

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 13, 2001

Item H-16
9/20/2001**TO: PARTIES OF RECORD IN APPLICATION 00-11-038 ET AL.**

This is the proposed decision of Administrative Law Judge (ALJ) DeUlloa. It will be on the Commission's agenda at the meeting of September 20, 2001. The Commission may act then, or it may postpone action until later.

When the Commission acts on the proposed decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Comments on the proposed decision must be electronically served no later than 10:00 a.m., on September 17, 2001, to those on the service list who have provided electronic addresses, and filed with the Docket Office by 5:00 p.m. on that date. Parties shall also electronically serve their comments on the following: lyn@cpuc.ca.gov, jrd@cpuc.ca.gov and ang@cpuc.ca.gov. For those who have not provided electronic addresses, printed copies of the comments shall be served by mail or other expeditious mode of delivery. No reply comments will be permitted.

/s/ LYNN T. CAREW by ANGLynn T. Carew, Chief
Administrative Law Judge

Attachment

Decision **PROPOSED DECISION OF ALJ DeUlloa (Mailed 9/13/2001)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (E 3338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed November 16, 2000)
Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan. (U 39 E)	Application 00-11-056 (Filed November 22, 2000)
Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.	Application 00-10-028 (Filed October 17, 2000)

(See Appendix A for a list of appearances.)

**OPINION ON PG&E'S MARKET VALUATION
APPROACH FOR DETERMINING A REVENUE
REQUIREMENT FOR UTILITY RETAINED GENERATION**

This decision addresses the market valuation proposal of Pacific Gas and Electric Company (PG&E) for determining a revenue requirement for its utility retained generation (URG) assets.¹ The issue we consider is whether Pub. Util. Code § 367(b) requires the Commission to use a market valuation in determining

¹ In this decision, consistent with Decision (D.) 01-01-061, we define URG broadly to mean generation under the control of the utility.

a prospective URG revenue requirement for PG&E. We determine that market valuation does not apply to setting a prospective revenue requirement for PG&E's URG assets.

We also address PG&E's proposal to recover in its URG revenue requirement amounts in the Transition Cost Balancing Account (TCBA). We find that PG&E's proposal raises issues that deal with matters other than determining a prospective URG revenue requirement. We therefore find it is inappropriate to include in PG&E's prospective URG requirement amounts contained in its TCBA.

Procedural Background

Between July 23, and July 31, 2001, seven days of evidentiary hearing were held to determine the URG revenue requirements of PG&E, Southern California Edison Company (Edison) and San Diego Gas & Electric Company (SDG&E). At the conclusion of the evidentiary hearing, the administrative law judge (ALJ) set a schedule for filing and serving briefs, and preparing a proposed decision. By Assigned Commissioner Ruling (ACR) dated August 10, 2001, President Lynch accelerated the briefing schedule by directing parties to file and serve briefs on August 17, 2001, that addressed the issue of whether a market valuation approach for determining URG revenue requirements should be used. Further, the ACR directed parties to comment on their willingness to reduce the 30-day review and comment period prescribed by Pub. Util. Code § 311(d).² On August 16, President Lynch issued an ACR accelerating the briefing schedule on

² Unless otherwise stated, all statutory references are to the Public Utilities Code.

remaining issues by directing parties to file and serve concurrent opening briefs on August 22 and concurrent reply briefs on August 29.

In response to the August 10th ACR, PG&E, Edison, Office of Ratepayer Advocates (ORA), California Large Energy Consumers Association (CLECA) and The Utility Reform Network (TURN) filed and served briefs. PG&E and Edison chose not to stipulate to reduce the comment period prescribed by Section 311(d).

PG&E's Market Valuation Proposal

In its testimony, PG&E presented three scenarios for calculating its URG revenue requirement. This section addresses PG&E's preferred scenario³ to set URG revenue requirements for its non-nuclear generation assets (hydroelectric facilities) by valuing its generation assets as if sold in a competitive auction or other arms length sale. PG&E estimates such a sale price using a discounted cash flow (DCF) analysis, based on plant revenues derived from a market price forecast made by Henwood Energy Services in November 2000. The market valuation PG&E assigns to its hydroelectric facilities, including its Helms Pumped Storage facility, is \$4.1 billion. PG&E's contends that the Commission is obligated, under Section 367, to determine the market value of PG&E's hydroelectric assets prior to calculating PG&E's URG revenue requirement.

