

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



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Order Instituting Rulemaking to the  
Commission's Own Motion to Address  
the Issue of Customers' Electric and  
Natural Gas Service Disconnection

Rulemaking 10-02-005  
(Filed February 5, 2010)

**REPLY OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902E) AND THE  
SOUTHERN CALIFORNIA GAS COMPANY (U 904G) TO COMMENTS  
FILED IN RESPONSE TO THE SETTLING PARTIES' PETITION TO  
MODIFY DECISION 10-07-048**

KIM F. HASSAN  
101 Ash Street, HQ12  
San Diego, California 92101  
Telephone: (619) 699-5006  
Facsimile: (619) 699-5027  
Email: khassan@semprautilities.com

Attorney for  
SAN DIEGO GAS & ELECTRIC COMPANY  
SOUTHERN CALIFORNIA GAS COMPANY

October 6, 2010

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

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MODIFY DECISION 10-07-048**

**I. INTRODUCTION AND BACKGROUND**

Pursuant to authorization granted by Administrative Law Judge TerKeurst on October 5, 2010 and the Rules of Practice and Procedure of the California Public Utilities Commission (the "Commission"), San Diego Gas & Electric Company ("SDG&E") and the Southern California Gas Company ("SoCalGas"), (collectively, the "Joint Utilities"), provide their Reply to the comments filed in response to the Petition to Modify Decision ("D.") 10-07-048 filed by SDG&E, SoCalGas, Disability Rights Advocates, The Division of Ratepayer Advocates, The Greenlining Institute, The National Consumer Law Center, and The Utility Reform Network (collectively, the "Settling Parties").

On September 9, 2010, the Settling Parties filed a Petition to Modify Decision D.10-07-048 ("Petition") and a Motion to Adopt the Residential Disconnection Settlement Agreement ("Settlement Agreement"). In the Petition, the Settling Parties request that the Commission modify D.10-07-048 to allow the terms of the Settlement Agreement to supersede the D.10-07-048 requirements as they apply to SDG&E and SoCalGas. The Petition explains that because the Settlement Agreement addresses all material issues in this proceeding as they relate to SDG&E and SoCalGas, and because SDG&E and SoCalGas are already achieving the Commission's goal of maintaining fairly low rates of residential service disconnections, the requested modification

should be granted. The Petition stresses the point that Commission approval of the Petition and adoption of the Settlement Agreement will in no way preclude the Joint Utilities' active involvement in the remaining phase(s) of the proceeding, as SDG&E and SoCalGas will continue to participate in Commission workshops, meetings, etc., and engage in party dialogue to discuss further means to help customers avoid disconnection.

## **II. DISCUSSION**

### **A. The Petition Should Be Granted Because the Settlement Agreement Is a Collaborative Resolution that Directly Advances the Commission's Goal To Reduce Residential Disconnections.**

The Commission opened this rulemaking “to continue [its] efforts to reduce the number of residential gas and electric utility service disconnections due to nonpayment by improving customer notification and education.”<sup>1</sup> The OIR encouraged parties “to meet on their own and present additional proposals within the scope of this proceeding, including a joint proposal agreed to by all utilities and consumer groups.”<sup>2</sup> As directed by the OIR, the Joint Utilities worked with the intervening parties to derive a resolution that helps to mitigate residential disconnections and arrearages through education and flexible utility practices. The Joint Utilities engaged in extensive discussions with the intervening parties to walk them through our philosophy on residential disconnections, our practices to avoid and reduce disconnections, and our disconnection results. In turn, the intervening parties provided key input and recommendations regarding numerous consumer concerns. The Settlement Agreement is the direct product of that considerable time, discussion, collaboration and negotiation.

The Settling Parties now sponsor and present to the Commission a comprehensive Settlement Agreement to resolve all issues that the Commission has raised in this proceeding, as

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<sup>1</sup> *Order Instituting Rulemaking on the Commission's Own Motion to Address the Issue of Customers' Electric and Natural Gas Service Disconnection* (“OIR”), p. 1.

