

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

Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

RULEMAKING \_\_\_\_\_

**ORDER INSTITUTING RULEMAKING  
TO IMPLEMENT THE PROVISIONS OF PUBLIC UTILITIES CODE  
§ 761.3 ENACTED BY CHAPTER 19 OF THE 2001-02 SECOND  
EXTRAORDINARY LEGISLATIVE SESSION.**

This proceeding is opened to implement Pub.Util. Code section 761.3, which confirms the authority of the Commission to address electric generation facility issues. This provision was enacted into law by Chapter 19 of the Second Extraordinary Session of 2000-01, Senate Bill 39 (Burton and Speier.) Chapter 19 is attached to this Order as Appendix A. The purpose of this proceeding is to develop rules to (1) enforce California Independent System Operator outage scheduling protocols and (2) implement and enforce the generator operation and maintenance standards that will be adopted by the California Electric Generation Facilities Standards Committee established by the statute.

**I. Background**

This rulemaking implements a statute enacted by the Legislature to resolve issues related to the ability of the State of California to assure the reliable operation of the powerplants on which our state's economy

depends. SBX2 39 of the Second Extraordinary Session, signed by the Governor on May 9, 2002 as Chapter 19, declares that;

“(a) Electric generating facilities and powerplants in California are essential facilities for maintaining and protecting the public health and safety of California residents and business.

(b) It is in the public interest to ensure that electric generating facilities and powerplants located in California are effectively and appropriately maintained and efficiently operated.” (Chapter 19, Section 1, (a) and (b))...

The mechanism for ensuring appropriate operating and maintenance regimes for the powerplants is a joint effort among state agencies and instrumentalities having different but complementary roles: the California Independent System Operator (CAISO) and this Commission. The Legislature declares its intention that:

“(d) To protect the public health and safety and to ensure electrical service reliability and adequacy, the Public Utilities Commission and the Independent System Operator shall work collaboratively to develop clearly articulated, uniform operating practices and procedures. The commission shall enforce compliance with those practices and procedures.” (Chapter 19, Section 1(d)).

To the extent feasible, the Legislature also expresses its intention that the Commission acquire rights under Participating Generator Agreements

(PGAs) between the CAISO and generators who supply energy transmitted over the grid managed by the CAISO.<sup>1</sup>

Section 4 of Chapter 19 adds Section 761.3 to the Public Utilities Code. In this rulemaking we will be acting to implement its provisions. As a new section of the Public Utilities Act, this section operates together with the other provisions of the Public Utilities Act, including specifically the investigative and enforcement powers that the Commission traditionally utilizes to carry out its responsibilities. C.f., Public Utilities Code sections 2100 through 2113.

In this rulemaking we will establish the procedures under which the Commission will carry out its responsibilities to work in collaboration with the CAISO<sup>2</sup> as the enforcement authority for the State of California in assuring reliable operation and availability of the powerplants on which California's economy depends.

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<sup>1</sup> Section 1(c) provides: "Owners and operators of electric generating facilities and powerplants provide a critical and essential good to California residents. It is in the public interest that the Public Utilities Commission seek enforcement capability from the Federal Energy Regulatory Commission regarding the private generator agreement to provide for broader state control of operational activities of generation facilities in the state."

<sup>2</sup> Pursuant to statute the ISO is organized as a California not-for-profit corporation, Public Utilities Code section 340, whose Board of Directors is appointed by the Governor. Public Utilities Code section 337. It files tariffs as a public utility with the Federal Energy Regulatory Commission (FERC) as defined in the Federal Power Act. FPA section 201(e), but also operates as a state instrumentality to effectuate various state policies. See FPA 201(f). The ISO has no independent enforcement authority, but, pursuant to its tariff, it is a party to various contracts with owners and operators of generating facilities, including Reliability Must Run (RMR) contracts with certain designated electric generating facilities and Participating Generator Agreements (PGAs) with electric generating facilities seeking to utilize the utilities' transmission facilities. The Legislature has expressed its intent that this Commission seek rights under the PGAs from FERC. Chapter 19, section 1(c).

