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05-15-08

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.

Rulemaking 08-03-008
(Filed March 13, 2008)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER
AND ADMINISTRATIVE LAW JUDGES**

Summary

This ruling defines the scope of the proceeding, sets forth the procedural schedule, assigns the principal hearing officers, and finalizes the categorization of this proceeding. This ruling is issued pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rules) and follows a prehearing conference (PHC) held on April 22, 2008.

Background

In Rulemaking (R.) 08-03-008, the Commission initiated a new rulemaking to continue the work from R.06-03-004 to develop and refine policies, rules and programs for the California Solar Initiative (CSI), the Self-Generation Incentive Program (SGIP), and distributed generation (DG) issues generally. We will refer to this rulemaking as the "CSI/DG OIR." It has evolved from and builds on the work in several prior Commission rulemakings dedicated to stimulating development of DG projects and technologies by providing financial and other incentives to project developers.¹

¹ See the text of R.08-03-008 for further background on the Commission's prior DG rulemakings.

Role of California Energy Commission

In the Commission's prior DG rulemakings, most recently R.04-03-017 and R.06-03-004, the California Energy Commission (CEC) staff participated as collaborative State Agency staff. CEC staff will continue to act in a collaborative role in this proceeding. Part of this collaborative role may include the CEC staff providing written comments, proposals, or "white papers" to the assigned Commissioner or Administrative Law Judges (ALJs) in this proceeding. Since the CEC is collaborative staff and not a party to this proceeding, any written comments or proposals the CEC provides to the ALJs or assigned Commissioner will not be formally filed. Instead, the CEC may, but is not required to, serve such written comments or proposals on the service list of the proceeding, and the ALJs will ensure that any CEC written comments and/or proposals that are served will be included in the record of the proceeding. Parties may respond to the CEC's views in their filings, and CEC comments and proposals may be discussed at hearings and workshops in the same way that parties' views are discussed.

Scope and Schedule of the Proceeding

The preliminary scoping memo contained in R.08-03-008 describes three main issue areas that will be considered in the course of the rulemaking. These three areas are:

1. Further development of policies and program rules in support of CSI;
2. Consideration of DG policy issues generally and ongoing management of the SGIP; and
3. Resolution of a DG cost-benefit methodology initially explored in R.04-03-017.

At the April 22, 2008 PHC, and in statements filed in advance of the PHC, parties discussed the relative priorities of these issue areas, as well as additional subjects the Commission might want to consider within the scope of this proceeding. After considering the parties' input, we herein set forth the scope of work and schedule for this proceeding.

A. CSI Policies, Rules, and Program Development

The scope of work in this rulemaking related to CSI will involve the continuation of work described in the previous rulemaking, R.06-03-004. The work will involve the following issue areas:²

1. **Solar Incentives for Multi-Family Low-Income Housing** – Explore methods for promoting installation of solar energy systems on multi-family low-income housing, as required by Pub. Util. Code § 2852(c).³

Schedule: An Energy Division proposal was issued for comment in February 2008, and comments were submitted on March 26 and April 4.⁴ We expect to issue a proposed decision in the third quarter of 2008.

2. **Energy Efficiency Requirements** – Implement CEC energy efficiency requirements as set forth in the CEC's "Guidelines for California's Solar Electric Incentive Programs Pursuant to SB 1" (CEC Guidelines) for all buildings and address any other energy efficiency requirements for existing residential and commercial buildings as required by Section 2851(a)(3).⁵

² See the preliminary scoping memo in R.08-03-008 for further background on these topic areas within CSI. In addition, these topics are described in the Scoping Memo for R.06-03-004, issued April 25, 2006, and further revised by ruling on February 5, 2007.

³ All statutory references are to the Public Utilities Code, unless otherwise noted.

⁴ All dates are 2008, unless otherwise noted.

⁵ The Commission has established energy efficiency requirements for single family low income CSI applicants in D.07-11-045 and is in the process of establishing energy

Footnote continued on next page

Schedule: An assigned Commissioner ruling requesting comments on a proposal for energy efficiency measures for existing residential and commercial buildings as a condition of receiving CSI incentive payments was issued on April 21. Comments are due on May 12 and replies on May 22. We expect to issue a proposed decision in the third quarter of 2008.