<sup>2</sup> OIR at p. 11.

they relate to the Joint Utilities.<sup>3</sup> The Settlement Agreement is avidly supported by all active intervening parties, and while neither Pacific Gas & Electric Company (“PG&E”) nor Southern California Edison Company (“SCE”) is a party to the Settlement Agreement, neither party actively opposes the requested modification to the Petition or adoption of the Settlement Agreement. In fact, both parties contend they either maintain or have adopted many of the provisions contained in the Settlement Agreement.<sup>4</sup>

**B. The Petition Should Be Granted Because the Settlement Agreement Benefits Customers and the Commission.**

The Settlement Agreement is in the public's interest—particularly customers' interests and the Commission’s interests. The Settlement Agreement includes rules, practices and service flexibility options that will help produce the optimal outcome for the Joint Utilities’ residential customers, i.e., low disconnection levels. The Joint Utilities carefully analyzed the costs and the benefits associated with the Settlement Agreement to ensure that the Settlement Agreement directly advances the interests and needs of their customers, while advancing the goals set forth in the OIR. The Settlement Agreement also includes safeguards to help protect customers, especially vulnerable customers and non-English speaking customers, from unnecessary or unsafe service disconnection.

The Settlement Agreement benefits the Commission because it will reduce the resources that the Commission must devote to resolve the issues in this proceeding regarding the residential disconnections as they relate to SDG&E and SoCalGas. The Joint Utilities do not advocate that the Settlement Agreement should bind parties not a party to the agreement. Even

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<sup>3</sup> See Petition at pp. 5-7.

<sup>4</sup> See Pacific Gas and Electric Company’s (U 39 M) Comments in Response to the Settling Parties’ Petition to Modify Decision 10-07-048 at p. 4. Southern California Edison Company’s (U 338-E), Response to the Petition of San Diego Gas & Electric Company, The Southern California Gas Company Disability Rights Advocates, The Division of Ratepayer Advocates, The Greenlining Institute, The National Consumer Law Center, and The Utility Reform Network to Modify Decision (D.)10-07-048 at p.3.

so, the Settlement Agreement could serve as a point of reference to the Commission, as the Settlement Agreement is a timely resolution that exceeds the directives listed in the OIR.

**C. The Joint Utilities Commit to Continue Active Participation in R.10-02-005.**

While the Settlement Agreement represents a comprehensive resolution of all material issues identified in this rulemaking relating to the Joint Utilities, as Respondents in this proceeding, SDG&E and SoCalGas will continue to work with parties in this proceeding to discuss other means to help customers avoid disconnection and costly arrearages. The Joint Utilities have never professed that either their credit and collection practices or residential disconnection practices are necessarily better than those employed by other utilities. The Joint Utilities do aver that their practices have proven effective to help their customers avoid disconnection, as evidenced by the Joint Utilities' low levels of residential disconnections. As active participants in the remaining phase(s) of this proceeding, the Joint Utilities look forward to sharing their knowledge with parties regarding practices and policies that have helped the Joint Utilities to maintain their low levels of residential disconnections.

**III. CONCLUSION**

In light of the foregoing, the Joint Utilities respectfully request that the Commission grant the Settling Parties' Petition to Modify D.10-07-048.

Respectfully submitted,

/s/ Kim F. Hassan  
KIM F. HASSAN  
101 Ash Street, HQ12  
San Diego, California 92101  
Telephone: (619) 699-5006  
Facsimile: (619) 699-5027  
Email: khassan@semprautilities.com

Attorney for  
SAN DIEGO GAS & ELECTRIC COMPANY  
SOUTHERN CALIFORNIA GAS COMPANY

October 6, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing **REPLY OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902E) AND THE SOUTHERN CALIFORNIA GAS COMPANY (U 904G) TO COMMENTS FILED IN RESPONSE TO THE SETTLING PARTIES' PETITION TO MODIFY DECISION 10-07-048** on all parties identified in Docket No. R.10-02-005 by U.S. mail and electronic mail, and by Federal Express to the assigned Commissioner(s) and Administrative Law Judge(s).

Dated at San Diego, California, this 11<sup>th</sup> day of October, 2010.

