BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED
08-30-07
04:59 PM

Order Instituting Rulemaking Regarding Policies, Procedures and Incentives for Distributed Generation and Distributed Energy Resources	))))	Rulemaking 04-03-017

RESPONSE OF MANUEL BROS., INC. IN SUPPORT OF FUEL CELL ENERGY INC.'S PETITION FOR MODIFICATION OF DECISION 04-12-045

Pursuant to Rule 16.4(f) of the California Public Utilities Commission ("Commission") Rules of Practice and Procedure, Manuel Bros., Inc submits this Response in support of Fuel Cell Energy Inc.'s ("FCE's") petition for modification of Decision 04-12-045 ("Petition").

We strongly support FCE's request to increase the limit of incentive payments available under the Self-Generation Incentive Program ("SGIP") from the current cap of 1 MW to 3 MW for the following reasons:

The SGIP program has proven itself, and the time is right to build on past SGIP successes.

An increase in the incentive cap from 1 MW to 3 MWs is needed in order to cost-effectively develop the Biogas market for fuel cell technology at waste water treatment plants, landfills and other host facilities that need larger scaled projects.

An increase in the SGIP from 1 to 3 MW using natural gas would allow larger users of electrical and thermal energy to implement more efficient technologies which utilize less fuel.

An increase in the SGIP incentive cap using natural gas will open a larger marketplace that is increasingly, on a voluntary basis choosing to reduce green house gas emissions ahead of AB32 implementation.

The potential benefits to host customers and ratepayers; in our opinion clearly justify increasing the SGIP incentive cap from 1 to 3 MW for both renewable and natural gas fuel stocks.

I. Introduction

We currently and in the past have an active interest in achieving the goals and objectives of the SGIP program. We agree that increasing the SGIP incentive cap from 1 to 3 MW would provide new impetus to development of larger distributed generation ("DG") applications, and help encourage further innovation and expansion of DG applications at a time when the state sorely needs renewable distributed energy and the most efficient use other fuel stocks i.e. natural gas, widely used in the State.

II. We agree with FCE that the SGIP Program effectively encourages small DG technologies but does not do so for larger DG technologies.

A. There are important differences between small (<1 MW) and larger DG technologies, markets and applications.

The economic value proposition to all stakeholders is enhanced with larger DG systems. There is an increasing market demand for DG between 1 and 3 MW that more closely meet the requirements of end user customers. There is currently a void in the marketplace in California particularly in areas that are exposed to air quality issues preventing many of the prime movers utilized in the past to be implemented with ever increased ratcheting of air quality standards throughout the State. Voluntary attempts by State, Federal, Industrial and Commercial customers to reduce green house gas emissions ahead of AB32 regulations are currently thwarted as they attempt to utilize waste heat to off set existing combustion technologies (i.e. boilers, chillers). End users are demanding higher efficiency out of any fuel source and many could reduce emissions to a greater extent by installing larger DG units.

B. We agree that the cap on incentives for larger DG installations is inhibiting development of this important market sector.

FCE is correct in stating that larger customers cannot participate in SGIP because MW cap on incentives deter larger installations as they become uneconomical and too risky to develop. Development is further hindered when a developer or end user customer attempts to match thermal loads at a customer site to maximize the reductions of green house gases emissions within the sprit and intent of AB32 and particularly acute when using renewable fuel sources such as methane gas or waste hydrogen.

C. Since the markets for large and small DG are distinct and often not competing with each other, raising the MW cap is a "win/win" proposition.

Raising the cap to encourage new, larger applications will not negatively affect smaller, since the two groups are reaching different customers. If the Commission is concerned about running out of funding, it can monitor participation, distribute money between large and small, or (best solution) increase the budget to ensure that both large and small DG markets grow.

In conclusion, We strongly recommend an increase in the SGIP MW limit to at least 3 MW's.

Dated: August 30, 2007

Respectfully submitted,

/s/

Sean Kilgrow, P.E.
Manuel Bros., Inc
908 Taylorville Road, Suite 104
Grass Valley, CA 95949
(530) 272-4213 – Telephone
(530) 272-3815 – Facsimile
skilgrow@manuelbros.com

PROOF OF SERVICE

I declare that:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and am not a party to the within action. My business address is ELLISON, SCHNEIDER & HARRIS; 2015 H Street; Sacramento, California 95814-3109; telephone (916) 447-2166.

On August 30, 2007, I served the attached *Response of Manuel Bros., Inc. in Support of Fuel Cell Energy Inc.'s Petition for Modification of Decision 04-12-045* by electronic mail or, if no e-mail address was provided, by United States mail at Sacramento, California, addressed to each person shown on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 30, 2007, at Sacramento, California.

