CA 92101-3017

STEVEN C. NELSON  
SEMPRA ENERGY  
101 ASH STREET HQ-12  
SAN DIEGO, CA 92101-3017

THEODORE E. ROBERTS  
SEMPRA GENERATION / SEMPRA BROADBAND  
101 ASH STREET, HQ 12B  
SAN DIEGO, CA 92101-3017  
FOR: SEMPRA GLOBAL

TOM CORR  
SEMPRA GLOBAL  
101 ASH STREET, 8TH FL.  
SAN DIEGO, CA 92101-3017

MICHAEL SHAMES  
UTILITY CONSUMERS' ACTION NETWORK  
3100 FIFTH AVENUE, SUITE B  
SAN DIEGO, CA 92103

ROBERT RYNEARSON  
2132 BELLOC COURT  
SAN DIEGO, CA 92109

MARCIE A. MILNER  
GENERAL MGR., REGULATORY AFFAIRS  
SHELL ENERGY/CORAL POWER, LLC  
4445 EASTGATE MALL, SUITE 100  
SAN DIEGO, CA 92121

KARI KLOBERDANZ  
REGULATORY CASE MGR  
SAN DIEGO GAS & ELECTRIC COMPANY  
8330 CENTURY PARK COURT, CP32D  
SAN DIEGO, CA 92123

WENDY KEILANI  
SAN DIEGO GAS & ELECTRIC  
8330 CENTURY PARK COURT, CP32D  
SAN DIEGO, CA 92123

THOMAS R. DEL MONTE  
NU LEAF ENERGY, LLC  
10385 LONDONDERRY AVENUE  
SAN DIEGO, CA 92126-3316

KRISTIN JUEDES  
UTILITY RESOURCE MGMT. GRP. INC  
18301 VON KARMAN AVE, STE 250

INGER GOODMAN  
COMMERCE ENERGY INC  
575 ANTON BLVD., SUITE 650

IRVINE, CA 92612  
FOR: UTILITY RESOURCE MANAGEMENT GROUP,  
INC.

COSTA MESA, CA 92626

PAUL KERKORIAN  
UTILITY COST MANAGEMENT LLC  
6475 N. PALM AVENUE, SUITE 105  
FRESNO, CA 93704

DAVID ORTH  
SAN JOAQUIN VALLEY POWER AUTHORITY  
ADMIN OFF @KINGS RIVER CONSERV DISTRICT  
4886 EAST JENSEN AVENUE  
FRESNO, CA 93725

RANDY SHILLING  
4886 EAST JENSEN AVENUE  
FRESNO, CA 93725

SUE MARA  
RTO ADVISORS, LLC  
164 SPRINGDALE WAY  
REDWOOD CITY, CA 94062

MICHAEL MCDONALD  
1103 TIMBERPINE COURT  
SUNNYVALE, CA 94086

COLIN CUSHNIE  
601 VAN NESS AVE, SUITE 2040  
SAN FRANCISCO, CA 94102

OURANIA M. VLAHOS  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 5127  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

MANUEL RAMIREZ  
SAN FRANCISCO PUC - POWER ENTERPRISE  
1155 MARKET STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94103  
FOR: SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

THERESA BURKE  
SAN FRANCISCO PUC  
1155 MARKET STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94103

CHRISTOPHER J. WARNER  
LAW DEPARTMENT  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B30A  
SAN FRANCISCO, CA 94105

KIMBERLY C. JONES  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, MC B9A, ROOM 904  
SAN FRANCISCO, CA 94105

PAUL HOLTON  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B9A  
SAN FRANCISCO, CA 94105

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

PACIFIC GAS AND ELECTRIC COMPANY  
CASES ADMINISTRATION TEAM  
77 BEALE STREET  
SAN FRANCISCO, CA 94105

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

CASSANDRA SWEET  
DOW JONES NEWSWIRES  
201 CALIFORNIA ST., 13TH FLOOR  
SAN FRANCISCO, CA 94111

E. GARTH BLACK  
COOPER, WHITE & COOPER, LLP  
201 CALIFORNIA STREET, 17TH FLOOR  
SAN FRANCISCO, CA 94111  
FOR: COOPER, WHITE & COOPER, LLP

HOWARD V. GOLUB  
NIXON PEABODY LLP  
1 EMBARCADERO CENTER, STE. 1800  
SAN FRANCISCO, CA 94111

JANINE L. SCANCARELLI  
ATTORNEY AT LAW  
CROWELL & MORING LLP

JEANNE B. ARMSTRONG  
ATTORNEY AT LAW  
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY

275 BATTERY STREET, 23RD FLOOR  
SAN FRANCISCO, CA 94111

505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111  
FOR: RRI ENERGY, INC.

