

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the
Commission's Own Motion into the Rates,
Operations, Practices, Services and Facilities
of Southern California Edison Company and
San Diego Gas and Electric Company
Associated with the San Onofre Nuclear
Generating Station Units 2 and 3.

Investigation_____

**ORDER INSTITUTING INVESTIGATION REGARDING
SAN ONOFRE NUCLEAR GENERATING STATION
UNITS 2 AND 3**

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Attachment A: July 18, 2012 San Onofre Nuclear Generating Station - NRC Augmented Inspection Team Report

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**ORDER INSTITUTING INVESTIGATION REGARDING
SAN ONOFRE NUCLEAR GENERATING STATION
UNITS 2 AND 3**

1. Introduction

We open this investigation to consolidate and consider issues raised by the extended outages of Units 2 and 3 at the San Onofre Nuclear Generating Station (SONGS). This includes determining whether to order the immediate removal effective today of all costs related to SONGS from the rates of Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E), with placement of those costs in a deferred debit account pending the return of one or both facilities to useful service or other possible action. It also includes considering appropriate rate treatment for all SONGS-related costs in other proceedings.

This investigation will consider the causes of the outages, the utilities' responses, the future of the SONGS units, and the resulting effects on the provision of safe and reliable electric service at just and reasonable rates. Due to the size, location, ownership structure, and unique nuclear licensing requirements of SONGS, the unexpected outages raise particularly complex issues. These issues come before us in many proceedings. This investigation will consider these issues in a consolidated manner that is efficient for the utilities, parties and the Commission. To facilitate that objective, all costs incurred on and after January 1, 2012 that are associated with SONGS shall be tracked in a memorandum account. SCE and SDG&E shall each, within 30 days of today, file with the Energy Division Director and serve on the service list a Tier 1 advice letter to establish that account, including specified subaccounts.

Appeals to categorization shall be filed and served within 10 days. Comments on this investigation shall be filed and served within 30 days. SCE

and SDG&E shall each, within 45 days of today, serve proposed testimony with its recommended rate adjustments.

2. Background

The San Onofre Nuclear Generation Stations (SONGS) Units 2 and 3 are located adjacent to Camp Pendleton near San Clemente California. They are jointly owned by Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and the City of Riverside (with shares of 78%, 20% and 2% respectively).¹ These units generate approximately 2,340 megawatts (MW) of baseload power, and they play a critical role in the reliability of the California electricity grid. SCE is the operator of these units.

Unit 2 steam generators were replaced in January 2010. Unit 3 steam generators were replaced in January 2011. Both units have been off-line since January 2012.

Unit 3 was taken offline on January 31, 2012, after station operators detected a leak in a steam generator tube. The Nuclear Regulatory Commission (NRC) was formally notified of the Unit 3 steam generator leak on the same day. Unit 2 was taken out of service on January 10, 2012 for a scheduled outage, which was expected to end March 5, 2012. However, on February 6, 2012, the first inspection of Unit 2 steam generators installed in 2010 showed accelerated wear requiring some tubes to be taken out of service.

On March 19, 2012, the NRC dispatched an Augmented Inspection Team to gather facts regarding the SONGS outages. On July 18, 2012, the NRC issued its report: "San Onofre Nuclear Generating Station - NRC Augmented Inspected

¹ The City of Riverside is a municipal utility not under the California Public Utilities Commission's (Commission's) jurisdiction.

Team Report.”² The report provides background information that will be useful for this investigation, and a copy is attached. (Attachment A.) Among other things, the report identifies design flaws in the SONGS replacement steam generators.

On August 28, 2012, SCE announced plans to remove the nuclear fuel from the SONGS Unit 3 reactor. SCE intends to place the unit in a longer term safe shutdown mode.

Both units have now been out of service since January 2012. This presents many questions regarding the future operation of the units, along with the provision of safe and reasonable service at just and reasonable rates.

3. Commission Jurisdiction

SCE and SDG&E are public utility companies under the Commission’s jurisdiction. The Commission regulates their rates, operations, practices, programs, and services, plus the reliability, safety, and adequacy of facilities, pursuant to Pub. Util. Code Sections 451, 454, 701, and other statutes.³ The Commission executes these responsibilities in a range of different proceedings. These include applications, investigations, rulemakings, and other forums as appropriate. Applications involve a range of matters including general rate cases (GRC), energy resource recovery account (ERRA) proceedings, special cost recovery proceedings (such as (a) the steam generator replacement program and (b) seismic safety programs), and others at the request of utilities or when ordered by the Commission.

² <http://www.nrc.gov/info-finder/reactor/songs/ML12188A748.pdf>.

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

Under Section 451, the Commission is responsible for ensuring safe and reliable service at just and reasonable rates:

All charges demanded or received by any public utility...shall be just and reasonable.

Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities...as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

Sections 455.5(a) and (f) address rate adjustments to eliminate the value of, and expenses related to, major facilities when they are out of service:

- (a) In establishing rates for any electrical, gas, heat, or water corporation, the Commission may eliminate consideration of the value of any portion of any electric, gas, heat, or water generation or production facility which, after having been placed in service, remains out of service for nine or more consecutive months, and may disallow any expenses related to that facility. Upon eliminating consideration of any portion of a facility or disallowing any expenses related thereto under this section, the Commission shall reduce the rates of the corporation accordingly and shall, for accounting purposes, record the value of that portion of the facility in a deferred debit account and shall treat this amount similar to the treatment of the allowance for funds used during construction. When that portion of the facility is returned to useful service...the corporation may apply to the commission for the inclusion of its value and expenses related to its operation for purposes of the establishment of the corporation's rates.
- (f) For purposes of this section, an electric, gas, heat, or water generation or production facility includes only such a

facility that the commission determines to be a major facility of the corporation...⁴

Section 455.5(b) requires that utilities keep the Commission informed regarding outages of such facilities:

- (b) Every electrical, gas, heat, and water corporation shall periodically, as required by the commission, report to the commission on the status of any portion of any electric, gas, heat, or water generation or production facility which is out of service and shall immediately notify the commission when any portion of the facility has been out of service for nine consecutive months.

Section 455.5(c) requires that the Commission, upon notification by the utility, take specific action and make rates associated with the facility subject to refund, in coordination with other proceedings:

- (c) Within 45 days of receiving the notification specified in subdivision (b), the commission shall institute an investigation to determine whether to reduce the rates of the corporation to reflect the portion of the electric, gas, heat, or water generation or production facility which is out of service. For purposes of this subdivision, out-of-service periods shall not include planned outages of predetermined duration scheduled in advance. The commission's order shall require that rates associated with that facility are subject to refund from the date the order instituting the investigation was issued. The commission

⁴ The Commission has determined major facilities to be: "For electric utilities, a 'major generation or production facility' for purposes of the requirements of Pub. Util. Code § 455.5 includes any generation plant or facility with nameplate capacity of 50 megawatts (MW) or more, or that represents at least one percent (1%) of an electric utility's retained generation system capacity, whichever is smaller. System capacity includes the utility's ownership share in jointly-owned and out-of-state facilities." (Decision (D.) 07-09-021 at 8.)

shall consolidate the hearing on the investigation with the next general rate proceeding instituted for the corporation.

Section 455.5(d) provides, upon a facility's return to useful service, that a utility may apply for the inclusion of its value and associated operating expenses in rates:

(d) Upon being informed by the corporation that any portion of its electric, gas, heat, or water generation or production facility which was eliminated from consideration by the commission in establishing rates for being out of service for nine or more consecutive months pursuant to subdivision (a) or (b), has been restored to service and has achieved at least 100 continuous hours of operation, the commission may again consider that portion of the facility for purposes of establishing rates, and may adjust the corporation's rates accordingly without a hearing, except that a hearing is required on whether to include, for purposes of establishing rates, any additional plant value added.

Section 701 provides that:

The Commission may supervise and regulate every public utility in the State and may do all things, whether specifically designated in this part or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

4. Discussion

SONGS Units 2 and 3 have been out of service since early 2012. Consistent with § 455.5(b), we expect to be notified soon by SCE and SDG&E that these units have experienced an unplanned outage of nine consecutive months.

Utility rates currently include recovery for SONGS costs of over \$800 million in fixed costs (rate base), for which ratepayers provide a return to shareholders, and over \$300 million in annual variable costs (operation and maintenance). They include costs related to the steam generator replacement program and seismic programs. The outages may result in more costs, including

but not limited to the cost of investigations, studies, repairs, replacement power, litigation, and appearing in regulatory proceedings (before the NRC and this Commission).

Design flaws identified by NRC may have contributed to the accelerated wear and tear of the steam generators. If so, there may be questions about the degree to which the manufacturer may be responsible for expenses related to the shutdown. There may or may not be other sources of funds for some or all of the resulting costs (e.g., warranties, insurance, federal assistance). There are issues about how much cost, if any, should be paid by ratepayers and company owners. Therefore, it is in the public interest to undertake an investigation into the facts and circumstances of the SONGS outages for the purpose of exercising our statutory authority over rate recovery of associated utility costs, and to ensure safe and reliable service at just and reasonable rates.

Several rate-related proceedings have recently been decided or are currently pending before the Commission. These include GRC, ERRA and other proceedings such as but not limited to (these proceedings are open unless noted otherwise, and in some cases are joint proceedings):

1. SCE
 - a. Application (A.) 10-11-015 (2012 test year GRC)
 - b. A.11-04-001 (2010 ERRA compliance)
 - c. A.12-04-001 (2011 ERRA compliance)
 - d. A.11-08-002 (2012 ERRA forecast; D.12-07-007; closed)
 - e. A.12-08-001 (2013 ERRA forecast)

- f. A.11-04-006 (Seismic Program Costs; D.12-05-004; closed)⁵
 - g. A.04-02-026 (Steam Generator Replacement; D.05-12-040; D.11-05-035; closed)
 - h. A.09-04-009 (Joint application for nuclear decommissioning cost recovery)
2. SDG&E
- a. A.10-12-005 (2012 test year 2012 GRC)
 - b. A.11-06-003 (2010 ERRA compliance)
 - c. A.11-09-022 (2012 ERRA forecast; D.12-07-006; closed)
 - d. A.12-04-003 (ERRA trigger; D.12-08-007; closed)
 - e. A.12-10-002 (2013 ERRA forecast)
 - f. A.11-05-011 (Seismic Program Costs; D.12-05-004; closed)⁶

There is also the potential for review of some or all of the \$671 million authorized for the steam generator replacement program (SGRP).⁷ In particular, we authorized up to \$671 million with the intention not to conduct an after-the-fact reasonableness review if the costs did not exceed \$671 million.

However, we also ordered:

⁵ Costs up to \$50.1 million are entered into the Base Revenue Requirement Balancing Account, recoverable in a subsequent ERRA compliance filing. Costs in excess of \$64.0 million may be recorded, but require reopening the proceeding. Costs for Energy Division Director Review may be entered into an Energy Division Director's Review Memorandum Account, recoverable in a subsequent ERRA compliance filing.

⁶ Costs up to \$12.8 million are entered into one of two balancing accounts. Costs in excess of \$12.8 may be recorded in a SONGS Seismic Research Memorandum Account (SRMA), with recovery subject to review for reasonableness and prudence. Costs for Energy Division Director Review may be entered into the SONGS SRMA.

⁷ The original authorization of \$680 million (D.05-12-040) was reduced to \$671 million. (D.11-05-035.)

If the SGRP cost exceeds [\$671 million], or the Commission later finds that it has reason to believe the costs may be unreasonable regardless of the amount, the entire SGRP cost may be subject to reasonableness review." (D.05-12-040, Ordering Paragraph 5.)

It is important that all relevant costs be properly treated. To do this, all SONGS costs and expenditures, including SGRP, should be tracked in a memorandum account for review by the Commission. This is the case whether or not the costs have been previously approved. Thus, pending conclusion of this investigation, we direct SCE and SDG&E to track all costs associated with SONGS Units 2 and 3 (and all related costs as explained below) that were or are incurred on or after January 1, 2012, in a memorandum account and, to the extent included in rates, collect these costs subject to refund.

SCE and SDG&E should each establish a memorandum account for this purpose, called the SONGS Outage Memorandum Account (SONGS OMA). SONGS OMA should contain subaccounts that separately identify:

- a. existing SONGS fixed costs (e.g., capital costs in rate base)
- b. revenue requirements for SONGS ratebase costs (e.g., depreciation, return, taxes),
- c. existing SONGS variable costs (e.g., fuel, operation, maintenance),
- d. existing SONGS seismic safety program costs,
- e. SGRP costs,
- f. other existing SONGS costs,
- g. outage investigation costs,
- h. replacement generation costs,
- i. safety-related program costs implemented pursuant to NRC findings or orders,

- j. the cost of other energy products or services to provide reliable electric service during the period of the outage (including Demand Response programs),
- k. the cost of other transmission upgrades or other system improvements to provide reliable electric service during the period of the outage (including substation or line related work),
- l. other repair costs (separately identified as fixed and variable),
- m. other routine operational costs,
- n. regulatory costs,
- o. litigation costs, and
- p. any other costs related to SONGS.

The subaccounts should include reasonable and appropriate subdivisions as necessary to further identify costs and cost categories. The memorandum account should record all costs incurred beginning January 1, 2012 and thereafter with the exception of the SGRP subaccount. The SGRP subaccount should track all SGRP costs. SCE and SDG&E should file Tier 1 Advice Letters establishing the memorandum accounts within 30 days of this order.⁸

This formal proceeding allows the Commission to exercise its regulatory oversight, responsibilities and duties in the best interests of ratepayers and the public. We will consider information and proposals by SCE, SDG&E,

⁸ The Energy Division Director may specify more or other subaccounts (or subdivisions of subaccounts). The Director may also consolidate or eliminate subaccounts or subdivisions. We expect each utility to propose clear, accurate and correct accounts and accounting treatment to accomplish the required purpose. Before filing the Tier 1 advice letter, each utility should meet and confer with Commission staff to explain proposals and address issues or concerns, if any. We expect each utility and Energy Division to use their best efforts to resolve all necessary accounting matters for efficient and timely disposition of the Tier 1 advice letter.

Commission staff and others regarding the rates, operations, practices, programs, services, and facilities of SCE and SDG&E as they relate to the outages of SONGS Unit 2 and 3, and as are necessary to promote the safety, health, comfort, and convenience of their patrons, employees, and the public. We will also do all things that are necessary and convenient to supervise and regulate matters under our jurisdiction in the public interest.

The investigation provides a forum to consider evidence and argument on the issues. It may result in directives to SCE and SDG&E that promote just and reasonable rates, services, and facilities in furtherance of the public interest. The Commission may enter orders on matters for which one or the other respondent may not be the proponent. SCE, SDG&E and the public are placed on notice that the evidence taken in this proceeding may be the basis for findings, conclusions, and Commission orders, and all SONGS related costs collected in rates from January 1, 2012 forward are subject to refund.

Accordingly, we open this Order Instituting Investigation (OII) pursuant, but not limited, to Pub. Util. Code §§ 451, 455.5 and 701, along with Rule 5.1 of the Commission's Rules of Practice and Procedure (Rules). In addition to or as part of the memorandum account specified above, we direct the following ratemaking treatment in order to preserve the information, consolidate the data in one place, and provide a full opportunity to consider all reasonable options:

1. SCE and SDG&E shall each track all costs related to SONGS incurred on or after January 1, 2012 in a subaccount of SONGS OMA for subsequent review in this proceeding; this involves all SONGS-related ERRA entries including replacement energy and capacity resulting from the SONGS outages;
2. SCE and SDG&E shall each track all costs related to Huntington Beach and Demand Response specifically implemented to address loss of SONGS Units 2 and 3 capacity into a subaccount of SONGS OMA.

3. SCE and SDG&E shall each identify and track any and all excess energy sales foregone (actual or estimated) by SCE and SDG&E due to the loss of SONGS Units 2 and 3; the amount of the energy and the foregone revenue shall be reported to the Commission in a separate document submitted each time the SONGS OMA is reported to the Commission, in the monthly report noted below, or as directed by the Energy Division Director.

In addition, we order the following:

1. SCE and SDG&E shall each file and serve, no less than seven days before a utility management final decision to proceed with a major project, a Tier 1 informational Advice Letter with the Energy Division Director before making any major capital expenditures related to SONGS. For this purpose, a major capital expenditure is any amount in excess of \$10 million (total expenditure before allocation to SCE, SDG&E and City of Riverside).
2. SCE and SDG&E shall each track all expenditures in excess of those removed pursuant to § 455.5 in a separate subaccount of SONGS OMA. The recovery of amounts booked in this memorandum account shall be requested through a formal application filed by each utility with the Commission; and
3. SCE and SDG&E shall each file a monthly status report with the Commission's Energy Division with service on the service list. The monthly report shall include an operational update for the units, description of any NRC actions, estimated replacement energy and capacity costs, estimated other operational expenses, estimated foregone revenues due to lost sales of excess energy, and any other information either utility believes is relevant that may impact the Commission's consideration of safe and reliable service at just and reasonable rates, including any additional information directed by the Energy Division Director.

All costs tracked in the SONGS OMA are subject to audit by the Commission.

The Commission recognizes that SONGS Units 2 and 3 may be out of service for some time, and may or may not return to full service. This situation requires that the Commission consider long term options regarding each utility's provision of safe and reliable electric service without SONGS. These long term resource issues are most appropriately considered in the Commission's Long Term Procurement Planning (LTPP) proceeding (Rulemaking (R.) 12-03-014). While issues regarding long term planning without SONGS will be addressed in the LTPP, issues regarding short and medium term service and reliability should be part of this proceeding. Issues regarding costs for replacement power or expanded demand side management programs in the absence of SONGS should also be discussed as part of this proceeding.

5. Preliminary Scoping Memo

Pursuant to Rule 7.1(c), we include a preliminary Scoping Memo to provide an initial determination of this proceeding's scope, schedule, need for hearing, and other procedural matters. The determination of category may be appealed as described below.

5.1. Issues

The general scope of this OII is to review the effect on safe and reliable service at just and reasonable rates on and after January 1, 2012 of the outages at SONGS Units 2 and 3. The issues include:

1. Whether or not rate adjustments should be made; if so, when they should start, the correct amount, and the correct accounting of these adjustments.
2. The reasonableness and prudence of each utility action and expenditure with respect to the steam generator replacement program and subsequent activities related thereto.

3. The reasonableness and prudence of each utility action and expenditures in securing energy, capacity and other related services to replace the output of SONGS during the outage.
4. The cost-effectiveness of various options for repairing or replacing one or both units of SONGS.
5. Any additional ratemaking issues associated with the above, including the availability of warranty coverage or insurance for any costs related to the SONGS outage.
6. The reasonableness and necessity of each SONGS-related operation and maintenance expense, and capital expenditure made, on and after January 1, 2012 reviewed within the context of the facts and circumstances of the extended outages of Units 2 and 3.

5.2. Category

We determine that the category of this proceeding is ratesetting.

(Rules 1.3(e) and 7.1(c).) This is consistent with the preliminary issues focusing on the economic consequences of the outages, repairs, source of replacement electricity, cost of replacement electricity, and cost responsibility. This determination may be appealed under the procedures stated in Rule 7.6.

5.3. Need for Hearing

We expect disputed issues of material fact over which parties will seek to cross-examine others. Therefore, we preliminarily determine that a hearing will be needed. (Rule 7.1(c).)

5.4. Schedule

Appeals of the categorization of this proceeding, if any, are to be filed and served within 10 days of the date this OII was issued. (Rule 7.6(a).) As required by our rules, an appeal shall state why the designated category is wrong as a matter of law or policy, and shall be served on the Commission's General Counsel, Chief Administrative Law Judge, the President of the Commission, and

the service list used for this OII. Responses to an appeal shall be filed within five days of the date an appeal is filed, and shall be served on appellant and all persons on the service list for this OII. (Rule 7.6(b).)

Responses to this OII may also be filed and served, and shall be filed and served within 30 days of the date this OII is issued. (Rule 5.2.) Responses shall state objections, if any, to the preliminary Scoping Memo regarding the issues, need for hearing, and schedule. Replies to responses may be submitted, and must be filed and served within seven days after the date of responses.

The assigned Commissioner shall set a prehearing conference (PHC) for as soon as practicable after responses to this order are filed. (Rule 7.2(a).) The assigned Commissioner and/or the assigned Administrative Law Judge (ALJ) may direct that the two respondent utilities provide background information before the PHC so all participants in the investigation have the same essential starting data (e.g., factual overview of SONGS 2 and 3; dates and causes of recent outages; status of investigation; current engineering and construction schedule to address outages; costs incurred to date with respect to the outages).

The notice setting the PHC may set a date for the filing and service of PHC statements. PHC statements, if any, should state with specificity the party's recommendations for anything necessary to complete the assigned Commissioner's Scoping Memo, plus anything else necessary to reasonably proceed with this investigation. For example, PHC statements should, to the extent feasible, include the party's recommended exact proposed wording for issues, specific dates for the schedule, and necessary detail for hearing (to the extent known at that time). Moreover, to the extent it is possible for parties to agree on issues, schedule and other matters for the Scoping Memo, parties should employ their best efforts to prepare a joint PHC Statement.

We expect respondents and parties will advise the Commission at the PHC regarding the most efficient way to proceed. We leave the details of process and schedule to the assigned Commissioner or ALJ's.