Acting pursuant to an order of this Commission, the California investor-owned utilities have transferred operational control of certain transmission facilities to the CAISO. Re Proposed Policies Governing Restructuring California's Electric services Industry, D. 95-12-063, Ordering Paragraph 3; 64 PUC2d 1, 195 (1996); In re Pacific Gas & Electric, 77 FERC P. 61204, 61822 (1997). During 1998 and 1999 the utilities divested themselves of nearly 17,000 megawatts of generation dedicated to serving the native load of the divesting utilities, again pursuant to orders of this Commission. The operation and maintenance of these divested plants is of particular concern to the Legislature and to the Commission.

Preserving a high degree of reliability of service was an explicit objective of the California deregulation plan, first proposed by this Commission in D.95-12-063, modified by by D.96-01-009. 64 PUC 2d 1, 26. The Legislative response to the CPUC deregulation plan, Stats. 1996 Chapter 854, Assembly Bill 1890 (Brulte), specifically emphasized the importance of maintaining reliable service. C.f., Public Utilities Code sections 330(g) and (h); 334, and 362. Section 362 specifically directed the CPUC to assure the continued availability of divested powerplants for purposes of reliability and prevention of market power. Section 362 was amended and re-affirmed by Section 3 of Chapter 19, which added a new subdivision (b) which provides:

The commission shall require that generation facilities located in the state that have been disposed of in proceedings pursuant to Section 851, are operated by the persons or corporations who own or control them in a manner that ensures their availability to maintain the reliability of the electric supply system.

Owners and operators of divested plants will be respondents in this rulemaking.

In August 2000, almost at the outset of the California energy crisis, the CPUC began to investigate anomalies in the operation and maintenance of the powerplants in California. Beginning in September 2000, the CPUC began seeking information from generator-owners concerning anomalies in powerplant operation, both in the context of a CPUC investigation<sup>3</sup> and in the context of the investigation by the Federal Energy Regulatory Commission (FERC).<sup>4</sup> In February 2001, the Governor promulgated Executive Order (EO) D-01-23 directing the CAISO to promulgate operating and maintenance procedure for generators receiving transmission services for deliveries of electric energy in California, in consultation with the CPUC and Electricity Oversight Board. Acting pursuant to that directive, the CAISO developed and promulgated Outage Scheduling Protocols. The CAISO also developed a set of draft generator maintenance standards, which it circulated in December 2001 but did not adopt. The CAISO Draft Standards represent an important starting point for the work of the Commission and the California Electric Generation Facilities Standards Committee.

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<sup>3</sup> San Diego Gas and Electric, D. 00-08-021; Order Instituting Investigation 00-08-002 (August 3, 2000)

<sup>4</sup> San Diego Gas and Electric, Docket EL-00-095

The question of effective enforcement was left unresolved by the Executive order and CAISO actions.<sup>5</sup> The Legislature addressed this issue in SBX2 39 by enacting Public Utilities Code Section 761.3 providing for implementation and enforcement by the Commission.

## **II. Scope of This Proceeding – Public Utilities Code Section 761.3**

This rulemaking implements section 761.3 and addresses issues that arise under that statute.

### **1. The California Electric Generation Facility Standards Committee (761.3(b))**

The new section creates a 3-member California Electric Generation Facility Standards Committee made up a member of the Commission, a member of CAISO Board and a third member jointly selected by the two agencies. PU Code section 761.3(b). The Commission has designated Commissioner Carl Wood as its representative; the CAISO has designated its Chairman, Michael Kahn, as its representative.

The Committee is directed to “adopt and may thereafter revise standards for the maintenance and operation of facilities for the generation of electric energy located in the state....” It is to be supported by a “reasonable amount of staff time provided by the two agencies.” The Committee’s action is to be taken “after notice and an opportunity for public comment” and must be consistent with limitations set out in section 761.3(d), relating to nuclear powerplants and certain qualifying small

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<sup>5</sup> The CAISO is a California not-for-profit corporation, which – though a state instrumentality – cannot exercise the police powers of the state. FERC has no jurisdiction over facilities for the generation of electric energy. Federal Power Act section 201(b).

power production facilities, qualifying cogeneration facilities, and on-site self-generation facilities.