3. **Marketing, Outreach and Consumer Education** – Develop protocols for the use of CSI funds to inform potential solar customers and developers of program opportunities and consider policy guidance to the CSI program administrators regarding marketing budgets, consumer education and protection measures. A workshop on marketing and outreach issues was held in December 2006.

Schedule: We expect to issue a ruling requesting comments on this topic in the fourth quarter of 2008, and further workshops may be necessary.

4. **Program Evaluation** – Review the program evaluation outline and schedule filed jointly by the utilities and California Center for Sustainable Energy (CCSE) and develop a Program Evaluation Plan to gather program performance data needed for reporting obligations and program review. After Program Evaluation is conducted, review the results and consider program modifications, as described in D.06-08-028 and R.08-03-008.

Pacific Gas and Electric (PG&E) asks that the Commission expand the program evaluation to include an assessment of: (1) the market transformation impacts of the CSI, (2) the impact on demand and total system costs by other local and federal solar incentive programs (e.g., the federal investment tax credit) for residential and non-residential solar installations, (3) the effectiveness of the Expected Performance Based Buydown (EPBB) and the Performance Based Incentive (PBI) structure to deliver improved performance and improved value, (4) the impact of large amounts of solar on grid safety and reliability and (5)

efficiency requirements for multi-family low-income CSI applicants as part of a program for such customers in another part of this proceeding.

the effectiveness of the energy efficiency measures and how solar can help improve the adoption of more energy efficiency measures.⁶

The main goal of the CSI program evaluation will be to assess the need for program modifications or enhancements, and alternative mechanisms to achieve CSI goals. The Commission has previously stated that one of its key long-term goals in the CSI program is market transformation to make solar products cost-effective. The Commission has also indicated that the performance of systems installed with either PBI or EPBB incentives would be reviewed as part of the program evaluation component of the overall CSI program. Therefore, our program evaluation will include market transformation measurements, comprehensive program impact studies including assessments of PBI and EPBB incentives, and review of the impacts of federal tax credits and other solar programs on CSI incentives. Grid safety and reliability may also be considered as part of the Commission's adoption of a cost-benefit methodology for DG, which we discuss further in Section C below. Any results of a cost-benefit analysis, once a methodology is adopted, will most likely be reviewed as part of our program evaluation. Regarding energy efficiency, the primary focus of the review will be evaluating how any CSI energy efficiency requirements are implemented and help meet program goals. Assessments of the effectiveness of the energy efficiency measures, or the extent to which solar could help achieve higher energy efficiency installations are outside the scope of our review.

In addition, The California Solar Energy Industries Association (CALSEIA) and the Solar Alliance request an earlier program review involving consideration of federal tax credit changes on incentive levels, potential measures to reduce applications that drop out, and discussion of potential unspent program funds.

Schedule: The first CSI evaluation report is due to the Legislature in June, 2009. We intend to issue a ruling in the second quarter of 2008 to solicit comments on a Program Evaluation Plan, followed by a

⁶ See PG&E's PHC statement, 4/11/08, pp. 3-4.

further ruling to direct implementation of a finalized Program Evaluation Plan. In the first and second quarters of 2009, we will review evaluation results for SB 1 reporting requirements. After we receive evaluation results, we will consider whether to schedule workshops, comments, or hearings on them as a precursor to program modifications.

A workshop for discussion of issues raised by CALSEIA and Solar Alliance regarding incentive levels and drop outs will be held in June 2008, with further details forthcoming. If action is required following the workshop, such as a staff proposal, or comments leading to a proposed decision with program modifications, this would occur in the third or fourth quarter of 2008.

5. **Solar Water Heating** – Monitor ongoing solar water heating pilot program conducted by CCSE. Consider petition for modification of the solar water heating pilot filed by CCSE and CALSEIA on April 3, 2008. Evaluate data from the pilot program, as described in Section 2860 et seq.,⁷ to determine if a statewide solar water heating program is cost-effective for ratepayers and in the public interest. PG&E asks for clarification whether solar water heating incentives are a solar or an energy efficiency measure. As directed at the PHC, parties will address this issue in their comments on the CCSE/CALSEIA petition.