The first matter, however, is whether or not, pursuant to § 455.5, to reduce rates and by how much. We direct SCE and SDG&E to produce their proposals within 45 days of the date of this order. These proposals should be in the form of proposed testimony. Each proposal should clearly show the amount of SONGS costs in current rates, the amount to be removed, the effective date, and any other information necessary for the Commission to fully implement a just and reasonable rate adjustment pursuant to § 455.5.

The adopted schedule is summarized in Attachment B. The adopted schedule may be changed by the assigned Commissioner or ALJ as necessary to promote efficient and equitable development of the record in this proceeding. It is anticipated that this proceeding shall be resolved within 18 months of the date the Scoping Memo is issued. (*See* § 1701.5.)

6. Service and Official Service List

A service list has been established for this proceeding, a copy of which is attached (*see* Attachment C) and posted on the Commission's website. The service list is composed of all persons on the official service lists for:

- A.11-04-006 (SCE SONGS seismic safety program costs)
- A.10-11-015 (SCE GRC)
- A.10-12-005 (SDG&E GRC)

- A.09-04-009 (Joint application of SCE and SDG&E for nuclear decommissioning cost recovery)⁹
- R.12-03-014 (Long-Term Procurement Rulemaking)
- R.11-10-023 (Resource Adequacy Rulemaking)
- A.11-04-001 (SCE 2010 ERRA compliance)
- A.12-04-001 (SCE 2011 ERRA compliance)
- A.11-08-002 (SCE 2012 ERRA forecast)
- A.12-08-001 (SCE 2013 ERRA forecast)
- A.11-06-003 (SDG&E 2010 ERRA compliance)
- A.11-09-022 (SDG&E 2012 ERRA forecast)
- A.12-04-003 (SDG&E ERRA trigger)
- A.12-10-002 (SDG&E 2013 ERRA forecast)
- A.11-05-011 (SDG&E Seismic Program Costs)

We also serve this order on the City of Riverside.¹⁰

At the present time, all persons shall be entered on the official service list for this proceeding as “information only,” with the exception of SCE, SDG&E, and those in state service. SCE and SDG&E are respondents, and are entered in the party category. State service participants from prior lists shall remain in the state service category.

Persons in the information only category may seek party status by making an oral motion at the PHC or hearing, by filing a written motion, or as otherwise

⁹ Consolidated with A.09-04-007 (Pacific Gas and Electric Company nuclear decommissioning cost recovery).

¹⁰ We include the City of Riverside in the information only category. The City may determine whether or not it wishes to monitor this investigation (by continuing in the information only category), participate in this investigation (by filing a motion for party status), or be removed from the information only portion of the service list.

directed by the ALJ. (*See Rule 1.4(a)(3) and (4).*) Commission practice is to allow only one person to formally represent each party. (*See Commission's form for "Addition/Change to Service List."*¹¹) To assist with efficient execution of this practice, motions for party status should clearly identify the lead person to be placed in party status, plus the names with other necessary information (e.g., e-mail addresses) for anyone else to be placed into (or remain in) information only.¹²

In addition, any person not on the official service list contained in Attachment C may request addition to the category of state service or information only by making that request to the Process Office. (*See Rule 1.9(f).*) The request should be sent to the Commission's Process Office by e-mail (Process_Office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102). The request must include an e-mail address to receive service of electronically served documents. (*See Rule 1.10(b).*) It is the responsibility of each person to notify the Process Office of his or her current postal service mailing address, current electronic-mail address, and any changes or corrections. (Rule 1.9(e).) A person may ask to be removed from the state service or information only portions of the service list at any time by request to the Process Office.

All pleadings in this proceeding shall be served on the official service list, including all those in the information only category (as periodically updated on

¹¹ See http://docs.cpuc.ca.gov/published/service_lists/sl_index.htm.

¹² This is also true for state service. That is, for example, one person representing the Commission's Division of Ratepayer Advocates may be identified for entry into the party category, with others listed in the state service category.

the Commission's website). The Commission encourages electronic filing and e-mail service in this investigation. Information about electronic filing may be found at <http://www.cpuc.ca.gov/PUC/efiling>. E-mail service is governed by Rule 1.10. The electronic copy should be in Microsoft Word or Excel formats to the extent possible. E-mail service of documents must occur no later than 5:00 p.m. on the date that service is scheduled to occur. Those persons using e-mail service must also serve a paper copy on the ALJ. (*See Rule 1.10(e).*) Questions about the Commission's filing and service procedures should be directed to the Commission's Docket Office by telephone at (415) 703-2121, by e-mail at efile-help@cpuc.ca.gov, or by letter to Docket Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

7. Public Advisor

Any person or entity interested in participating in this investigation who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco by telephone at (415) 703-2074 or (866) 849-8390, or by e-mail at public.advisor@cpuc.ca.gov. The Public Advisor's office in Los Angeles may be reached by telephone at (213) 576-7055 or (866) 849-8391, or by e-mail at public.advisor.la@cpuc.ca.gov. The TTY number is (866) 836-7825. Written communication may be sent to Public Advisor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

8. Intervenor Compensation

Any party that expects to claim intervenor compensation for its participation in this investigation shall file its notice of intent to claim intervenor compensation no later than 30 days after the PHC. (*See Rule 17.1.*) Parties are strongly encouraged to use the standardized form attached to the Intervenor Compensation Program Guide, which may be found at:

<http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/index3.htm>. Questions may be directed to the Commission's Public Advisor.

9. *Ex Parte* Communications

Communications with decision makers and advisors in this rulemaking are governed by Article 8 of the Rules of Practice and Procedure. (Rule 8.1, *et seq.*) Specifically, Rule 8.3(c) states that *ex parte* communications in ratesetting proceedings are subject to the restrictions stated in Rule 8.3, and the reporting requirements set forth in Rule 8.4.

IT IS ORDERED that:

1. In accordance with Public Utilities Code §§ 451, 455.5 and 701, and Rule 5.1 of the Commission's Rules of Practice and Procedure, the Commission institutes this Order Instituting Investigation. This investigation shall obtain information on the outages at the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. It shall investigate the causes, each utility's responses, the future of the SONGS units, and the resulting effect on the provision of safe and reliable electric service at just and reasonable rates. The Commission shall determine whether to adjust rates due to the outages and shall issue orders, as necessary and appropriate, based on this investigation to address ratemaking and other matters under our jurisdiction.
2. Southern California Edison Company and San Diego Gas & Electric Company are respondents to this Investigation, and shall be subject to Commission orders in this matter, unless determined otherwise by the Commission.
3. All revenues collected in recovery of costs on and after January 1, 2012 related to San Onofre Generating Station Units 2 and 3 are subject to refund. All

Steam Generator Replacement Program costs, and rates collected in recovery of those costs, are subject to reasonableness review and refund.

4. Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) shall take the following actions:

- a. SCE and SDG&E shall, after a meet and confer session with Commission staff and within 30 days of the date this order is issued, each file and serve a Tier 1 advice letter to establish a San Onofre Nuclear Generating Station (SONGS) Outage Memorandum Account (OMA). Each utility shall track in SONGS OMA all SONGS costs and expenditures incurred on and after January 1, 2012, and the revenues collected in recovery of those costs; except Steam Generator Replacement Program (SGRP) costs and revenues collected in recovery of those costs, which shall track all SGRP costs from SGRP inception. Each utility shall also track in SONGS OMA all costs, expenditures, and related revenues on and after January 1, 2012 for other costs incurred as a result of the outages (e.g., replacement power, repairs, litigation). SONGS OMA shall contain at least the following subaccounts (subject to adjustment at the direction of the Energy Division Director): existing fixed costs, revenue requirements for SONGS, existing variable costs, existing seismic safety program costs, SGRP costs, other existing costs, outage investigation costs, replacement generation costs, safety-related program costs pursuant to Nuclear Regulatory Commission findings or orders, other product and service costs, cost of transmission upgrades or other system improvements related to the outages, repair costs, other routine operational costs, regulatory costs, litigation costs, other costs.
- b. SCE and SDG&E shall each track costs recorded in the Energy Resource Recovery Account (ERRA) that are incurred on and after January 1, 2012 in a subaccount of SONGS OMA for subsequent review in this proceeding; this involves all ERRA entries including replacement energy and capacity resulting from the SONGS outages;

- c. SCE and SDG&E shall each track all costs related to Huntington Beach and Demand Response specifically implemented to address loss of SONGS Units 2 and 3 capacity in a subaccount of SONGS OMA.
- d. SCE and SDG&E shall each identify and record any and all excess energy sales foregone (actual or estimated) by SCE and SDG&E due to the loss of SONGS Units 2 and 3; the amount of the energy and the foregone revenue shall be reported to the Commission in a separate document submitted each time the SONGS OMA is reported to the Commission, in a monthly report, or as directed by the Energy Division Director.
- e. SCE and SDG&E shall each file and serve, no less than five days before a utility management final decision to proceed with a major project, a Tier 1 informational Advice Letter with the Energy Division Director before making any major capital expenditures related to SONGS. For this purpose, a major capital expenditure is any amount in excess of \$10 million (total expenditure before allocation to SCE, SDG&E and City of Riverside).
- f. SCE and SDG&E shall each track all expenditures in excess of those removed pursuant to § 455.5 in a separate subaccount of SONGS OMA. The recovery of amounts booked in this memorandum subaccount shall be requested through a formal application filed by each utility with the Commission; and
- g. SCE and SDG&E shall each file a monthly status report with the Commission's Energy Division, with service on the service list. The monthly report shall include an operational update for the units, description of any Nuclear Regulatory Commission actions, estimated replacement energy and capacity costs, estimated other operational expenses, estimated foregone revenues due to lost sales of excess energy, and any other relevant information that either utility believes is relevant and which may impact the Commission's consideration of safe and reliable service at just and reasonable rates, including any additional information directed by the Energy Division Director.

are continued in the state service category for this proceeding. All others are included in the information only category for this proceeding. Persons may seek party status by oral motion at the prehearing conference or hearing, by written motion, or as directed by the Administrative Law Judge.

10. A person expecting to file an intervenor compensation claim for participation in this proceeding shall file a notice of intent to claim intervenor compensation no later than 30 days after the date of the prehearing conference, or as otherwise directed by the Administrative Law Judge.

11. *Ex parte* communications in this proceeding are subject to the restrictions and reporting requirements stated in Article 8 of the Commission's Rules of Practice and Procedure (Rule 8.1, *et seq.*).

This order is effective today.

Dated _____, at San Francisco, California

ATTACHMENT B

ATTACHMENT B
ADOPTED SCHEDULE

| LINE NO | ITEM | DATE |
|---------|--|--|
| 1 | Appeal of categorization | Filed and served within 10 days of date OII issued |
| 2 | Response to appeal of categorization | Filed and served within five days of appeal |
| 3 | SCE and SDG&E each file Tier 1 Advice Letters to establish SONGS OMA | Filed and served within 30 days of date OII issued |
| 4 | Response to OII (regarding issues, need for hearing, schedule) | Filed and served within 30 days of date OII issued |
| 5 | Reply to Response to OII | Filed and served within seven days of response to OII |
| 6 | If directed by assigned Commissioner or ALJ, SCE/SDG&E file and serve background information | To be determined |
| 7 | SCE and SDG&E proposed testimony on rate adjustment pursuant to PU Code § 455.5 (date, amount) | Served within 45 days of date OII issued |
| 8 | Ruling to set Prehearing Conference | To be set by ruling as soon as practicable after responses |
| 9 | Prehearing Conference | Early 2013 |
| 10 | Scoping Memo | Shortly after PHC |
| 11 | Investigation Concluded | Within 18 months of the date of the Scoping Memo |

(END OF ATTACHMENT B)

ATTACHMENT C

Service List

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1104006 LIST
A1105011

***** PARTIES *****

Rochelle Becker
Executive Director
ALLIANCE FOR NUCLEAR RESPONSIBILITY
PO BOX 1328
SAN LUIS OBISPO CA 93406
(858) 337-2703
rochelle@a4nr.org
For: Alliance for Nuclear Responsibility

Rashid A. Rashid
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2705
rhd@cpuc.ca.gov
For: DRA

Alvin S. Pak
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12C
SAN DIEGO CA 92101-3017
(619) 696-2190
APak@SempraUtilities.com
For: San Diego Gas & Electric Company

Gloria M. Ing
Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-1999
gloria.ing@sce.com
For: Southern California Edison Company

***** STATE EMPLOYEE *****

Robert A. Barnett
Administrative Law Judge Division
RM. 2208
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1504
rab@cpuc.ca.gov

Truman L. Burns
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2932
txb@cpuc.ca.gov

Eric Greene
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5560
eg1@cpuc.ca.gov

Sepideh Khosrowjah
Executive Division
RM. 5202
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1190
skh@cpuc.ca.gov

Scott Logan
Division of Ratepayer Advocates
RM. 4108
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1418
sjl@cpuc.ca.gov

Robert M. Pocta
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2871
rmp@cpuc.ca.gov

***** INFORMATION ONLY *****

Patricia Borchmann
1141 CARROTWOOD GLEN
ESCONDIDO CA 92026
(760) 580-7046
patricia.borchmann@yahoo.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO STREET, SUITE 303
SAN FRANCISCO CA 94117
(415) 963-4439
cem@newsdata.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1104006 LIST
A1105011

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Sara Steck Myers
Attorney At Law
122 - 28TH AVENUE
SAN FRANCISCO CA 94121
(415) 387-1904
ssmyers@att.net

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MC B9A
SAN FRANCISCO CA 94177
regrelcpuccases@pge.com

Wendy Keilani
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 654-1185
WKeilani@SempraUtilities.com

Linda Wrazen
Regulatory Case Administrator
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123-1530
(858) 637-7914
LWrazen@SempraUtilities.com

Central Files
SAN DIEGO GAS AND ELECTRIC CO.
8330 CENTURY PARK COURT, CP31-E
SAN DIEGO CA 92123
(858) 654-1240
CentralFiles@SempraUtilities.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-1063
case.admin@sce.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1104006 LIST
A1105011

Walker A. Matthews, Iii
Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, PO BOX 800
ROSEMEAD CA 91770
(626) 302-6879
walker.matthews@sce.com

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

***** PARTIES *****

Rachael E. Koss
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660 X20
rkoss@adamsbroadwell.com
For: Coalition of California Utility Employees (CUE)

James Weil
Director
AGLET CONSUMER ALLIANCE
PO BOX 866
NOVATO CA 94948
(415) 895-5296
jweil@aglet.org
For: Aglet Consumer Alliance

Nora Sheriff
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
nes@a-klaw.com
For: Energy Producers & Users Coalition

Rochelle Becker
Executive Director
ALLIANCE FOR NUCLEAR RESPONSIBILITY
PO BOX 1328
SAN LUIS OBISPO CA 93406
(858) 337-2703
rochelle@a4nr.org
For: Alliance for Nuclear Responsibility

Edward G. Poole
Attorney
ANDERSON & POOLE
601 CALIFORNIA STREET, SUITE 1300
SAN FRANCISCO CA 94108-2818
(415) 956-6413 X-102
epoole@adplaw.com
For: Western Manufactured Housing Communities Association

Rick D. Chamberlain
Attorney
BEHRENS, WHEELER & CHAMBERLAIN
6 N.E. 63RD STREET, SUITE 400
OKLAHOMA CITY OK 73105
(405) 848-1014
rdc_law@swbell.net
For: Wal-Mart Stores, Inc. and Sam's West, Inc.

David J. Byers, Esq.
Attorney At Law
BYERS / RICHARDSON
259 W. 3RD AVENUE
SAN MATEO CA 94402
(650) 759-3375
dbyers@landuselaw.net
For: California City-County Street Light Associaion "CAL-SLA"

Karen Norene Mills
Assoc. Counsel
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO CA 95833
(916) 561-5655
kmills@cfbf.com
For: California Farm Bureau Federation

Melissa W. Kasnitz
CENTER FOR ACCESSIBLE TECHNOLOGY
3075 ADELINE STREET, SUITE 220
BERKELEY CA 94703
(510) 841-3224 X2019
service@cforat.org
For: Disability Rights Advocates

Ann Trowbridge
Attorney At Law
DAY CARTER MURPHY LLC
3620 AMERICAN RIVER DRIVE, SUITE 205
SACRAMENTO CA 95864
(916) 570-2500 X103
atrowbridge@daycartermurphy.com
For: Agricultural Energy Consumer Assoc.

Daniel W. Douglass
DOUGLASS & LIDDELL
EMAIL ONLY
EMAIL ONLY CA 00000
(818) 961-3001

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

douglass@energyattorney.com
For: Western Power Trading Forum

Suma Peesapati
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO CA 94111
(510) 550-6725
speesapati@earthjustice.org
For: Sierra Club

Robert Gnaizda
Of Counsel
200 29TH STREET, NO. 1
SAN FRANCISCO CA 94131
(415) 307-3320
RobertGnaizda@gmail.com
For: National Asian American Coalition/Latino Business
Chamber of Greater Los Angeles/Black Economic Council

Brian T. Cragg
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY
505 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
bcragg@goodinmacbride.com
For: Independent Energy Producers Association

Norman A. Pedersen
Attorney
HANNA AND MORTON LLP
444 SOUTH FLOWER ST. SUITE 1500
LOS ANGELES CA 90071-2916
(213) 430-2510
npedersen@hammor.com
For: Southern California Generation Coalition

Kathleen M. Bellomo
Attorney At Law
KATHLEEN MALONEY BELLOMO
PO BOX 217
LEE VINING CA 93541
(760) 647-6473
hydroesq@schat.net
For: Eastern Sierra Ratepayer Association

John W. Leslie, Esq.
MCKENNA LONG & ALDRIDGE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(619) 699-2536
jleslie@McKennaLong.com
For: Exxon Mobil Corporaton

Howard V. Golub
NIXON PEABODY, LLP
1 EMBARCADERO CENTER, STE. 1800
SAN FRANCISCO CA 94111
(415) 984-8200
hgolub@nixonpeabody.com
For: City of Long Beach, California

Steven W. Frank
PACIFIC GAS AND ELECTRIC CO
77 BEALE STREET, B30A
SAN FRANCISCO CA 94105
(415) 973-6976
swf5@pge.com
For: Pacific Gas and Electric Company

James F. Walsh
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12B
SAN DIEGO CA 92101
(619) 699-5022
JFWalsh@semprautilities.com
For: San Diego Gas & Electric Company

John A. Pacheco
Attorney
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12B
SAN DIEGO CA 92101-3017
(619) 699-5130
JPacheco@SempraUtilities.com
For: San Diego Gas & Electric

Frank A. McNulty

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

David L. Huard
Attorney At Law
MANATT, PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO CA 94111
(415) 291-7430
dhuard@manatt.com
For: County of Los Angeles

K. VYAS, J.L. COLE, J. COMBS, G.M. ING, R. LE
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-1499
Francis.McNulty@sce.com
For: Southern California Edison Company

Stephanie Chen
Attorney At Law
THE GREENLINING INSTITUTE
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 398-0506
stephaniec@greenlining.org
For: The Greenlining Institute

Robert Finkelstein
General Counsel
THE UTILITY REFORM NETWORK
115 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876 X-307
bfinkelstein@turn.org
For: TURN

Thomas Long
THE UTILITY REFORM NETWORK
115 SAN SOME ST., STE. 900
SAN FRANCISCO CA 94104
(415) 929-8876
tlong@turn.org
For: The Utility Reform Network

Kelly M. Foley
Attorney
THE VOTE SOLAR INITIATIVE
2089 TRACY COURT
FOLSOM CA 95630
(916) 367-2017
kelly@votesolar.org
For: The Vote Solar Initiative

Laura J. Rosen

***** STATE EMPLOYEE *****

Sheri Inouye Boles
Executive Division
AREA 2-B
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1182
sni@cpuc.ca.gov

Traci Bone
Legal Division
RM. 5027
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2048
tbo@cpuc.ca.gov

Donna-Fay Bower
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1420
dfb@cpuc.ca.gov

Roland Esquivias
CPUC
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-2212
roe@cpuc.ca.gov

Bishu Chatterjee
Executive Division
RM. 5303
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1247
bbc@cpuc.ca.gov

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

Legal Division
RM. 5032
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2164
ljt@cpuc.ca.gov
For: DRA

Carl Wood
Afl-Cio, Natl Regulatory Affairs Dir.
UTILITY WORKERS UNION OF AMERICA
10103 LIVE OAK AVENUE
CHERRY VALLEY CA 92223
(951) 567-1199
carlwood@uwua.net
For: Utility Workers Union of America

Melanie Darling
Administrative Law Judge Division
RM. 5041
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1461
md2@cpuc.ca.gov

Eric Greene
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5560
eg1@cpuc.ca.gov

Donald J. Lafrenz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1063
dlf@cpuc.ca.gov

Rahmon Momoh
Executive Division
RM. 5206
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1725
rmm@cpuc.ca.gov

Robert M. Pocta
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2871
rmp@cpuc.ca.gov

Felix Robles
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2801
fvr@cpuc.ca.gov

Clayton K. Tang

Marc D. Joseph
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD., STE. 1000
SOUTH SAN FRANCISCO CA 94080-7037
(650) 589-1660
mdjoseph@adamsbroadwell.com

Tom Adams
EMAIL ONLY
EMAIL ONLY CA 00000
ThomasgAdams@gmail.com

Eileen Anthony
410 DOGWOOD DRIVE
BUELTON CA 93427
resanthony@hotmail.com

Andrew Gay
ARC ASSET MANAGEMENT
EMAIL ONLY
EMAIL ONLY NY 00000
(212) 231-4960
andrewgay@arcassetltd.com

