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

Application of Southern California Edison Company (U338E) for Approval of its 2009-2011 Energy Efficiency Program Plans and Associated Public Goods Charge (PGC) and Procurement Funding Requests.

Application 08-07-021  
(Filed July 21, 2008)

And Related Matters.

Application 08-07-022  
Application 08-07-023  
Application 08-07-031  
(Filed July 21, 2008)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE DETERMINING THE SCOPE, SCHEDULE, AND NEED FOR HEARING IN THIS PROCEEDING**

This scoping memo establishes the scope and schedule for this proceeding, and addresses other procedural requirements. This ruling is issued in accordance with Rules 7.1(a) and 7.3 of the Commission's Rules of Practice and Procedure (Rules).<sup>1</sup>

**1. Background**

Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), Southern California Gas Company (SoCalGas) and San Diego

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<sup>1</sup> Rules 7.1(a) and 7.3 require the assigned Commissioner to determine the scope and schedule of a proceeding.

Gas & Electric Company (SDG&E) (collectively, the Utilities) filed their proposed 2009-2011 energy efficiency portfolios on July 21, 2008. The Utilities' filings requested, in total, more than \$3.7 billion for over 200 energy efficiency programs for 2009 through 2011. The applications represented substantial undertakings on the part of the Utilities, in conjunction with the Commission staff and the entire California energy efficiency community. We appreciate the efforts of the Utilities in assembling a diverse and substantive set of programs, and in compiling the supporting information in their applications.

The first prehearing conference (PHC) in this proceeding was held on August 11, 2008. At that PHC, Administrative Law Judge (ALJ) Gamson asked parties to file initial comments on the utilities' applications with the understanding that the Utilities would be required to update the applications for compliance issues, to take into account the California Long Term Energy Efficiency Strategic Plan (Strategic Plan) then under consideration, and other matters. In addition, Energy Division presented its initial analysis of areas of non-compliance with Commission Decisions and Rulings. On August 28, 2008, parties filed their initial comments. On September 8, 2008, the Utilities filed their responses. On September 12, 2008, the Peer Review Group (PRG) filed its Report on the Utilities' applications.

In their September 8, 2008 filed comments, the Utilities argued that their applications did not need to be refiled in order to be compliant with Commission directives. Energy Division subsequently worked with the Utilities to discuss and identify areas where more information was needed, and to reach a common understanding on technical details.

On September 18, 2008, the Commission adopted the Strategic Plan in D.08-09-040. This decision ordered the Utilities to file amendments to their

applications to incorporate elements of the adopted Strategic Plan, when and as directed by the assigned Commissioner and ALJ in this docket.

A second PHC was held on October 8, 2008. At that PHC, ALJ Gamson indicated that a Ruling would issue to identify modifications needed to finalize the Utilities' applications for review, including updates for the Strategic Plan and other information needed for Commission review of the applications. The Utilities accepted the need for the applications to be refiled.

On October 16, 2008, the Commission adopted D.08-10-027, the bridge funding decision authorizing the Utilities to continue existing programs into 2009 within specified budgets until no later than three months after the final decision in this docket is adopted, or the end of 2009 (whichever comes first).

On October 30, 2008, an Assigned Commissioner and Administrative Law Judge's Ruling was issued that laid out a number of modifications that are required to produce applications that adhere to applicable Decisions and Rulings, provide sufficient information to assess the merits of the individual programs and portfolios as a whole, and adequately and accurately reflect policy direction from the Commission in order to fully evaluate the applications.<sup>2</sup> Specifically, the October 30 Ruling stated that the applications must comply with D.07-10-032 (the guiding decision for 2009-2011 portfolios) and D.08-09-040 (the decision adopting the Strategic Plan), and Rulings in R.06-04-010 (the broad Rulemaking on post-2005 energy efficiency issues) issued on February 29, 2008, March 14, 2008, April 11, 2008 and April 21, 2008. The October 30 Ruling stated

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<sup>2</sup> The October 30, 2008 Ruling indicated that there would be a follow-up Ruling with further instructions, as well as further guidance from the Energy Division.

that the Utilities' applications needed to be refiled at a time determined by this Scoping Ruling, but would not be due sooner than January 15, 2009.