Schedule: We plan to issue a proposed decision to address the CCSE/CALSEIA petition, and a related motion on the pilot program in the second quarter of 2008. We plan to evaluate the pilot program in the first half of 2009, after we have more data and experience with the pilot. Development of a statewide program would occur in the latter half of 2009, if deemed warranted by pilot results.

6. **Time of Use Requirements** – Address any issues surrounding implementation of time-of-use tariffs for CSI incentive recipients, as

⁷ Sections 2860 through 2867.4 were added to the Public Utilities Code by Assembly Bill 1470 (Chapter 536, Statutes of 2007).

required by Section 2851(a)(4), if they arise and are not otherwise addressed in each utility's general rate case.

Schedule: To be determined, as needed.

B. DG Policy Issues and SGIP Rules and Management

The scope of work related to DG policy and SGIP will involve implementing the SGIP based on current statutes which limit the program to wind and fuel cell projects, and addressing related interconnection and technology issues which impact DG and SGIP, as they arise. At this point in time, we envision that this work will involve the topics listed below, but if SGIP statutes are modified, we may need to revise the scope of work accordingly.

1. **SGIP**- Set annual program budget and review program administration by PG&E, Southern California Edison Company (SCE), and CCSE.

Schedule: We plan to issue a ruling in third quarter 2008 requesting comment on the SGIP budget for 2009, and review of program administration. We expect to issue a decision before the end of 2008.

2. **Program Modification Requests** - Consider changes to incentive levels and technologies.

Schedule: An assigned Commissioner's ruling requesting comments on several program modification requests to add eligible technologies under SGIP, and proposing a revised process by which the Commission would review and evaluate SGIP program change requests in the future was issued on April 4. Comments and replies have been received. We plan to review the comments and issue a proposed decision in the third quarter of 2008. Future requests for program modifications will be reviewed as needed and consistent with the program modification review process.

3. **Rule 21 Working Group** - Consider the ongoing work of this group as it relates to all DG technologies, both currently or previously eligible.

Schedule: Energy Division will conduct a workshop in the third quarter 2008 to discuss the future role of the Rule 21 Working Group. Energy Division shall submit a workshop report to the ALJ within 30 days of the workshop.

C. DG Cost-Benefit Methodology

In R.08-03-008, the Commission described its prior work on developing a methodology to measure the costs and benefits of DG projects. In this proceeding, we expect to finalize the effort made in R.04-03-017 to adopt a cost-benefit methodology. Once adopted, the cost-benefit methodology can inform CSI and SGIP program evaluation efforts.

PG&E suggests we add to the scope of the case the development of a report on the costs and benefits of net energy metering, as required by Section 2827(c)(4). We will include an assessment of net energy metering costs and benefits in our cost-benefit methodology work, in order to complete the reporting requirements of Section 2827(c)(4) by January 1, 2010.

Several parties ask for clarification whether the cost-benefit methodology, once adopted, will cover all technologies that may have received incentives under SGIP, such as combined heat and power (CHP) plants, prior to restrictions on program eligibility that took effect in 2008 limiting SGIP to wind and fuel cell projects. We herein clarify that the cost-benefit methodology will include all technologies that were funded through SGIP, even those funded in prior years that may not be currently eligible.

Tom Beach/Solar Alliance, the California Clean DG Coalition, FuelCell Energy, and GreenVolts ask for the opportunity to refresh the prior cost-benefit record and comment on issues that may not have been adequately addressed on the prior record such as DG grid benefits, market redesign, greenhouse gas emission issues, and CHP benefits. Moreover, we note that pursuant to requirements in Section 379.6(f), the CEC is preparing a report on the costs and benefits, including air pollution, efficiency, and transmission and distribution system improvements, of ratepayer subsidies for renewable and fossil fuel

“ultraclean and low emission” DG, as defined in Section 353.2. The CEC report should include recommendations for changes in the eligibility of technologies and fuels under the program and whether the level of subsidy should be adjusted. The report will evaluate all current and previously eligible SGIP technologies, as well as potential future DG technologies. DRA suggests there may be a need for hearings on the CEC report under Section 379.6(f), when issued.