Richard Mccann
ASPEN ENVIRONMENTAL GROUP
2655 PORTAGE BAY AVE E, SUITE 3
DAVIS CA 95616
(530) 757-6363
rmccann@umich.edu

Gregg Orrill
Director, Equity Research

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2728
ckt@cpuc.ca.gov

Christopher R Villarreal
Policy & Planning Division
RM. 5119
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1566
crv@cpuc.ca.gov

***** INFORMATION ONLY *****

BARCLAYS CAPITAL
745 7TH AVENU
NEW YORK NY 10019
(212) 526-0865
gregg.orrill@barclays.com

Barbara R. Barkovich
BARKOVICH & YAP, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(707) 937-6203
brbarkovich@earthlink.net

Alison Lechowicz
BARTLE WELLS ASSOCIATES
EMAIL ONLY
EMAIL ONLY CA 00000-0000
(510) 653-3399
alison@bartlewells.com

Reed Schmidt
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY CA 94703-2714
(510) 653-3399 X-111
rschmidt@bartlewells.com

Kit Konolige
BGC FINANCIAL L.P.
199 WATER STREET, 23RD FL.
NEW YORK NY 10038
(646) 346-6865
KKONOLIGE@BGCPARTNERS.COM

Len Canty
Chairman
BLACK ECONOMIC COUNCIL
484 LAKE PARK AVE., SUITE 338
OAKLAND CA 94610
(510) 452-1337
lencanty@BlackEconomicCouncil.org

Scott Blaising
Attorney
BRAUN BLAISING MCLAUGHLIN, P.C.
EMAIL ONLY

Fred Lyn
CITY OF RANCHO CUCAMONGA
EMAIL ONLY
EMAIL ONLY CA 00000
(909) 477-2740
fred.lyn@cityofrc.us

Henry / Dorothy Collins
3345 VIRGINIA STREET
LYNWOOD CA 90262-0482

Howard Choy
Dir. - Office Of Sustainability
COUNTY OF LOS ANGELES
1100 NORTH EASTERN AVENUE, ROOM 300
LOS ANGELES CA 90063
(323) 881-3939
hchoy@isd.co.la.ca.us

Scott Senchak
DECade CAPITAL
EMAIL ONLY
EMAIL ONLY NY 00000-0000
(212) 320-1933
scott.senchak@decade-llc.com

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

EMAIL ONLY CA 00000
(916) 682-9702
blaising@braunlegal.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST STE 303
SAN FRANCISCO CA 94117-2242
(415) 552-1764
cem@newsdata.com

Uthman Arogundade
CATAPULT CAPITAL
666 FIFTH AVENUE, 9TH FL.
NEW YORK NY 10103
(212) 320-1057
uthman.arogundade@catapult-llc.com

Joanne Genis
CITIZENS FOR ALTERNATE ROUTING OF ELECT
3766 GARDEN COURT
CHINO HILLS CA 91709
(909) 597-0449
jgenis3833@aol.com

Gregory Klatt
DOUGLASS & LIDDELL
411 E. HUNTINGTON DR., STE. 107-356
ARCADIA CA 91006
(818) 961-3002
klatt@energyattorney.com

Jessie Baird
EARTHJUSTICE
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 550-6725
jbaird@earthjustice.org

Ross Boomer
EDISON INTERNATIONAL
2244 WALNUT GROVE AVE.
ROSEMEAD CA 91770
(626) 302-3548

Anjani Vedula
DEUTSCHE BANK
60 WALL STREET
NEW YORK NY 10005
(212) 300-3328
anjani.vedula@db.com

Jonathan Arnold
DEUTSCHE BANK
60 WALL STREET
NEW YORK NY 10005
(212) 250-3182
jonathan.arnold@db.com

Lauren Duke
DEUTSCHE BANK SECURITIES INC.
EMAIL ONLY
EMAIL ONLY NY 00000
(212) 250-8204
lauren.duke@db.com

Donald C. Liddell
Counsel
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO CA 92103
(619) 993-9096
liddell@EnergyAttorney.com

Paul Patterson
GLENROCK ASSOCIATES LLC
EMAIL ONLY
EMAIL ONLY NY 00000
(212) 246-3318
ppatterson2@nyc.rr.com

Steven Kelly
INDEPENDENT ENERGY PRODUCERS ASSN
EMAIL ONLY
EMAIL ONLY CA 00000-0000
(916) 448-9499
steven@iepa.com

Garrick Jones
JBS ENERGY
311 D STREET
WEST SACRAMENTO CA 95605
(916) 372-0534

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

ross.boomer@edisonintl.com

garrison@jbsenergy.com

Ronald Liebert
Attorney At Law
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, STE. 400
SACRAMENTO CA 95816
(916) 447-2166
rl@eslawfirm.com

Jorge Corralejo
Chairman / President
LAT. BUS. CHAMBER OF GREATER L.A.
634 S. SPRING STREET, STE 600
LOS ANGELES CA 90014
(213) 347-0008
JCorralejo@LBCgla.org

Lynn M. Haug
ELLISON, SCHNEIDER & HARRIS, L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5931
(916) 447-2166
lmh@eslawfirm.com

James J. Heckler
LEVIN CAPITAL STRATEGIES
595 MADISON AVENUE
NEW YORK NY 10022
(212) 259-0851
jheckler@levincap.com

S. Julio Friedmann
ENERGY & ENVIRONMENTAL SECURITY
PO BOX 808 L-184
LIVERMORE CA 94551
Friedmann2@llnl.gov

Aaron Lewis
1472 FILBERT ST., APT. 408
SAN FRANCISCO CA 94109-1629
(530) 400-9136
aaron.joseph.lewis@gmail.com

Marc C. Johnson
Law
EXXON MOBIL GAS & POWER MRKTNG CO.
800 BELL STREET, NO. 3497-N
HOUSTON TX 77002
(713) 656-4786
marc.c.johnson@exxonmobil.com

Stefanie Warren
LUCE FORWARD HAMILTON & SCRIPPS LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(619) 533-7378
swarren@luce.com

Michael Goldenberg
LUMINUS MANAGEMENT
1700 BROADWAY, 38TH FLOOR
NEW YORK NY 10019
(212) 615-3427
mgoldenberg@luminusmgmt.com

Cleo Zagrean
MACQUARIE CAPITAL (USA)
EMAIL ONLY
EMAIL ONLY NY 00000
(212) 231-1749
cleo.zagrean@macquarie.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Jack Stoddard
MANATT PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FL.
SANFRANCISCO CA 94111
(415) 291-7400

Faith Bautista
President & Ceo
NATIONAL ASIAN AMERICAN COALITION
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 952-0522

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

JStoddard@manatt.com

Phyllis A. Marshall
Attorney
MANATT, PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FL
SAN FRANCISCO CA 94111
(415) 291-7400
pmarshall@manatt.com
For: The California Black Chamber of Commerce

Randy Keen
MANATT, PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO CA 94111
(415) 291-7400
rkeen@manatt.com
For: County of Los Angeles; The California Black Chamber of Commerce

Tara Kaushik
Attorney
MANATT, PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO CA 94111
(415) 291-7409
TKaushik@manatt.com
For: County of Los Angeles; The California Black Chamber of Commerce.

David Marcus
PO BOX 1287
BERKELEY CA 94701
(510) 528-0728
dmarcus2@sbcglobal.net

Naaz Khumawala
MERRILL LYNCH, PIERCE, FENNER & SMITH
EMAIL ONLY
EMAIL ONLY TX 00000
(713) 247-7313
naaz.khumawala@baml.com

Edward Heyn
POINTSTATE CAPITAL
40 WEST 57TH STREET, 25TH FL.
NEW YORK NY 10019
(212) 830-7061

bautistafaith@yahoo.com

Shalini Swaroop
Sr. Staff Attorney
NATIONAL ASIAN AMERICAN COALITION
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 953-0522 X-231
sswaroop@naacoalition.org

Joanie Yuen
Case Coordinator
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
JXYR@pge.com

Minci Han
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
m2h9@pge.com

Shelly Sharp
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
ssm3@pge.com

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000; MC B9A
SAN FRANCISCO CA 94177
(415) 973-4744
regrelcpuccases@pge.com

Janet Liu
Case Coordinator
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A
SAN FRANCISCO CA 94105
(415) 973-7653
J4LR@pge.com

Laura Earl
Sr. Counsel - Regulatory
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET
SAN DIEGO CA 92101

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

ted@PointState.com

Tracy Porter
PREMIERE SOLUTIONS, LLC
4695 CHABOT DRIVE, STE. 200
PLEASANTON CA 94588
(925) 467-1000
Tracy@Premieresolutionsllc.com

Ellen Ngai
RBC CAPITAL MARKETS
111 WORTH ST., APT. 18K
NEW YORK NY 10013
(212) 558-0412
ellen.ngai@rbccm.com

Donald W. Schoenbeck
RCS, INC.
900 WASHINGTON STREET, SUITE 780
VANCOUVER WA 98660
(360) 737-3877
dws@r-c-s-inc.com

Joan Renehan
913 CROWN AVENUE
SANTA BARBARA CA 93111

Sue Mara
Consultant
RTO ADVISORS, LLC
164 SPRINGDALE WAY
REDWOOD CITY CA 94062
(415) 902-4108
sue.mara@RTOadvisors.com

Pete Girard
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK CT., STE. 32E
SAN DIEGO CA 92123
(858) 654-8218
pgirard@semprautilities.com

Keith Melville
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ-12B
SAN DIEGO CA 92101
(619) 699-5039
KMelville@SempraUtilities.com

(619) 696-0583
learl@SempraUtilities.com

Onell Soto
SAN DIEGO UNION-TRIBUNE
PO BOX 120191
SAN DIEGO CA 92112-0191
(619) 293-1280
onell.soto@uniontrib.com

Clay Faber
SEMPRA UTILITIES
EMAIL ONLY
EMAIL ONLY CA 00000
cfaber@semprautilities.com

Marcie A. Milner
SHELL ENERGY NORTH AMERICA (US), L.P.
4445 EASTGATE MALL, STE. 100
SAN DIEGO CA 92121
(858) 526-2106
marcie.milner@shell.com

Kevin Fallon
SIR CAPITAL MANAGEMENT
620 EIGHTH AVENUE, 22ND FLOOR
NEW YORK NY 10018
(212) 993-7104
kfallon@sirfunds.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE./ PO BOX 800
ROSEMEAD CA 91770
(626) 302-4875
scegrc@sce.com

Kris G. Vyas
Attorney
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE./PO BOX 800
ROSEMEAD CA 91770
(626) 302-6613
kris.vyas@sce.com

***** SERVICE LIST *****
Last Updated on 18-OCT-2012 by: JVG
A1011015 LIST

Russell Worden
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE./PO BOX 800
ROSEMEAD CA 91770
(626) 302-6705
Russell.Worden@sce.com

Johnny J. Pong
SOUTHERN CALIFORNIA GAS COMPANY
555 W. 5TH ST. GT14E7, SUITE 1400
LOS ANGELES CA 90013-1034
(213) 244-2990
JPong@SempraUtilities.com
For: San Diego Gas & Electric

Daniel Dominguez
UTILITY WORKERS UNION OF AMERICA LOC 246
10355 LOS ALAMITOS BLVD.
LOS ALAMITOS CA 92673
(562) 594-8881
dand2847@aol.com

Kevin Woodruff
WOODRUFF EXPERT SERVICES
1100 K STREET, SUITE 204
SACRAMENTO CA 95814
(916) 442-4877
kdw@woodruff-expert-services.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

***** PARTIES *****

Rachael E. Koss
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
rkoess@adamsbroadwell.com
For: Coalition of California Utility Employees

James Weil
Director
AGLET CONSUMER ALLIANCE
PO BOX 866
NOVATO CA 94948
(415) 895-5296
jweil@aglet.org
For: Aglet Consumer Alliance

Seema Srinivasan
ALCANTAR & KAHL LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
sls@a-klaw.com
For: Indicated Producers

Evelyn Kahl
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94015
(415) 403-5542
ek@a-klaw.com
For: Clean Energy Fuels Corp.

Rick D. Chamberlain
Attorney
BEHRENS, WHEELER & CHAMBERLAIN
6 N.E. 63RD STREET, SUITE 400
OKLAHOMA CITY OK 73105
(405) 848-1014
rdc_law@swbell.net
For: Wal-Mart Stores, Inc. and Sam's West, Inc.

Len Carty
Chairman
BLACK ECONOMIC COUNCIL
484 LAKE PARK AVE., SUITE 338
OAKLAND CA 94610

David J. Byers, Esq.
Attorney At Law
BYERS / RICHARDSON
259 W. 3RD AVENUE
SAN MATEO CA 94402
(650) 759-3375
dbyers@landuselaw.net
For: California City-County Street Light Association "CAL-SLA"

Jonathan Bromson
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2362
jab@cpuc.ca.gov
For: DRA

Karen Norene Mills
Assoc. Counsel
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO CA 95833
(916) 561-5655
kmills@cfbf.com
For: California Farm Bureau Federation

Melissa W. Kasnitz
CENTER FOR ACCESSIBLE TECHNOLOGY
3075 ADELINE STREET, STE. 220
BERKELEY CA 94703
(510) 841-3224 X2019
service@cforat.org
For: Center for Accessible Technology

DISABILITY RIGHTS ADVOCATES
EMAIL ONLY
EMAIL ONLY CA 00000
pucservice@dralegal.org
For: Disability Rights Advocates

Daniel W. Douglass
Attorney
DOUGLASS & LIDDELL
21700 OXNARD ST., STE. 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Direct Access Custome Coalition

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

(510) 452-1337
lencanty@BlackEconomicCouncil.org
For: Black Economic Council

Norman J. Furuta
FEDERAL EXECUTIVE AGENCIES
1455 MARKET ST., SUITE 1744
SAN FRANCISCO CA 94103-1399
(415) 503-6994
norman.furuta@navy.mil
For: Federal Executive Agencies

Norman A. Pedersen
Attorney At Law
HANNA AND MORTON, LLP
444 SOUTH FLOWER STREET, NO. 1500
LOS ANGELES CA 90071-2916
(213) 430-2510
npedersen@hamor.com
For: Southern California Generation Coalition

Jorge Corralejo
Chairman / President
LAT. BUS. CHAMBER OF GREATER L.A.
634 S. SPRING STREET, STE 600
LOS ANGELES CA 90014
(213) 347-0008
JCorralejo@LBCgla.org
For: Latino Business Chamber of Greater L.A.

John W. Leslie, Esq.
MCKENNA LONG & ALDRIDGE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(619) 699-2536
JLeslie@McKennaLong.com
For: Shell Energy North America

Diane Conklin
Spokesperson
MUSSEY GRADE ROAD ALLIANCE
PO BOX 683
RAMONA CA 92065
(760) 787-0794
dj0conklin@earthlink.net
For: Mussey Grade Road Alliance

Steven W. Frank
PACIFIC GAS AND ELECTRIC CO
77 BEALE STREET, B30A
SAN FRANCISCO CA 94105
(415) 973-6976
swf5@pge.com
For: Pacific Gas and Electric Company

John A. Pacheco
Attorney
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12B
SAN DIEGO CA 92101-3017
(619) 699-5130
JPacheco@SempraUtilities.com
For: San Diego Gas & Electric

Keith Melville
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ-12B
SAN DIEGO CA 92101
(619) 699-5039
KMelville@SempraUtilities.com
For: San Diego Gas & Electric/SoCal Gas

Ronald Van Der Leeden
Dir.-General Rate Case & Revenue Req.
SAN DIEGO GAS & ELECTRIC COMPANY
555 WEST 5TH STREET, GT15C2
LOS ANGELES CA 90013-1011
(213) 244-2009
RVanderleeden@SempraUtilities.com
For: San Deigo Gas & Electric Company

Francis McNulty
Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91770
(626) 302-1499
Francis.McNulty@sce.com
For: SCE

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

Faith Bautista
President
NATIONAL ASIAN AMERICAN COALITION
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 953-0522
Faith.MabuhayAlliance@gmail.com
For: National Asian American Coalition

David J. Gilmore
SOUTHERN CALIFORNIA GAS COMPANY
555 WEST FIFTH STREET, GT-14E7
LOS ANGELES CA 90071
(213) 244-2945
DGilmore@SempraUtilities.com
For: SDG&E/SoCal Gas

Nicholas Sher
Legal Division
RM. 4007
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-4232
nms@cpuc.ca.gov
For: DRA

Stephanie Chen
Attorney At Law
THE GREENLINING INSTITUTE
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 398-0506
stephaniec@greenlining.org
For: The Greenlining Institute

Nina Suetake
THE UTILITY REFORM NETWORK
115 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876 X 308
nsuetake@turn.org
For: The Utility Reform Network

David A. Peffer, Esq.
UTILITY CONSUMERS ACTION NETWORK
3405 KENYON STREET, STE. 401
SAN DIEGO CA 92110
(619) 696-6966
DPeffer@ucan.org
For: UCAN

William Julian Ii
UTILITY WORKERS UNION OF AMERICA
43556 ALMOND LANE

Donna-Fay Bower
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1420
dfb@cpuc.ca.gov

Truman L. Burns
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2932
txb@cpuc.ca.gov

Michael Colvin
Executive Division
RM. 5212
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5484
mc3@cpuc.ca.gov

Belinda Gatti
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-3272
beg@cpuc.ca.gov

Stephanie Green
Executive Division
AREA 2-B
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5245
sjg@cpuc.ca.gov

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

DAVIS CA 95618
(530) 219-7638
billjulian@sbcglobal.net
For: Utility Workers Union of America

***** STATE EMPLOYEE *****

Sheri Inouye Boles
Executive Division
AREA 2-B
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1182
sni@cpuc.ca.gov

Donald J. Lafrenz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1063
dlf@cpuc.ca.gov

Elaine Lau
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5621
ec2@cpuc.ca.gov

Richard A. Myers
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1228
ram@cpuc.ca.gov

Noel Obiora
Legal Division
RM. 5121
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5987
nao@cpuc.ca.gov

Robert M. Pocta
Division of Ratepayer Advocates
RM. 4205
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2871
rmp@cpuc.ca.gov

John S. Wong
Administrative Law Judge Division
RM. 5106
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-3130
jsw@cpuc.ca.gov

James R. Wuehler

Marc D. Joseph
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD., STE. 1000
SOUTH SAN FRANCISCO CA 94080-7037
(650) 589-1660
mdjoseph@adamsbroadwell.com

Maria C. Severson
MICHAEL J. AGUIRRE
Counsel
AGUIRRE MORRIS & SEVERSON
444 W. C STREET, SUITE 210
SAN DIEGO CA 92101
(619) 876-5364
mseverson@amslawyers.com
For: Ruth Henricks

Karen Terranova
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542
filings@a-klaw.com

Nora Sheriff
ALCANTAR & KAHL
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 403-5542
nes@a-klaw.com

Ross Van Ness

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

Division of Ratepayer Advocates
RM. 4208
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1667
jrw@cpuc.ca.gov

Marzia Zafar
Executive Division
RM. 2-B
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1997
zaf@cpuc.ca.gov

***** INFORMATION ONLY *****

ALCANTAR & KAHL
1300 SW FIFTH AVE., STE. 1750
PORTLAND OR 97209
(503) 402-9900
rvn@a-klaw.com

Mike Cade
ALCANTAR & KAHL, LLP
1300 SW 5TH AVE, SUITE 1750
PORTLAND OR 97201
(503) 402-8711
wmc@a-klaw.com

Fassil T. Fenikile
Director, Regulatory
AT&T CALIFORNIA
525 MARKET STREET, ROOM 1925
SAN FRANCISCO CA 94105
(415) 778-1455
Fassil.t.Fenikile@att.com

Noah Hauser
BARCLAYS CAPITAL
745 - 7TH AVENUE, 17TH FLOOR
NEW YORK NY 10003
(212) 526-6203
noah.hauser@barclayscapital.com

Catherine E. Yap
BARKOVICH & YAP, INC.
PO BOX 11031
OAKLAND CA 94611
(510) 450-1270
ceyap@earthlink.net

Alison Lechowicz
BARTLE WELLS ASSOCIATES
EMAIL ONLY
EMAIL ONLY CA 00000-0000
(510) 653-3399
alison@bartlewells.com

Reed Schmidt
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY CA 94703-2714
(510) 653-3399 X-111

Mark Sweeney
CLEAN ENERGY FUELS CORPORATION
4638 SANTA CRUZ AVENUE
SAN DIEGO CA 92107
(619) 223-2629
mpsweeney@earthlink.net

DAVIS WRIGHT TREMAINE, LLP
EMAIL ONLY
EMAIL ONLY CA 00000
dwtcpucdockets@dwt.com

Ralph E. Dennis
DENNIS CONSULTING
2805 BITTERSWEET LANE
LA GRANGE KY 40031
(502) 241-5686
ralphdennis@insightbb.com

Jonathan Arnold
DEUTSCHE BANK
60 WALL STREET
NEW YORK NY 10005
(212) 250-3182
jonathan.arnold@db.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

rschmidt@bartlewells.com

Bruno Jeider
BURBANK WATER & POWER
164 WEST MAGNOLIA BLVD.
BURBANK CA 91502
(818) 238-3700
bjeider@ci.burbank.ca.us

