

Decision 07-01-020 January 11, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding  
the Implementation of the Suspension of  
Direct Access Pursuant to Assembly Bill  
1X and Decision 01-09-060.

Rulemaking 02-01-011  
(Filed January 9, 2002)

**ORDER DENYING REHEARING OF DECISION (D.) 06-07-030**

In this decision, we dispose of an application for rehearing of Decision (D.) 06-07-030, filed jointly by the Northern California Power Agency, California Municipal Utilities Association, Merced Irrigation District, Modesto Irrigation District, Turlock Irrigation District and City of Hercules (“Applicants”). In D.06-07-030 (“Decision”), we resolved various outstanding issues relating to the Cost Responsibility Surcharge applicable to direct access and municipal departing load customers.

We have carefully considered each of the arguments raised by Applicants and are of the opinion that they have failed to demonstrate grounds for granting rehearing. Therefore rehearing of D.06-07-030 shall be denied.

**I. FACTS**

The Decision at issue is the latest in a series of decisions implementing the mandate of Assembly Bill No. 1 from the First Extraordinary Session of 2001-2002 (“AB 1X”). (Stats. 2001 (1<sup>st</sup> Ex. Sess.), ch. 4.) AB 1X was issued to address the emergency resulting from extraordinary and unforeseen increases in wholesale electricity prices in California’s energy market in 2000. Pursuant to the directives of AB 1X, the Commission issued a series of decisions suspending direct access (“DA”) and addressing the extent to which former investor-owned utility (“IOU”) customers would bear

responsibility for costs incurred by either the IOU or the California Department of Water Resources (“DWR”). Although the Commission suspended DA in September 2001, it permitted previously existing DA load to continue on the condition that costs incurred on behalf of DA load not be shifted to bundled customers. The Commission consequently opened a new proceeding to implement measures to ensure that costs were not shifted from DA to bundled customers. In *Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill IX and Decision 01-09-060* (“DA CRS Decision”) [D.02-11-022] (2002) \_\_\_ Cal.P.U.C.3d \_\_\_, the Commission established a Cost Responsibility Surcharge (“CRS”) applicable to DA customers. The Commission subsequently determined that other categories of “departing load” customers, including those who departed IOU bundled service to receive service from publicly-owned utilities,<sup>1</sup> were also responsible for paying the CRS. (See *Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill IX and Decision 01-09-060* (“MDL CRS Decision”) [D.03-07-028] (2003) \_\_\_ Cal.P.U.C.3d \_\_\_.)

As part of the CRS, the Commission assigned cost responsibility to DA load to ensure that power costs incurred on behalf of DA load were not shifted to the bundled customer base. In this manner, the Commission formulated a bundled customer indifference standard to ensure that there was no shifting of DWR costs as a result of the migration of DA load prior to the suspension date. Since the power used to serve bundled customers was from a portfolio that included both DWR power as well as utility retained generation (“URG”) sources, however, the Commission determined that a “total portfolio” approach to computing bundled customer indifference should be adopted. (See *DA CRS Decision* [D.02-11-022], *supra*, at pp. 20 & 23 (slip op.).) This approach would “require the computation of two charge components, one relating to remittances to DWR and the other relating to payment to the utility for utility-related uneconomic costs.” (*Id.*

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<sup>1</sup> This category of former IOU bundled customers is referred to as Municipal Departing Load (“MDL”) customers.

at p. 24 (slip op.).) As the Commission observed: “The total cost of generation used to serve bundled customers is the combined weighted average cost of both URG and the DWR power.” (*Id.* at p. 21 (slip op.).) Thus, when considering the potential shifting of generation costs, DWR and URG costs needed to be taken into consideration. In *Order Modifying Resolution E-3831 and Denying Rehearing of Resolution, As Modified* [D.05-01-035, p. 3 (slip op.)] (2005) \_\_\_ Cal.P.U.C.3d \_\_\_, the Commission observed that the “total portfolio” calculation (i.e., the indifference standard) only applied to those customers who paid the DWR Power Charge. Although D.05-01-035 addressed the applicability of the “total portfolio” approach to DA and customer generation departing load (“CGDL”) customers, it did not address whether this limitation would also apply to MDL customers.