PG&E and SCE maintain that if the Commission is asked to consider new and untested arguments concerning the benefits and costs of DG, or new cost-benefit methodologies, hearings may be required. The Utility Reform Network (TURN) suggests we may need to allow further examination, either through comments or hearings, of avoided cost inputs used in a cost-benefit analysis of DG because these inputs have changed since the close of the record on cost-benefit methodology issues in 2005. TURN suggests a workshop on this topic.

The parties raise valid concerns that the existing record, which was submitted in 2005, may be outdated and may benefit from limited supplementation on specific topics. There have been or will be several new reports on cost-benefit methodologies and avoided cost inputs since 2005. We are collaborating with the CEC on its report under Section 379.6(f) and we may expand the scope of our prior work on cost-benefit to include examination of this and other reports. The ALJ will examine the prior record and, in consultation with the assigned Commissioner, notify parties at a later date whether additional comments, testimony, hearings or a workshop are in order. If the record is not reopened and the ALJ simply revises the prior proposed decision based on the existing record, any revisions to the prior proposed decision will be issued by

ruling to the parties to allow a review and comment period before placing a revised proposed decision on the Commission’s agenda.

Schedule: The ALJ will review the record from R.04-03-017 and coordinate with the CEC on its methodology for cost-benefit evaluation, as required by Section 379.6. We will consider whether to issue a ruling requesting an update of the record on specific topics, such as the CEC report, or whether to revise the former proposed decision based on the existing record, in the third or fourth quarter 2008, with the goal of issuing a proposed decision in first or second quarter 2009.

D. Summary of Issues and Schedule

| Issues within the Scope | Target Date |
|---|--|
| Solar Incentives for Multi-Family Low-Income Housing | <ul style="list-style-type: none"> • Proposed decision- 3rd quarter of 2008. |
| Solar Water Heating | <ul style="list-style-type: none"> • Proposed decision on CCSE/CALSEIA petition – 2nd quarter of 2008. • Evaluate the pilot program per AB 1470 by mid 2009. Consider statewide program in latter half of 2009. |
| Energy Efficiency Requirements | <ul style="list-style-type: none"> • Ongoing implementation of CEC Guidelines. • Proposed decision on energy efficiency requirements for existing residential and commercial buildings- 3rd quarter 2008. |
| Program Evaluation | <ul style="list-style-type: none"> • Ruling requesting comment on a Program Evaluation Plan- 2nd quarter of 2008. • Ruling to direct plan implementation- 2nd or 3rd quarter of 2008. • Review evaluation results in the 1st and 2nd quarters of 2009 in order to meet SB 1 reporting requirements by June 30, 2009. • Further program review, including possible workshops, comments, or |

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|---|---|
| | <p>hearings to be scheduled as needed, will be considered in second half of 2009.</p> <ul style="list-style-type: none">• Workshop addressing incentive levels and drop outs, June 2008. If action required, such as staff proposal, comments, and proposed decision, these would occur in 3rd or 4th quarter 2008. |
| SGIP Program Modification Requests | <ul style="list-style-type: none">• Proposed decision- 3rd quarter of 2008. |

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|---|--|
| SGIP | <ul style="list-style-type: none"> • Ruling on the SGIP budget for 2009, and review of program administration- 3rd quarter of 2008 • Proposed decision- 4th quarter of 2008 |
| Rule 21 Working Group | <ul style="list-style-type: none"> • Workshop on the future role of the Rule 21 Working Group- 3rd quarter 2008 |
| DG Cost-Benefit Methodology | <ul style="list-style-type: none"> • Ruling or revised former proposed decision- 3rd or 4th quarter of 2008 • Proposed decision- 1st or 2nd quarter 2009 • Complete Net Energy Metering Study by January 1, 2010. |
| Marketing, Outreach and Consumer Education | <ul style="list-style-type: none"> • Ruling requesting comments on a proposal- 4th quarter of 2008 |
| Time of Use Requirements | <ul style="list-style-type: none"> • To be determined, as needed |

As described in R.08-03-008, this proceeding will be resolved within 24 months of the date of this Scoping Memo. We use the authority granted in Pub. Util. Code § 1701.5(b) to set a time longer than 18 months based on the number and complexity of the issues in this case and the need to coordinate certain aspects of this proceeding with the CEC.