R.06-04-010 is our broad inquiry into post-2005 energy efficiency policies, programs, evaluation, measurement and verification, and related issues. This Rulemaking is expected to close in December 2008. We intend to bring forth for the Commission's consideration a new general Rulemaking on energy efficiency issues in early 2009 to consider ongoing issues as well as new issues. Some of the issues we expect to be considered in the upcoming new Rulemaking are discussed below in this Scoping Memo.

## **2. Scope of Proceeding**

The overall scope of this proceeding is to determine energy efficiency budgets and approve programs for 2009-2011 for PG&E, SCE, SoCalGas, and SDG&E, and to pursue Commission energy efficiency policy objectives. All topics and issues in the October 30, 2008 Ruling are within the scope of this proceeding. We specifically detail certain issues in this Scoping Memo as well as other issues not mentioned in the October 30, 2008 Ruling.

### **2.1. Portfolio Issues**

Overall, the Utility portfolios are expected to be cost-effective, robust, coordinated and consistent with the Commission's energy efficiency policies. Energy efficiency is the first priority in the loading order adopted in the Commission's Energy Action Plan. This proceeding will attempt to fashion the best combination of Utility core programs, third party programs, local government partnerships, and marketing, education and outreach to continue to showcase California at the leading edge of innovative and effective energy efficiency.

### **2.1.1. Statewide Coordination**

The October 30, 2008 Ruling stated:

(W)e must reduce very significantly the overall number of programs. We envision no more than 10 core statewide programs and perhaps another 20-30 for the entire suite of utility portfolios (not including third party programs).

We intend to follow through with this Ruling so as to coordinate programs, limit duplication, improve stakeholder understanding of program choices, and streamline evaluation needs. To the extent that the Utilities do not propose statewide coordination, we intend to make our own recommendations to the Commission in the Proposed Decision. We discuss specific areas of statewide coordination below.

### **2.1.2. Core Utility Programs**

The Utilities have proposed a number of core programs which they intend to run themselves. This proceeding will consider which core programs should be authorized, which should be modified and which should not go forward. The October 30, 2008 Ruling stated:

In their refiled applications, the revised utility portfolios must contain a solid base of a limited number of core, statewide programs for each sector with consistent measures and approaches as described herein. These programs should leave room for adaptation for different markets and conditions or innovative approaches. The portfolios shall also contain innovator pilots as appropriate to develop new programs that are likely to achieve long-term goals. To the extent that this approach will not work in any program area, the utilities must provide facts and analysis on the specific conditions that render coordination infeasible. Finally, to simplify and facilitate inter-utility coordination, each utility shall identify a lead point person for each statewide program within each utility, and, an overall lead for statewide programs for each of the four utilities.

As discussed above, we expect there to be a limited number – no more than 10 - of core statewide programs, with significant coordination among the Utilities. For the remaining Utility programs, we expect perhaps another 20-30 total combined among all the Utilities, consistent with the direction provided on October 30.

### **2.1.3. Third Party Programs**

Third party programs are an integral part of each Utility's portfolio. Utilities are required to allocate 20% or more of their portfolio budgets to third party programs. Budgets and specific elements of third party programs are within the scope of this proceeding. In its September 12, 2008 filing, the PRG expressed concerns about and made several recommendations regarding the solicitation process for selecting third party programs. We will consider the issues raised by the PRG in this proceeding. We expect these issues will also be considered in the upcoming new Rulemaking.