In support of its interpretation of Section 367, PG&E states that the Commission must reconcile the requirement for an appraisal of market value under Section 367 and how that appraised value relates to the ratemaking of its generation assets going forward.

³ PG&E's proposed Scenarios 2 and 3 do not raise any market valuation issues and are therefore not addressed in this section.

PG&E suggest that enactment of Assembly Bill 6 of the First Extraordinary Session of 2000-2001 (ABX1-6) created conflicting or inconsistent provisions that the Commission must reconcile. PG&E asserts that ABX1-6 rededicated PG&E's generation assets to public utility service and that this rededication affected PG&E's ability to receive market value payments in a deregulated marketplace. Since the market valuation provision of Section 367(b) remains in place, PG&E believes that "two seemingly contradictory goals" now exist. PG&E describes these goals as (1) "ratepayers being entitled to the positive economic value of utility generation assets as a credit against CTCs" and (2) PG&E being precluded from recouping the "positive" value of its generation assets in deregulated markets. To reconcile these goals in a manner that is non-confiscatory, PG&E proposes to treat its generation assets as if they are being dedicated to public service for the first time and use a value equal to PG&E's original investment (market value). PG&E also believes that ABX1-6's "re-regulation" of PG&E's retained generating assets may constitute an unconstitutional taking under the California and U.S. Constitutions. However, PG&E did not directly address that issue since the Commission lacks authority to declare a statute unconstitutional.

ORA, TURN, CLECA and Aglet Consumer Alliance (Aglet) oppose PG&E's market valuation approach.

ORA asserts the scope of this proceeding encompasses traditional cost-based ratemaking and not market valuation. ORA contends that determining revenue requirements for URG is separate and distinct from valuation issues. Because valuation will affect rates for years to come, ORA believes that valuation issues should be decided in a proceeding or phase explicitly designed to do so, where all parties have a clear understanding at the outset that valuation issues will be considered.

ORA argues that only the net book value reflects the utility's actual recorded investment in generation facilities. ORA states that historically this Commission has authorized utilities to calculate depreciation based on the actual cost of their investments. The utilities then recover their investments for generation facilities from ratepayers through depreciation expense. ORA contends that ratepayers would pay twice for depreciation if the Commission allowed PG&E to use a market valuation for rate base for facilities in which it has already recovered depreciation in rates.

CLECA opposes PG&E's efforts to increase its rate base for its hydroelectric generating assets from its current depreciated book value of approximately \$500 million to a market-based figure of approximately \$4 billion. CLECA characterizes PG&E's proposal as inconsistent with Assembly Bill (AB) 1890 and ABX1-6.

CLECA asserts that PG&E confuses market valuation for purposes of transition cost recovery with ongoing ratemaking for URG assets. CLECA argues that no confusion exists. CLECA states that Section 367 relates to and was enacted for the express purpose of setting forth the basis for utility recovery of stranded costs. CLECA contends that Section 367 does not address the manner in which cost-of-service rates are to be established for URG assets prospectively.

CLECA states that PG&E offers no specific reference to any words in Section 367 to support its assertion that the market valuation of an asset that is retained and which remains dedicated to public utility service must be recoverable in retail rates. CLECA argues that contrary to PG&E's argument, the purpose of the market valuation provisions within Section 367(b) is to enable the "netting" of the above market value of certain assets against the below market value of other assets. CLECA states that Section 367 has nothing at all to do with

the manner in which the Commission is to perform cost-of-service ratemaking prospectively.

CLECA also contends that PG&E's proposal would cause a double recovery of investment in URG assets and would substantially increase customers' payments. CLECA states that over time, PG&E customers have paid the capital costs of the generation assets through the depreciation element of the utility cost-of-service based revenue requirement. CLECA further asserts that AB 1890 accelerated recovery of such capital costs and PG&E received billions of dollars from ratepayers under frozen rates for capital recovery associated with such URG assets. For those assets that are to be retained by the utility and remain, pursuant to ABX1-6, dedicated to utility service, CLECA asserts the rate base must be the net depreciated book value.