In the Decision, the Commission resolved various outstanding issues relating to the CRS methodology and the level of undercollections applicable to DA and MDL customers. The resolution of these issues was based on an evidentiary record that included a report developed by a “Working Group” consisting of various parties in this proceeding, and comments by parties on this report. Among other things, the Commission determined that the indifference calculation applied only to DA and DL customers who paid the DWR Power Charge.

Applicants filed for rehearing of the Decision on the grounds that: (1) including the indifference calculation in the CRS calculation for certain classes of DA/MDL customers but not others violates Public Utilities Code section 453 and is not supported by the record; (2) the Decision adopted two different methods for calculating CRS and provides an unlawful windfall for bundled customers; and (3) the manner in which the ALJ’s draft decision was revised and voted out was improper and, thus, constitutes a denial of due process. Pacific Gas & Electric Company (“PG&E”) and Southern California Edison Company (“Edison”) jointly filed a response opposing the application for rehearing.

## II. DISCUSSION

### A. **The Commission lawfully distinguished between those DA and MDL customers who are responsible for paying the DWR power charge and those who have no responsibility.**

#### 1. **The determination to apply the indifference calculation only to DA and DL customers who pay the DWR Power Charge is supported by the record.**

Applicants contend that the Commission incorrectly determined that MDL customers should be treated in the same manner as DA and CGDL customers. They allege that while the DA parties and the IOUs had negotiated a settlement to exclude the indifference calculation from the CRS calculation for exempt DA customers<sup>2</sup>, the MDL parties did not participate or comment on the settlement. Thus, they maintain that there is no record evidence to support the conclusion that the indifference calculation should not apply to exempt MDL customers. (Rhg. App., pp. 2-3.) This assertion is without merit.

One of the issues not resolved in the *Final Report of the Working Group to Calculate CRS Obligations Associated with Municipal Departing Load and Direct Access* (“*Working Group Report*”) was whether the indifference calculation should apply to exempt MDL customers. (See *Working Group Report*, dated February 1, 2006, pp. 19, 21-22 & 26.). As the *Working Group Report* notes, the IOUs maintain that the indifference calculation should only apply to non-exempt MDL customers. On the other hand, the publicly owned utilities (“POUs”), including Applicants, assert that exempt MDL customers should also receive an indifference calculation. For exempt MDL customers, the POUs propose a “total portfolio adjustment” consisting of ongoing CTC costs as well as those URG costs not included in ongoing CTC. (See Comments of California Municipal Utilities Association, City of Corona, City of Rancho Cucamonga, Hercules Municipal Utility, Merced Irrigation District, Modesto Irrigation District,

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<sup>2</sup> In this order, customers who are responsible for paying the DWR Power Charge are referred to as “non-exempt” customers, while customers who are not responsible for paying the DWR Power Charge are referred to as “exempt” customers.

Northern California Power Agency, South San Joaquin Irrigation District and Turlock Irrigation District on Final Report of the Working Group to Calculate CRS Obligations Associated with Municipal Departing Load and Direct Access, filed March 8, 2006, pp. 11-12.) Further, the POUs were able to argue why their position should be adopted. Thus, contrary to Applicants' claim, they were able to comment on whether an indifference calculation should apply to exempt MDL customers.

Further, our determination that an indifference calculation should not apply to exempt MDL customers is supported by the record. Appendix 1C of the *Working Group Report* demonstrates that application of a "total portfolio adjustment" would permit exempt MDL customers to pay less than their ongoing CTC obligation. (See, *Working Group Report*, p. 56, lines 52 & 54.) In contrast, non-exempt MDL would pay their entire ongoing CTC obligation under the indifference calculation. (See *Working Group Report*, p. 55, lines 54 & 56.) As noted in comments by the IOUs, applying the indifference calculation to exempt DA and DL customers would result in an ongoing CTC obligation less than what is required by statute. (See *The IOU's Comments on the Final Report of the Working Group to Calculate CRS Obligations Associated with Municipal Departing Load and Direct Access*, dated March 8, 2006, p. 4.)