/s/
Karen A. Mitchell

SERVICE LIST
R.04-03-017

filings@a-klaw.com
nes@a-klaw.com
skronland@altshulerberzon.com
mike@borregosolar.com
rliebert@cfbf.com
jsanders@caiso.com
fortlieb@sandiego.gov
tomb@crossborderenergy.com
atrowbridge@daycartermurphy.com
steveng@destrategies.com
steve@energyinnovations.com
bernadette@environmentcalifornia.org
mharrison@firstsolar.com
markgsp@sbcglobal.net
jwiedman@goodinmacbride.com
mday@gmssr.com
michaelkyes@sbcglobal.net
wbooth@booth-law.com
meganmmyers@yahoo.com
ssmyers@att.net
solar@oxypower.com
rjl9@pge.com
ksmith@powerlight.com
harveyederpspc.org@hotmail.com
arno@recurrentenergy.com
lglover@solidsolar.com
karly@solardevelop.com
pairedhelix@cox.net
amber.dean@sce.com
case.admin@sce.com
mike.montoya@sce.com
spatrick@sempra.com
Dan.Thompson@SPGsolar.com
rob@sunlightelectric.com
kmccrea@sablaw.com
leewallach@coejlsc.com
freedman@turn.org
jpross@votesolar.org
obrienc@sharpsec.com
lnelson@westernrenewables.com
edward.randolph@asm.ca.gov
zca@cpuc.ca.gov
vjb@cpuc.ca.gov
wmb@cpuc.ca.gov
apeterso@energy.state.ca.us
Bblackbu@energy.state.ca.us
djohnson@energy.state.ca.us
jsugar@energy.state.ca.us
ldecarlo@energy.state.ca.us
rmacdona@energy.state.ca.us
smiller@energy.state.ca.us
ttutt@energy.state.ca.us
kroberts@cityofsacramento.org
sc1@cpuc.ca.gov
psd@cpuc.ca.gov
dot@cpuc.ca.gov
jf2@cpuc.ca.gov
hcf@cpuc.ca.gov
mxh@cpuc.ca.gov
mrl@cpuc.ca.gov
kim@cpuc.ca.gov
lp1@cpuc.ca.gov
tdp@cpuc.ca.gov
brian.biering@resources.ca.gov
mrawson@smud.org
dks@cpuc.ca.gov
aes@cpuc.ca.gov
dsh@cpuc.ca.gov
tam@cpuc.ca.gov
tjt@cpuc.ca.gov
pw1@cpuc.ca.gov
mdjoseph@adamsbroadwell.com
rishii@aesc-inc.com
johnrredding@earthlink.net
brbarkovich@earthlink.net
ceyap@earthlink.net
rhwiser@lbl.gov
mclaughlin@braunlegal.com
blaising@braunlegal.com
irene.stillings@energycenter.org
jennifer.porter@energycenter.org
Dan.adler@calcef.org
editorial@californiaenergycircuit.net
cem@newsdata.com
e-recipient@caiso.com
info@calseia.org
janmcfar@sonic.net
thamilton@cheers.org
corie.cheeseman@miis.edu
jkcliburn@gmail.com
jeanne.clinton@earthlink.net
thunt@cecmail.org
steve@connectenergy.com
scott@debenhamenergy.com
liddell@energyattorney.com
gbeck@etfinancial.com
diane_fellman@fpl.com
hgross@globalgreen.org
golden@goldenenergy.com
bcragg@goodinmacbride.com
npedersen@hanmor.com
rcolicchia@harris-assoc.com
George.Simons@itron.com
tony.foster@itron.com
Kurt.Scheuermann@itron.com
nellie.tong@us.kema.com

breene@bkp.com
twombly@kw-engineering.com
hfhunt@optonline.net
GLBarbose@LBL.gov
jaturnbu@ix.netcom.com
karen@klindh.com
LowryD@sharpsec.com
dhouck@ndnlaw.com
FredMorse@MorseAssociatesInc.com
mrw@mrwassoc.com
robert_margolis@nrel.gov
dwang@nrdc.org
aabed@navigantconsulting.com
cpucrulings@navigantconsulting.com
lpark@navigantconsulting.com
lmerry1@yahoo.com
scott.tomashefsky@ncpa.com
mlrock@shocking.com
andy@ongrid.net
dwood8@cox.net
dwood8@cox.net
act6@pge.com
jchs@pge.com
jwwd@pge.com
cpuccases@pge.com
LATc@pge.com
mnce@pge.com
lisa_weinzimer@platts.com
barbeeq@mac.com
jimross@r-c-s-inc.com
coconnor@redwoodenergy.org
darryl.conklin@renewable.com
vwood@smud.org
centralfiles@semprautilities.com
cmanzuk@semprautilities.com
CManson@semprautilities.com
cfaber@semprautilities.com
susan.freedman@sdenergy.org
mhyams@sfwater.org
scasey@sfwater.org
shallenbgr@aol.com
mkay@aqmd.gov
hyao@semprautilities.com
susank@bonair.stanford.edu
pthompson@summitblue.com
pforkin@tejassec.com
clower@earthlink.net
jiab@ucsc.edu
scottanders@sandiego.edu

MARK SHIRILAU
ALOHA SYSTEMS, INC.
14801 COMET STREET
IRVINE CA 92604-2464

PETER T. PARRISH
CALIFORNIA SOLAR ENGINEERING, INC.
820 CYNTHIA AVE.
LOS ANGELES CA 90065

ROBERT PANORA
TECOGEN, INC.
45 FIRST AVENUE
WALTHAM MA 02451