TURN asserts the Commission is not obliged to use a market valuation for setting PG&E's URG revenue requirement. TURN contends the URG revenue requirement is generally distinct from any claim for cost recovery for costs incurred in the past. TURN states that PG&E's current position on market valuation reflects a misunderstanding as to the intended purpose of the rate freeze, market valuation, and the opportunity for transition cost recovery. TURN states that any argument about recovery of generation costs deemed uneconomic at the time the accelerated cost recovery opportunity began, is separate from the determination of how to establish the revenue requirement on a going forward basis for URG.

TURN contends that the legislative history of ABX1-6 shows that PG&E is incorrect in assuming that market valuation is required for purposes other than calculating stranded cost recovery. TURN states that when the Legislature enacted ABX1-6, it eliminated the discussion of "market valuation" in

Sections 216, 330 and 377. It did not, however, revise Section 367. PG&E's claim that market valuation is required as part of establishing the URG revenue requirement is largely premised on the absence of any modification to Section 367.

TURN believes that the fact that ABX1-6 did not modify Section 367 is largely irrelevant for purposes of resolving the URG revenue requirement issues. The recently-enacted statute substantially modified the provisions of AB 1890 that had been read to suggest that market valuation might impact the ongoing regulation and ratemaking of URG facilities. TURN states that the market valuation reference that remains in Section 367 refers only to recovery of uneconomic costs. It does not otherwise address ratemaking practices for URG assets.

Discussion

The primary legal issue raised is whether Section 367(b) requires the Commission to establish a market valuation for PG&E's non-nuclear generation assets prior to determining a URG revenue requirement.

Section 367 states that:

“The commission shall identify and determine those costs and categories of costs for generation-related assets and obligations, consisting of generation facilities, generation-related regulatory assets, nuclear settlements, and power purchase contracts, including, but not limited to, restructurings, renegotiations or terminations thereof approved by the commission, that were being collected in commission-approved rates on December 20, 1995, and that may become uneconomic as a result of a competitive generation market, in that these costs may not be recoverable in market prices in a competitive market, and appropriate costs incurred after December 20, 1995, for capital additions to generating facilities existing as of December 20, 1995, that the commission determines are reasonable and

should be recovered, provided that these additions are necessary to maintain the facilities through December 31, 2001. These uneconomic costs shall include transition costs as defined in subdivision (f) of Section 840, and shall be recovered from all customers or in the case of fixed transition amounts, from the customers specified in subdivision (a) of Section 841, on a nonbypassable basis and shall.”

...

“(b) Be based on a calculation mechanism that nets the negative value of all above market utility-owned generation-related assets against the positive value of all below market utility-owned generation related assets. For those assets subject to valuation, the valuations used for the calculation of the uneconomic portion of the net book value shall be determined not later than December 31, 2001, and shall be based on appraisal, sale, or other divestiture. The commission's determination of the costs eligible for recovery and of the valuation of those assets at the time the assets are exposed to market risk or retired, in a proceeding under Section 455.5, 851, or otherwise, shall be final, and notwithstanding Section 1708 or any other provision of law, may not be rescinded, altered or amended.”

Section 367 concerns recovery of uneconomic costs, not the establishment of revenue requirements. Section 367 provides a framework for “netting” of the above market value of certain assets against the below market value of other assets. Section 367 relates to, and was enacted for the express purpose of, setting forth the basis for utility recovery of uneconomic costs. Contrary to PG&E’s assertions, Section 367 does not address the manner in which we establish prospective cost-of-service URG revenue requirements.

Therefore, in reviewing the plain language of Section 367, we agree with ORA, TURN, Aglet and CLECA that the market valuation reference in Section 367 applies only to the process of determining uneconomic cost recovery

and not ratemaking practices for URG assets. We find no support in Section 367 for PG&E's position that the Commission may not legally determine the value of URG for ratemaking purposes until such time as market valuations are complete.