Based on this evidence, we concluded that allowing exempt customers to pay an ongoing CTC amount that is different than what non-exempt customers pay would be "contrary to the requirement for uniform CTC treatment to apply across customer categories." (D.06-07-030, p. 37.) Thus, we declined to adopt the proposed "total portfolio adjustment" for exempt MDL customers and concluded that the indifference calculation would only apply to non-exempt DA and MDL customers.<sup>3</sup> (D.06-07-030,

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<sup>3</sup> Applicants further argue that since the methodology for calculating ongoing CTC remains the same under the "total portfolio adjustment," the Decision improperly concludes that application of the "total portfolio adjustment" would change the calculation methodology. (Rhg. App., p. 5.) This argument ignores the fact that if the "total portfolio adjustment" were applied, exempt customers would pay a lower ongoing CTC amount than non-exempt customers. As pointed out in the Decision, "the practical result [is] that the total portfolio calculation reduces the payments due from MDL customers below the statutory CTC level." (D.06-07-030, pp. 36-37.)

pp. 25 & 35.) Applicants fail to provide any authority to support their assertion that they may pay less ongoing CTC than their statutory obligation.<sup>4</sup> Accordingly, there is no basis for granting rehearing.

Applicants further maintain that the determination that the indifference calculation should not apply to exempt customers contradicts the Commission's determination that these exempt customers must bear responsibility for the DWR Bond Charge. (Rhg. App., p. 4.) This argument ignores the different characteristics of the DWR Bond Charge and the DWR Power Charge. We have previously determined that responsibility for the DWR Bond Charge is based on the fact that the bond-related costs were incurred to stabilize the grid in 2001, which benefited everyone, including people who were not ratepayers in 2001. (See *Re Application of Southern California Edison Company (E 3338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs* [D.02-12-082, Attachment A, pp. 22-24 (slip op.)] (2002) \_\_ Cal.P.U.C.3d \_\_.) In contrast, the DWR Power Charge pays for ongoing purchases made by DWR. Thus, the basis for determining responsibility for the DWR Bond Charge is different than the basis for determining responsibility for the DWR Power Charge. Accordingly, we have not acted inconsistently by requiring exempt customers to bear responsibility for the DWR Bond Charge, while not requiring them to bear responsibility for the DWR Power Charge.

**2. The Decision complies with Public Utilities Code section 453.**

Applicants contend that the determination to apply the indifference calculation only to non-exempt customers is also unreasonable and in violation of Public Utilities Code section 453. (Rhg. App., p. 3.) This argument is without merit.

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<sup>4</sup> Applicants downplay the significance of their proposed "total portfolio adjustment" on ongoing CTC by arguing that it is "nothing more than a modified [indifference calculation] that removes cost adjustments specific only to the DWR power charge." (Rhg. App., p. 3.) We disagree with their characterization of the "total portfolio adjustment" and find their argument lacks merit.

Section 453 prohibits public utilities from making or granting any preference or advantage or from establishing or maintaining any unreasonable difference “as to rates, charges, service, facilities, or in any other respect.” However, “[a] showing that rates [or cost allocation] lack uniformity is by itself insufficient to establish that they are unreasonable and hence unlawful. To be objectionable, discrimination must ‘draw an unfair line or strike an unfair balance between those in like circumstances having equal rights and privileges.’ ” (*Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, 1180; see also *International Cable T.V. Corp. v. All Metal Fabricators, Inc.* (1966) 66 Cal.P.U.C. 366, 382 [discrimination by a public utility “refers to partiality in the treatment of those in like circumstances seeking a class of service offered to the public in general.”].) Here, we are treating all exempt DA and DL customers in the same manner. Moreover, to the extent that the Applicants believe that MDL customers should be treated differently than DA or CGDL customers, we have previously considered and rejected that assertion, noting that “MDL parties have provided no justification [ ] to treat MDL customers any differently in a manner inconsistent with D.05-01-035.” (D.06-07-030, p. 36.)

**B. The Decision does not create two methods for calculating CRS.**

Applicants next assert that by not adopting the “total portfolio adjustment” for exempt MDL customers, the Commission is calculating the CRS for exempt customers in a different manner than for non-exempt customers. Further, Applicants contend that by adopting two different standards for determining bundled customer indifference, the Commission has provided a windfall to bundled customers. (Rhg. App., pp. 4-6.)