This rulemaking may provide a forum for the Committee as a part of the Commission's statutorily directed obligation of support.

## **2. Relationship between the Committee and the Commission (761.3(a))**

The Commission is required "to implement and enforce standards adopted pursuant to subdivision (b) [by the Committee] for the maintenance and operation of facilities for the generation of electric energy owned by an electrical corporation or located in the state to ensure their reliable operation." PU Code section 761.3(a). This rulemaking will adopt rules implementing and enforcing the standards adopted by the Committee.

The Commission is also directed by Section 761.3(a) to "enforce the protocols for the scheduling of powerplant outages of the Independent System Operator." This rulemaking will address procedures for enforcement.

## **III. Preliminary Scoping Memo**

The rules and procedures implementing many of the reforms contained in Senate bill (SB) 960 are found in Article 2.5 of Practice and Procedure (Rules), which are posted on the Commission's web site. Pursuant to Rule 4(a), the rules in Article 2.5 shall apply to this proceeding. As per the provisions of SB 960, the present investigation is classified as a quasi-legislative proceeding and is expected to require hearings. In the preceding section, we have listed the issues to be considered in this investigation. This is a preliminary list of issues. The scope of this

rulemaking may be expanded once we take comments from parties and conduct the initial PHC and formal hearings.

Carl W. Wood shall be the Assigned Commissioner. The Assigned Commissioner and assigned administrative law judge shall convene a PHC to develop a service list for this proceeding and to further delineate issues related to scope and schedule for this proceeding on a date and at a location to be specified by Assigned Commissioner Ruling ACR.

Any person who objects to the categorization of this investigation must file an appeal 10 days after the date of this OIL. Pursuant to Rule 6.4(a) of the Commission's Rules of Practice and Procedure.

The temporary service list is attached to this order as Appendix B and shall be used for service until a service list for this proceeding is established at the PHC. Persons who want to become a "party" to this proceeding shall appear at the PHC, or subsequent hearings, and fill out the "Notice of Party/Non-Party Status" form (appearance form).

Those persons who do not want to be parties, and only want notice of the hearings, rulings, proposed decisions, and decisions may either fill out an appearance form at hearing, or they may mail a written request to the Process Office requesting that they be added to the service list for information only.

Those persons employed by the State of California who are interested in this proceeding may require that they be added to the "state service" section of the service list either by appearing at the PHC or at the formal hearing and filling out an appearance form, or by mailing a written request for "state service" status to the Process Office. Parties are

obligated to serve all documents they may submit or file in this proceeding on all names appearing on the state service list.

The Process office shall develop an initial service list based on the appearances at the first PHC. This initial service list shall be posted on the Commission's web site, [www.cpuc.ca.gov](http://www.cpuc.ca.gov), as soon as possible.

### **Ex Parte Communications**

This proceeding is subject to Rule 7, which specifies standards for engaging in ex parte communications and the reporting of such communications. Pursuant to Rules 7(a)(3) and 7(d), ex parte communications will be allowed in this proceeding without any restrictions or reporting requirements unless and until the Commission modifies this determination of category.

### **IT IS ORDERED** that:

1. A rulemaking is instituted on the Commission's own motion.
2. San Diego Gas and Electric Company (SDG&E); Pacific Gas and Electric Company (PG&E); Southern California Edison Company and the entities identified in Appendix B are made respondents to this proceeding and are ordered to provide preliminary responses on the issues listed in this rulemaking at the Prehearing Conference (PHC).
3. Respondents shall, and other parties may file and serve PHC statements to provide comment on this rulemaking. These PHC statements shall be filed and served 15 days from the effective date of this decision.

4. The Executive Director shall cause this Order Instituting Rulemaking to be served on the respondents.

5. The temporary service list is attached as Appendix C and shall be used for service of all pleadings until a service list for this proceeding is established. The official service list for this proceeding shall be created by the Process Office and posted on the Commission's web site ([www.cpuc.ca.gov](http://www.cpuc.ca.gov)) as soon as practicable after the first PHC. Parties may also obtain the service list by contacting the Commission's Process Office at (415) 703-2021.

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6. This rulemaking is categorized as quasi-legislative as that term is defined in Rule 5(d) of the Commission's Rules of Practice and Procedure.