In addition, recent legislative actions confirm that market valuation is to be used only for the purpose of uneconomic cost recovery, not in determining a URG revenue requirement. ABX1-6 (Ch. 2, Stats. 2001, special session 1)⁴ eliminates market value as a factor influencing the ratemaking treatment for URG in the context of the continuing regulation as required by Section 377. As amended by ABX1-6, Section 377 provides that the URG assets continue under traditional Commission regulation until the Commission has authorized some other disposition of the assets pursuant to Section 851 and, in any event, at least until January 1, 2006. Section 377 does not authorize the market valuation procedure proposed by PG&E.

The amendments to Sections 216, 330 and 377 effected by ABX1-6 share a common characteristic. Each deletes reference to "market valuation" as one of the factors affecting the Commission's continued regulation URG. For example, in Section 216, the section that defines a public utility, ABX1-6 deleted in its entirety former subsection (h), which read as follows:

Generation assets owned by any public utility prior to January 1, 1997, and subject to rate regulation by the commission, shall continue to be subject to regulation by the commission until those assets have undergone market

⁴ ABX1 6 filed with the Secretary of the State on January 18, 2001. An act to amend Sections 216, 330, and 377 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

valuation in accordance with procedures established by the commission. (Emphasis added.)

Similarly, ABX1-6 deleted from Section 330(l)(2) the following language:

and utility generation should be transitioned from regulated status to unregulated status through means of commission-approved market valuation mechanisms. (Emphasis added.)

Both of these sections made market valuation a prerequisite to removal from Commission regulation, an outcome that is at odds with ratemaking for retained generation assets.

Section 330(l)(2), as amended, now provides simply: “Generation of electricity should be open to competition.”

Finally, ABX1-6 also modified Section 377. Prior to amendment by ABX1-6, the section read:

The commission shall continue to regulate the nonnuclear generating assets owned by any public utility prior to January 1, 1997, that are subject to commission regulation until those assets have been subject to market valuation in accordance with procedures established by the commission. If, after market valuation, the public utility wishes to retain ownership of nonnuclear generation assets in the same corporation as the distribution utility, the public utility shall demonstrate to the satisfaction of the commission, through a public hearing, that it would be consistent with the public interest and would not confer undue competitive advantage on the public utility to retain that ownership in the same corporation as the distribution utility. (Emphasis added.)

As amended by ABX1-6 the section now reads:

The commission shall continue to regulate the facilities for the generation of electricity owned by any public utility prior to January 1, 1997, that are subject to commission regulation until the owner of those facilities has applied to the commission to

dispose of those facilities and has been authorized by the commission under Section 851 to undertake that disposal. Notwithstanding any other provision of law, no facility for the generation of electricity owned by a public utility may be disposed of prior to January 1, 2006. The commission shall ensure that public utility generation assets remain dedicated to service for the benefit of California ratepayers.

In this phase of the rate stabilization proceeding (RSP), we are establishing a URG revenue requirement for PG&E on a prospective basis. PG&E's proposal raises issues dealing with sale of assets and uneconomic costs, issues which are unrelated to determining a prospective URG revenue requirement. Contrary to PG&E's position, the legislative amendments we discuss in this decision and the plain language of Section 367 lead us to conclude that market valuation of PG&E's non-nuclear assets is at odds with establishing a prospective URG revenue requirement.

Prior to amendments enacted by ABX 1-6, Section 367 provided for the market value of assets for the purpose determining uneconomic cost recovery. To the extent other sections of the Pub. Util. Code gave a role to market valuation in setting the utilities' prospective revenue requirements, AB X1-6 has amended the Pub. Util. Code to delete the references to market valuation. The only remaining relevant statutory references to market valuation occur in Section 367 and have nothing to do with setting a prospective URG revenue requirement.

Finally, PG&E asserts that ABX1-6 redefines the source of transition cost recovery for the utilities. The gist of PG&E's argument is that under the AB 1890 statutory framework, PG&E had an opportunity to recover its investment in generation facilities through sales of plant or power in an unregulated market. PG&E contends that ABX1-6 does not remove such opportunity but instead redefines the sources of transition cost recovery for the utilities.