JOSHUA DAVIDSON  
DAVIS WRIGHT TREMAINE  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111

SETH D. HILTON  
STOEL RIVES, LLP  
555 MONTGOMERY ST., SUITE 1288  
SAN FRANCISCO, CA 94111

TODD EDMISTER  
BINGHAM MCCUTCHEN  
THREE EMBARCADERO CENTER  
SAN FRANCISCO, CA 94111

DAVID L.. HUARD  
MANATT PHELPS & PHILLIPS LLP  
1 EMBARCADERO CTR, STE 2900  
SAN FRANCISCO, CA 94111-3736  
FOR: INDICATED COMMERCIAL  
PARTIES/COUNTY OF LOS ANGELES/LOS  
ANGELES UNIFIED SCHOOL DIST.

JOSEPH M. KARP  
ATTORNEY  
WINSTON & STRAWN LLP  
101 CALIFORNIA STREET, 39TH FL  
SAN FRANCISCO, CA 94111-5894

THOMAS W. SOLOMON  
ATTORNEY AT LAW  
WINSTON & STRAWN LLP  
101 CALIFORNIA STREET, 39TH FLOOR  
SAN FRANCISCO, CA 94111-5894

JEFFREY P. GRAY  
ATTORNEY AT LAW  
DAVIS WRIGHT TREMAINE, LLP  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111-6533

JUDY PAU  
DAVIS WRIGHT TREMAINE LLP  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111-6533

DIANE I. FELLMAN  
NRG WEST  
73 DOWNEY STREET  
SAN FRANCISCO, CA 94117

CALIFORNIA ENERGY MARKETS  
425 DIVISADERO ST., SUITE 303  
SAN FRANCISCO, CA 94117  
FOR: CALIFORNIA ENERGY MARKETS

HILARY CORRIGAN  
CALIFORNIA ENERGY MARKETS  
425 DIVISADERO ST. SUITE 303  
SAN FRANCISCO, CA 94117-2242

LISA WEINZIMER  
PLATTS MCGRAW-HILL  
695 NINTH AVENUE, NO. 2  
SAN FRANCISCO, CA 94118

ROGER GOLDSTEIN  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442  
245 MARKET STREET, B9A  
SAN FRANCISCO, CA 94120

SARA STECK MYERS  
ATTORNEY AT LAW  
122 28TH AVE.  
SAN FRANCISCO, CA 94121

KEN BOHN  
IN HOUSE ENERGY AND TIGER NATURAL GAS  
337 ALEXANDER PLACE  
CLAYTON, CA 94517

KERRY HATTEVIK  
NEXTERA ENERGY  
829 ARLINGTON BLVD.  
EL CERRITO, CA 94530

JOHN DUTCHER  
MOUNTAIN UTILITIES  
3210 CORTE VALENCIA  
FAIRFIELD, CA 94534-7875  
FOR: MOUNTAIN UTILITIES

SEAN P. BEATTY  
SR. MGR. EXTERNAL & REGULATORY AFFAIRS  
MIRANT CALIFORNIA, LLC  
696 WEST 10TH ST., PO BOX 192  
PITTSBURG, CA 94565

AVIS KOWALEWSKI  
CALPINE CORPORATION  
4160 DUBLIN BLVD, SUITE 100  
DUBLIN, CA 94568

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

FRANK J. PERDUE  
MONTAGUE DEROSE AND ASSOCIATES  
3100 OAK ROAD, SUITE 210  
WALNUT CREEK, CA 94597  
FOR: CALIFORNIA DEPT. OF WATER RESOURCES