CALIFORNIA ENERGY MARKETS
425 DIVISADERO STREET, SUITE 303
SAN FRANCISCO CA 94117
(415) 963-4439
cem@newsdata.com

Charles Guss
CITY OF ANAHEIM
200 SOUTH ANAHEIM BLVD.
ANAHEIM CA 92805
(415) 765-4242
cguss@anaheim.net

Steven Sciortino
CITY OF ANAHEIM
200 SOUTH ANAHEIM BOULEVARD
ANAHEIM CA 92805
(714) 765-5177
ssciortino@anaheim.net

Daniel J. Brink
Counsel
EXXON MOBIL CORP.
800 BELL ST., RM. 3497-0
HOUSTON TX 77002
(713) 656-4418
daniel.j.brink@exxonmobil.com

Randy E. Parker
EXXON MOBIL CORPORATION
800 BELL STREET, CORP-EMB- 3505CC
HOUSTON TX 77002
(713) 656-4418
randy.e.parker@exxonmobil.com

Valerie Puffer
GLENDALE WATER & POWER
700 N. BRAND, SUITE 590
GLENDALE CA 91203

Alana Chavez-Langdon
ECOTALITY, INC.
80 E RIO SALADO PKWY, STE. 710
TEMPE AZ 85281-9110
(480) 776-2175
AChavez@ecotality.com

Ronald Liebert
Attorney At Law
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, STE. 400
SACRAMENTO CA 95816
(916) 447-2166
rl@eslawfirm.com

Lynn Haug
ELLISON, SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5931
(916) 447-2166
lmh@eslawfirm.com
For: ECOTality North America

Stephen J. Keene
Asst. General Counsel
IMPERIAL IRRIGATION DISTRICT
333 EAST BARONI BLVD.
IMPERIAL CA 92251
(760) 339-9574
sjkeene@iid.com

Garrick Jones
JBS ENERGY
311 D STREET
WEST SACRAMENTO CA 95605
(916) 372-0534
garrick@jbsenergy.com

John Sugar
JBS ENERGY
311 D STREET, SUITE A
WEST SACRAMENTO CA 95605

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

(818) 548-4096
VPuffer@ci.glendale.ca.us

Steven G. Lins
Chief Assistant General Manager
GLENDALE WATER AND POWER
141 N. GLENDALE AVENUE, LEVEL 4
GLENDALE CA 91206-4394
(818) 548-2136
slins@ci.glendale.ca.us

Paul Patterson
GLENROCK ASSOCIATES LLC
EMAIL ONLY
EMAIL ONLY NY 00000
(212) 246-3318
ppatterson2@nyc.rr.com

Robert Gnaizda
Of Counsel
200 29TH STREET, NO. 1
SAN FRANCISCO CA 94131
(415) 307-3320
RobertGnaizda@gmail.com

Tom O'Neill
Managing Director
GREEN ARROW, LLC
3650 MT. DIABLO BLVD., STE. 106
LAFAYETTE CA 94549
(415) 844-4019
tom.oneill@greenarrow-llc.com

Carrie A. Downey
LAW OFFICES OF CARRIE ANNE DOWNEY
EMAIL ONLY
EMAIL ONLY CA 00000
(619) 522-2040
cadowney@cadowneylaw.com

James J. Heckler
LEVIN CAPITAL STRATEGIES
595 MADISON AVENUE
NEW YORK NY 10022
(212) 259-0851

(916) 372-0534
john@jbsenergy.com

Kirby Bosley
JP MORGAN VENTURES ENERGY CORP.
700 LOUISIANA ST. STE 1000, 10TH FLR
HOUSTON TX 77002
(713) 236-3383
kirby.bosley@jpmorgan.com

Paul Tramonte
JP MORGAN VENTURES ENERGY CORP.
700 LOUISIANA ST., STE 1000, 10TH FLR
HOUSTON TX 77002
(713) 236-3079
Paul.Tramonte@jpmorgan.com

Paul Gendron
JP MORGAN VENTURES ENERGYCORP.
700 LOUISIANA STREET SUITE 1000
HOUSTON TX 77002
(925) 708-4994
paul.gendron@JPMorgan.com

Ralph Smith
LARKIN & ASSOCIATES
15728 FARMINGTON ROAD
LIVONIA MI 48154
(734) 522-3420
rsmithla@aol.com

Naaz Khumawala
MERRILL LYNCH, PIERCE, FENNER & SMITH
EMAIL ONLY
EMAIL ONLY TX 00000
(713) 247-7313
naaz.khumawala@bam.l.com

Rajeev Lalwani
MORGAN STANLEY
EMAIL ONLY
EMAIL ONLY NY 00000
(212) 761-6978

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

jheckler@levincap.com

Aaron Lewis
1472 FILBERT ST., APT. 408
SAN FRANCISCO CA 94109-1629
(530) 400-9136
aaron.joseph.lewis@gmail.com

Robert L. Pettinato
LOS ANGELES DEPT. OF WATER & POWER
111 NORTH HOPE STREET, RM. 1150
LOS ANGELES CA 90012
(213) 367-1735
robert.pettinato@ladwp.com

Michael Goldenberg
LUMINUS MANAGEMENT
1700 BROADWAY, 38TH FLOOR
NEW YORK NY 10019
(212) 615-3427
mgoldenberg@luminusmgmt.com

Joseph W. Mitchell, Ph. D.
M-BAR TECHNOLOGIES AND CONSULTING, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(760) 703-7521
jwmitchell@mbartek.com

Cleo Zagrean
MACQUARIE CAPITAL (USA)
125 W 55TH STREET
NEW YORK NY 10019
(212) 231-1749
cleo.zagrean@macquarie.com

David Marcus
PO BOX 1287
BERKELEY CA 94701
(510) 528-0728
dmarcus2@sbcglobal.net

Makda Solomon
NAVY UTILITY RATES AND STUDIES OFFICE
1322 PATTERSON AVENUE SE - BLDG. 33
WASHINGTON DC 20374-5018
(202) 685-0130

rajeev.lalwani@morganstanley.com

Richard J. Morillo
PO BOX 6459
BURBANK CA 91510-6459
(818) 238-5702
rmorillo@ci.burbank.ca.us

Phillip Moskal
PO BOX 371414
SAN DIEGO CA 92137
(619) 414-9703
thnxvm@gmail.com
For: Phillip Moskal

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Shalini Swaroop
Sr. Staff Attorney
NATIONAL ASIAN AMERICAN COALITION
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 953-0522 X-231
sswaroop@naacoalition.org

Khojasteh Davoodi
NAVY UTILITY RATES AND STUDIES OFFICE
DEPARTMENT OF THE NAVY
1322 PATTERSON AVENUE SE
WASHINGTON NAVY YARD DC 20374-5018
(202) 685-0130
khojasteh.davoodi@navy.mil

Steven Endo
PASADENA DEPARTMENT OF WATER & POWER
150 S. LOS ROBLES, SUITE 200
PASADENA CA 91101
(626) 744-7599

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

makda.solomon@navy.mil

sendo@cityofpasadena.net

Jessica Yip
ONGRID SOLAR
EMAIL ONLY
EMAIL ONLY CA 00000
jessica@ongrid.net

Eric Klinkner
PASADENA DEPARTMENT OF WATER AND POWER
150 SOUTH LOS ROBLES AVENUE, SUITE 200
PASADENA CA 91101-2437
(626) 744-4478
eklinkner@cityofpasadena.net

PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
regrelcpuccases@pge.com

Edward Heyn
POINTSTATE CAPITAL
40 WEST 57TH STREET, 25TH FL.
NEW YORK NY 10019
(212) 830-7061
ted@PointState.com

Janet Liu
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 973-7653
j4lr@pge.com

Tom Roth
ROTH ENERGY COMPANY
545 S. FIGUEROA STREET, SUITE 1235
LOS ANGELES CA 90071
(213) 622-6700
rothenergy@sbcglobal.net

Joanie Yuen
Case Coordinator
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
JXYR@pge.com

Sue Mara
Consultant
RTO ADVISORS, LLC
164 SPRINGDALE WAY
REDWOOD CITY CA 94062
(415) 902-4108
sue.mara@RTOadvisors.com

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000; MC B9A, 77 BEALE STREET
SAN FRANCISCO CA 94105
(415) 973-4744
regrelcpuccases@pge.com

Rosann Gallien
Deputy General Counsel
SAN DIEGO COUNTY WATER AUTHORITY
EMAIL ONLY
EMAIL ONLY CA 00000
(858) 522-6794
RGallien@sdcwa.org

Shelly Sharp
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET
SAN FRANCISCO CA 94177
(415) 973-2636
ssm3@pge.com

Pete Girard
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK CT., STE. 32E
SAN DIEGO CA 92123
(858) 654-8218
pgirard@semprautilities.com

Cathie Allen
Regulatory Mgr.
PACIFICORP
EMAIL ONLY
EMAIL ONLY OR 00000
(503) 813-5934
CaliforniaDockets@pacificorp.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

Laura Earl
Sr. Counsel - Regulatory
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET
SAN DIEGO CA 92101
(619) 696-0583
learl@SempraUtilities.com

Rasha Prince
SAN DIEGO GAS & ELECTRIC COMPANY
555 WEST 5TH STREET, GT14D6
LOS ANGELES CA 90013
(213) 244-5141
RPrince@SempraUtilities.com

Steven C. Nelson
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12
SAN DIEGO CA 92101
(619) 699-5136
SNelson@sempra.com

Central Files
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK CT, CP31-E
SAN DIEGO CA 92123-1530
(858) 654-1852
CentralFiles@SempraUtilities.com

Chuck Manzuk
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK CT, CP32D
SAN DIEGO CA 92123
(858) 654-1782
CManzuk@SempraUtilities.com

Onell Soto
SAN DIEGO UNION-TRIBUNE
PO BOX 120191
SAN DIEGO CA 92112-0191
(619) 293-1280
onell.soto@uniontrib.com

Richard H. Schulte
EMAIL ONLY
EMAIL ONLY CA 00000
rickschulte@cox.net

Clay Faber
SEMPRA UTILITIES
EMAIL ONLY
EMAIL ONLY CA 00000

Marcie A. Milner
SHELL ENERGY NORTH AMERICA (US), L.P.
4445 EASTGATE MALL, STE. 100
SAN DIEGO CA 92121
(858) 526-2106
marcie.milner@shell.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., PO BOX 800
ROSEMEAD CA 91770
(626) 302-4875
case.admin@sce.com

Johnny Pong
SOUTHERN CALIFORNIA GAS / SDG&E COMPANY
555 WEST FIFTH STREET NO. 1400, GT14E7
LOS ANGELES CA 90013-1011
(213) 244-2990
JPong@SempraUtilities.com

Andrew Steinberg
SOUTHERN CALIFORNIA GAS CO.
555 W. 5TH STREET, GT19A7
LOS ANGELES CA 90013-1034
(213) 244-3817
ASteinberg@SempraUtilities.com

Marcel Hawiger
Energy Atty
THE UTILITY REFORM NETWORK
115 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876 X311
marcel@turn.org

Robert Finkelstein
General Counsel
THE UTILITY REFORM NETWORK
115 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876 X-307
bfinkelstein@turn.org

Thomas J. Long
Attorney At Law
TURN
115 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876
tlong@turn.org

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1012005 LIST
A1012006

cfaber@semprautilities.com

Morgan Lee
U-T SAN DIEGO
350 CAMINO DEL LA REINA
SAN DIEGO CA 92108
(619) 293-1251
Morgan.Lee@UTSanDiego.com

Carl Wood
UTILITY WORKERS UNION OF AMERICA
10103 LIVE OAK AVE.
CHERRY VALLEY CA 92223
(951) 567-1199
carl.wood@verizon.net

Kevin Woodruff
WOODRUFF EXPERT SERVICES
1100 K STREET, SUITE 204
SACRAMENTO CA 95814
(916) 442-4877
kdw@woodruff-expert-services.com

***** SERVICE LIST *****
A0904009 LIST

***** PARTIES *****

***** STATE EMPLOYEE *****

***** INFORMATION ONLY *****

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

***** PARTIES *****

Michael Mazur
Principal
3 PHASES RENEWABLES LLC (1373)
2100 SEPULVEDA BLVD, SUITE 37
MANHATTAN BEACH CA 90266
(310) 798-5275
mmazur@3PhasesRenewables.com
For: 3 Phases Renewables, LLC

Marc D. Joseph
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD., SUITE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
mdjoseph@adamsbroadwell.com
For: Coalition of California Utility Employees

Donald Brookhyser
ALCANTAR & KAHL
1300 SW FIFTH AVE., SUITE 1750
PORTLAND OR 97210
(503) 402-8702
deb@a-klaw.com
For: Cogeneration Association of California

Nora Sheriff
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
nes@a-klaw.com
For: California Large Energy Consumers Association (CLECA)

Evelyn Kahl
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94015
(415) 403-5542
ek@a-klaw.com
For: Energy Producers & Users Coalition

Gloria Britton
Regulatory Affairs Mgr.
ANZA ELECTRIC CO-OPERATIVE, INC (909)
PO BOX 39109 / 58470 HIGHWAY 371
ANZA CA 92539-1909
(909) 763-4333

Scott Blaising
BRAUN BLAISING MCLAUGHLIN P.C.
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 682-9702
blaising@braunlegal.com
For: Kings River Conservation District (KRCD)

Margaret Miller
BROOKFIELD RENEWABLE ENERGY GROUP
513 SAN MARCO PLACE
EL DORADO HILLS CA 95762
(916) 673-3082
margaret.miller@brookfieldrenewable.com
For: Brookfield Renewable Energy Group

Andrew O. Kaplan, Esq.
BROWN RUDNICK LLP
ONE FINANCIAL CENTER
BOSTON MA 02111
(617) 856-8369
AKaplan@BrownRudnick.com
For: Beacon Power, LLC

Judith B. Sanders
NANCY SARACINO/ANTHONY IVANCOVICH/BETH ANN
BU
Sr. Counsel
CALIF. INDEPENDENT SYSTEM OPERATOR CORP
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 608-7143
jsanders@caiso.com
For: California Independent System Operator Corporation

Karen Mills
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO CA 95833
(916) 561-5655
kmills@cfbf.com
For: California Farm Bureau Federation

Jason Armenta
CALPINE POWERAMERICA-CA, LLC
717 TEXAS AVENUE, SUITE 1000
HOUSTON TX 77002
(713) 830-8362
cpacc@calpine.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

GloriaB@anzaelectric.org
For: Anza Electric Co-Operative, Inc.

Sarah Tomec
Sr. Advisor, Regulatory Affairs West
CAPITAL POWER CORPORATION
9255 TOWNE CENTRE DRIVE, STE. 900
SAN DIEGO CA 92121
(858) 450-3214
STomec@CapitalPower.com
For: Capital Power Corporation

Mike Campbell
Community Choice Aggregation Dir.
CITY AND COUNTY OF SAN FRANCISCO
1155 MARKET STREET, 4TH FL.
SAN FRANCISCO CA 94103
mcampbell@sfgwater.org
For: City and County of San Francisco

Theresa L. Mueller
DENNIS HERRERA/JEANNE M. SOLE
CITY AND COUNTY OF SAN FRANCISCO
CITY HALL, ROOM 234
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO CA 94102-4682
(415) 554-4640
theresa.mueller@sfgov.org
For: City and County of San Francisco

Jan Reid
COAST ECONOMICS CONSULTING
3185 GROSS ROAD
SANTA CRUZ CA 95062
(831) 476-5700
janreid@coastecon.com
For: L. Jan Reid

Inger Goodman
COMMERCE ENERGY INC
1 CENTERPOINTE DRIVE, SUITE 350
LA PALMA CA 90623-2520
(714) 259-2508
igoodman@commerceenergy.com
For: Commerce Energy, Inc.

For: Calpine PowerAmerica-CA, LLC

Victor Gonzales
CONSTELLATION NEW ENERGY, INC. (1359)
111 MARKET PLACE, SUITE 500
BALTIMORE MD 21202
(713) 652-5544
For: Constellation New Energy, Inc.

R. Thomas Beach
CROSSBORDER ENERGY
2560 9TH ST., SUITE 213A
BERKELEY CA 94710-2557
(510) 549-6922
tomb@crossborderenergy.com
For: The California Cogeneration Council

Marcus V. Da Cunha
EMAIL ONLY
EMAIL ONLY CA 00000
marcusdacunha@hotmail.com
For: Marcus V. Da Cunha

Edward O'Neill
DAVIS WRIGHT TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO CA 94111-6533
(415) 276-6500
edwardoneill@dwt.com
For: South San Joaquin Irrigation District

Jeffrey P. Gray
OLIVIA PARA
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO CA 94111-6533
(415) 276-6587
jeffgray@dwt.com
For: Calpine Corporation

John L. Geesman
Attorney
DICKSON GEESMAN LLP

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Patrick Vanbeek
Dir - Customer Support
COMMERCIAL ENERGY OF CALIFORNIA
7677 OAKPORT STREET, STE. 525
OAKLAND CA 94621
patrick.vanbeek@commercialenergy.net
For: Commercial Energy of California

1999 HARRISON STREET, STE. 2000
OAKLAND CA 94612
(510) 899-4670
John@DicksonGeesman.com
For: Alliance For Nuclear Responsibility (A4NR)

Andrea Morrison
Director - Gov'T. And Regulatory Affairs
DIRECT ENERGY SERVICES, LLC (1341)
415 DIXON STREET
ARROYO GRANDE CA 93420
(916) 759-7052
andrea.morrison@directenergy.com
For: Direct Energy, LLC/Direct Energy Services

Christopher T. Ellison
Attorney
ELLISON, SCHNEIDER & HARRIS, L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
cte@eslawfirm.com
For: Pathfinder Renewable Wind Energy, LLC

Brad Bordine
DISTRIBUTED ENERGY CONSUMER ADVOCATES
516 WHITEWOOD DRIVE
SAN RAFAEL CA 94903
b.bordine@d-e-c-a.org
For: Distributed Energy Consumer Advocates

C/O Andy Brown
ELLISON, SCHNEIDER & HARRIS, LLP
2600 CAPITAL AVENUE, SUITE 400
SACRAMENTO CA 95816-5931
(916) 447-2166
abb@eslawfirm.com
For: NV Energy / California Pacific Electric Company (CalPeco)

Daniel W. Douglass
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: ConEdison Solutions, Inc./Western Power Trading Forum

Kevin Boudreaux
ENERCAL USA LLC
7660 WOODWAY DRIVE, STE. 471A
HOUSTON TX 77063
(713) 395-5372
kb@enercalusa.com
For: Enercal USA, LLC

Donald C. Liddell
Counsel
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO CA 92103
(619) 993-9096
liddell@EnergyAttorney.com
For: Starwood Power-Midway, LLC/California Energy Storage
Alliance/Camco International Group, Inc.

Mona Tierney-Lloyd
Dir., Western Regualtory Affairs
ENERNOC, INC.
PO BOX 378
CAYUCOS CA 93430
(805) 995-1618
mtierney-lloyd@enernoc.com
For: Enernoc, Inc.

Donald C. Liddell

Adam Gusman

***** SERVICE LIST *****

Last Updated on 17-OCT-2012 by: JVG

R1203014 LIST

DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO CA 92103
(619) 993-9096
liddell@energyattorney.com
For: TAS Energy

William V. Rostov
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO CA 94111
(415) 217-2000
wrostov@earthjustice.org
For: Sierra Club California

Ronald Moore
Sr. Regulatory Analyst
GOLDEN STATE WATER CO / BEAR VALLEY ELEC
630 EAST FOOTHILL BLVD.
SAN DIMAS CA 91773-9016
(909) 394-3600 X682
rmoore@gswater.com
For: Golden State Water Company / Bear Valley Electric

Michael B. Day
Attorney
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SAN SOME STREET, STE 900
SAN FRANCISCO CA 94111-3133
(415) 392-7900
mday@goodinmacbride.com
For: CalEnergy Generation

Brian T. Cragg
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY
505 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
bcragg@goodinmacbride.com
For: Independent Energy Producers Association

Gregg Morris
Director
GREEN POWER INSTITUTE

Corporate Counsel
GLACIAL ENERGY OF CALIFORNIA, INC.
EMAIL ONLY
EMAIL ONLY VI 00000
Adam.Gusman@GlacialEnergy.com
For: Glacial Energy of California, Inc.

Deborah N. Behles
Environmental Law And Justice Clinic
GOLDEN GATE UNIVERSITY SCHOOL OF LAW
536 MISSION STREET
SAN FRANCISCO CA 94105-2968
(415) 442-6647
dbehles@ggu.edu
For: The California Environmental Justice Alliance

Laurence G. Chaset
KEYES FOX & WIEDMAN, LLP
436 14TH STREET, STE. 1305
OAKLAND CA 94612
(510) 314-8386
Ichaset@keyesandfox.com
For: Interstate Renewable Energy Council, Inc.