### **2.1.4. Strategic Plan and Big Bold Energy Efficiency Strategies**

Implementation of the Strategic Plan adopted in D.08-09-040 is an integral part of the scope of this proceeding. The Utility portfolios that the Commission authorizes must reflect the goals of the Strategic Plan and implement specific programs which are consistent with the detailed strategies for 2009-2011 set forth in the Strategic Plan. The October 30, 2008 Ruling indicated that the Utility portfolios, as filed, do not fully reflect the "significant shift" sought by this Commission nor the near term activities identified in the Strategic Plan. The Ruling also stated:

The utilities shall also demonstrate that their 2009-2011 energy efficiency programs reflect the short-term steps and milestones laid out in the Strategic Plan for the programmatic initiatives identified in D.07-10-032 and for each sector or crosscutting action area. For

portions of the Strategic Plan that do not specifically identify non-CPUC partners as key actors for specific strategies or actions (Chapters 7-12), the utilities shall align their portfolios with strategies and actions included in the Strategic Plan for all areas for which a utility role can be reasonably inferred.

D.07-10-032 adopted several Big Bold Energy Efficiency Strategies (BBEES). In the October 30, 2008 Ruling, the Utilities were directed to comply with the February 28, 2008 Ruling in R.06-04-010 and provide clear “estimates of budgets and savings for these new approaches (the Big Bold Energy Efficiency Programmatic Initiatives), including those that may not be realized in the 2009-2011 period.” BBEES are incorporated into the Strategic Plan, and are within the scope of this proceeding.

#### **2.1.5. Local Governmental Partnerships**

Local government partnerships are an important element of energy efficiency portfolios. As the PRG noted, the Commission has long recognized the unique ability of local governments to capture energy savings. In D.07-10-032, the Commission called these partnerships “an essential part of a long-term strategy for energy efficiency programs in California.” The budgets and programs of local government partnerships are within the scope of this proceeding.

We expect a workshop to be scheduled in this proceeding on local government partnership issues in December 2008, with more possibly to follow. An issue for workshops and in this proceeding is the establishment of goals for government partnership programs that shift their funds and focus to implement the Strategic Plan through coordinated, statewide delivery mechanisms. The workshops will explore ways to set minimum standards for a coordinated approach across Utilities to make program planning and administration more

efficient for all parties, while allowing local governments to meet local needs and interests and encouraging the innovation that is expected from this dynamic sector.

In addition, in its September 12, 2008 filing, the PRG made several recommendations regarding local government partnerships. These issues are not within the scope of this proceeding. We expect these issues will be considered in the upcoming new Rulemaking.

#### **2.1.6. Demand Response and Solar Initiative Issues**

A Joint Assigned Commissioner's Ruling (ACR) in R.06-04-010 and R.07-01-041 issued on April 11, 2008 stated the intent "to better coordinate across the entire range of Demand Side Management (DSM) programs so as to leverage opportunities to maximize energy saving offerings to customers." The ACR identified priority integrated DSM areas required to be included in program planning including integrated audit development and program delivery coordination combining energy efficiency, demand response, distributed generation and other applicable incentives for the same project.

The October 30, 2008 Ruling noted that the integrated DSM program plans presented by the Utilities do not comply with the April 11, 2008 Ruling. The October 30, 2008 Ruling directed the Utilities to review specific guidance and to re-submit descriptions of applicable programs revealing sufficient detail to indicate compliance with this guidance.

The Ruling directed the Utilities to include only demand-side technologies eligible for inclusion in energy efficiency, low-income energy efficiency, demand response, Self-Generation Incentive Program, and California Solar Initiative programs in any designated "integrated programs" that form part of their energy efficiency applications. In addition, while integrated DSM programs should

promote all eligible technologies, the resulting combination of measures should be determined by the customer.

The Ruling directed that, in the refiled portfolio applications, Utility integrated DSM programs shall be designed to develop technologies, measures and approaches which promote integration more broadly, including emerging technologies, infrastructure improvements and market reforms. We also directed the Utilities to consider and include in their portfolios incentive options for programs that promote higher levels of integration within the boundaries established by existing programs.

Integrated DSM (IDSM) issues are within the scope of this proceeding and should be included in the refiled application as described herein and in the October 30 Ruling. IDSM issues are also being considered in A.08-06-001 et al. A Scoping Memo issued in that proceeding also addressed IDSM issues. If needed, a joint Ruling will be issued in both dockets giving further guidance regarding the procedural vehicle for ISDM issues.