/s/ JOEL DELLOSA\_\_\_\_\_

Joel Dellosa



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Utilities Commission

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## Parties

---

STEPHANIE C. CHEN  
 THE GREENLINING INSTITUTE  
 EMAIL ONLY  
 EMAIL ONLY, CA 00000  
 FOR: THE GREENLINING INSTITUTE

JOHN HOWAT  
 NATIONAL CONSUMER LAW CENTER  
 7 WINTHROP SQUARE, 4TH FLOOR  
 BOSTON, MA 02110  
 FOR: NATIONAL CONSUMER LAW CENTER

DARLENE R. WONG  
 STAFF ATTORNEY  
 NATIONAL CONSUMER LAW CENTER  
 7 WINTHROP SQUARE, 4TH FLOOR  
 BOSTON, MA 02110-1245  
 FOR: NATIONAL CONSUMER LAW CENTER

VALERIE J. ONTIVEROZ  
 SOUTHWEST GAS CORPORATION  
 5241 SPRING MOUNTAIN ROAD  
 LAS VEGAS, NV 89150  
 FOR: SOUTHWEST GAS CORPORATION

DONALD L. SODERBERG  
 SOUTHWEST GAS CORPORATION  
 PO BOX 98510  
 LAS VEGAS, NV 89193  
 FOR: SOUTHWEST GAS CORPORATION

DEBI GALLO  
 SOUTHWEST GAS CORPORATION  
 PO BOX 98510  
 LAS VEGAS, NV 89193-8510  
 FOR: SOUTHWEST GAS CORPORATION

DEBRA BOSIEY  
 SOUTHWEST GAS CORPORATION  
 PO BOX 98510  
 LAS VEGAS, NV 89193-8510  
 FOR: SOUTHWEST GAS CORPORATION

ELENA MELLO  
 SIERRA PACIFIC POWER COMPANY  
 6100 NEIL ROAD  
 RENO, NV 89520  
 FOR: SIERRA PACIFIC POWER CO.

TREVOR DILLARD  
 RAE REGULATORY RELATIONS  
 SIERRA PACIFIC POWER COMPANY  
 6100 NEAL ROAD, MS S4A50 / PO BOX 10100  
 RENO, NV 89520-0024  
 FOR: SIERRA PACIFIC POWER CO.

AKBAR JAZAYEIRI  
 DIR OF REVENUE & TARIFFS  
 SOUTHERN CALIFORNIA EDISON COMPANY (338)  
 2241 WALNUT GROVE AVE. / PO BOX 800  
 ROSEMEAD, CA 91770  
 FOR: SOUTHERN CALIFORNIA EDISON COMPANY

CHRIS DOMINSKI  
 SOUTHERN CALIFORNIA EDISON COMPANY  
 2244 WALNUT GROVE AVENUE, SUITE 309  
 ROSEMEAD, CA 91770  
 FOR: SOUTHERN CALIFORNIA EDISON COMPANY

JIM YEE  
 SOUTHERN CALIFORNIA EDISON COMPANY  
 2244 WALNUT GROVE AVE.  
 ROSEMEAD, CA 91770  
 FOR: SOUTHERN CALIFORNIA EDISON COMPANY

JOHN MONTANYE  
SOUTHERN CALIFORNIA EDISON  
2244 WALNUT GROVE AVE.  
ROSEMEAD, CA 91770  
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

MARYBETH QUINLAN  
SOUTHERN CALIFORNIA EDISON CO.  
2244 WALNUT GROVE AVENUE  
ROSEMEAD, CA 91770  
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

MONICA GHATTAS  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVENUE  
ROSEMEAD, CA 91770  
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

RONALD MOORE  
SR. REGULATORY ANALYST  
GOLDEN STATE WATER COMPANY  
630 EAST FOOTHILL BLVD.  
SAN DIMAS, CA 91773  
FOR: GOLDEN STATE WATER COMPANY  
(U-913-E)

KIM F. HASSAN  
SAN DIEGO GAS & ELECTRIC COMPANY  
101 ASH STREET, HQ-12  
SAN DIEGO, CA 92101  
FOR: SAN DIEGO GAS & ELECTRIC COMPANY,  
SOUTHERN CALIFORNIA GAS

TODD J. CAHILL  
SAN DIEGO GAS & ELECTRIC COMPANY  
8330 CENTURY PARK COURT  
SAN DIEGO, CA 92123  
FOR: SAN DIEGO GAS & ELECTRIC COMPANY

KATHY WICKWARE  
SAN DIEGO GAS & ELECTRIC CO.  
8330 CENTURY PARK COURT, CP32C  
SAN DIEGO, CA 92123-1548  
FOR: SAN DIEGO GAS & ELECTRIC CO.