Linda Agerter
LARGE-SCALE SOLAR ASSOCIATION
51 PARKSIDE DRIVE
BERKELEY CA 94705
(510) 684-3093
agerterlinda@gmail.com
For: Large-Scale Solar Association

Deanna Bodine
Compliance Mgr.
LIBERTY POWER DELAWARE LLC
1901 W. CYPRESS CREEK ROAD, SUITE 600
FORT LAUDERDALE FL 33309
(954) 489-7101
DBodine@LibertyPowerCorp.com
For: Liberty Power Delaware LLC

Deanna Bodine
Compliance Mgr.
LIBERTY POWER HOLDINGS LLC (1371)
1901 W. CYPRESS CREEK ROAD, SUITE 600

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

2039 SHATTUCK AVENUE, STE 402
BERKELEY CA 94704
(510) 644-2700
gmorris@emf.net
For: Green Power Institute

Tam Hunt
Attorney
124 W. ALAMAR AVE., NO. 3
SANTA BARBARA CA 93105
(805) 214-6150
tam.hunt@gmail.com
For: Community Environmental Council

Stephen T. Greenleaf
V.P. & Compliance Director
J.P. MORGAN CHASE BANK, N.A.
2864 ABERDEEN LANE
EL DORADO HILLS CA 95762
(916) 933-1001
stephen.t.greenleaf@jpmorgan.com
For: J.P. Morgan Ventures Energy Corporation (JPMVEC) / BE
CA LLC

Jack Stoddard
DAVID HUARD; TARA KAUSHIK
MANATT PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FL.
SANFRANCISCO CA 94111
(415) 291-7400
JStoddard@manatt.com
For: Panoche Energy Center, LLC

Elizabeth Rasmussen
Reg. And Legal Counsel
MARIN ENERGY AUTHORITY
781 LINCOLN AVENUE, SUITE 320
SAN RAFAEL CA 94901
(415) 464-6022
ERasmussen@MarinEnergy.com
For: Marin Energy Authority

David Macmillan
President
MEGAWATT STORAGE FARMS, INC.
3931 JEFFERSON AVE.
WOODSIDE CA 94062

FORT LAUDERDALE FL 33309
(954) 489-7101
DBodine@LibertyPowerCorp.com
For: Liberty Power Holdings LLC

Jennifer Chamberlin
LS POWER DEVELOPMENT, LLC
5000 HOPYARD ROAD, SUITE 480
PLEASANTON CA 94588
(925) 201-5253
JChamberlin@LSPower.com
For: LS Power

Diana L. Lee
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-4342
dil@cpuc.ca.gov
For: DRA

Martin A. Mattes
NOSSAMAN, LLP
50 CALIFORNIA STREET, 34TH FL.
SAN FRANCISCO CA 94111-4799
(415) 398-3600
mmattes@nossaman.com
For: Nossaman, LLP

Abraham Silverman
Sr. Counsel, Regulatory
NRG ENERGY, INC.
211 CARNEGIE CENTER DRIVE
PRINCETON NJ 08540
(609) 524-4696
abraham.silverman@nrgenergy.com
For: NRG Energy, Inc.

Mark Huffman
CHARLES MIDDLEKAUFF
Law Dept
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 7442, B30A
SAN FRANCISCO CA 94120

***** SERVICE LIST *****

Last Updated on 17-OCT-2012 by: JVG

R1203014 LIST

(650) 365-3392
proceedings@megawattsf.com
For: MegaWatt Storage Farms, Inc.

Sara Steck Myers
Attorney At Law
122 - 28TH AVENUE
SAN FRANCISCO CA 94121
(415) 387-1904
ssmyers@att.net
For: Center for Energy Efficiency and Renewable Technologies
(CEERT)

Sierra Martinez
Attorney
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO CA 94104
(415) 875-6100
smartinez@nrdc.org
For: National Resources Defense Council

Greg Bass
NOBLE AMERICAS ENERGY SOLUTIONS, LLC
401 WEST A STREET, STE. 500
SAN DIEGO CA 92101
(619) 684-8199
gbass@noblesolutions.com
For: Noble Americas Energy Solutions LLC

Robert Marshall
General Manager
PLUMAS SIERRA RURAL ELECTRIC COOP. (908)
73233 STATE ROUTE 70 / PO BOX 2000
PORTOLA CA 96122-7069
(916) 832-4261
bmarshall@psrec.coop
For: Plumas Sierra Rural Electric Corp

Gifford Jung
POWEREX CORPORATION
666 BURRARD STREET, SUITE 1400
VANCOUVER BC V5R 4Y2
CANADA
(604) 891-6040
gifford.jung@powerex.com
For: Powerex Corporation

(415) 973-3842
mrh2@pge.com
For: Pacific Gas and Electric Company

Brian Cherry
Director - Regulatory Relations
PACIFIC GAS AND ELECTRIC COMPANY (39)
77 BEALE STREET ROOM 1087
SAN FRANCISCO CA 94105
BKC7@pge.com
For: Pacific Gas and Electric Company

Mary Wiencke
PACIFICORP
825 N. E. MULTNOMAH, SUITE 1800
PORTLAND OR 97232
(503) 813-5058
mary.wiencke@pacificorp.com
For: PacifiCorp

Thomas R. Darton
PILOT POWER GROUP, INC. (1365)
8910 UNIVERSITY CENTER LANE, STE. 520
SAN DIEGO CA 92122
(858) 678-0118
tdarton@pilotpowergroup.com
For: Pilot Power Group, Inc.

Daniel King
LISA J. HUBBARD
SEMPRA U.S. GAS & POWER, LLC
101 ASH STREET, HQ-15B
SAN DIEGO CA 92101
(619) 696-4350
daking@semprausgp.com
For: Sempra U.S. Gas & Power, LLC

Marcie Milner
SHELL ENERGY (1374)
4445 EASTGATE MALL, SUITE 100
SAN DIEGO CA 92121
martin.kadillak@shell.com
For: Shell Energy North America (US), L.P. (Shell Energy)

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Rick C. Noger
PRAXAIR PLAINFIELD, INC.
2711 CENTERVILLE ROAD, SUITE 400
WILMINGTON DE 19808
(925) 866-6809
rick_noger@praxair.com
For: Praxair Plainfield, Inc.

Sue Mara
Consultant
RTO ADVISORS, LLC
164 SPRINGDALE WAY
REDWOOD CITY CA 94062
(415) 902-4108
sue.mara@RTOadvisors.com
For: Alliance for Retail Energy Markets/Direct Access Customer Coalition

Aimee Smith
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ-12
SAN DIEGO CA 92101
(619) 699-5042
amsmith@semprautilities.com
For: San Diego Gas & Electric Company

David Orth
SAN JOAQUIN VALLEY POWER AUTHORITY
ADMIN OFF @KINGS RIVER CONSERV DISTRICT
4886 EAST JENSEN AVENUE
FRESNO CA 93725
(559) 237-5567
dorth@krcd.org
For: San Joaquin Valley Power Authority

Daniel Silveria
Gen Mgr
SURPRISE VALLEY ELECTRIC CORP.
PO BOX 691
ALTURAS CA 96101
(916) 233-3511
dansvec@hdo.net
For: Surprise Valley Electric Corporation

Ben Vitale

Andrew Wang
SOLARRESERVE, LLC
EMAIL ONLY
EMAIL ONL Y CA 00000
(310) 315-2225
Andrew.Wang@SolarReserve.com
For: SolarReserve

Akbar Jazayeri
Dir Of Revenue & Tariffs
SOUTHERN CALIFORNIA EDISON COMPANY (338)
2241 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-3630
akbar.jazayeri@sce.com
For: SCE

Kristine Michaels
Chief Financial Officer
SOUTHERN CALIFORNIA TELEPHONE & ENERGY
27515 ENTERPRISE CIRCLE WEST
TEMECULA CA 92590
kristine@SoCalTelephone.com
For: Southern California Telephone & Energy

Seth D. Hilton
Attorney At Law
STOEL RIVES LLP
555 MONTGOMERY STREET, SUITE 1288
SAN FRANCISCO CA 94111
(415) 617-8943
sdhilton@stoel.com
For: AES Southland/Zephyr Power Transmission

Laura Wisland
Senior Energy Analyst
UNION OF CONCERNED SCIENTISTS
2397 SHATTUCK AVE., STE. 203
BERKELEY CA 94704
(510) 809-1565
lwisland@ucsusa.org
For: Union of Concerned Scientists

Brian Fickett

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

THE CLIMATE TRUST
65 SW YAMHILL ST., STE. 400
PORTLAND OR 97204
(503) 238-1915
bvitale@climatetrust.org
For: The Climate Trust

Matthew Freedman
THE UTILITY REFORM NETWORK
115 SAN SIMEON STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876 X304
matthew@turn.org
For: The Utility Reform Network

Kelly M. Foley
Attorney
THE VOTE SOLAR INITIATIVE
2089 TRACY COURT
FOLSOM CA 95630
(916) 367-2017
kelly@votesolar.org
For: The Vote Solar Initiative

Tracy Phillips
Vp Of Marketing
TIGER NATURAL GAS, INC.
1422 E. 71ST., STE J
TULSA OK 74136
(918) 491-6998 X-202
tphillips@tigernaturalgas.com
For: Tiger Natural Gas, Inc.

Kara Morgan
TRANSWEST EXPRESS, LLC
555 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202
(303) 299-1549
kara.morgan@tac-denver.com
For: TransWest Express, LLC

Barbara George
WOMEN'S ENERGY MATTERS
PO BOX 548
FAIRFAX CA 94978-0548

VALLEY ELECTRIC ASSOCIATION
800 E. HWY 372
PAHRUMP NV 89048
For: Valley Electric Association

Kyle W. Danish
VAN NESS FELDMAN, P.C.
1050 THOMAS JEFFERSON ST., N. W.
WASHINGTON DC 20007-3877
(202) 298-1876
kwd@vnf.com
For: Coalition for Emission Reduction Policy

Douglas E. Davie
WELLHEAD ELECTRIC COMPANY
650 BERCUT DRIVE, STE. C
SACRAMENTO CA 95811
(916) 447-5171
ddavie@wellhead.com
For: Wellhead Electric Company

Paul Shepard
WILDFLOWER ENERGY
333 S. GRAND AVENUE, SUITE 1570
LOS ANGELES CA 90071
(213) 820-2220
p.shepard@dgc-us.com
For: Wildflower Energy

Lisa A. Cottle
Attorney At Law
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO CA 94111-5802
(415) 591-1579
lcottle@winston.com
For: GenOn Energy, Inc.

Valerie Kao
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

(415) 755-3147
wem@igc.org
For: Women's Energy Matters

(415) 703-1341
vuk@cpuc.ca.gov

***** STATE EMPLOYEE *****

Constance Leni
CALIFORNIA ENERGY COMMISSION
MS-20
1516 NINTH STREET
SACRAMENTO CA 95814
(916) 654-4762
connie.leni@energy.ca.gov

Marc S. Pryor
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO CA 95814
(916) 653-0159
MPryor@energy.state.ca.us

Michael Jaske
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-20
SACRAMENTO CA 95814
(916) 654-4777
mike.jaske@energy.state.ca.us

David Peck
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1213
DBP@cpuc.ca.gov

Jordan Parrillo
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1562
jordan.parrillo@cpuc.ca.gov

Lily Chow
Regulatory Analyst
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-2575
lily.chow@cpuc.ca.gov

William Dietrich
CPUC
INFRASTRUCTURE PLANNING BRANCH
505 VAN NESS AVE., AREA 4-A
SAN FRANCISCO CA 94105-3214
(415) 703-1146
dietrichlaw2@earthlink.net

Radu Ciupagea
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5235
rc5@cpuc.ca.gov

Kevin R. Dudney
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2557
kd1@cpuc.ca.gov

Damon A. Franz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2165
df1@cpuc.ca.gov

David M. Gamson
Administrative Law Judge Division
RM. 5019
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1232
dmg@cpuc.ca.gov

Aloke Gupta
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5239
ag2@cpuc.ca.gov

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Karin M. Hieta
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-4253
kar@cpuc.ca.gov

Noushin Ketabi
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2230
nk1@cpuc.ca.gov

Sepideh Khosrowjah
Executive Division
RM. 5202
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1190
skh@cpuc.ca.gov

Michele Kito
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2197
mk1@cpuc.ca.gov

Iryna Kwasny
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1477
iak@cpuc.ca.gov

Megha Lakhchaura
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1183
mla@cpuc.ca.gov

Yakov Lasko
Division of Ratepayer Advocates
RM. 4101

Chloe Lukins
Division of Ratepayer Advocates
RM. 4101
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1637
clu@cpuc.ca.gov

Arthur J. O'Donnell
Energy Division
RM. 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1184
ao1@cpuc.ca.gov

Ke Hao Ouyang
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1235
kho@cpuc.ca.gov

Marcelo Poirier
Legal Division
RM. 5025
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2913
mpo@cpuc.ca.gov

Edward F. Randolph
Energy Division
RM. 4004
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2083
efr@cpuc.ca.gov

Nika Rogers
Division of Ratepayer Advocates
RM. 4101
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1529
nlr@cpuc.ca.gov

David Siao
Division of Ratepayer Advocates
RM. 4101

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2287
ynl@cpuc.ca.gov

505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5251
ds1@cpuc.ca.gov

Nathaniel Skinner
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1393
nws@cpuc.ca.gov

Peter Spencer
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2109
phs@cpuc.ca.gov

Brian Stevens
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2148
brc@cpuc.ca.gov

Rebecca Tsai-Wei Lee
Division of Ratepayer Advocates
RM. 1250
770 L Street, Suite 1250
Sacramento CA 95814
(916) 327-1407
wtr@cpuc.ca.gov

Chris Ungson
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2574
cu2@cpuc.ca.gov

Carlos A. Velasquez
Energy Division
AREA 4-A
505 Van Ness Avenue

Keith D White
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5473
kwh@cpuc.ca.gov

Patrick L. Young
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5357
py2@cpuc.ca.gov

***** INFORMATION ONLY *****

Eric Hsieh
A 123 SYSTEMS INC.
155 FLANDERS RD
WESTBOROUGH MA 01581-1032
(617) 686-0975
ehsieh@a123systems.com

Karen Terranova
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542
filings@a-klaw.com

Ross Van Ness
ALCANTAR & KAHL
1300 SW FIFTH AVE., STE. 1750
PORTLAND OR 97209
(503) 402-9900
rvn@a-klaw.com

William H. Booth
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., STE. 1850
SAN FRANCISCO CA 94105
(415) 403-5542

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

San Francisco CA 94102 3298
(415) 703-1124
los@cpuc.ca.gov

Alan Wecker
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1923
aw3@cpuc.ca.gov

whb@a-klaw.com

Michael Alcantar
Attorney At Law
ALCANTAR & KAHL LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542
mpa@a-klaw.com

John Candelaria
ASPEN ENVIRONMENTAL GROUP
10624 S. EASTERN AVE., STE. A-577
HENDERSON NV 89052
(702) 646-8282
jcandelaria@aspeneg.com

Barbara R. Barkovich
BARKOVICH & YAP, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(707) 937-6203
brbarkovich@earthlink.net

Mike Berlinski
BEACON POWER, LLC
65 MIDDLESEX ROAD
TYNGSBORO MA 01879
(978) 661-2075
Berlinski@BeaconPower.com

Todd O. Edmister
Counsel
BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO CA 94111
(415) 393-2520
todd.edmister@bingham.com

Nicole Wright
BRAUN BLAISING MC LAUGHLIN & SMITH
915 L STREET, SUITE 1270
SACRAMENTO CA 95814
(916) 326-5812
nicole@braunlegal.com

S.David Freeman

Delphine Hou
CALIF. INDEPENDENT SYSTEMS OPERATOR
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 608-5910
dhou@caiso.com

Beth Vaughn
CALIFORNIA COGENERATION COUNCIL
4391 N. MARSH ELDER COURT
CONCORD CA 94521
(925) 408-5124
beth@beth411.com

Ron Dickerson
CALIFORNIA CONSUMERS ALLIANCE
PO BOX 3751
CLOVIS CA 93613
(559) 392-7850
calconsumersalliance@gmail.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303
SAN FRANCISCO CA 94117-2242
(415) 963-4439
cem@newsdata.com

Alexander Daberko
CALPEAK POWER, LLC
591 PUTNAM AVENUE
GREENWICH CT 06830
(925) 248-1000
adaberko@starwood.com

Avis Kowalewski
CALPINE CORPORATION
4160 DUBLIN BLVD, SUITE 100

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

C/O FRIENDS OF THE EARTH
1100 15HT STREET, NW, 11TH FLOOR
WASHINGTON DC 20005
(310) 902-2147
GreenCowboySDF@gmail.com

CAL. INDEPENDENT SYSTEM OPERATOR CORP.
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 351-4400
e-recipient@caiso.com

Randy Keller
Director Of Development
CALENERGY OPERATING CORPORATION
EMAIL ONLY
EMAIL ONLY CA 00000
(760) 348-4005
randy.keller@calenergy.com

Daniel Jurijew
Sr. Mgr - Regulatory Affairs West
CAPITAL POWER CORPORATION
1200 - 10423 101 ST. NW
EDMONTON AB T5H 0E9
CANADA
(780) 392-5167
djuriaw@capitalpower.com

Dennis J. Herrera
CITY AND COUNTY OF SAN FRANCISCO
CITY HALL, ROOM 234
1 DR. CARLTON B. GOODLET PLACE
SAN FRANCISCO CA 94102
(415) 554-4637

Irene K. Moosen
Attorney At Law
CITY AND COUNTY OF SAN FRANCISCO
53 SANTA YNEZ AVE.
SAN FRANCISCO CA 94112
(415) 587-7343
irene@igc.org

Jeanne M. Sole
Deputy City Attorney
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM. 234
SAN FRANCISCO CA 94102-4682
(415) 554-4619

DUBLIN CA 94568
(925) 557-2284
kowalewska@calpine.com

Matthew Barmack
CALPINE CORPORATION
EMAIL ON LY
EMAIL ONLY CA 00000
matthew.barmack@calpine.com

Charles Purshouse
CAMCO INTERNATIONAL GROUP, INC.
390 INTERLOCKEN CRESCENT, SUITE 490
BROOMFIELD CO 80021
(720) 897-6683
charles.purshouse@camcoglobal.com

Erin Szalkowski
Corporate Counsel
CLEAN LINE ENERGY PARTNERS, LLC
1001 MCKINNEY STREET, SUITE 700
HOUSTON TX 77002
(832) 319-6323
eszalkowski@cleanlineenergy.com
For: Centennial West Clean Line LLC

Shana Lazerow
Attorney
COMMUNITIES FOR A BETTER ENVIRONMENT
1904 FRANKLIN STREET, STE 600
OAKLAND CA 94612
(510) 302-0430 X-18
slazerow@cbcal.org
For: California Environmental Justice Alliance

Will Mitchell
COMPETITIVE POWER VENTURES, INC.
505 SANSOME STREET, STE. 475
SAN FRANCISCO CA 94111
(415) 293-1469
will.mitchell@cpv.com

Adam Fairbanks
Dir - Regulatory And Retail Structuring
CONEDISON SOLUTIONS, INC.

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

jeanne.sole@sfgov.org

Dyana Marie Delfin-Polk
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY CA 00000
(209) 658-5837
dyana@clean-coalition.org

Kenneth Sahm White
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY CA 00000
(831) 425-5866
sahm@clean-coalition.org
For: Clean Coalition

Tam Hunt
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY CA 00000
(805) 705-1352
tam@clean-coalition.org

DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
dwtpucdockets@dwt.com

Olivia Para
DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 276-6587
oliviapara@dwt.com

Robert Gex
DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 276-6500
bobgex@dwt.com

Ann Trowbridge
Attorney
DAY CARTER & MURPHY LLP
3620 AMERICAN RIVER DR., STE. 205

100 SUMMIT LAKE DRIVE, STE. 410
VALHALLA NY 10595
(914) 286-7035
FairbanksA@ConEdSolutions.com

Richard J. Hudson, Jr.
Dir. - Regulatory & Legislative Affairs
CONEDISON SOLUTIONS, INC.
100 SUMMIT LAKE DR., STE. 410
VALHALLA NY 10595
(412) 368-5988
hudsonr@conedsolutions.com

David Miller, Phd
CTR. FOR ENERGY EFFECIENCY & RENEWABLE
1100 ELEVENTH ST., STE. 311
SACRAMENTO CA 95814
(916) 340-2638
david@ceert.org

Paul R. Cort
WILLIAM B. ROSTOV
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO CA 94111
(415) 217-2000
pcort@earthjustice.org

Craig Pospisil
EDISON MISSION ENERGY
3 MACARTHUR PLACE, STE. 100
SANTA ANA CA 92707
(714) 513-8094
cpospisil@edisonmission.com

Fred Mobasher
Consultant
ELECTRIC POWER GROUP, LLC
201 SOUTH LAKE AVE., SUITE 400
PASADENA CA 91101
(626) 658-2015
fmobasher@electricpowergroup.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

SACRAMENTO CA 95864
(916) 570-2500 X103
ATrowbridge@DayCarterMurphy.com

David Hicks
DIAMOND GENERATING CORPORATION
EMAIL ONLY
EMAIL ONLY CA 00000
d.hicks@dgc-us.com

Gregory Klatt
DOUGLASS & LIDDELL
411 E. HUNTINGTON DR., STE. 107-356
ARCADIA CA 91006
(818) 961-3002
klatt@energyattorney.com
For: Tiger Natural Gas, Inc.