#### **2.1.7. Marketing, Education and Outreach (ME&O)**

In D.07-10-032, we reaffirmed our support for ME&O activities as “central to transforming energy efficiency from a program to a lifestyle”<sup>3</sup> and as an essential component in promoting energy efficiency behaviors and actions to customers. We stated the need to implement a more strategic use of the hundreds of millions of dollars of ratepayer ME&O funds. An ME&O strategy has been adopted through the Strategic Plan, and the implementation of key objectives in this area is currently underway. These implementation efforts

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<sup>3</sup> D.07-10-032, pp. 53-54.

include a market assessment, brand assessment/creation and the development of a web portal. This work will continue within the scope of this proceeding, and as stated in D.08-10-027,<sup>4</sup> both the brand assessment/creation and web portal process will be under the direction of the assigned Commissioner as provided in D.07-10-032.<sup>5</sup>

### **2.1.8. New Programs**

We wish to consider innovative new programs for 2009-2011, especially new programs which are consistent with the Strategic Plan and/or best practices. The Utilities in their refiled applications may include new programs not authorized for 2006-2008. In the course of this proceeding, parties may propose other new programs not proposed by the Utilities. In addition, we may issue Rulings seeking comment on new or different programs, or combinations of programs, which have not been proposed by any party.

### **2.2. Risk Reward Incentive Mechanism (RRIM)**

The RRIM was adopted in D.07-09-043, with modifications made in D.08-01-042. The Utilities jointly filed a Petition for Modification of these two decisions in August, 2008. A decision is pending on this Petition.

In D.08-07-047, regarding energy efficiency goals, the Commission indicated that changes to the goals could result in a need for modifications to the RRIM. That decision called for an Energy Division study and a decision in 2009 to analyze the impact of lowering the \$450 million earnings cap in the RRIM and the impact of lowering the 9% and 12% incentive earnings rate as methods for

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<sup>4</sup> D.08-10-027, p. 9.

<sup>5</sup> D.07-10-027, p. 65.

mitigating possible unfair earnings outcomes from adopting a gross goal standard in D.08-07-047. The decision also instructed Energy Division to analyze the possibility of changing the way certain energy efficiency activities should be counted toward satisfying 2009-2011 portfolio goals, if such changes are needed to mitigate any unreasonable outcomes.

In their July applications, the utilities suggested a number of changes related to the RRIM. In addition, the August 2008 Petition for Modification in R.06-04-010 has shown the need to review changes to the RRIM.

RRIM issues are not within the scope of this proceeding. We intend to explore the RRIM issues raised in D.08-07-047, the policy issues related to RRIM raised by the Utilities in this proceeding, and other RRIM-related issues via the new Rulemaking we anticipate will be opened in early 2009.

### **2.3. Evaluation, Measurement and Verification (EM&V)**

We expect the Commission to include EM&V issues in the new Rulemaking anticipated to be opened in early 2009. They are not within the scope of this proceeding.

### **2.4. Utility Administration**

The general question of whether the Utilities should continue to be the administrators of energy efficiency programs from 2009 through 2011 is not within the scope of this proceeding. Some parties have discussed the possibility of forming a California Energy Efficiency Alliance (CEEA) to administer certain energy efficiency programs, such as market transformation programs, currently under Utility administration. Local government programs, ME&O, and workforce education and training programs have also been suggested for a CEEA. We will not consider this approach in this proceeding. Instead, we will

defer whether to address this issue to the new Rulemaking we expect the Commission to issue in early 2009.

## **2.5. Policy Issues**

In their July applications, the Utilities jointly requested a number of policy changes. Parties filed comments on these proposed changes on August 28, 2008 and the utilities replied to these comments on September 8, 2008. We have determined that some of the proposed changes are appropriate for consideration in this proceeding, and others should not be considered here. As indicated above, our intent is to propose a new Rulemaking to consider various energy efficiency issues beyond the specifics of this proceeding. We expect the new Rulemaking will consider a number of the Utilities' policy proposals in a broader context. Generally, we defer consideration of policy issues related to performance evaluation under the Risk Reward Incentive Mechanism (RRIM) to the new rulemaking, and take up within this proceeding consideration of policy rules which are most essential to the formulation of cost-effective portfolios consistent with the Strategic Plan.