E. Issues Not Within Scope

The CEC and the California CA Clean DG Coalition request the Commission include in the scope of this proceeding issues related to the development of CHP plants and implementation of Assembly Bill (AB) 1613⁸

⁸ Chapter 713, Statutes of 2007.

(also known as the “Waste Heat and Carbon Emissions Reduction Act”).⁹ AB 1613 states the Legislature’s intent to improve efficiency of natural gas use by capturing unused waste heat, to reduce wasteful consumption of energy and reduce emissions of carbon dioxide and other carbon-based greenhouse gases, and to support and facilitate customer- and utility-owned CHP systems. While CHP plants were previously included in SGIP prior to January 1, 2008, the current statute does not allow SGIP incentives for CHP technologies. The scope of this rulemaking will be limited to implementing SGIP as set forth by current statute, and developing a cost-benefit methodology to evaluate our current and prior program. The Commission intends to open a separate rulemaking in the near future to address the issues surrounding development of CHP plants under AB 1613. If legislation amends the SGIP statutes and expands program eligibility to additional DG technologies, such as CHP, we can include those issues in this proceeding by a revised scoping memo.

GreenVolts requests clarification whether the Commission will address the value of locational benefits of renewable wholesale DG, generally sized between 1 megawatt (MW) and 20 MWs, in this proceeding. GreenVolts is interested in locational pricing, such as an adder to “feed-in tariffs” for wholesale DG plants. GreenVolts explains that *wholesale* DG projects must be distinguished from traditional *retail* DG sized to serve a specific on-site customer’s load.

⁹ The CEC Executive Director sent a letter to the ALJs on April 11, 2008 with comments on the preliminary scope of this rulemaking. The letter is attached to this ruling as Attachment A. By this ruling, we enter the CEC’s letter into the record of the proceeding.

We intend to complete our previous work to develop a methodology to measure the costs and benefits of DG in this proceeding, and this work will include review of transmission and distribution system costs and benefits, if any, that can be attributed to DG. GreenVolts may choose to participate on this topic of transmission and distribution cost and benefits. However, we will not address locational pricing per se, or an adder to feed-in tariffs for wholesale DG plants in this proceeding. Our focus is on implementing SGIP and CSI incentives to retail customers for projects to serve their on-site load, not wholesale power plants concerns, which are addressed in other proceedings.

The California Clean DG Coalition requests review of DG tariffs, as required by Section 353.13(a). PG&E notes that DG customers currently obtain exemptions from standby charges, and this will continue until the Commission completes its work on a DG cost-benefit methodology. The issue of DG tariffs and exemptions from standby charges was addressed in prior Commission orders, D.01-07-027 and D.03-04-060. We expect to complete the cost-benefit methodology work described by the parties that may affect these tariffs as soon as practicable given the other priorities in this proceeding. Any review of the DG tariffs, or changes thereto, will not be considered in this rulemaking but is more appropriately considered in each utility's rate design proceeding.

Donald Ricketts, a net energy metering customer of SCE, requests the scope of the case include amendment of the Public Utilities Code relating to net energy metering, particularly to lift restrictions on payment by utilities to customers for excess generation produced by small DG systems. The terms of net energy metering are set by statute, specifically Section 2827, which describes the terms of payment over a 12-month period for electricity generated by customer-generators and restricts payment for generation that exceeds electricity

supplied by the electric service provider during that same period. Mr. Ricketts request would require legislation to amend the statute, and thus is outside the scope of this proceeding. While the Commission may pursue changes to distributed generation and net energy metering statutes independent of this proceeding, the topic of specific legislative changes will not be addressed within the scope of this proceeding.

Category of Proceeding and Ex Parte Rules

This ruling confirms the Commission's preliminary determination in R.08-03-008 that the category of this proceeding is quasi-legislative and that hearings are not necessary. While we do not foresee the need for hearings at this time, we will allow parties the opportunity to request limited evidentiary hearings at a later date, related to cost-benefit methodology issues or program evaluation topics, once the scope of work on those issues is further refined through future rulings in this proceeding.

This ruling, only as to category, is appealable under the procedures in Rule 7.6. As set forth in Rule 8.2, *ex parte* communications are allowed without restriction or reporting obligation in this proceeding.