7. Persons interested in having their names added to the service list for this proceeding shall follow the procedures described in this order.

This order is effective today.

Dated \_\_\_\_\_ at San Francisco, California.

**APPENDIX A**

BILL NUMBER: SBX2 39

CHAPTERED

CHAPTER 19

FILED WITH SECRETARY OF STATE APRIL 26, 2002

An act to amend Section 362 of, to add Section 761.3 to, and to repeal Section 342, as added by Chapter 16 of the Statutes of 2001, Second Extraordinary Session, of, the Public Utilities Code, relating to public utilities.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Electric generating facilities and powerplants in California are essential facilities for maintaining and protecting the public health and safety of California residents and businesses.

(b) It is in the public interest to ensure that electric generating facilities and powerplants located in California are effectively and appropriately maintained and efficiently operated.

(c) Owners and operators of electric generating facilities and powerplants provide a critical and essential good to California residents. It is in the public interest that the Public Utilities Commission seek enforcement capability from the Federal Energy Regulatory Commission regarding the private generator agreement to provide for broader state control of operational activities of generation facilities in the state.

(d) To protect the public health and safety and to ensure electrical service reliability and adequacy, the Public Utilities Commission and the Independent System Operator shall work

collaboratively to develop clearly articulated, uniform operating practices and procedures. The commission shall enforce compliance with those practices and procedures.

SEC. 2. Section 342 of the Public Utilities Code, as added by Section 3 of Chapter 16 of the Statutes of 2001, Second Extraordinary Session, is repealed.

SEC. 3. Section 362 of the Public Utilities Code is amended to read:

362. (a) In proceedings pursuant to Section 455.5, 851, or 854, the commission shall ensure that facilities needed to maintain the reliability of the electric supply remain available and operational, consistent with maintaining open competition and avoiding an overconcentration of market power. In order to determine whether the facility needs to remain available and operational, the commission shall utilize standards that are no less stringent than the Western Systems Coordinating Council and North American Electric Reliability Council standards for planning reserve criteria.

(b) The commission shall require that generation facilities located in the state that have been disposed of in proceedings pursuant to Section 851, are operated by the persons or corporations who own or control them in a manner that ensures their availability to maintain the reliability of the electric supply system.

SEC. 4. Section 761.3 is added to the Public Utilities Code, to read:

761.3. (a) Notwithstanding subdivision (g) of Section 216 and subdivisions (c) and (d) of Section 228.5, the commission shall implement and enforce standards adopted pursuant to subdivision (b) for the maintenance and operation of facilities for the generation of electric energy owned by an electrical corporation or located in the state to ensure their reliable operation. The commission shall enforce the protocols for the scheduling of powerplant outages of the Independent System Operator.

(b) (1) The commission and the Independent System Operator shall jointly establish the California Electricity Generation Facilities Standards Committee. The committee shall consist of three members, one a member of the commission appointed by the commission, one a member of the Independent System Operator board appointed by that board, and one individual with expertise regarding electric generation facilities and jointly appointed by the commission and the

Independent System Operator board. The committee, within 90 days of the effective date of this section and after providing notice and opportunity for public comment, shall adopt, and may thereafter revise, standards for the maintenance and operation of facilities for the generation of electric energy located in the state. The standards shall be consistent with subdivision (d) of this section.

(2) The committee shall be supported by a reasonable amount of staff time, which shall be provided proportionally by the agencies represented on the committee.

(3) This subdivision shall be operative only until January 1, 2005.

(c) Nothing in this section authorizes the commission to establish rates for wholesale sales in interstate commerce from those facilities, or to approve the sale or transfer of control of facilities that have been certified as exempt wholesale generators by the Federal Energy Regulatory Commission pursuant to Section 79z-5a (1) of Title 15 of the United States Code.

(d) (1) (A) Except as otherwise provided in this subdivision, this section shall not apply to nuclear powered generating facilities that are federally regulated and subject to standards developed by the Nuclear Regulatory Commission, and that participate as members of the Institute of Nuclear Power Operations.