Adenike Adeyeye
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO CA 94111
(415) 217-2000
aadeyeye@earthjustice.org

Jessie Baird
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO CA 94111
(510) 550-6725
jbaird@earthjustice.org

Chase B. Kappel
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
cbk@eslawfirm.com

Douglas K. Kerner
Attorney At Law
ELLISON, SCHNEIDER & HARRIS, LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
dkk@eslawfirm.com

Nicolai Schlag

Jack Ellis
1425 ALPINE WAY / PO BOX 6600
LAKE TRAHOE CA 96145-6600
(530) 581-2134
jack@casaraquel.com

Brian Biering
ELLISON SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
bsb@eslawfirm.com
For: PacifiCorp

Greggory L. Wheatland
ELLISON SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
glw@eslawfirm.com

Lynn Haug
ELLISON SCHNEIDER & HARRIS L.L.P.
EMAIL ONLY
EMAIL ONLY CA 00000
lmh@eslawfirm.com

Pushkar G. Wagle
FLYNN RESOURCE CONSULTANTS, INC.
2900 GORDON AVENUE, SUITE 100-3
SANTA CLARA CA 95051
(888) 634-3339
pushkarwagle@flynnrci.com

Kendra Ulrich
Nuclear Campaigner
FRIENDS OF THE EARTH
1100 15TH STREET, NW, 11TH FLOOR
WASHINGTON DC 20005
(202) 222-0715
KUlrich@foe.org

Sean Beatty

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

ENERGY & ENVIRONMENTAL ECONOMICS, INC.
101 MONTGOMERY ST., STE 1600
SAN FRANCISCO CA 94101
(415) 391-5100
nick@ethree.com

Caitlin Collins Liotiris
ENERGY STRATEGIES, LLC
215 SOUTH STATE STREET, STE 200
SALT LAKE CITY UT 84111
(801) 355-4365
ccollins@energystrat.com

Shana Foley
ENVIRONMENTAL LAW & JUSTICE CLINIC
536 MISSION STREET
SAN FRANCISCO CA 94102
(415) 369-5351
sfoley@ggu.edu

Rachel McMahon
FIRST SOLAR
525 MARKET STREET, 15TH FLOOR
SAN FRANCISCO CA 94105
(415) 935-2550
rachel.mcmahon@firstsolar.com

Andra Pligavko
FIRST SOLAR DEVELOPMENT, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 935-2553
andra.pligavko@gmail.com

Director - West Regulatory Affairs
GENON ENERGY, INC.
PO BOX 192
PITTSBURG CA 94565
(925) 427-3483
sean.beatty@genon.com

Suzy Hong
Attorney At Law
GOODIN MACBRIDE SQUERI DAY & LAMPREY
505 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
shong@goodinmacbride.com

Michael B. Day
MEGAN SOMOGYI
Attorney
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY,
505 SAN SOME ST., STE. 900
SAN FRANCISCO CA 94111
(315) 392-7900
mday@goodinmacbride.com
For: Abengoa Solar, Inc.

Gregory Blue
Principal
GTB CONSULTING
3161 WALNUT BLVD
WALNUT CREEK CA 94596
(925) 323-3612
greg.blue@sbcglobal.net

Martin Homec
PO BOX 4471
DAVIS CA 95617
(530) 867-1850
martinhomec@gmail.com

Steven Kelly
Policy Director
INDEPENDENT ENERGY PRODUCERS ASSOCIATION

Rich Quattrini
Vice President - Western Region
JOHNSON CONTROLS
901 CAMPISI AVE., SUITE 260
CAMPBELL CA 95008-2348
(408) 370-3311 X125
Rich.Quattrini@jci.com

William J. Keese

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

1215 K STREET, STE. 900
SACRAMENTO CA 95814
(916) 448-9499
steven@iepa.com

Anthony Mansell
INTERNATIONAL EMISSIONS TRADING ASSN.
1730 RHODE ISLAND AVE., NW, STE. 802
WASHINGTON DC 20036
(202) 629-5980
mansell@ieta.org

Ethan Ravage
West Coast Lead - Us
INTERNATIONAL EMISSIONS TRADING ASSN.
456 MONTGOMERY ST., 18TH FLOOR
SAN FRANCISCO CA 94104
(415) 545-8328
ravage@ieta.org
For: International Emissions Trading Association (IETA)

Tim Lindl

INTERSTATE RENEWABLE ENERGY COUNCIL, INC
436 14TH ST., STE. 1305
OAKLAND CA 94612
(510) 314-8385
tlindl@kfwlaw.com

Jody S. London
JODY LONDON CONSULTING
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 459-0667
jody_london_consulting@earthlink.net

David Weidberg
JOHNSON CONTROLS
901 CAMPISI AVE.
CAMPBELL CA 95008
(408) 898-2713
David.Weidberg@jci.com

EMAIL ONLY
EMAIL ONLY CA 00000
(916) 834-7427
WJKees@aol.com

Laurence G. Chaset
TIM LINDL; THADEUS B. CULLEY
KEYES FOX & WIEDMAN LLP
436 14TH STREET, STE. 1305
OAKLAND CA 94612
(510) 314-8386
Ichaset@keyesandfox.com
For: Firends of the Earth

Thadeus B. Culley
KEYES, FOX & WIEDMAN LLP
436 14TH STREET, STE. 1305
OAKLAND CA 94612
(510) 314-8205
tculley@kfwlaw.com
For: Friends of the Earth

Giancarlo Estrada
KIS MAYES LAW FIRM
ONE EAST CAMELBACK ROAD, STE. 550
PHOENIX AZ 85012
(602) 388-4640
gestrada@krismayeslaw.com

Ron Knecht
1009 SPENCER ST
CARSON NY 89703-5422
(775) 882-2935
ronknecht@aol.com

Rachel Gold
LARGE SCALE SOLAR ASSOCIATION
2501 PORTOLA WAY
SACRAMENTO CA 95818
(510) 629-1024
Rachel@consciousventuresgroup.com

Shannon Eddy
KRISTIN BURFORD

Barney Speckman
Vp - Grid Management

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Executive Director
LARGE SCALE SOLAR ASSOCIATION
2501 PORTOLA WAY
SACRAMENTO CA 95818
(916) 731-8371
eddyconsulting@gmail.com

David Marcus
PO BOX 1287
BERKELEY CA 94701
(510) 528-0728
dmarcus2@sbcglobal.net

Jeremy Waen
Regulatory Analyst
MARIN ENERGY AUTHORITY
781 LINCOLN AVENUE, STE. 320
SAN RAFAEL CA 94901
(415) 464-6027
JWaen@MarinEnergy.com

John W. Leslie, Esq.
MCKENNA LONG & ALDRIDGE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(619) 699-5464
jleslie@McKennaLong.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Devra Wang
Staff Scientist
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO CA 95104
(415) 875-6100
dwang@nrdc.org

Bruce Perlstein, Ph.D.
NAVIGANT CONSULTING, INC.
SPEAR STREET TOWER
ONE MARKET ST., STE. 1200
SAN FRANCISCO CA 94105
(415) 356-7189
bruce.perlstein@navigant.com

NEXANT
101 SECOND STREET, 11TH FLOOR
SAN FRANCISCO CA 94105
(415) 369-1017
bspeckman@nexant.com

Brian Theaker
NRG ENERGY
3161 KEN DEREK LANE
PLACERVILLE CA 95667
(530) 295-3305
brian.theaker@nrgenergy.com

Diane Fellman
Dir - Governmental & Regulatory Affairs
NRG ENERGY, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 665-3824
diane.fellman@nrgenergy.com

Paul Thomsen
Dir. - Policy & Business Development
ORMAT TECHNOLOGIES INC.
6225 NEIL ROAD
RENO NV 89511
(775) 356-9029
pthomson@ormat.com
For: Ormat Technologies

Miyuki Iwahashi
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO CA 94177
mxi8@pge.com

Rosa Duenas
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
R1DJ@pge.com

Alice Gong
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000-0000
axl3@pge.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000; MC B9A
SAN FRANCISCO CA 94177
(415) 973-4744
regrelcpuccases@pge.com

Charles R. Middlekauff
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442, MC-B30A-2475
SAN FRANCISCO CA 94120
(415) 973-6971
crmd@pge.com

Daniel Patry
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
DbP0@pge.com

George Zahariudakis
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
gxz5@pge.com

Kimberly C. Jones
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A, ROOM 904
SAN FRANCISCO CA 94105
(415) 973-8844
Kcj5@pge.com

Matthew Gonzales
Senior Case Manager
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, ROOM 918
SAN FRANCISCO CA 94105
(415) 973-8466
mrgg@pge.com

Tom Jarman
Energy
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM. 909, MC B9A
SAN FRANCISCO CA 94105-1814
(415) 973-7157
taj8@pge.com

Mark Tucker
PACIFICORP (901)
825 NE MULTNOMAH, SUITE 2000
PORTLAND OR 97232
(503) 813-5269
Mark.Tucker@PaciCorp.com

Peter Cavan
PULSE ENERGY
576 SEYMOUR ST., STE. 600
VANCOUVER BC V6B 3K1
CANADA
(778) 331-0514
peter.cavan@pulseenergy.com

Donald Schoenbeck
RCS INC.
900 WASHINGTON STREET, SUITE 780
VANCOUVER WA 98660
(360) 737-3877
dws@r-c-s-inc.com

Jim Ross
RCS, INC.
500 CHESTERFIELD CENTER, SUITE 320
CHESTERFIELD MO 63017
(314) 530-9544
jimross@r-c-s-inc.com

Lisa Schwartz
REGULATORY ASSISTANCE PROJECT
429 NE NORTH NEBERGALL LOOP
ALBANY OR 97321
(541) 990-9526
lschwartz@raponline.org

Wendy Keilani
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 654-1185
WKeilani@SempraUtilities.com

Remedios Santos
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK CT., CP31E
SAN DIEGO CA 92123
(858) 654-1852
rpsantos@semprautilities.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Cathie Allen
Regulatory Mgr.
PACIFICORP
EMAIL ONLY
EMAIL ONLY OR 00000
(503) 813-5934
CaliforniaDockets@pacificorp.com

Thomas C. Saile
Energy Contracts Originator
SAN DIEGO GAS & ELECTRIC COMPANY
8315 CENTURY PARK COURT, CP21D
SAN DIEGO CA 92123-1548
(858) 636-5543
TCSaile@SempraUtilities.com

Central Files
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP31-E
SAN DIEGO CA 92123
(858) 654-1240
CentralFiles@SempraUtilities.com

Philip Muller
SCD ENERGY SOLUTIONS
436 NOVA ALBION WAY
SAN RAFAEL CA 94903
(415) 479-1710
philm@scdenergy.com

Kari Kloberdanz
Regulatory Relations Manager
SEMPRA ENERGY UTILITIES
601 VAN NESS AVE., STE. 2060
SAN FRANCISCO CA 94102
kkloberdanz@semprauutilities.com

Shawn Bailey
Director - Planning & Analysis
SEMPRA US GAS AND POWER
101 ASH STREET
SAN DIEGO CA 92101-3017
(619) 696-2962
sbailey@semprausgp.com

Mathew Vespa
SIERRA CLUB
85 SECOND STREET, 2ND FLOOR
SAN FRANCISCO CA 94105
(415) 977-5753

Adam Green
SOLARRESERVE
2425 OLYMPIC BLVD., STE. 500E
SANTA MONICA CA 90404
(310) 315-2272
adam.green@solarreserve.com

Marilyn Lyon
South Bay Cities Council Of Governments
SOUTH BAY ENVIRONMENTAL SERVICES CTR.
20285 S. WESTERN AVE., STE. 100
TORRANCE CA 90501
(310) 543-3022
marilyn@sbesc.com

Jeffrey Shields
Gen Mgr.
SOUTH SAN JOAQUIN IRRIGATION DISTRICT
PO BOX 747
RIPON CA 95366-0747
(209) 249-4645
jshields@ssjid.com

Amanda Klopf
SOUTHERN CALIFORNIA EDISON COMPANY
PO BOX 800/2244 WALNUT GROVE AVE.
ROSEMEAD CA 91770
amanda.klopf@sce.com

Carol Schmid-Frazee
Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91765
(626) 302-1337
carol.schmidfrazee@sce.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, RM. 321
ROSEMEAD CA 91770
(626) 302-3101

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

matt.vespa@sierraclub.org

case.admin@sce.com

Sarah Friedman
SIERRA CLUB
714 W. OLYMPIC BLVD., STE. 1000
LOS ANGELES CA 90015
(215) 300-8572
Sarah.Friedman@SierraClub.org

Melissa A. Hovsepian
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-6054
Melissa.Hovsepian@sce.com

Brad Meikle
SOVEREIGN ENERGY, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 692-7731
brad.meikle@sovereignenergy.net

Chris Hendrix
TEXAS RETAIL ENERGY
2001 SE 10TH STREET
BENTONVILLE AR 72716
(479) 204-0845
Chris.Hendrix@wal-mart.com

Shawn Nichols
SUMMIT POWER GROUP
1324 CLARKSON CLAYTON CENTER, STE. 119
BALLWIN MO 63011-2145
(206) 239-7572
snichols@summitpower.com

Ahmad Faruqui
THE BRATTLE GROUP
201 MISSION ST., STE. 2800
SAN FRANCISCO CA 94105
(415) 217-1026
ahmad.faruqui@brattle.com

Robert Fagan
SYNAPSE ENERGY & ECONOMICS
485 MASSACHUSETTS AVE., 2ND FLOOR
CAMBRIDGE MA 02139
(617) 453-7040
rfagan@synapse-energy.com

Eric G. Gimon
Technical Consultant
THE VOTE SOLAR INITIATIVE
2727 MARIN AVE.
BERKELEY CA 94708
(510) 540-8469
ericg@votesolar.org

Nehal Divekar
SYNAPSE ENERGY ECONOMICS INC.
485 MASSACHUSETTS AVENUE, STE. 2
CAMBRIDGE MA 02139
(617) 661-3248
ndivekar@synapse-energy.com

Daniel Kim
WESTLANDS SOLAR PARK
PO BOX 582844
ELK GROVE CA 95757
(916) 709-9289
daniel.h.kim@me.com

Patrick Luckow
SYNAPSE ENERGY ECONOMICS, INC.
485 MASSACHUSETTS AVE., 2ND FL.
CAMBRIDGE MA 02139
(617) 453-7052
PLuckow@Synapse-Energy.com

Kevin Woodruff
WOODRUFF EXPERT SERVICES
1100 K STREET, SUITE 204
SACRAMENTO CA 95814
(916) 442-4877
kdw@woodruff-expert-services.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1203014 LIST

Thomas J. Vitolo
SYNAPSE ENERGY ECONOMICS, INC.
485 MASSACHUSETTS AVENUE, STE. 2
CAMBRIDGE MA 02139
(617) 453-7036
tvitolo@synapse-energy.com

For: The Utility Reform Network

Rachel Wilson
SYNAPSE ENERGY ECONOMICS, INC.
485 MASSACHUSETTS AVE., 2ND FLOOR
CAMBRIDGE MA 02129
(617) 453-7044
rwilson@synapse-energy.com

Kelsey Southerland
TAS ENERGY
EMAIL ONLY
EMAIL ONLY TX 00000
(979) 571-8094
ksoutherland@tas.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1104001 LIST

***** PARTIES *****

Charles R. Middlekauff
Attorney
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A
SAN FRANCISCO CA 94105
(415) 973-6971
CRMd@pge.com
For: Pacific Gas & Electric Company

Russell A. Archer
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-2865
Russell.Archer@sce.com
For: Southern California Edison Company

Mitchell Shapson
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2727
sha@cpuc.ca.gov
For: DRA

***** STATE EMPLOYEE *****

Matt Miley
CPUC
LEGAL DIVISION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-3066
mm2@cpuc.ca.gov

Maryam Ghadessi
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1191
mmg@cpuc.ca.gov

Eric Greene
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5560

Robert Haga
Legal Division
RM. 5137
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2538
rwh@cpuc.ca.gov

Donald J. Lafrenz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1063
dlf@cpuc.ca.gov

Stephen C. Roscow
Administrative Law Judge Division
RM. 5010
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1053
scr@cpuc.ca.gov

Mary Jo Stueve
Division of Ratepayer Advocates
RM. 4101
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2673
mjs@cpuc.ca.gov

Michael Yeo
Division of Ratepayer Advocates
RM. 4103
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5248
mey@cpuc.ca.gov

***** INFORMATION ONLY *****

Karen Terranova
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542
filings@a-klaw.com

Nora Sheriff
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1104001 LIST

eg1@cpuc.ca.gov

nes@a-klaw.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. SUITE 303
SAN FRANCISCO CA 94117-2242
(415) 963-4439
cem@newsdata.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Regulatory File Room
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120
(415) 973-4295
cpuccases@pge.com

Alice L. Reid
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM 3081-B30A
SAN FRANCISCO CA 94105
(415) 973-2966
ALR4@pge.com

Angelia Lim
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM. 1001
SAN FRANCISCO CA 94105
(415) 973-9589
A1L0@pge.com

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 973-4744
RegRelCPUCCases@pge.com

Jamie York
Regulatory Case Admin.
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 637-7960
JYork@SempraUtilities.com

Matthew Dwyer
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE./PO BOX 800
ROSEMEAD CA 91770
(626) 302-6521
matthew.dwyer@sce.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1104001 LIST

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., PO BOX 800
ROSEMEAD CA 91770
(626) 302-3101
case.admin@sce.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

***** PARTIES *****

Michael Mazur
3 PHASES ELECTRICAL CONSULTING (1373)
2100 SEPULVEDA BLVD., STE. 37
MANHATTAN BEACH CA 90266
energy@3phasesrenewables.com
For: 3 Phases Electrical Consulting

William H. Booth
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., STE. 1850
SAN FRANCISCO CA 94105
(415) 403-5542
whb@a-klaw.com
For: California Large Energy Consumers Association

Michael Alcantar
Attorney At Law
ALCANTAR & KAHL LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542
mpa@a-klaw.com
For: Cogeneration Association of California

Gloria Britton
Regulatory Affairs Mgr.
ANZA ELECTRIC CO-OPERATIVE, INC (909)
PO BOX 39109 / 58470 HIGHWAY 371
ANZA CA 92539-1909
(909) 763-4333
GloriaB@anzaelectric.org
For: Anza Electric Co-Operative, Inc.

Ronald Moore
Sr Analyst, Regulatory Affairs
BEAR VALLEY ELECTRIC
630 EAST FOOTHILL BOULEVARD
SAN DIMAS CA 91773
(909) 394-3600 X 682
rkmoore@gswater.com
For: Golden State Water Company/Bear Valley Electric (133)

John Casadont
General Counsel
BLUE STAR ENERGY SOLUTIONS
363 WEST ERIE ST., STE. 700
CHICAGO IL 60654

Arthur L. Haubenstock
BRIGHTSOURCE ENERGY, INC.
1999 HARRISON STREET, SUITE 2150
OAKLAND CA 94612
(510) 250-8150
ahaubenstock@brightsourceenergy.com
For: BrightSource Energy, Inc.

Joseph B. Williams
VICTORIA M. LAUTERBACH
CADWALADER, WICKERSHAM, & TAFT LLP
700 SIXTH STREET, N.W.
WASHINGTON DC 20001
(202) 862-2480
Joseph.williams@cwt.com
For: Brookfield Renewable Energy Partners LP

Anthony Ivancovich
Regulatory Counsel
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
151 BLUE RAVINE ROAD
FOLSOM CA 95630
(916) 608-7135
aivancovich@caiso.com
For: California Independent System Operator

Kevin Boudreaux
CALPINE POWER AMERICA-CA, LLC (1362)
EMAIL ONLY
EMAIL ONLY CA 00000-0000
kevin.boudreaux@calpine.com
For: Calpine Power America-CA, LLC

Mike Campbell
Community Choice Aggregation Dir.
CITY AND COUNTY OF SAN FRANCISCO
1155 MARKET STREET, 4TH FL.
SAN FRANCISCO CA 94103
mcampbell@sfgov.org
For: City and County of San Francisco

Kenneth Sahm White
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY CA 00000
(831) 425-5866
sahm@clean-coalition.org
For: Clean Coalition

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

(312) 628-8666
jccasadont@bluestarenergy.com
For: Blue Star Energy (1379)

Goodman Inger
COMMERCE ENERGY, INC. (1092)
1 CENTERPOINT DRIVE, STE. 350
LA PALMA CA 90623-2520
(714) 259-2508
igoodman@commerceenergy.com
For: Commerce Energy, Inc.

Patrick Vanbeek
Dir - Customer Support
COMMERCIAL ENERGY OF CALIFORNIA
7677 OAKPORT STREET, STE. 525
OAKLAND CA 94621
patrick.vanbeek@commercialenergy.net
For: Commercial Energy of California (1378)

Carlos Lamas-Babbini
COMVERGE, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 270-5963
clamasbabbini@comverge.com
For: Comverge, Inc.

Mary Lynch
CONSTELLATION NEWENERGY, INC
5074 NAWAL DRIVE
EL DORADO HILLS CA 95762
(916) 447-2166
mary.lynch@constellation.com
For: Constellation NewEnergy, Inc.