AUSTIN M. YANG  
CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE CITY ATTORNEY, RM. 234  
1 DR. CARLTON B. GODDLETT PLACE  
SAN FRANCISCO, CA 94102  
FOR: CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA  
CITY AND COUNTY OF SAN FRANCISCO  
CITY HALL, ROOM 234  
SAN FRANCISCO, CA 94102  
FOR: CITY AND COUNTY OF SAN FRANCISCO

JEANNE SMITH  
SOUTHERN CALIFORNIA EDISON COMPANY  
601 VAN NESS AVE.  
SAN FRANCISCO, CA 94102  
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

HARVEY Y. MORRIS  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 5036  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: DRA

MARION PELEO  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4107  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: DRA

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

HAYLEY GOODSON  
THE UTILITY REFORM NETWORK  
115 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94104  
FOR: THE UTILITY REFORM NETWORK

BERNARD LAM  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, MAIL CODE B10C  
SAN FRANCISCO, CA 94105  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

BRIAN CHERRY  
PACIFIC GAS AND ELECTRIC COMPANY (39)  
77 BEALE STREET ROOM 1087  
SAN FRANCISCO, CA 94105  
FOR: PACIFIC GAS AND ELECTRIC COMPANY  
(U-39-E/G)

DANIEL F. COOLEY  
ATTORNEY AT LAW  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B30A, PO BOX 7442  
SAN FRANCISCO, CA 94105  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

DAVID POSTER  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, MC B10A  
SAN FRANCISCO, CA 94105  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

SHILPA RAMAIYA  
PACIFIC GAS & ELECTRIC COMPANY  
245 MARKET STREET, MAIL CODE N3C  
SAN FRANCISCO, CA 94105  
FOR: PACIFIC GAS AND ELECTRIC COMPANY

MICHAEL B. DAY  
GOODIN MACBRIDE SQUERI RITCHIE & DAY LLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111-3133  
FOR: WILD GOOSE STORAGE

JOHN DUTCHER  
MOUNTAIN UTILITIES

MELISSA W. KASNITZ  
DISABILITY RIGHTS ADVOCATES

3210 CORTE VALENCIA  
FAIRFIELD, CA 94534-7875  
FOR: MOUNTAIN UTILITIES (U-906-E)

2001 CENTER STREET, FOURTH FLOOR  
BERKELEY, CA 94704-1204  
FOR: DISABILITY RIGHTS ADVOCATES

THOMAS R. DILL  
PRESIDENT  
LODI GAS STORAGE, LLC  
23265 N. STATE RT. 99 W. FRONTAGE RD  
ACAMPO, CA 95220  
FOR: LODI GAS STORAGE, LLC (U-912-G)

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 CO.  
NO. 1, LLC (U-909-G)

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

JAMES HODGES  
1069 45TH STREET  
SACRAMENTO, CA 95819  
FOR: ASSOCIATION OF CALIFORNIA  
COMMUNITY AND ENERGY SERVICES (ACCES);  
THE EAST L.A. COMMUNITY UNION; THE  
MARAVILLA FOUNDATION

RAYMOND J. CZAHAR, C.P.A.  
WEST COAST GAS COMPANY  
9203 BEATY DRIVE  
SACRAMENTO, CA 95826  
FOR: WEST COAST GAS COMPANY

ARIEL SON  
PACIFICORP  
825 N.E. MULTNOMAH, SUITE 300  
PORTLAND, OR 97232  
FOR: PACIFICORP

CATHIE ALLEN  
DIR., REGULATORY AFFAIRS  
PACIFICORP  
825 NE MULTNOMAH STREET, SUITE 2000  
PORTLAND, OR 97232  
FOR: PACIFICORP

JASON A. DUBCHAK  
WILD GOOSE STORAGE LLC  
607 8TH AVENUE S.W., SUITE 400  
CALGARY, AB T2P 0A7  
CANADA  
FOR: WILD GOOSE STORAGE LLC