(B) The owner or operator of a nuclear powered generating facility shall file with the Oversight Board and the commission an annual schedule of maintenance, including repairs and upgrades, updated quarterly, for each generating facility. The owner or operator of a nuclear powered generating facility shall make good faith efforts to conduct its maintenance in compliance with its filed plan and shall report to the Oversight Board and the Independent System Operator any significant variations from its filed plan.

(C) The owner or operator of a nuclear powered generating facility shall report on a monthly basis to the Oversight Board and the commission all actual planned and unplanned outages of each facility during the preceding month. The owner or operator of a nuclear powered generating facility shall report on a daily basis to the Oversight Board and the Independent System Operator the daily operational status and availability of each facility.

(2) (A) Except as otherwise provided in this subdivision, this section shall not apply to a qualifying small power production

facility or a qualifying cogeneration facility within the meaning of Sections 201 and 210 of Title 11 of the federal Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Secs. 796(17), 796(18), and 824a-3), and the regulations adopted pursuant to those sections by the Federal Energy Regulatory Commission (18 C.F.R. Secs. 292.101 to 292.602, inclusive), nor shall this section apply to other generation units installed, operated, and maintained at a customer site, exclusively to serve that customer's load.

(B) An electrical corporation that has a contract with a qualifying small power production facility, or a qualifying cogeneration facility, with a name plate rating of 10 megawatts or greater, shall report to the Oversight Board and the commission maintenance schedules for each facility, including all actual planned and unplanned outages of the facility and the daily operational status and availability of the facility. Each facility with a name plate rating of ten megawatts or greater shall be responsible for directly reporting to the Oversight Board and the Independent System Operator maintenance schedules for each facility, including all actual planned and unplanned outages of the facility and the daily operational status and availability of the facility, if that information is not provided to the electrical corporation pursuant to a contract.

(e) In developing the standards pursuant to subdivision (b), the committee shall take into consideration generation facilities scheduled for retirement, valid warranties on generation facilities, and the operational authority of the Independent System Operator as prescribed in the standard Participating Generator Agreement and applicable sections of the Federal Energy Regulatory Commission's approved Independent System Operator tariff.

(f) Nothing in this section shall result in the modification, delay, or abrogation of any deadline, standard, rule, or regulation adopted by a federal, state, or local agency for the purposes of protecting public health or the environment, including, but not limited to, any requirements imposed by the State Air Resources Board or by an air pollution control district or an air quality management district pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code. The Independent System Operator shall consult with the State Air Resources Board and the appropriate local air pollution control districts and air quality management districts

to coordinate scheduled outages to provide for compliance with those retrofits.

(g) The Independent System Operator shall maintain records of generation facility outages and shall provide those records to the Oversight Board and the commission on a daily basis. Each entity that owns or operates an electric generating unit in California with a rated maximum capacity of 10 megawatts or greater, shall provide a monthly report to the Independent System Operator that identifies any periods during the preceding month when the unit was unavailable to produce electricity or was available only at reduced capacity. The report shall identify the reasons for any such unscheduled unavailability or reduced capacity. The Independent System Operator shall immediately transmit the information to the Oversight Board and the commission.

(h) This section does not apply to any of the following:

(1) Facilities owned by a local publicly owned electric utility as defined in subdivision (d) of Section 9604.

(2) Any public agency that may generate electricity incidental to the provision of water or wastewater treatment.

(3) Facilities owned by a city and county operating as a public utility, furnishing electric service as provided in Section 10001.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 6. This act shall become operative only if Assembly Bill 28 of the 2001-02 Second Extraordinary Session is enacted and becomes effective.

