

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
ENERGY DIVISION*

I.D.# 6636
RESOLUTION E-4081
May 24, 2007

REDACTED
RESOLUTION

Resolution E-4081. San Diego Gas & Electric (SDG&E) Company requests approval of a five-year extension to an existing renewable energy contract resulting from its 2005 RPS solicitation. This contract extension is approved without modifications.

By Advice Letter 1879-E filed on March 1, 2007 and Supplemental Advice Letter 1879-E-A Filed on April 20, 2007.

SUMMARY

SDG&E's extended renewable contract complies with the Renewable Portfolio Standard (RPS) procurement guidelines and is approved without modifications

SDG&E's renewable contract complies with the Renewable Portfolio Standard (RPS) procurement guidelines and is approved. SDG&E's request for approval of the renewable resource procurement contract extension is granted pursuant to D.05-07-039. The energy acquired from this contract will count towards SDG&E's Renewable Portfolio Standard (RPS) requirements.

Facility	Tech	Term	MW	GWh	COD	Location
San Diego Metropolitan Wastewater Department	Digester gas	5 base years + 5 option years	4.6	22	01/08	San Diego

The non-standard contract length is justified based on the developer's need for a shorter contract term. The contract price, which is below a 5-year Market Price Referent (MPR) calculated by SDG&E using a methodology similar the Commission-approved 2005 long-term MPR methodology, is fully recoverable in rates over the life of the contract, subject to Commission review of SDG&E's administration of the contracts. Because deliveries from this power purchase

agreement (PPA) are priced below the 2005 MPR adjusted for a 5-year contract, it does not require supplemental energy payments (SEPs) from the California Energy Commission (CEC).

Confidential information about the contract should remain confidential

This resolution finds that certain material filed under seal pursuant to Public Utilities (Pub. Util.) Code Section 583 and General Order (G.O.) 66-C should be kept confidential to ensure that market sensitive data does not influence the behavior of bidders in future RPS solicitations.

BACKGROUND

The RPS Program requires each utility to increase the amount of renewable energy in its portfolio

The California Renewables Portfolio Standard (RPS) Program was established by Senate Bill 1078, effective January 1, 2003. It requires that a retail seller of electricity such as SDG&E purchase a certain percentage of electricity generated by Eligible Renewable Energy Resources (ERR). The RPS program is set out at Public Utilities Code Section 399.11, et seq. Each utility is required to increase its total procurement of ERRs by at least 1% of annual retail sales per year so that 20% of its retail sales are supplied by ERRs by 2017.

The State's Energy Action Plan (EAP) called for acceleration of this RPS goal to reach 20 percent by 2010. This was reiterated again in the Order Instituting Rulemaking (R.04-04-026) issued on April 28, 2004.¹ On September 26, 2006, Governor Schwarzenegger signed Senate Bill 107 (SB 107, Chapter 464, Statutes of 2006), which officially accelerates the State's RPS targets to 20 percent by 2010. The bill went into effect on January 1, 2007.

In addition, the Commission established an APT for each utility, which consists of two separate components: the baseline, representing the amount of renewable generation a utility must retain in its portfolio to continue to satisfy its obligations under the RPS targets of previous years; and the incremental procurement target² (IPT), defined as at least one percent of the previous year's total retail electrical sales, including power sold to a utility's customers from its DWR contracts.

¹ http://www.cpuc.ca.gov/Published/Final_decision/36206.htm

² IPT - The incremental procurement target (IPT) represents the amount of RPS-eligible procurement that the LSE must purchase in a given year, over and above the total amount the LSE was required to procure in the prior year. An LSE's IPT equals at least 1% of the previous year's total retail electrical sales, including power sold to a utility's customers from its DWR contracts.

R.04-04-026 established procurement guidelines for the RPS Program

The Commission has issued a series of decisions that established the regulatory and transactional parameters of the utility renewables procurement program. On June 19, 2003, the Commission issued its "Order Initiating Implementation of the Senate Bill 1078 Renewable Portfolio Standard Program," D.03-06-071. On June 9, 2004, the Commission adopted its Market Price Referent methodology³ for determining the Utility's share of the RPS seller's bid price, as defined in Public Utilities Code Sections 399.14(a)(2)(A) and 399.15(c). On the same day the Commission adopted standard terms and conditions for RPS power purchase agreements in D.04-06-014 as required by Public Utilities Code Section 399.14(a)(2)(D). Instructions for evaluating the value of each offer to sell products requested in a RPS solicitation were provided in D.04-07-029.