R. Thomas Beach
CROSSBORDER ENERGY
2560 NINTH STREET, SUITE 213A
BERKELEY CA 94710-2557
(510) 549-6922
tomb@crossborderenergy.com
For: California Wind Energy Association

Jeffrey P. Gray
DAVIS WRIGHT TREMAINE, LLP

Andrea Morrison
DIRECT ENERGY SERVICES, LLC
415 DIXSON STREET
ARROYO GRANDE CA 93420
(916) 759-7052
andrea.morrison@directenergy.com
For: Direct Energy Services, LLC (1341) / Direct Energy Business (1351)

Brad Bordine
DISTRIBUTED ENERGY CONSUMER ADVOCATES
516 WHITEWOOD DRIVE
SAN RAFAEL CA 94903
(213) 784-2507
b.bordiine@d-e-c-a.org
For: Distributed Energy Consumer Advocates

Daniel W. Douglass
Attorney
DOUGLASS & LIDDELL
21700 OXNARD ST., STE. 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Western Power Trading Forum

Donald C. Liddell
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO CA 92103
(619) 993-9096
liddell@energyattorney.com
For: California Energy Storage Alliance

C/O Andy Brown
ELLISON, SCHNEIDER & HARRIS, LLP
2600 CAPITAL AVENUE, SUITE 400
SACRAMENTO CA 95816-5931
(916) 447-2166
abb@eslawfirm.com
For: NV Energy/Sierra Pacific Power Company (903)

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO CA 94111-6533
(415) 276-6587
jeffgray@dwt.com
For: Calpine Corporation

Carolyn Kehrein
ENERGY MANAGEMENT SERVICES
2602 CELEBRATION WAY
WOODLAND CA 95776
(530) 668-5600
cmkehrein@ems-ca.com
For: Energy Users Forum

Mona Tierney-Lloyd
Dir., Western Regualtory Affairs
ENERNOC, INC.
PO BOX 378
CAYUCOS CA 93430
(805) 995-1618
mtierney-lloyd@enernoc.com
For: EnerNoc, Inc.

Rachel Mcmahon
FIRST SOLAR
353 SACRAMENTO ST., STE. 2100
SAN FRANCISCO CA 94111
(415) 935-2550
Rachel.McMahon@firstsolar.com
For: First Solar

Andrew Luszcz
GLACIAL ENERGY OF CALIFORNIA
5326 YACHT HAVEN GRANDE BOX 36
ST THOMAS VI 00802
Andrew.Luszcz@GlacialEnergy.com
For: Glacial Energy of California (1377)

Nguyen Quan
Mgr - Regulatory Affairs
GOLDEN STATE WATER CO. - ELECTRIC OP.
630 EAST FOOTHILL BOULEVARD
SAN DIMAS CA 91773
(909) 394-3600 X664
nquan@gswater.com
For: Golden State Water Company

Michael B. Day
Attorney

Brian T. Cragg
Attorney
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY
505 SANSCOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
BCrapp@GoodinMacbride.com
For: Independent Energy Producers Association

Stephen Greenleaf
Vp, Compliance Director
JPMORGAN CHASE BANK, N.A.
2864 ABERDEEN LANE
EL DORADO HILLS CA 95762
(916) 802-5420
stephen.t.greenleaf@jpmorgan.com
For: JPMorgan Chase Bank, N.A.

Rachel Gold
LARGE SCALE SOLAR ASSOCIATION
2501 PORTOLA WAY
SACRAMENTO CA 95818
(510) 629-1024
Rachel@consciousventuresgroup.com
For: Large Scale Solar Association

Deanna Bodine
LIBERTY POWER HOLDING LLC (1371)
1901 W. CYPRESS CREEK ROAD, STE. 600
FORT LAUDERDALE FL 33309
(954) 489-7101
dbodine@libertypowercorp.com
For: Liberty Power Delaware, LLC

Deanna Bodine

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SAN SOME STREET, STE 900
SAN FRANCISCO CA 94111-3133
(415) 392-7900
mday@goodinmacbride.com
For: Abengoa Solar, Inc.

Marlo Go Stroud
GOODIN MACBRIDE SQUERI DAY LAMPREY, LLP
505 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 765-8409
mgo@goodinmacbride.com
For: North America Power Partners (NAPP)

John W. Leslie, Esq.
MCKENNA LONG & ALDRIDGE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
(619) 699-5464
jleslie@McKennaLong.com
For: Shell Energy North America (U.S.) L.P.

Sara Steck Myers
Attorney At Law
122 - 28TH AVENUE
SAN FRANCISCO CA 94121
(415) 387-1904
ssmyers@att.net
For: Center for Energy Efficiency and Renewable Technologies

Matt Miley
Legal Division
RM. 5135
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-3066
mm2@cpuc.ca.gov
For: DRA

Greg Bass
NOBLE AMERICAS ENERGY SOLUTIONS LLC
401 WEST A STREET, SUITE 500
SAN DIEGO CA 92101-3017
(619) 684-8199

LIBERTY POWER HOLDINGS, LLC (1371)
1901 W. CYPRESS CREEK ROAD, STE. 600
FORT LAUDERDALE FL 33309
(954) 598-7063
dbodine@libertypowercorp.com
For: Liberty Power Holdings, LLC

Dawn Weisz
Executive Director
MARIN ENERGY AUTHORITY
781 LINCOLN AVE., STE. 320
SAN RAFAEL CA 94901
(415) 464-6020
dweisz@marinenergy.com
For: Marin Energy Authority

Thomas R. Darton
PILOT POWER GROUP, INC. (1365)
8910 UNIVERSITY CENTER LANE, STE. 520
SAN DIEGO CA 92122
(858) 678-0118
tdarton@pilotpowergroup.com
For: Pilot Power Group, Inc.

Robert Marshall
General Manager
PLUMAS SIERRA RURAL ELECTRIC COOP. (908)
73233 STATE ROUTE 70 / PO BOX 2000
PORTOLA CA 96122-7069
(916) 832-4261
bmarshall@psrec.coop
For: Plumas Sierra Rural Electric Coop

Rick C. Noger
PRAXAIR PLAINFIELD, INC.
2711 CENTERVILLE ROAD, SUITE 400
WILMINGTON DE 19808
(925) 866-6809
rick_noger@praxair.com
For: Praxair Plainfield, Inc.

Joann Trout
PRIMUS POWER CORP.
3967 TRUST WAY
HAYWARD CA 94545

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

gbass@noblesolutions.com
For: Noble Americas Energy Solutions, LLC (formerly Sempra
Energy Solutions)(1364)

Abraham Silverman
Sr. Counsel, Regulatory
NRG ENERGY, INC.
211 CARNEGIE CENTER DRIVE
PRINCETON NJ 08540
(609) 524-4696
abraham.silverman@nrgenergy.com
For: NRG Energy, Inc.

Brian Cherry
Director - Regulatory Relations
PACIFIC GAS AND ELECTRIC COMPANY (39)
77 BEALE STREET ROOM 1087
SAN FRANCISCO CA 94105
BKC7@pge.com
For: Pacific Gas & Electric Company

David Orth
SAN JOAQUIN VALLEY POWER AUTHORITY
ADMIN OFF @KINGS RIVER CONSERV DISTRICT
4886 EAST JENSEN AVENUE
FRESNO CA 93725
(559) 237-5567
dorth@krcd.org
For: San Joaquin Valley Power Authority

Marcie Milner
SHELL ENERGY (1374)
4445 EASTGATE MALL, SUITE 100
SAN DIEGO CA 92121
martin.kadillak@shell.com
For: Shell Energy

Matthew Vespa
Staff Attorney
SIERRA CLUB
85 SECOND ST., 2ND FL
SAN FRANCISCO CA 94105
(415) 977-5753
matt.vespa@sierraclub.org

(510) 342-7666
cpuc@primuspower.com
For: Primus Power Corporation

Sue Mara
RTO ADVISORS L.L.C.
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 902-4108
sue.mara@rtoadvisors.com
For: Alliance for Retail Energy Markets

Alvin S. Pak
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12C
SAN DIEGO CA 92101-3017
(619) 696-2190
APak@SempraUtilities.com
For: San Diego Gas & Electric Company

Maybelle Ang
THE UTILITY REFORM NETWORK
115 SANSOME STREET, STE. 900
SAN FRANCISCO CA 94104
(415) 929-8876 X321
mang@turn.org
For: TURN

Kelly M. Foley
Attorney
THE VOTE SOLAR INITIATIVE
2089 TRACY COURT
FOLSOM CA 95630
(916) 367-2017
kelly@votesolar.org
For: The Vote Solar Initiative

William Lyons
TIGER NATURAL GAS, INC.
EMAIL ONLY
EMAIL ONLY TX 00000
blyons@TigerNaturalGas.com
For: Tiger National Gas (1376)

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

For: Sierra Club

Joni A. Templeton
Attorney At Law
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, PO BOX 800
ROSEMEAD CA 91770
(626) 302-6210
Joni.Templeton@sce.com
For: Southern California Edison Company

Akbar Jazayeri
Dir Of Revenue & Tariffs
SOUTHERN CALIFORNIA EDISON COMPANY (338)
2241 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-3630
akbar.jazayeri@sce.com
For: Southern California Edison Company

Daniel Silveria
Gen Mgr
SURPRISE VALLEY ELECTRIC CORP.
PO BOX 691
ALTURAS CA 96101
(916) 233-3511
dansvec@hdo.net
For: Surprise Valley Electric Corp.

Jim Woodward
CALIFORNIA ENERGY COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 654-5180
jwoodwar@energy.state.ca.us

Marc Pryor
CALIFORNIA ENERGY COMMISSION
1516 9TH ST, MS 20
SACRAMENTO CA 95814
(916) 653-0159
mpryor@energy.state.ca.us

Michael Jaske
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-20
SACRAMENTO CA 95814

Stacie Behrke
VALLEY ELECTRIC ASSOCIATION
800 E. HWY. 372
PAHRUMP NV 89048
For: Valley Electric Association

Lisa A. Cottle
Attorney
WINSTON & STRAWN LLP
101 CALIFORNIA ST., STE. 3900
SAN FRANCISCO CA 94111-5894
(415) 591-1579
LCottle@Winston.com
For: GenOn Energy, Inc.

***** STATE EMPLOYEE *****

Donald J. Brooks
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2626
dbr@cpuc.ca.gov

Michael Colvin
Executive Division
RM. 5212
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5484
mc3@cpuc.ca.gov

Paul Douglas
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5579
psd@cpuc.ca.gov

Damon A. Franz
Energy Division

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

(916) 654-4777
mike.jaske@energy.state.ca.us

Chloe Lukins
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1637
chloe.lukins@cpuc.ca.gov

Elizabeth Dorman
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1415
elizabeth.dorman@cpuc.ca.gov

Sara Kamins
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1388
SMK@cpuc.ca.gov

Lily Chow
CPUC - ENERGY DIV.
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-2475
cho@cpuc.ca.gov

Ed Charkowicz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2421
eac@cpuc.ca.gov

Yakov Lasko
Division of Ratepayer Advocates
RM. 4101
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2287
ynl@cpuc.ca.gov

Scarlett Liang-Uejio
Energy Division
AREA 4-A

AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2165
df1@cpuc.ca.gov

David M. Gamson
Administrative Law Judge Division
RM. 5019
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1232
dmg@cpuc.ca.gov

Jaime Rose Gannon
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2818
jrg@cpuc.ca.gov

Aloke Gupta
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5239
ag2@cpuc.ca.gov

Megha Lakhchaura
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1183
mla@cpuc.ca.gov

Margo Burrows
Manager - Office & Accounts
3 PHASES RENEWABLES
2100 SEPULVEDA BLVD., STE. 37
MANHATTAN BEACH CA 90266
(310) 939-1283 X-301
mburrows@3phasesRenewables.com

Tandy McMannes
ABENGOA SOLAR, INC.
235 PINE STREET, STE. 1800

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1851
scl@cpuc.ca.gov

Arthur J. O'Donnell
Energy Division
RM. 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1184
ao1@cpuc.ca.gov

Peter Spencer
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2109
phs@cpuc.ca.gov

Rebecca Tsai-Wei Lee
Division of Ratepayer Advocates
RM. 1250
770 L Street, Suite 1250
Sacramento CA 95814
(916) 327-1407
wtr@cpuc.ca.gov

Alan Wecker
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1923
aw3@cpuc.ca.gov

***** INFORMATION ONLY *****

Peter T. Pearson
BEAR VALLEY ELECTRIC SERVICE
EMAIL ONLY
EMAIL ONLY CA 00000

SAN FRANCISCO CA 94104
(415) 391-1782
tandy.mcmannes@solar.abengoa.com

Donald Brookhyser
ALCANTAR & KAHL
1300 SW FIFTH AVE., SUITE 1750
PORTLAND OR 97210
(503) 402-8702
deb@a-klaw.com

Karen Terranova
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542
filings@a-klaw.com

Nora Sheriff
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
nes@a-klaw.com
For: California Large Energy Consumers Association

Barbara R. Barkovich
BARKOVICH & YAP, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(707) 937-6203
brbarkovich@earthlink.net

Joseph Phalen
Energy Prescheduler
BEAR VALLEY ELECTRIC SERVICE
42020 GARSTIN DRIVE / PO BOX 1547
BIG BEAR LAKE CA 92315
(909) 866-4678
Joseph.Phalen@bves.com

Scott Blaising
Attorney
BRAUN BLAISING MC LAUGHLIN, P.C.
EMAIL ONLY

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

(909) 866-1669
Peter.Pearson@bves.com

Sean Matlock
Energy Prescheduler
BEAR VALLEY ELECTRIC SERVICE
42020 GARSTIN DRIVE / PO BOX 1547
BIG BEAR LAKE CA 92315
(909) 866-4678
smatlock@gswater.com

Tracey Drabant
Energy Resource Manager
BEAR VALLEY ELECTRIC SERVICE
42020 GARSTIN DR. / PO BOX 1547
BIG BEAR LAKE CA 92315
(909) 866-4678
TraceyDrabant@gswater.com

Michael Crane
BLUESTAR ENERGY SOLUTIONS
363 W. ERIE ST., STE. 700
CHICAGO IL 60654
mcrane@bluestarenergy.com

Tony Braun
BRAUN BLAISING MCLAUGHLIN PC
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 326-4449
braun@braunlegal.com

Nicole Wright
BRAUN BLAISING MCLAUGHLIN & SMITH
915 L STREET, SUITE 1270
SACRAMENTO CA 95814
(916) 326-5812
nicole@braunlegal.com

Justin C. Wynne
Attorney At Law
BRAUN BLAISING MCLAUGHLIN, P.C.
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 326-5813
wynne@braunlegal.com

EMAIL ONLY CA 00000
(916) 682-9702
blaising@braunlegal.com

Shaun Logue
BROOKFIELD ENERGY MARKETING, INC.
480 BLVD. DE LA CITE
GATINEAU PQ J8T 8R3
CANADA
(819) 561-8851
shaun.logue@brookfieldrenewable.com
For: Brookfield Renewable Energy Group / Brookfield Renewable Energy Partners LP

Margaret Miller
Director Of Regulatory Affairs
BROOKFIELD RENEWABLE ENERGY GROUP
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 673-3082
margaret.miller@brookfieldrenewable.com
For: Brookfield Renewable Energy Group / Brookfield Renewable Energy Partners LP

Andrew O. Kaplan, Esq.
BROWN RUDNICK LLP
ONE FINANCIAL CENTER
BOSTON MA 02111
(617) 856-8369
AKaplan@BrownRudnick.com

Beth Ann Burns
CAL. INDEPENDENT SYSTEM OPERATOR CORP.
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 608-7146
bburns@caiso.com

Delphine Hou
CALIF. INDEPENDENT SYSTEMS OPERATOR
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 608-5910
dhou@caiso.com

Pramod P. Kulkarni
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 20
SACRAMENTO CA 95814-5512
(916) 654-4637
pkulkarni@energy.state.ca.us

***** SERVICE LIST *****

Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

CALIFORNIA ENERGY MARKETS
425 DIVISADERO STREET, SUITE 303
SAN FRANCISCO CA 94117
(415) 963-4439
cem@newsdata.com

Brad Cooper
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 608-7156
bcooper@caiso.com

Gautham Katta
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
250 OUTCROPPING WAY
FOLSOM CA 95630
gkatta@caiso.com

John Goodin
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
250 OUTCROPPING WAY
FOLSOM CA 95630
(916) 802-6936
jgoodin@caiso.com

Ken Barrentine
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
250 OUTCROPPING WAY
FOLSOM CA 95630
kbarrentine@caiso.com

CALIFORNIA ISO
250 OUTCROPPING WAY
FOLSOM CA 95630
e-recipient@caiso.com

Nancy Rader
Executive Director
CALIFORNIA WIND ENERGY ASSOCIATION
EMAIL ONLY
EMAIL ONLY CA 00000-0000
(510) 845-5077
nrader@calwea.org

Matthew Barmack
CALPINE CORPORATION
EMAIL ON LY
EMAIL ONLY CA 00000

Eric Osborn
CALPINE POWER AMERICA-CA, LLC
717 TEXAS AVENUE, STE 100
HOUSTON TX 77002
cpacc@calpine.com
For: Calpine PowerAmerica-CA, LLC (1362)

Sarah Tomec
Sr. Advisor, Regulatory Affairs West
CAPITAL POWER CORPORATION
9255 TOWNE CENTRE DRIVE, STE. 900
SAN DIEGO CA 92121
(858) 450-3214
STomec@CapitalPower.com

Danielle Osborn Mills
Renewable Technologies (Ceert)
CENTER FOR ENERGY EFFICIENCY AND
1100 11TH STREET, STE. 1100
SACRAMENTO CA 95814
(916) 442-7785
danielle@ceert.org

Irene K. Moosen
Attorney At Law
CITY AND COUNTY OF SAN FRANCISCO
53 SANTA YNEZ AVE.
SAN FRANCISCO CA 94112
(415) 587-7343
irene@igc.org

William K. Sanders
THERESA L. MUELLER, JEANNE M. SOLE'
Deputy City Attorney
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM. 234
SAN FRANCISCO CA 94102-4682
(415) 554-6771
william.sanders@sfgov.org

Carrie Thompson
CITY OF ANAHEIM
201 S. ANAHEIM BLVD., STE. 802
ANAHEIM CA 92805
(714) 465-4131
cathompson@anaheim.net

Whitney Richardson

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

matthew.barmack@calpine.com

CLEAN COALITION
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 334-5890
whitney@clean-coalition.org

Inger Goodman
COMMERCE ENERGY, INC.
1 CENTERPOINTE DR., STE. 350
LA PALMA CA 90623-2520
(714) 259-2508
igoodman@commerceenergy.com

Richard J. Hudson, Jr.
Dir. - Regulatory & Legislative Affairs
CONEDISON SOLUTIONS, INC.
100 SUMMIT LAKE DR., STE. 410
VALHALLA NY 10595
(412) 368-5988
hudsonr@conedsolutions.com

Jacqueline M. Derosa
Director Of Regulatory Affairs - Ca
CUSTOMIZED ENERGY SOLUTIONS
101 PARKSHORE DRIVE SUITE 100
FOLSOM CA 95630
(916) 932-7226
jderosa@ces-ltd.com

DAVIS WRIGHT & TREMAINE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
dwtpucdockets@dwt.com

Vidhya Prabhakaran
DAVIS WRIGHT & TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO CA 94111
(415) 276-6568
VidhyaPrabhakaran@dwt.com

Ann Trowbridge
Attorney
DAY CARTER & MURPHY LLP
3620 AMERICAN RIVER DR., STE. 205
SACRAMENTO CA 95864
(916) 570-2500 X103
ATrowbridge@DayCarterMurphy.com

Amanda Bergfield
DIRECT ENERGY
12 GREENWAY PLAZA, STE. 250
HOUSTON TX 77046
(713) 877-3663
amanda.bergfield@directenergy.com

Jay Robertson
DIRECT ENERGY
12 GREENWAY PLAZA, STE. 250
HOUSTON TX 77046
(713) 877-5712
jay.robertson@directenergy.com

Donald C. Liddell
Counsel
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO CA 92103
(619) 993-9096
liddell@EnergyAttorney.com

George Klatt
DOUGLASS & LIDDELL
EMAIL ONLY
EMAIL ONLY CA 00000
(818) 961-3002
klatt@energyattorney.com

William Rostov
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO CA 94111
(415) 217-2000
wrostov@earthjustice.org

Fred Mobasher
Consultant
ELECTRIC POWER GROUP, LLC
201 SOUTH LAKE AVE., SUITE 400
PASADENA CA 91101
(626) 658-2015

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

Dennis De Cuir
DENNIS W. DE CUIR, A LAW CORPORATION
2999 DOUGLAS BOULEVARD, SUITE 325
ROSEVILLE CA 95661
(916) 788-1022
dennis@ddecuir.com

fmobasher@electricpowergroup.com

Jedediah J. Gibson
Attorney At Law
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
jjg@eslawfirm.com

Andrew B. Brown
Attorney At Law
ELLISON SCHNEIDER & HARRIS, LLP
2600 CAPITAL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
abb@eslawfirm.com
For: Constellation NewEnergy, Inc. (1359)

Rich Quattrini
Vice President - Western Region
JOHNSON CONTROLS
901 CAMPISI AVE., SUITE 260
CAMPBELL CA 95008-2348
(408) 370-3311 X125
Rich.Quattrini@jci.com

Andra Pligavko
FIRST SOLAR DEVELOPMENT, INC.
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 935-2553
andra.pligavko@gmail.com

Jason A. Lewis
Vp, Assist General Counsel
JPMORGAN CHASE BANK, N.A.
245 PARK AVENUE 11TH FLOOR
NEW YORK NY 10167
(212) 648-0762
jason.lewis@jpmorgan.com

Barry R. Flynn
FLYNN RESOURCE CONSULTANTS
5440 EDGEVIEW DRIVE
DISCOVERY BAY CA 94505
(888) 634-7516
brflynn@flynnrci.com
For: Bay Area Municipal Transmission Group (BAMx)

Tim Lindl
KEYES FOX & WIEDMAN LLP
314 14TH STREET, STE. 1350
OAKLAND CA 94612
(510) 314-8385
tlindl@kfwlaw.com

Sean P. Beatty
Dir - West Regulatory Affairs
GENON ENERGY, INC.
PO BOX 192
PITTSBURGH CA 94565
(925) 427-3483
sean.beatty@genon.com

Kevin T. Fox
TIM LINDL
KEYES FOX & WIEDMAN, LLP
436 14TH STREET, SUITE 1305
OAKLAND CA 94612
(510) 314-8201
kfox@kfwlaw.com
For: The Interstate Renewable Energy Council, Inc.