**APPENDIX B****RESPONDENT PARTIES/PRELIMINARY SERVICE LIST**

<b>OWNER</b>	<b>UNIT NAME</b>	<b>LEGAL NAME</b>
<b>AES</b>	Alamitos Units 1-7	AES Alamitos, LLC 690 N STUDEBAKER ROAD LONG BEACH, CA 90803
	Huntington Beach Units 1, 2, & 5	AES Huntington Beach, LLC 21730 NEWLAND STREET HUNTINGTON BEACH, CA 92646
	Redondo Units 5-8	AES Redondo Beach, LLC 1100 HARBOR DRIVE REDONDO BEACH, CA 90277
<b>Duke</b>	Oakland 1, 2 & 3	Duke Energy Oakland, LLC 5400 WESTHEIMER COURT HOUSTON, TX 77056
	Moss Landing 6, 7	Duke Energy Moss Landing, LLC 5400 WESTHEIMER COURT WO- 8L27 HOUSTON, TX 77056
	Morro Bay 1-4	Duke Energy Morro Bay, LLC 5400 WESTHEIMER COURT WO- 8L27 HOUSTON, TX 77056
	South Bay1-4	Duke Energy South Bay, LLC 422 S. CHURCH ST CHARLOTTE, NC 28201
<b>Dynegy/NRG</b>	Encina 1-5	Cabrillo Power I, LLC 901 MARQUETTE AVENUE STE 2200

		<div style="border: 1px solid black; padding: 2px;">MINNEAPOLIS, MN 55402 3265</div> <p><b>Cabrillo Power II, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">901 MARQUETTE AVENUE STE 2300</div> <div style="border: 1px solid black; padding: 2px;">MINNEAPOLIS, MN 55402 3265</div>
	El Segundo Units 1-4	<p><b>El Segundo Power, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1000 LOUISIANA #5800</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
	Long Beach Units 1-9	<p><b>Long Beach Generation, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1000 LOUISIANA STE. 5800</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
<b>Reliant</b>	Cool Water Units 1-4	<p><b>Reliant Energy Coolwater, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1111 LOUISIANA</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
	Ellwood ESP	<p><b>Reliant Energy Ellwood, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1111 LOUISIANA</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
	Etiwanda Units 1-5	<p><b>Reliant Energy Etiwanda, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1111 LOUISIANA</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
	Mandalay Units 1-2	<p><b>Reliant Energy Mandalay, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1111 LOUISIANA</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
	Ormond Beach Units 1-2	<p><b>Reliant Energy Ormond Beach, LLC</b></p> <div style="border: 1px solid black; padding: 2px;">1111 LOUISIANA</div> <div style="border: 1px solid black; padding: 2px;">HOUSTON, TX 77002</div>
<b>Southern/Mirant</b>	Pittsburg 1-7	<p><b>Mirant Delta, LLC</b></p>

		1350 TREAT BLVD., STE. 500 WALNUT CREEK, CA 94596
	<b>Contra Costa 6-7</b>	<b>Mirant Delta, LLC</b> 1350 TREAT BLVD., STE. 500 WALNUT CREEK, CA 94596
	<b>Potrero 3-6</b>	<b>Mirant Potrero, LLC</b> 1350 TREAT BLVD., STE. 500 WALNUT CREEK, CA 94596

**APPENDIX C**

AGENTS FOR SERVICE

Reliant Energy Coolwater, LLC  
Agent for service – C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

AES Redondo Beach, LLC  
Agent for service – Corporation Service Company  
CSC- Lawyers Incorporating Service  
2730 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

AES Alamos, LLC  
Agent for service - Corporation Service Company  
CSC- Lawyers Incorporating Service  
2730 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

AES Huntington Beach, LLC  
Agent for service – Anja Irwin  
18904 Deodar St.  
Fountain Valley, CA 92708

Reliant Energy Mandalay, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Reliant Energy Etiwanda, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.

Los Angeles, CA 90017

Reliant Energy Ellwood, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

El Segundo Power, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Long Beach Generation, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Duke Energy Oakland, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Duke Energy Moss Landing, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Duke Energy Morro Bay, LLC  
Agent for service - C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Reliant Energy Ormond Beach, LLC  
Agent for service - C T Corporation System

818 West Seventh St.  
Los Angeles, CA 90017  
Cabrillo Power I, LLC  
Agent for service – C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Duke Energy South Bay, LLC  
Agent for service – C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Cabrillo Power II, LLC  
Agent for service – C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Mirant Delta, LLC  
Agent for service – National Registered Agents, Inc.  
2030 Main St. Suite 1030  
Irvin, CA 92614

Mirant Potrero, LLC  
Agent for service – National Registered Agents, Inc.  
2030 Main St. Suite 1030  
Irvin, CA 92614