Below, we summarize each of the Utilities' proposed rule changes and indicate in which context we intend to resolve the proposal.

1. Ex-Ante True-Up – Joint utilities request that the per-unit benefit and measure cost assumptions that are adopted for 2009-2011 portfolio planning should also be used for portfolio evaluation.

We expect this issue will be considered in the new Rulemaking, as it relates directly to a design element of the incentive framework.

2. Updates to the DEER Database – Joint Utilities propose that a more collaborative process be adopted for review and vetting of

EM&V study design, implementation and results, allowing for full Commission review and resolution of issues.

We expect this issue will be considered in the new Rulemaking. The process for updating measure assumptions should have no bearing on the development of cost-effective portfolios, which as ordered in the October 30<sup>th</sup> Ruling is to be based on current best information embodied within the DEER 2008 planning values.

3. Cumulative Savings – Joint utilities request that cumulative savings be defined as the sum of the annual savings goals for the three year portfolio period upon which the proposed budget is based.

These issues may be considered in the new Rulemaking.

4. Treatment of Strategic Planning Activities (aka Ring-Fencing) – Joint utilities request that activities in support of the Strategic Plan that do not produce measurable, cost-effective savings in 2009-2011 should be exempt from calculations pertaining to portfolio cost-effectiveness and performance evaluation.

To the extent that these issues impact the development of cost-effective portfolios, they will be addressed within the scope of this proceeding. We expect the treatment of activities related to the Strategic Plan in the calculation of the performance earnings basis and other RRIM metrics will be addressed within the new rulemaking.

5. Calculation of Performance Earnings Basis Using Gross Savings – Joint utilities request that gross metrics be used for the calculation of performance toward the minimum performance standard (MPS) and performance earnings basis (PEB) under the RRIM.

We expect these issues will be considered in the new Rulemaking.

6. Use of Post-Tax Discount Rate to Calculate Performance Earnings Basis Energy Savings – Joint utilities request use of post-tax discount rate for EE cost-effectiveness evaluation.

We expect these issues will be considered in the new Rulemaking.

7. Energy Savings Credit for Actions Taken by Customers With External Motivations (e.g., State Laws/Mandates, Local Ordinances and Green Messaging) – Joint Utilities propose that they receive energy efficiency savings credit for energy efficiency actions taken by customers who may be motivated by customers with external motivations.

These issues are within the scope of this proceeding.

8. Exemption of Codes and Standards (C&S) Costs From the Performance Earnings Basis – Utilities propose that any costs associated with the 2009-2011 C&S program be excluded from the calculation of performance earnings basis , and rather be part of a specific Strategic Plan earnings mechanism.

We expect these issues will be considered in the new Rulemaking.

9. Mid-Cycle Funding Augmentation Rules – Joint utilities propose that mid-cycle funding augmentation rules be modified to allow the counting of all installed energy efficiency results towards energy savings and demand reduction goals.

These issues may be considered in the new Rulemaking.

### **3. Filing, Service and Service List**

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 ALJ. 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 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/PUC/efiling>.

Other documents, including prepared testimony, are served on the service list but not filed with the Docket Office. 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 A.08-06-001 et al., for whom an email address is available, including those listed under "Information Only." Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this case should include, at a minimum, the following information on the subject line of the e-mail: A.08-06-001 et al. In addition, the party sending the e-mail should briefly describe the attached communication; for example, Brief. Paper format copies, in addition to electronic copies, shall be served on the assigned Commissioner and the ALJ.

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 ALJ. Prior to serving any document, each party must ensure that it is using the most up-to-date service list for A.08-06-001 et al. The list on the Commission's website 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](mailto:public.advisor@cpuc.ca.gov).