SDG&E requests approval of an extension of a renewable energy contract

On March 1, 2007, SDG&E filed Advice Letter (AL) 1879-E requesting Commission approval of a five-year extension (with an additional five option years) to an existing renewable energy contract with the San Diego Metropolitan Wastewater Department (SDMWD). The initial Advice Letter filed with the original contract, AL 1445-E, was filed on November 4, 2002. The Resolution approving the contract was Resolution E-3803 and was issued December 5, 2002.

The PPA extension is a result of SDG&E's September 30, 2005 solicitation for renewable bids, which was authorized by Decision D.05-07-039. SDG&E's original PPA with SDMWD terminates at the end of 2007.

The Commission's approval of this PPA will contribute towards SDG&E's renewable procurement goals. In 2005, the year of this RPS solicitation, SDG&E's IPT was approximately 158 GWh. The extended PPA will allow the project to contribute approximately 22 GWh per year through at least 2012.⁴

SDG&E requests final "CPUC Approval" of PPA

SDG&E requests the Commission to issue a resolution containing the findings required by the definition of "CPUC Approval" in Appendix A of D.04-06-014. In addition, SDG&E requests that the Commission issue a resolution that approves:

³ D.04-07-015

⁴ The California Energy Commission is responsible for determining the RPS-eligibility of a renewable generator. See Public Utilities Code Sect. 399.12 and CPUC decision D.04-06-014.

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1. The PPA is approved in its entirety, including payments to be made by SDG&E, subject to CPUC review of SDG&E's administration of the PPA. Costs to SDG&E may include items such as congestion and transmission upgrades.
2. Any procurement pursuant to this PPA is procurement from an eligible renewable energy resource for purposes of determining SDG&E's compliance with any obligation that it may have to procure eligible renewable energy resources pursuant to the California Renewables Portfolio Standard (Public Utilities Code Section 399.11 et seq.), D.03-06-071, or other applicable law;
3. Any procurement pursuant to this PPA constitutes incremental procurement or procurement for baseline replenishment by SDG&E from an eligible renewable energy resource for purposes of determining SDG&E's compliance with any obligation to increase its total procurement of eligible renewable energy resources that it may have pursuant to the California Renewables Portfolio Standard, CPUC D.03-06-071, or other applicable law.

SDG&E's Procurement Review Group participated in review of the contracts

In D. 02-08-071, the Commission required each utility to establish a "Procurement Review Group" (PRG) whose members, subject to an appropriate non-disclosure agreement, would have the right to consult with the utilities and review the details of:

1. Overall transitional procurement strategy;
2. Proposed procurement processes including, but not limited to, RFO; and
3. Proposed procurement contracts before any of the contracts are submitted to the Commission for expedited review.

The PRG for SDG&E consists of: California Department of Water Resources (DWR), the Commission's Energy Division, Natural Resources Defense Council (NRDC), Union of Concerned Scientists (UCS), Division of Ratepayer Advocates (DRA), and The Utility Reform Network (TURN).

SDG&E periodically met with its PRG to brief them during the course of LCBF analysis, shortlist development and negotiation. SDG&E first briefed its PRG on December 5, 2005, regarding SDG&E's preliminary assessment of the bids received in response to the 2005 RFO. SDG&E provided further briefings on January 24, 2006, to summarize its recommendations for a preliminary shortlist.

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On March 24, 2006, SDG&E briefed the PRG on its final shortlist and provided an update on the status of its negotiations. The March 24th meeting included a summary of the terms of the proposed extension. On June 13, 2006, SDG&E provided further analysis of the final shortlist to the PRG, including contributions to the 20% RPS target and summaries of the qualitative and quantitative factors used to evaluate each project on the shortlist. SDG&E provided an additional update regarding the 2005 final shortlist.

None of the PRG members have expressed any objection to the price or terms presented to them in connection with the proposed extension.

Although Energy Division is a member of the PRG, it reserved its judgment on the contracts until the resolution process. Energy Division reviewed the transactions independent of the PRG, and allowed for a full protest period before concluding its analysis.

NOTICE

Notice of AL 1879-E was made by publication in the Commission's Daily Calendar. SDG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section III-G of General Order 96-A.

Notice of AL 1879-E-A was made by publication in the Commission's Daily Calendar. SDG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section III-G of General Order 96-A.

PROTESTS

AL 1879-E was not protested. As requested by SDG&E, the protest period for AL 1879-E-A is waived, since no material changes to the contract were made and the Supplemental Advice Letter sought to only demonstrate compliance with D.04-06-014 and calculate a 5-year MPR to better evaluate the contract's price.