PHILIPPE AUCLAIR  
11 RUSSELL COURT  
WALNUT CREEK, CA 94598

GERALD L. LAHR  
ABAG POWER  
101 EIGHTH STREET  
OAKLAND, CA 94607

BARBARA R. BARKOVICH  
BARKOVICH & YAP, INC.  
PO BOX 11031  
OAKLAND, CA 94611

ERNEST PASTERS  
PRINCIPAL  
SPAR ENERGY SOLUTIONS GROUP  
11 PARKSIDE DRIVE  
PIEDMONT, CA 94611

RONALD L. PERRY  
COMMERCIAL ENERGY OF CALIFORNIA  
7677 OAKPORT AVE., SUITE 525  
OAKLAND, CA 94621-1944

REED V. SCHMIDT  
BARTLE WELLS ASSOCIATES  
1889 ALCATRAZ AVENUE  
BERKELEY, CA 94703-2714

LES GULIASI  
DIRECTOR, REGULATORY AFFAIRS  
RRI ENERGY, INC  
720 WILDCAT CANYON ROAD  
BERKELEY, CA 94708

MALCOLM REINHARDT  
ACCENT ENERGY  
1299 FOURTH STREET, SUITE 302  
SAN RAFAEL, CA 94901

PHILLIP MULLER  
SCD ENERGY SOLUTIONS  
436 NOVA ALBION WAY  
SAN RAFAEL, CA 94903  
FOR: SCD ENERGY SOLUTIONS

C SUSIE BERLIN  
MCCARTHY & BERLIN LLP  
100 W. SAN FERNANDO ST., STE. 501  
SAN JOSE, CA 95113

MICHAEL G. NELSON, ESQ.  
MCCARTHY & BERLIN, LLP  
100 W. SAN FERNANDO STREET, SUITE 501  
SAN JOSE, CA 95113

MARY TUCKER  
CITY OF SAN JOSE, ENVIRONMENTAL SRVC DEP  
200 EAST SANTA CLARA ST., 10TH FLR.  
SAN JOSE, CA 95113-1905

BLAIR JACKSON  
MODESTO IRRIGATION DISTRICT  
1231 ELEVENTH STREET  
MODESTO, CA 95354

JOY A. WARREN  
REGULATORY ADMINISTRATOR  
MODESTO IRRIGATION DISTRICT  
1231 11TH STREET  
MODESTO, CA 95354

ROGER VAN HOY  
MODESTO IRRIGATION DISTRICT  
1231 11TH STREET  
MODESTO, CA 95354

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

SAEED FARROKHPAY  
FEDERAL ENERGY REGULATORY COMMISSION  
110 BLUE RAVINE ROAD, SUITE 107  
FOLSOM, CA 95630

DAVID OLIVER  
NAVIGANT CONSULTING  
3100 ZINFANDEL DRIVE, SUITE 600  
RANCHO CORDOVA, CA 95670

KENNY SWAIN  
NAVIGANT CONSULTING  
3100 ZINFANDEL DRIVE, SUITE 600  
RANCHO CORDOVA, CA 95670

LON W. HOUSE, PH.D  
ASSOCIATION OF CAL WATER AGENCIES  
4901 FLYING C RD.  
CAMERON PARK, CA 95682

GURDIP REHAL  
1416 9TH STREET  
SACRAMENTO, CA 95814

GWENNETH O'HARA  
CALIFORNIA POWER LAW GROUP  
1215 K STREET, 17TH FLOOR  
SACRAMENTO, CA 95814

MEGHAN K. COX  
CALIFORNIA POWER LAW GROUP  
1215 K STREET, 17TH FLOOR  
SACRAMENTO, CA 95814

MICHAEL R. JASKE  
CALIFORNIA ENERGY COMMISSION  
1516 NINTH STREET, MS-500  
SACRAMENTO, CA 95814

RUSTY MILLS  
1416 9TH STREET  
SACRAMENTO, CA 95814

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

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

STEVEN KELLY  
POLICY DRECTOR  
INDEPENDENT ENERGY PRODUCERS ASSOCIATION  
1215 K STREET, SUITE 900  
SACRAMENTO, CA 95814  
FOR: INDEPENDENT ENERGY PRODUCERS