## Information Only

CASSANDRA SWEET  
DOW JONES NEWSWIRES  
EMAIL ONLY  
EMAIL ONLY, CA 00000

HOLLY LLOYD  
SOUTHWEST GAS CORPORATION  
5241 SPRING MOUNTAIN ROAD  
LAS VEGAS, NV 89150

KRISTIEN TARY  
STATE REGULATORY AFFAIRS  
SOUTHWEST GAS CORPORATION  
5241 SPRING MOUNTAIN ROAD  
LAS VEGAS, NV 89150

CATHERINE MAZZEO  
SOUTHWEST GAS CORPORATION  
5241 SPRING MOUNTAIN ROAD  
LAS VEGAS, NV 89150-0002

GREGORY HEALY  
SOCALGAS/SDG&E  
555 WEST FIFTH STREET, GT14D6  
LOS ANGELES, CA 90013

DANIEL A. DELL'OSA  
SAN GABRIEL VALLEY WATER COMPANY  
11142 GARVEY AVE., PO BOX 6010  
EL MONTE, CA 91733-2425

TIMOTHY J. RYAN  
SAN GABRIEL VALLEY WATER CO.  
11142 GARVEY AVE., PO BOX 6010  
EL MONTE, CA 91733-2425

CASE ADMINISTRATION  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVE. / PO BOX 800  
ROSEMEAD, CA 91770

JENNIFER M. TSAO SHIGEKAWA  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVENUE  
ROSEMEAD, CA 91770

CENTRAL FILES  
SDG&E AND SOCALGAS  
8330 CENTURY PARK COURT, CP31-E  
SAN DIEGO, CA 92123-1550

MICHAEL A. BAILEY  
25801 MARGUERITE PARKWAY, NO. 103  
MISSION VIEJO, CA 92692

JEANNE M. SOLE  
CITY AND COUNTY OF SAN FRANCISCO  
CITY HALL, RM 234  
1 DR. CARLTON B. GOODLET PLACE  
SAN FRANCISCO, CA 94102-4682

THERESA BURKE  
SAN FRANCISCO PUC

BONNIE TAM  
PACIFIC GAS AND ELECTRIC COMPANY

1155 MARKET STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94103

77 BEALE STREET, MC B10A, PO BOX 770000  
SAN FRANCISCO, CA 94105

KAREN FORSGARD  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B10A / BOX 770000 B8Q  
SAN FRANCISCO, CA 94105

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

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

MICHELLE L. WILSON  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442, LAW DEPT.  
SAN FRANCISCO, CA 94120

CASE ADMINISTRATION  
PACIFIC GAS & ELECTRIC COMPANY  
PO BOX 770000; MC B9A  
SAN FRANCISCO, CA 94177

DAREN CHAN  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 770000, MAIL CODE B9A  
SAN FRANCISCO, CA 94177

ED LUCHA  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 770000, MAIL CODE B9A  
SAN FRANCISCO, CA 94177

ALICIA MILLER  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, 2ND FLOOR  
BERKELEY, CA 94704

SAMUEL S. KANG  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, SECOND FLOOR  
BERKELEY, CA 94704

JACK KRIEG  
MODESTO IRRIGATION DISTRICT  
1231 11TH STREET  
MODESTO, CA 95354

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

LINDA FISHER  
MODESTO IRRIGATION DISTRICT  
1231 11TH STREET  
MODESTO, CA 95354

LOU HAMPEL  
MODESTO IRRIGATION DISTRICT  
1231 11TH STREET  
MODESTO, CA 95354

LORENZON TRAN-HAGOS  
885 EMBARCADERO DR.  
SACRAMENTO, CA 95605

RON AKER  
PACIFIC GAS AND ELECTRIC COMPANY  
885 EMBARCADERO DR., ROOM 1113  
SACRAMENTO, CA 95606

BARB COUGHLIN  
PACIFICORP  
825 NE MULTNOMAH, SUITE 800  
PORTLAND, OR 97232

MARISA DECRISTOFORO  
PACIFICORP  
825 NE MULTNOMAH STREET, SUITE 800  
PORTLAND, OR 97232

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

## State Service

TORY FRANCISCO  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
EMAIL ONLY  
EMAIL ONLY, CA 00000

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

BRUCE DEBERRY  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5043  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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

KAREN WATTS-ZAGHA  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY PRICING AND CUSTOMER PROGRAMS BRA  
ROOM 4104

LEE-WHEI TAN  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY PRICING AND CUSTOMER PROGRAMS BRA  
ROOM 4102

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214  
FOR: DRA

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

ZAIDA AMAYA-PINEDA  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
770 L STREET, SUITE 1050  
SACRAMENTO, CA 95814

---

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