Applicant’s arguments indicate that they have confused the indifference calculation adopted in the *DA CRS Decision* with the overall objectives for ensuring bundled customer indifference. In *Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill IX and*

*Decision 01-09-060* (“*DA Suspension Implementation Decision*”) [D.02-03-055, p. 30 [Finding of Fact No. 3] (slip op.)] (2002) \_\_ Cal.P.U.C.3d \_\_, we determined that:

“There would be a significant magnitude of cost-shifting if DWR costs are borne solely by bundled service customers, and direct access customers are not required to pay a portion of these costs that were incurred by DWR on behalf of all retail end use customers in the service territories of the three utilities during a time when California was faced with an energy crisis.”

In the *DA CRS Decision*, we determined that in addition to DWR-related costs, other costs should also be borne by these departing customers. (See *Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill IX and Decision 01-09-060* (“*DA CRS Decision*”) [D.02-11-022], *supra*, at pp. 8-11 (slip op.).) These costs comprise the CRS and are necessary to ensure bundled customer indifference. While the CRS for every DA and DL customer includes the same components, some of the components may apply to only certain IOU service territories or categories of DA and/or DL customers.<sup>5</sup> Thus, there is only one method for calculating the CRS, and this method requires that all departing customers continue to bear responsibility for their fair share of costs incurred by either DWR or the IOU on their behalf. Accordingly, the Decision does not provide a windfall for bundled customers.

The *indifference calculation*, on the other hand, refers to those costs used to calculate one component of CRS. This component would “cover the ongoing above-market portion of utility-retained generation costs” and “be determined on a total portfolio basis, taking into account both DWR and utility-procured resources, and shall

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<sup>5</sup> For example, only DA and DL customers in Edison’s service territory are responsible for the Historic Procurement Charge. (See D.02-11-022, p. 4.)

reflect DA customers' respective share of costs associated with those resources.”<sup>6</sup> (*Id.* at pp. 3 & 4 (slip op.)) As discussed above, we may, and have, determined that certain categories of DA or DL customers have no responsibility for paying certain components of the CRS. In those cases, the components have a numerical amount of zero. However, this does not mean that we have created a different methodology for calculating CRS. Rather, the standard for determining bundled customer indifference remains the same. Accordingly, there are no grounds for finding error.

**C. The Decision is consistent with and properly interprets prior Commission decisions.**

Applicants next argue that the Decision's reliance on prior Commission decisions to conclude that the indifference calculation only applies to non-exempt DA and DL customers is misplaced. First, they contend that prior Commission decisions have only discussed the applicability of the indifference calculation with respect to ongoing CTC. (Rhg. App., p. 6.) Further, they maintain that the *DA CRS Decision* requires that all non-CTC portfolio costs be included in determining bundled customer indifference. (Rhg. App., p. 6.) Finally, they assert that the Commission has never had to consider the applicability of a “total portfolio approach” because there are an extremely limited number of, if any, exempt DA and CGDL customers. (Rhg. App., p. 7.) None of these arguments are persuasive.

Applicants rely on the *DA CRS Decision* for the proposition that all non-CTC portfolio costs are to be considered in determining bundled customer indifference.

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<sup>6</sup> In subsequent decisions, the indifference calculation has been referred to as the “total portfolio methodology” for calculating bundled customer indifference. (See, e.g. *Order Modifying Resolution E-3831 and Denying Rehearing of Resolution, As Modified* [D.05-01-035], *supra*, at p. 3 (slip op.); *Application of Pacific Gas and Electric Company for Adoption of its 2006 Energy Resource Recovery Account (ERRA) Forecast Revenue Requirement and for Approval of Its 2006 Ongoing Competition Transition Charge (CTC) Revenue Requirement and Rates* (“*PG&E 2006 ERRA Decision*”) [D.05-12-045, p. \_\_ (slip op.)] (2005) \_\_ Cal.P.U.C.3d \_\_.) Despite the similarity in terms, the “total portfolio methodology” (i.e., indifference calculation) addressed in these prior decisions is not the same as the “total portfolio approach” proposed by POU parties in this phase of the proceeding. Therefore, to avoid any confusion, we use the term “indifference calculation” to refer to the methodology developed in the *DA CRS Decision*.