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

LYNN MARSHALL  
CALIFORNIA ENERGY COMMISSION  
1516 NINTH STREET, MS-20  
SACRAMENTO, CA 95814-5512

JEDEDIAH J. GIBSON  
ATTORNEY AT LAW  
ELLISON SCHNEIDER & HARRIS LLP  
2600 CAPITOL AVENUE, SUITE 400  
SACRAMENTO, CA 95816-5905  
FOR: GWF ENERGY, LLC

LYNN M. HAUG  
ELLISON, SCHNEIDER & HARRIS LLP  
2600 CAPITOL AVENUE, SUITE 400  
SACRAMENTO, CA 95816-5905

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

JIM SPENCE  
DEPARTMENT OF WATER RESOURCES  
3310 EL CAMINO, SUITE 120  
SACRAMENTO, CA 95821

MARY U. AKENS  
CALIFORNIA ENERGY REOSURCES SCHEDULING  
DEPARTMENT OF WATER RESOURCES  
3310 EL CAMINO, SUITE 120  
SACRAMENTO, CA 95821

KAREN LINDH  
CALIFORNIA ONSITE GENERATION  
7909 WALERGA ROAD, NO. 112, PMB 119  
ANTELOPE, CA 95843

ANN L. TROWBRIDGE  
DAY CARTER & MURPHY LLP  
3620 AMERICAN RIVER DRIVE, SUITE 205  
SACRAMENTO, CA 95864  
FOR: SACRAMENTO MUNICIPAL UTILITY  
DISTRICT, MERCED IRRIGATION DISTRICT

ANNIE STANGE  
ALCANTAR & KAHL LLP  
1300 SW FIFTH AVE., SUITE 1750  
PORTLAND, OR 97201

MIKE CADE  
ALCANTAR & KAHL, LLP  
1300 SE 5TH AVE., 1750  
PORTLAND, OR 97201

MARK TUCKER  
PACIFICORP  
825 NE MULTNOMAH, SUITE 2000  
PORTLAND, OR 97232

MICHELLE R. MISHOE  
PACIFICORP  
825 NE MULTNOMAH STREET, SUITE 1800  
PORTLAND, OR 97232

GIFFORD JUNG  
POWEREX CORPORATION  
666 BURRARD STREET, SUITE 1400  
VANCOUVER, BC V5R 4Y2  
CANADA

## State Service

---

SOPHIA PARK  
STATE APPELLATE BRANCH  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
OFFICE 5130  
EMAIL ONLY  
EMAIL ONLY, CA 00000

JAMES MCMAHON  
29 DANBURY ROAD  
NASHUA, NH 03064

AMY C. YIP-KIKUGAWA  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 2106  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ANDREW KOTCH  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 5301  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

BREWSTER FONG  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY PRICING AND CUSTOMER PROGRAMS BRA  
ROOM 4209  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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

CHLOE LUKINS  
CALIF PUBLIC UTILITIES COMMISSION  
ELECTRICITY PLANNING & POLICY BRANCH  
ROOM 4101  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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

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

DONALD J. BROOKS  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
AREA 4-A  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ELIZABETH DORMAN

JAKE WISE

CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4300  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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

KAREN P. PAULL  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4300  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: DRA

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

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

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

LEE-WHEI TAN  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY PRICING AND CUSTOMER PROGRAMS BRA  
ROOM 4102  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

LOUIS M. IRWIN  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY PRICING AND CUSTOMER PROGRAMS BRA  
ROOM 4209  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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

REBECCA TSAI-WEI LEE  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
AREA 4-A  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

RISA HERNANDEZ  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY PRICING AND CUSTOMER PROGRAMS BRA  
ROOM 4209  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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

THOMAS R. PULSIFER  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5016  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

JOHN PACHECO  
1416 9TH STREET  
SACRAMENTO, CA 95814

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

IRYNA KWASNY  
DEPT. OF WATER RESOURCES-CERS DIVISION  
3310 EL CAMINO AVE., STE.120  
SACRAMENTO, CA 95821

MICHAEL WOFFORD  
CA DEPT OF WATER RESOURCES, CERS DIV  
2030 HOWE AVENUE  
SACRAMENTO, CA 95825

---

[TOP OF PAGE](#)

[BACK TO INDEX OF SERVICE LISTS](#)