Presiding Officer

Pursuant to Pub. Util. Code § 1701.1, ALJs Duda and Ebke are designated as the presiding officers in this rulemaking.

Filing, Service and Service List Requirements

In this proceeding, there are several different types of documents participants may prepare. Each type of document carries with it different obligations with respect to filing and service.

Parties must file certain documents as required by the Rules or in response to rulings by either the Assigned Commissioner or the ALJs. All formally filed

documents must be filed with the Commission's Docket Office *and* served on the service list for the proceeding. Article 1 of the Rules contains all of the Commission's filing and service requirements. Resolution ALJ-188 sets forth the interim rules for electronic filing, which replaces only the filing requirements, not the service requirements. Parties are encouraged to file electronically whenever possible as it speeds processing of the filings and allows them to be posted on the Commission's website. More information about electronic filing is available at <http://www.cpuc.ca.gov/efile/static.htm>.

We will follow the electronic service protocols adopted by the Commission in Rule 1.10 of the Commission's Rules of Practice and Procedure for all documents, whether formally filed or just served. This Rule provides for electronic service of documents, in a searchable format, unless the appearance or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by United States mail. In this proceeding, we require concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only" and "State Service." Parties are expected to provide paper copies of served documents upon request. In the event that hearings are held in this proceeding, prepared testimony should be served on the service list, but not filed with the Docket Office.

E-mail communication about this case should include, at a minimum, the following information on the subject line of the e-mail: *R.08-03-008 (CSI/DG)*. In addition, the party sending the e-mail should briefly describe the attached communication; for example, *Comments on Low Income Incentives*. Paper format copies, in addition to electronic copies, shall be served on the assigned Commissioner and the ALJs.

The official service list for this proceeding is available on the Commission's web page. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process Office, the service list, and the ALJs. Prior to serving any document, each party must ensure that it is using the most up-to-date service list. The list on the Commission's web site meets that definition.

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures should contact the Commission's Public Advisor at (866) 849-8390 or (415) 703-2074, or (866) 836-7825 (TTY-toll free), or send an e-mail to public.advisor@cpuc.ca.gov.

Intervenor Compensation

The PHC in this matter was held on April 22, 2008. Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation shall file and serve a notice of intent to claim compensation not later than May 22, 2008. As stated at the PHC, parties who were previously found eligible to request compensation in R.06-03-004 shall remain eligible in this proceeding and do not need to file a notice of intent within 30 days, provided there are no material changes in their by-laws or financial status. All others must comply with the statute. When filing requests for compensation, parties should cite to this ruling and the earlier ruling granting them eligibility in R.06-03-004.

IT IS RULED that:

1. The scope of this rulemaking is set forth in this ruling.
2. The schedule of this proceeding is set forth in this ruling.

3. This ruling confirms the categorization of this proceeding as quasi-legislative and hearings are not necessary. This ruling, only as to category, is appealable under the procedures in Rule 7.6.

4. Pursuant to Rule 8.2, *ex parte* communications are allowed in this proceeding without restriction or reporting requirement.

5. Administrative Law Judges Duda and Ebke are the presiding officers in this rulemaking.

6. The official service list is attached to this ruling. Parties should serve all filings on parties listed on the service list, including those identified as "Information Only " and "State Service." Parties should adhere to Commission Rules 1.9 and 1.10 which set forth rules for electronic service of documents in this proceeding and use the most updated version of the serve list on the Commission's website for service.

7. Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation in this rulemaking shall file and serve a notice of intent to claim compensation not later than May 22, 2008, unless they were previously granted eligibility to request compensation in R.06-03-004 and there are no material changes to their by-laws or financial status.

8. The April 11, 2008 letter from the Executive Director of the California Energy Commission to ALJs Duda and Ebke, as contained in Attachment A to this ruling, is incorporated into the record of this proceeding.

Dated May 15, 2008, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey
Assigned Commissioner

/s/ DOROTHY DUDA

Dorothy Duda
Administrative Law Judge

/s/ MARYAM EBKE

Maryam Ebke
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated May 15, 2008, at San Francisco, California.

/s/ SANDRA M. JACKSON

Sandra M. Jackson