(Rhg. App., p. 6.) We find this argument lacks merit. In discussing the indifference calculation, the *DA CRS Decision* notes: “the total cost of *generation* used to serve bundled customers is the combined weighted average cost of both URG and the DWR power.” (See *DA CRS Decision* [D.02-11-022], *supra*, at p. 21 (slip op.) (emphasis added).) Clearly, this weighted average cost could only exist when both sources of generation were considered. Further, while URG is included in the indifference calculation, it does not logically follow that the indifference calculation applies to all departing customers even if they do not pay the DWR Power Charge. Indeed, the *DA CRS Decision* states “the total portfolio approach . . . is intended only for the express purpose of computing bundled ratepayer indifference during the period that DWR-related costs are being paid for through a DA CRS.” (*Id.* at p. 24, fn. 24 (slip op.)) Thus, it was anticipated that once the DWR-related generation costs were no longer being paid, there would be no weighting of generation costs. These statements reasonably lead us to conclude that it is only appropriate to consider URG costs in connection with the DWR Power Charge. Thus, we properly relied on the *DA CRS Decision* to conclude that the indifference calculation only applied to departing customers who paid the DWR Power Charge.

Applicants contend that prior discussion of the indifference calculation in D.05-01-035 only addressed whether it applied to the calculation of ongoing CTC. (Rhg. App., p. 6.) However, they fail to acknowledge that in the course of addressing this issue, we noted that the indifference calculation relates to calculating the indifference cost component of the CRS. (See *Order Modifying Resolution E-3831 and Denying Rehearing of Resolution, As Modified* [D.05-01-035], *supra*, at p. 3 (slip op.)) Therefore, Applicants are wrong that prior Commission decisions have not addressed the applicability of the indifference calculation. Applicants’ reliance on language in the *PG&E 2006 ERRRA Decision* is equally misplaced. (Rhg. App., p. 6.) In that decision, we declined to address the effect of ongoing CTC on other components of CRS. However, this does not mean, as Applicants claim, we limited or changed our conclusions

in D.05-01-035. Accordingly, we have acted consistently with prior Commission decisions.

Finally, Applicants argue that the Commission has not had to address the applicability of the indifference calculation on exempt customers in the past. They base this argument on their assertion that the number of DA exempt customers is limited and that most exempt CGDL customers are also exempt from paying ongoing CTC. (Rhg. App., p. 7.) This argument is unfounded. By stating that the indifference calculation is limited to non-exempt DA and CGDL customers, we necessarily had to consider whether it should apply to exempt DA and CGDL customers. The fact that our determination was not specifically stated and does not affect a large number of DA or CGDL customers is irrelevant to whether we had previously addressed the applicability of the indifference calculation on those categories of departing customers.

**D. There was no violation of due process and notice.**

Finally, Applicants raise various challenges with respect to the manner in which the ALJ's draft decision ("Draft Decision") was revised and voted out at the Commission's July 20, 2006 meeting. Specifically, Applicants contend that the revised Draft Decision should have been considered an alternate because it changed the Draft Decision's recommendation on a major issue. (Rhg. App., p. 9.) As such, they contend that the Commission should have served the revised Draft Decision on all parties and provided parties an opportunity to comment on the revisions. (Rhg. App., p. 9.) Finally, Applicants maintain that the revised Draft Decision failed to adequately describe the extent of the revision and should not have been voted out as part of the Commission's Consent Agenda. (Rhg. App., p. 9.) These arguments are without merit.