#### **4. Schedule**

The schedule for this proceeding from this point forward is set forth below. The schedule after March 2009 will be reviewed at the next Prehearing Conference:

<u>Date</u>	<u>Activity</u>
Early 2009	New Rulemaking Expected to Open
February 2, 2009	Refiled Applications
March 2, 2009	Parties' Comments on Refiled Applications
March 16, 2009	Reply to Parties' Comments
Late March, 2009	3 <sup>rd</sup> Prehearing Conference
March through May 2009	As Needed: Hearings, Workshops and/or any Further Comments
June, 2009	Proposed Final Decision
July, 2009	Final Decision on Agenda

The ALJ may modify the schedule adopted herein as necessary for the reasonable and efficient conduct of this proceeding. We anticipate that this

proceeding will be resolved within 18 months from the date of this scoping memo, pursuant to Section 1701.5 of the Public Utilities Code.

## **5. Category of Proceeding and *Ex Parte* Communications**

This ruling confirms the Commission's preliminary finding in Resolution ALJ 176-3218, dated July 31, 2008, that this proceeding is a ratesetting proceeding, as described in Rule 1.3(e), and that hearings are required. This ruling, only as to category, is subject to appeal within 10 days under Rule 7.6.

At this time, no hearings are scheduled. Because the applications need to be refiled and further comments will be taken, parties should state whether they believe hearings are necessary at the next PHC and/or in their responses to the utilities' refiled applications. If hearings are scheduled, the parties shall limit their testimony to matters involving the identified issues. Any request for final oral argument before the Commission shall be made as part of opening briefs that may be filed in this proceeding. The *ex parte* rules as set forth in Rules 8.2(c), 8.3, 8.5., and Pub. Util. Code § 1701.3(c) apply. These Rules can be found at [http://docs.cpuc.ca.gov/published/RULES\\_PRAC\\_PROC/70731.htm](http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/70731.htm). We remind all Parties to this proceeding that they are obligated to comply with the Commission's *ex parte* rules that affect communications with Commission decisionmakers. These rules cover any substantive issue in this proceeding, including the 2009-2011 Utility portfolios, third party programs, and other matters related to the pending applications. *Ex parte* notices should be filed promptly and fully cover any communications, as required by Commission rules. All party representatives listed on the service list in these applications are directed to communicate to their organization's staff and management the requirements of the Commission's *ex parte* rules.

## **6. Assignment of Presiding Officer**

Administrative Law Judge David M. Gamson will act as presiding officer in this proceeding, pursuant to Rule 13.2(b).

**IT IS RULED** that:

1. The scope and schedule for this proceeding is set forth herein.
2. Parties shall serve all filings as set forth in Section 3 of this Ruling.
3. Any request for final oral argument before the Commission shall be made as part of opening briefs that may be filed in this proceeding.

4. This ruling confirms the Commission's preliminary finding in Resolution ALJ 176-3218 that the category for this proceeding and that hearings are necessary. This ruling, only as to category, is applicable under Rule 7.6.

5. Parties shall observe and comply with the *ex parte* communications rules set forth in Rules 8.2(c), 8.3, and 8.5 of the Commission's Rules of Practice and Procedure, and Pub. Util. Code § 1701.3(c).

6. The presiding officer in this proceeding is Administrative Law Judge (ALJ) David M. Gamson.

7. While this scoping memo provides guidance regarding the manner in which each identified issue will be considered, the assigned ALJ may make any revisions or provide further direction regarding the manner in which the issues are to be addressed, as necessary for a full and complete development of the record.

8. The ALJ may modify the schedules adopted herein as necessary for the reasonable and efficient conduct of this proceeding.

Dated November 25, 2008, at San Francisco, California.

/s/ DIAN M. GRUENEICH  
Dian M. Grueneich  
Assigned Commissioner

/s/ DAVID M. GAMSON  
David M. Gamson  
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 November 25, 2008, at San Francisco, California.

/s/ FANNIE SID

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Fannie Sid