Suzy Hong

Shannon Eddy
Executive Director

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

Attorney At Law
GOODIN MACBRIDE SQUERI DAY & LAMPREY
505 SAN SOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
shong@goodinmacbride.com
For: Abengoa Solar, Inc.

David Weidberg
JOHNSON CONTROLS
901 CAMPISI AVE.
CAMPBELL CA 95008
(408) 898-2713
David.Weidberg@jci.com

Jennifer Chamberlin
LS POWER DEVELOPMENT, LLC
5000 HOPYARD ROAD, SUITE 480
PLEASANTON CA 94588
(925) 201-5253
JChamberlin@LSPower.com

Elizabeth Rasmussen
MARIN ENERGY AUTHORITY
781 LINCOLN AVENUE, STE. 320
SAN RAFAEL CA 94901
(415) 464-6022
erasmussen@marinenergyauthority.org

Jeremy Waen
Regulatory Analyst
MARIN ENERGY AUTHORITY
781 LINCOLN AVENUE, STE. 320
SAN RAFAEL CA 94901
(415) 464-6027
JWaen@MarinEnergy.com

Barry F. McCarthy
Attorney
MCCARTHY & BERLIN, LLP
100 W. SAN FERNANDO ST., SUITE 501
SAN JOSE CA 95113
(408) 288-2080

LARGE SCALE SOLAR ASSOCIATION
2501 PORTOLA WAY
SACRAMENTO CA 95818
(916) 731-8371
eddyconsulting@gmail.com

Oliver N. Myers
LAW OFFICES OF SARA STECK MYERS
122 - 28TH AVENUE
SAN FRANCISCO CA 94121
(415) 412-1800
onmyers@gmail.com

Neil O'Donovan
LINCOLN RENEWABLE ENERGY
1675 LARIMER STREET, STE. 440
DENVER CO 80202
(602) 321-6878
nodonovan@lrenergy.com

David Nemtzow
NEMTZOW & ASSOCIATES
EMAIL ONLY
EMAIL ONLY CA 00000
(310) 622-2981
david@nemtzow.com

Kerry Hattevik
Director Of West Market Affairs
NEXT ERA ENERGY RESOURCES LLC
829 ARLINGTON BLVD.
EL CERRITO CA 94530
(510) 898-1847
kerry.hattevik@nee.com

Shelly-Ann Maye
NORTH AMERICA POWER PARTNERS
308 HARPER DRIVE, SUITE 320
MOORESTOWN NJ 08057
(856) 439-0800
smaye@nappartners.com

Brian Theaker
Director - Market Affairs
NRG ENERGY, INC.
211 CARNEGIE CENTER
PRINCETON NJ 08540
(530) 295-3305

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

bmcc@mccarthylaw.com
For: Bay Area Municipal Transmission Group (BAMx)

David Miller
651 FAIRMONT AVE.
OAKLAND CA 94611
(510) 502-6117
david@ceert.org

David Morse
EMAIL ONLY
EMAIL ONLY CA 00000-0000
(530) 756-5033
davidmorse9@gmail.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 973-4208
regrelcpuccases@pge.com

George Zahariudakis
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
gxz5@pge.com

Matthew Gonzales
Senior Case Manager
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, ROOM 918
SAN FRANCISCO CA 94105
(415) 973-8466
mrgg@pge.com

brian.theaker@nrgenergy.com

Brad Wetstone
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
b1wa@pge.com

Mark Huffman
Law Dept
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 7442, B30A
SAN FRANCISCO CA 94120
(415) 973-3842
mrh2@pge.com

Alice Gong
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE B9A
SAN FRANCISCO CA 94177
axl3@pge.com

Steve Taber
PRINCETON ENERGY GROUP
860 BUTTERFIELD
SAN ANSELMO CA 94960
(415) 457-1848
Taber@PrincetonEnergy.net

Donald W. Schoenbeck
RCS, INC.
900 WASHINGTON STREET, SUITE 780
VANCOUVER WA 98660
(360) 737-3877
dws@r-c-s-inc.com

Nuo Tang
SAN DIEGO GAS & ELECTRIC
8315 CENTURY PARK COURT, CP21D
SAN DIEGO CA 92123
(858) 654-1818
NTang@SempraUtilities.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

Tom Jarman
Energy
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM. 909, MC B9A
SAN FRANCISCO CA 94105-1814
(415) 973-7157
taj8@pge.com

Cathie Allen
Regulatory Mgr.
PACIFICORP
EMAIL ONLY
EMAIL ONLY OR 00000
(503) 813-5934
CaliforniaDockets@pacificorp.com

Mary Wiencke
PACIFICORP
825 N. E. MULTNOMAH, SUITE 1800
PORTLAND OR 97232
(503) 813-5058
mary.wiencke@pacificorp.com

John S. Friderichs
Director - Origination & Development
PILOT POWER GROUP, INC.
8910 UNIVERSITY CENTER LANE, STE. 520
SAN DIEGO CA 92122
(858) 678-0118 X-105
JFriderichs@pilotpowergroup.com

Kathryn Gillick
SAN FRANCISCO PUBLIC UTILITIES COMM.
1155 MARKET STREET
SAN FRANCISCO CA 94103
(415) 554-2487
kgillick@sfrwater.org

Shawn Bailey
Director - Planning & Analysis
SEMPRA US GAS AND POWER
101 ASH STREET
SAN DIEGO CA 92101-3017
(619) 696-2962
sbailey@semprausgp.com

Randy Nicholson
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP32H
SAN DIEGO CA 92123
(858) 654-3567
RNicholson@SempraUtilities.com

Ana Garza-Beutz
SAN DIEGO GAS & ELECTRIC COMPANY
8315 CENTURY PARK CT., CP21D
SAN DIEGO CA 92123
(858) 637-3760
AGarza-Beutz@semprauutilities.com

Thomas C. Saile
Energy Contracts Originator
SAN DIEGO GAS & ELECTRIC COMPANY
8315 CENTURY PARK COURT, CP21D
SAN DIEGO CA 92123-1548
(858) 636-5543
TCSaile@SempraUtilities.com

Central Files
SAN DIEGO GAS AND ELECTRIC CO.
8330 CENTURY PARK COURT, CP31-E
SAN DIEGO CA 92123
(858) 654-1240
CentralFiles@SempraUtilities.com

Eric G. Gimon
Technical Consultant
THE VOTE SOLAR INITIATIVE
2727 MARIN AVE.
BERKELEY CA 94708
(510) 540-8469
ericg@votesolar.org

Julien Dumoulin-Smith
Director
UBS INVESTMENT RESEARCH
1285 AVENUE OF THE AMERICAS
NEW YORK NY 10019
(212) 713-9848

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
R1110023 LIST

Susan Smith

Associate Originator Bus. Development
SHELL ENERGY NORTH AMERICA
4 CLINTON SQUARE, STE. 101
SYRACUSE NY 13202
(315) 423-4817
Susan.E.Smith@shell.com

Steve Zuretti

SOLAR ENERGY INDUSTRIES ASSOCIATION
EMAIL ONLY
EMAIL ONLY CA 00000
(323) 400-9715
SZuretti@seia.org

Ariel Lin

SOUTHERN CALIFORNIA EDISON COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
ariel.lin@sce.com

Case Administration

SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., PO BOX 800
ROSEMEAD CA 91770
(626) 302-4875
case.admin@sce.com

Justin Boone

SOUTHERN CALIFORNIA EDISON COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
(626) 302-5576
justin.boone@sce.com

Kevin Woodruff

EMAIL ONLY
EMAIL ONLY CA 00000
(916) 442-4877
kdw@woodruff-expert-services.com

julien.dumoulin-smith@ubs.com
For: US Electric Utilities & IPPs Group

Megan Cyr
UBS INVESTMENT RESEARCH
1285 AVENUE OF THE AMERICAS
NEW YORK NY 10019
(212) 713-9848
megan.cyr@ubs.com

Nicholas Lenssen
VESTAS-AMERICAN WIND TECHNOLOGY, INC
1195 ALBION ROAD
BOULDER CO 80305
(303) 655-5544
NILEN@vestas.com

Doug Davie
WELLHEAD ELECTRIC
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 447-5171
ddavie@wellhead.com

Sheridan Pauker
Attorney
WILSON SONSINI GOODRICH & ROSATI
ONE MARKET PLAZA, SPEAR TOWER, STE 3300
SAN FRANCISCO CA 94105
(415) 947-2136
spauker@wsgr.com

Thomas W. Solomon
Attorney At Law
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO CA 94111-5894
(415) 591-1000
tsolomon@winston.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1204001 LIST

***** PARTIES *****

Robert Haga
Legal Division
RM. 5137
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2538
rwh@cpuc.ca.gov
For: DRA

Russell A. Archer
DOUGLAS K. PORTER; LINDA J. ANABTAWI
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-2865
Russell.Archer@sce.com
For: Southern California Edison Company

***** STATE EMPLOYEE *****

Claire Eustace
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1889
CCE@cpuc.ca.gov

Mitchell Shapson
CPUC
LEGAL DIVISION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-2727
mitchell.shapson@cpuc.ca.gov

Richard Clark
Administrative Law Judge Division
RM. 5109
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5506
rwc@cpuc.ca.gov

Michele Kito
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2197
mk1@cpuc.ca.gov

Donald J. Lafrenz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1063
dlf@cpuc.ca.gov

Ke Hao Ouyang
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1235
kho@cpuc.ca.gov

Michael Yeo
Division of Ratepayer Advocates
RM. 4103
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5248
mey@cpuc.ca.gov

***** INFORMATION ONLY *****

Len Cantly
Chairman
BLACK ECONOMIC COUNCIL
484 LAKE PARK AVE., SUITE 338
OAKLAND CA 94610
(510) 452-1337
lencantly@BlackEconomicCouncil.org
For: Black Economic Council

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST STE 303
SAN FRANCISCO CA 94117-2242
(415) 552-1764
cem@newsdata.com

Robert Gnaizda
Of Counsel
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 953-0522
robertgnaizda@gmail.com

Jorge Corralejo
Chairman / President
LAT. BUS. CHAMBER OF GREATER L.A.
634 S. SPRING STREET, STE 600
LOS ANGELES CA 90014

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1204001 LIST

(213) 347-0008
JCorralejo@LBCgla.org
For: Latino Business Chamber of Greater Los Angeles

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Faith Bautista
President
NATIONAL ASIAN AMERICAN COALITION
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 953-0522
Faith.MabuhayAlliance@gmail.com
For: National Asian American Coalition

Shalini Swaroop
Sr. Staff Attorney
NATIONAL ASIAN AMERICAN COALITION
1758 EL CAMINO REAL
SAN BRUNO CA 94066
(650) 953-0522 X-231
sswaroop@naacoalition.org

Jamie York
Regulatory Case Admin.
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 637-7960
JYork@SempraUtilities.com

Case Administration
Law Department
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD CA 91770
(626) 302-4875
case.admin@sce.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1108002 LIST

***** PARTIES *****

Nora Sheriff
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
nes@a-klaw.com
For: Energy Producers & Users Coalition

William H. Booth
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., STE. 1850
SAN FRANCISCO CA 94105
(415) 403-5542
whb@a-klaw.com
For: California Large Energy Consumers Association

Daniel W. Douglass
Attorney
DOUGLASS & LIDDELL
21700 OXNARD ST., STE. 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Alliance for Retail Energy Markets (AReM); Direct Access Customer Coalition (DACC)

Robert Haga
Legal Division
RM. 5137
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2538
rwh@cpuc.ca.gov
For: DRA

Russell A. Archer
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-2865
Russell.Archer@sce.com
For: Southern California Edison Company

***** STATE EMPLOYEE *****

Maryam Ghadessi
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1191
mmg@cpuc.ca.gov

Teresa Hortinela
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1784
mth@cpuc.ca.gov
For: DRA

Donald J. Lafrenz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1063
dlf@cpuc.ca.gov

Stephen C. Roscow
Administrative Law Judge Division
RM. 5010
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1053
scr@cpuc.ca.gov

***** INFORMATION ONLY *****

Karen Terranova
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., STE. 1850
SAN FRANCISCO CA 94105
(415) 403-5542
[filings@a-klaw.com](mailto:filing@a-klaw.com)

Ross Van Ness
ALCANTAR & KAHL
1300 SW FIFTH AVE., STE. 1750
PORTLAND OR 97209
(503) 402-9900
rvn@a-klaw.com

Seema Srinivasan
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., SUITE 1850
SAN FRANCISCO CA 94105
(415) 403-5542

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1108002 LIST

sls@a-klaw.com

Evelyn Kahl
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94015
(415) 403-5542
ek@a-klaw.com

Barbara R. Barkovich
BARKOVICH & YAP, INC.
44810 ROSEWOOD TERRACE
MENDOCINO CA 95460
(707) 937-6203
brbarkovich@earthlink.net

Scott Blaising
Attorney
BRAUN BLAISING MCLAUGHLIN, P.C.
EMAIL ONLY
EMAIL ONLY CA 00000
(916) 682-9702
blaising@braunlegal.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. SUITE 303
SAN FRANCISCO CA 94117
(415) 963-4439
cem@newsdata.com

Carolyn M. Kehrein
ENERGY USERS FORUM
2602 CELEBRATION WAY
WOODLAND CA 95776
(530) 668-5600
cmkehrein@ems-ca.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Sue Mara
Principal
RTO ADVISORS, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 902-4108

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, RM. 370
ROSEMEAD CA 91770
(626) 302-6838
case.admin@sce.com

Matthew Dwyer
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE./PO BOX 800
ROSEMEAD CA 91770
(626) 302-6521
matthew.dwyer@sce.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1108002 LIST

Sue.Mara@rtoadvisors.com

Jamie York
Regulatory Case Admin.
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 637-7960
JYork@SempraUtilities.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1208001 LIST

***** PARTIES *****

Daniel W. Douglass
Attorney
DOUGLASS & LIDDELL
21700 OXNARD ST., STE. 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Alliance for Retail Energy Markets and Direct Access
Customer Coalition

Claire Eustace
Legal Division
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1889
cce@cpuc.ca.gov
For: DRA

Russell A. Archer
DOUGLAS K. PORTER/MATTHEW DWYER
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-2865
Russell.Archer@sce.com
For: Southern California Edison Company

***** STATE EMPLOYEE *****

Valerie Kao
Division of Ratepayer Advocates
RM. 4104
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1341
vuk@cpuc.ca.gov
For: DRA

Ravinder Mangat
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5556
rm1@cpuc.ca.gov
For: DRA

Sean Wilson
Administrative Law Judge Division
RM. 5022
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1525
smw@cpuc.ca.gov

***** INFORMATION ONLY *****

Scott Blaising
BRAUN BLAISING MCLAUGHLIN P.C.
915 L STREET, STE. 1270
SACRAMENTO CA 95814
(916) 682-9702
blaising@braunlegal.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO STREET, SUITE 303
SAN FRANCISCO CA 94117-2242
(415) 963-4439
cem@newsdata.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
LAW DEPT., ROOM 370
2244 WALNUT GROVE AVE., RM 370
ROSEMEAD CA 91770
(626) 302-4875
case.admin@sce.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1106003 LIST

***** PARTIES *****

Matt Miley
CPUC
LEGAL DIVISION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-3066
mm2@cpuc.ca.gov
For: DRA

Charles R. Middlekauff
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442, MC-B30A-2475
SAN FRANCISCO CA 94120
(415) 973-6971
crmd@pge.com
For: Pacific Gas and Electric Company

John A. Pacheco
Attorney
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12B
SAN DIEGO CA 92101-3017
(619) 699-5130
JPacheco@SempraUtilities.com
For: San Diego Gas & Electric

***** STATE EMPLOYEE *****

Ke Hao Ouyang
CPUC
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-1235
kho@cpuc.ca.gov

Robert Haga
Legal Division
RM. 5137
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2538
rwh@cpuc.ca.gov

Stephen C. Roscow
Administrative Law Judge Division
RM. 5010
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1053

Mitchell Shapson
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2727
sha@cpuc.ca.gov
For: DRA

Michael Yeo
Division of Ratepayer Advocates
RM. 4103
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5248
mey@cpuc.ca.gov

***** INFORMATION ONLY *****

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303
SAN FRANCISCO CA 94117-2242
(415) 936-4439
cem@newsdata.com

DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY CA 00000
dwtcpucdockets@dwt.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Regulatory File Room
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120
(415) 973-4295
cpuccases@pge.com

Alice L. Reid
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM 3081-B30A
SAN FRANCISCO CA 94105
(415) 973-2966
ALR4@pge.com
For: Pacific Gas & Electric Company

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1106003 LIST

scr@cpuc.ca.gov

Georgetta J. Baker
JOHN A. PACHECO
Attorney
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ 12
SAN DIEGO CA 92101-3017
(619) 699-5064
GBaker@SempraUtilities.com

Jamie York
Regulatory Case Admin.
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 637-7960
JYork@SempraUtilities.com
For: San Diego Gas & Electric Company

Central Files
SAN DIEGO GAS AND ELECTRIC CO.
8330 CENTURY PARK COURT, CP31-E
SAN DIEGO CA 92123
(858) 654-1240
CentralFiles@SempraUtilities.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE / PO BOX 800
ROSEMEAD CA 91770
(626) 302-1063
case.admin@sce.com

***** SERVICE LIST *****
Last Updated on 12-JAN-2012 by: AMT
A1109002 LIST

***** PARTIES *****

Michelle R. Mishoe
Attorney
PACIFICORP
825 NE MULTNOMAH STREET, SUITE 1800
PORTLAND OR 97232
(503) 813-5977
michelle.mishoe@pacificorp.com
For: PacifiCorp

***** STATE EMPLOYEE *****

Richard Clark
Administrative Law Judge Division
RM. 5109
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5506
rwc@cpuc.ca.gov

***** INFORMATION ONLY *****

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303
SAN FRANCISCO CA 94117-2242
(415) 963-4439
cem@newsdata.com

Cathie Allen
Regulatory Mgr.
PACIFICORP
EMAIL ONLY
EMAIL ONLY OR 00000
(503) 813-5934
CaliforniaDockets@pacificorp.com

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1204003 LIST

***** PARTIES *****

Matt Miley
Legal Division
RM. 5135
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-3066
mm2@cpuc.ca.gov
For: DRA

Jamie York
Regulatory Case Admin.
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 637-7960
JYork@SempraUtilities.com
For: San Diego Gas & Electric Company

Kim Malcolm
UTILITY CONSUMERS' ACTION NETWORK
3405 KENYON ST., STE. 401
SAN DIEGO CA 92110
(619) 696-6966
kmalcolm@ucan.org
For: UCAN

***** STATE EMPLOYEE *****

Joseph A. Abhulimen
Division of Ratepayer Advocates
RM. 4209
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1552
jaa@cpuc.ca.gov

Donald J. Lafrenz
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1063
dlf@cpuc.ca.gov

Ravinder Mangat
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5556
rm1@cpuc.ca.gov

Stephen C. Roscow
Administrative Law Judge Division
RM. 5010
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1053
scr@cpuc.ca.gov

***** INFORMATION ONLY *****

CALIFORNIA ENERGY MARKETS
425 DIVISADERO STREET, SUITE 303
SAN FRANCISCO CA 94117-2242
(415) 963-4439
cem@newsdata.com

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

John A. Pacheco
Attorney
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ12B
SAN DIEGO CA 92101-3017
(619) 699-5130
JPacheco@SempraUtilities.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
EMAIL ONLY
EMAIL ONLY CA 00000
(626) 302-6509
case.admin@sce.com

Michael Shames
UTILITY CONSUMERS' ACTION NETWORK
3405 KENYON ST., STE. 401
SAN DIEGO CA 92110
(619) 696-6966
mshames@sandiegocan.org

***** SERVICE LIST *****
Last Updated on 17-OCT-2012 by: JVG
A1210002 LIST

***** PARTIES *****

Jamie K. York
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 654-1739
JYork@SempraUtilities.com
For: San Diego Gas & Electric Company

***** STATE EMPLOYEE *****

Sean Wilson
Administrative Law Judge Division
RM. 5022
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1525
smw@cpuc.ca.gov

***** INFORMATION ONLY *****

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Paul A. Szymanski
Sr. Counsel
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET HQ 12
SAN DIEGO CA 92101-3017
(619) 699-5078
PSzymanski@SempraUtilities.com

Central Files
SAN DIEGO GAS AND ELECTRIC CO.
8330 CENTURY PARK COURT, CP31-E
SAN DIEGO CA 92123
(858) 654-1240
CentralFiles@SempraUtilities.com

***** SERVICE LIST *****

City of Riverside
C/O Scott C. Barber
City Manager
3900 Main Street, 7th Floor
Riverside, CA 92501