Rule 14.1 of the Commission's Rules of Practice and Procedure specifically notes: "A substantive revision to a proposed decision or draft resolution is not an 'alternate' if the revision does no more than make changes suggested in prior comments on the proposed decision or draft resolution, or in a prior alternate to the proposed decision or draft resolution." (Cal. Code Regs., Tit. 20, § 14.1.) Further, as defined in

Rule 14.1(d), an “alternate” is “a substantive revision by a Commissioner to a proposed decision.” (Cal. Code Regs., Tit. 20, § 14.1, subd. (d).) In this instance, a Commissioner did not revise the proposed decision. Rather, the ALJ revised the proposed decision in response to comments made by PG&E. (D.06-07-030, p. 48.) Thus, the revised Draft Decision was not an alternate and a further round of comments was not required.<sup>7</sup>

Applicants further suggest that since parties had not been given an opportunity to comment on the revised Draft Decision, the Commissioners’ votes could not have been made from an informed viewpoint. This assertion is unfounded. As the *Working Group Report* discusses, there was no consensus among the parties over whether the “total portfolio indifference” adjustment should be applied to MDL customers exempt from paying the DWR Power Charge. (*Working Group Report*, pp. 19-25.) Parties have had numerous opportunities to comment on this issue and present arguments to support their position, including in comments and replies on the *Working Group Report*, as well as in comments and replies to the Draft Decision. Therefore, the issue has been fully briefed and the Commissioners were fully aware of all arguments. Accordingly, they had more than sufficient information to make their decision.<sup>8</sup>

Applicants’ arguments that the revised Draft Decision should have been served on all parties rather than just posted on the Commission’s website are equally without merit. Public Utilities Code section 311(d) and (e) require proposed decisions and alternates to proposed decision be served on all parties to the proceeding. However,

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<sup>7</sup> Applicants are in effect arguing that an ALJ cannot be persuaded to change the proposed decision in response to comments. If that is true, then there would be no reason for public review and comment. Such an outcome would be clearly contrary to Public Utilities Code section 311(e).

<sup>8</sup> Applicants also rely on *Order Instituting Rulemaking into Implementation of Pub. Util. Code § 390* [D.02-02-028] (2002) \_\_ Cal.P.U.C.3d \_\_ to support their assertion that parties must be given some opportunity to comment on revised decisions. This reliance is misplaced. The revised decision referred to in D.02-02-028 had added a new issue that parties had not had an opportunity to comment on previously. Consequently, the Commission properly determined that under those circumstances parties should be afforded some opportunity to comment on the “revision.” In contrast, parties in this proceeding have had more than adequate opportunity to comment on whether the indifference calculation is applicable to exempt MDL customers.

“[t]he commission may, in issuing its decision, adopt, modify, or set aside the proposed decision or any part of the decision.” There is no requirement that any revisions to a proposed decision must be served on all parties. Rather, the Commission must “make available to the public copies of the agenda, and upon request, any agenda item documents that are proposed to be considered by the commission for action or decision at a commission meeting.” (Pub. Util. Code, § 311.5, subd. (a)(1).) As is the Commission’s normal practice, the revised Draft Decision was both posted on the Commission’s website and placed on the “Escutia Table” prior to the Commission’s July 20, 2006 meeting. Thus, we acted consistently with the statutory requirements and prior practice.

Applicants finally assert that the revised Draft Decision should not have been considered as part of the July 20<sup>th</sup> Consent Agenda. Applicants’ arguments are premised on their belief that the revised Draft Decision was an “alternate” and that they were entitled to comment on the revisions. As discussed above, both of these presumptions are incorrect. Further, an item is placed on the Consent Agenda if it is “non-controversial, of a routine nature, and/or not requiring subsequent Commission action.” (Guide to the Official CPUC Meeting, [http://www.cpuc.ca.gov/static/aboutcpuc/docs\\_etc/mtgguide/index.htm](http://www.cpuc.ca.gov/static/aboutcpuc/docs_etc/mtgguide/index.htm).) Applicants’ arguments suggest that it is unusual for an item to be moved from the Regular Agenda to the Consent Agenda. This is not the case. In this instance, no Commissioner opposed the Assigned Commissioner’s request to move the revised Draft Decision from the Regular Agenda to the Consent Agenda. It is unlikely they would have done so unless they were fully aware of the revisions to the Draft Decision.

For the reasons discussed above, parties were provided sufficient notice and there was no denial of due process. Accordingly, there are no grounds for granting rehearing.

**III. CONCLUSION**

For the reasons discussed herein, we have found no good cause for granting the application for rehearing.

Therefore **IT IS ORDERED** that rehearing of Decision 06-07-030 is denied.

This order is effective today.

Dated January 11, 2007, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
Commissioners