Neither the plain language of ABX1-6 or its legislative history support PG&E's interpretation. Moreover, PG&E's interpretation would convert an "opportunity" to recover stranded assets into a "guarantee" by converting stranded costs into rate base.

Transition Cost Balancing Account

We also address PG&E's efforts to recover undercollections in its Transition Cost Balancing Account (TCBA) in both its second and third scenarios. In scenario two, PG&E concludes that based on language in Decision (D.) 01-03-082, all unrecovered costs in the combined balances of the TCBA, Transition Revenue Account (TRA), Generation Asset Balancing Account (GABA), generation memorandum accounts and generation plant accounts constitute the amount to be recovered through ratemaking for PG&E's retained generation. Similar treatment for TCBA undercollections exists in PG&E's third scenario.

The theme inherent in PG&E's position is an entitlement, right or guarantee to recover all of its stranded costs. In this phase of the proceeding, we do not decide what past costs are recoverable or how they should be recovered. We clarify that the focus of this proceeding is to determine prospective URG revenue requirements. To the extent that focus was not clear, we do not prejudge any of the issues PG&E raises concerning recovery of uneconomic costs or past costs remaining in balancing accounts. Contrary to PG&E's assertion, nothing in D.01-03-082 supports PG&E's suggestion that past uneconomic costs or costs not recovered during the rate freeze period must be recovered through prospective URG revenue requirements.

In D.01-03-082, we stated:

“To end the rate control mechanisms imposed by AB 1890 would require us to address the disposition of the balances in the Transition Cost Balancing Account (TCBA). We intend to monitor the balances remaining in the TCBA and will consider how to address remaining balances as we continue with these proceedings. We recognize that the magnitude of remaining balances may not have been contemplated in the AB 1890 cost recovery schemes. We will consider other approaches. For example, as we stated early in this decision, to the extent that generators and sellers make refunds for overcharges, those refunds should either be passed on to ratepayers or applied to capital cost recovery. In addition, legislative and negotiated changes relating to enhanced stranded cost recovery are now underway and may significantly affect the ultimate treatment and disposition of these costs. In this period of legislative re-examination of the premises and operation of AB 1890’s restructuring statutes, it would be premature and unwise to opine as to the ultimate disposition and treatment of these accounts. We direct the utilities to maintain the regulatory accounting mechanisms as detailed below, but we explicitly draw no conclusions as to the ultimate treatment flowing from legislative or regulatory changes that could well involve the amounts tracked in those accounts. Indeed, as with so many aspects of AB 1890, the extent of the actual consequences of the legislation may well have been unintended and certainly unforeseen by those supporting the AB 1890 stranded cost recovery constraints at the time.” (Slip op., p. 21-22.)

Contrary to D.01-03-082, PG&E assumes that the rate freeze has ended for two of its scenarios and consequently disposes of balances in the TCBA. As we stated in D.01-03-082, PG&E cannot unilaterally declare an end to the rate freeze. Moreover, we reject PG&E’s efforts to expand the limited scope of this proceeding to include a determination that the rate freeze has ended. When issues concerning the termination of the rate freeze are resolved, the Commission should address any impacts on URG revenue requirements. In the interim

though, we reject PG&E's proposals which are premised on determinations concerning the end of the rate freeze. Our actions should not be viewed as prejudging PG&E's positions, but rather a clear statement that the issues raised by PG&E go beyond what is necessary to determine a prospective URG revenue requirement.

In this interim decision, in the URG phase of the RSP, we reject PG&E's market valuation proposal for its non-nuclear generation assets. We also reject PG&E's proposal to recover undercollections in TCBA in its URG revenue requirement. In a future decision, we will resolve the remaining issues raised in this phase and address the remainder of PG&E's proposed scenarios in more detail.

Proposed Decision

The ALJ's proposed decision was issued on September 12, 2001. In matters that have gone to hearing, § 311(d) generally requires that the Commission issue its decision not sooner than 30 days after the proposed decision is filed and served. The 30-day period may be reduced or waived by the Commission in an unforeseen emergency situation or by stipulation of all parties to the proceeding.

The schedule adopted at the end of evidentiary hearing on July 31, 2001 provided for issuance of a proposed decision on September 25, 2001 and issuance of a Commission decision on October 25, 2001. The August 10 ACR advised parties that the Commission may need to take expeditious action on the legal issue of market valuation and also sought comment on whether parties would stipulate to waiver of the 30-day review and comment period prescribed by Section 311(d). Both PG&E and Edison decline to waive Section 311(d).

However, we find that an unforeseen emergency situation exists, and that a reduction of the 30-day period is therefore independently justified on these

grounds. California's energy market is currently impacted by dramatic events such as volatile energy prices, potential blackouts affecting health and safety, and also the need to expeditiously issue bonds for purposes of stabilizing California's energy market. These circumstances constitute an unforeseen emergency, justifying a reduction of the review and comment period with respect to this proposed decision.

Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(d) and Rule 77.1 of the Rules of Practice and Procedure. Comments were filed on _____. No reply comments will be filed.

Findings of Fact

1. Prior to amendments enacted by ABX1-6, Pub. Util. Code § 367 provided for the market value of assets for the purpose determining uneconomic cost recovery, while other sections of the Public Utilities Code gave a role to market valuation in setting the utilities' prospective URG revenue requirement.

2. The amendments to Sections 216, 330 and 377 enacted by ABX1-6 each deletes references to "market valuation" as one of the factors affecting the Commission's continued regulation of URG.

3. The amendments enacted by ABX1-6 were intended to eliminate market valuation as a factor in setting prospective URG revenue requirements.

4. In this phase of the RSP, we are establishing a URG revenue requirement for PG&E on a prospective basis.

5. PG&E's market valuation proposal raises issues concerning recovery of uneconomic costs, issues which are unrelated to determining a prospective URG revenue requirement.

6. Market valuation of generation assets is at odds with establishing a prospective URG revenue requirement.

7. The focus of this proceeding is to determine prospective URG revenue requirements.

8. When issues concerning the termination of the rate freeze are resolved, the Commission should address any impacts on URG revenue requirements.

9. An unforeseen emergency situation exists that justifies a reduction of the 30-day comment period prescribed by Pub. Util. Code § 311(d).

Conclusions of Law

1. Section 367 does not obligate the Commission to determine the market value of PG&E's hydroelectric assets prior to calculating PG&E's URG revenue requirement.

2. The reference to "market valuation" in Section 367 applies only to the process of determining uneconomic cost recovery and not ratemaking practices for URG assets.

3. Section 367 provides a framework for "netting" of the above market value of certain assets against the below market value of other assets.

4. The legislative history of ABX1-6 and modifications to Sections 216(h), 330(l) and 377 confirm that market valuation is to be used only for the purpose of uneconomic cost recovery, not in determining a URG revenue requirement.

5. ABX1-6 eliminates market value as a factor influencing the ratemaking treatment for URG in the context of the continuing regulation required by Section 377.

6. As amended by ABX1-6, Section 377 provides that the utilities' retained generation assets continue under traditional Commission regulation until the Commission has authorized some other disposition of the assets.

7. Section 377 does not authorize PG&E's market valuation approach for determining a URG revenue requirement.

8. The Commission is not required by law to market value the generation assets of PG&E prior to establishing a URG revenue requirement.

9. D.01-03-082 does not require that PG&E's prospective URG revenue requirement include past uneconomic costs or costs not recovered during the rate freeze, including but not limited to unrecovered costs in the TCBA.

O R D E R

IT IS ORDERED that:

1. The proposal of Pacific Gas and Electric Company (PG&E) to market value its hydroelectric generation assets prior to establishing a utility retained generation (URG) revenue requirement is denied.

2. PG&E's proposal to include in its prospective URG revenue requirement past uneconomic costs or costs not recovered during the rate freeze, including but not limited to unrecovered costs in the Transition Cost Balancing Account is denied.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A
******* SERVICE LIST *******
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APPENDIX A
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APPENDIX A
******* SERVICE LIST *******
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(END OF APPENDIX A)