DISCUSSION

Description of the project

The following table summarizes the substantive features of the PPA extension. See confidential Appendix B for a detailed discussion of contract prices, terms, and conditions:

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Facility	Tech	Term	MW	GWh	COD	Location
San Diego Metropolitan Wastewater Department	Digester gas	5 base years + 5 option years	4.6	22	01/08	San Diego

PPA is consistent with SDG&E's CPUC adopted 2005 RPS Plan

California's RPS statute (SB 107) requires the Commission to review the results of a renewable energy resource solicitation submitted for approval by a utility. The Commission will then accept or reject proposed PPAs based on their consistency with the utility's approved renewable procurement plan (Plan). On September 7, 2005 the Energy Division notified SDG&E that no protests were received in response to its revised 2005 plan and authorized SDG&E to issue its 2005 RFO. The Proposed PPA is consistent with SDG&E's Commission-approved RPS plan.

PPA fits with identified renewable resource needs and are consistent with RPS Solicitation Protocol

SDG&E's 2005 RPS plan called for SDG&E to issue competitive solicitations for eligible renewable resources from both large-scale generation projects and small, distributed renewable projects. The solicitations were entitled: "Eligible Renewable Resources" and "Distributed Renewable Technologies." Both solicitations were issued on September 30, 2005 and responses were due on November 1, 2005. Offers from both solicitations were evaluated collectively under one LCBF analysis. One short list was created that encompassed offers from both RFOs.

For Eligible Renewable Resources, SDG&E sought large-scale generation for as-available or unit-firm capacity and/or energy from:

- 1) Re-powered facilities;
- 2) Incremental capacity upgrades of existing facilities;
- 3) New facilities;
- 4) Existing facilities with expiring contracts; or
- 5) Eligible resources currently under contract with SDG&E. SDG&E shall consider offers to extend terms of or expand contracted capacities for existing agreements.

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In order to submit proposals under the solicitation, the Projects had to have participated in the 2005 Transmission Ranking Cost Report ("TRCR") study applicable to the specific utility's transmission grid to which each of the Projects will tie-in. Responses from Respondents who had system impact studies approved by the CAISO were also acceptable and deemed in conformance of the RFO.

The RFO provided that Respondents could offer 10, 15 or 20-year PPAs with deliveries commencing in 2006, 2007 or 2008. Resources located in Imperial Valley were required to commence in 2010, unless the resource had adequate transmission capability to deliver to SP-15 sooner. The RFO required that any PPA executed for resources from Imperial Valley without such adequate transmission capability be contingent upon SDG&E obtaining approval for and being able to license and construct a new 500 kV line from Imperial Valley to the San Diego area.

In addition to the PPAs described above, Respondents offering new renewable resources were also allowed to provide an option price for SDG&E to acquire the facility along with all environmental attributes, land rights, permits and other licenses – thus enabling SDG&E to own and operate the facility at the end of the PPA term.

Finally, Respondents were allowed to propose turnkey projects to develop, permit, and construct new, RPS-eligible generating facilities to be acquired by SDG&E. The same transmission contingency applied to turnkey projects as to PPA offers. An open and competitive playing field was established for the procurement effort.

Bid evaluation process consistent with Least-Cost Best Fit (LCBF) decision

SDG&E evaluated all offers in accordance with the LCBF process outlined in D.03-06-071 and D.04-07-029.

Bid Evaluation Process

Upon conclusion of the bidding process, SDG&E performed an initial screening to determine if each bid met minimum requirements of the RFO. Each bid was required to be received by the RFO deadline and must have included all required documentation. Bids not received by the RFO deadline (unless there was a technical difficulty and notification was received by SDG&E prior to the deadline) were disqualified. Once SDG&E had a list of viable projects, SDG&E began to narrow the field of bidders for its short list. For its LCBF analysis, SDG&E assessed

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various cost elements associated with a qualified offer, including average all-in bid price, transmission cost adders, congestion cost/benefit and Reliability Must Run (“RMR”) benefits. The following describes how SDG&E determined each of the cost elements:

- 1) Average All-in Bid Price – SDG&E determined the average all-in bid price (\$/MWh) of each project based on the total capacity and energy cost over the term of the PPA’s divided by the projected output over the term. SDG&E expected the offered pricing to include any costs necessary for a Respondent to deliver energy to the delivery point and project gen-tie costs. If the actual output from a project differs from the projected output, the average all-in bid price could either increase or decrease. SDG&E used offered pricing inclusive of PTC or ITC if the Respondents indicated the dependence on such credits. If no mention was made of such credits, SDG&E confirmed with the Respondents whether they would rely on PTCs or ITCs. If after the confirmation, the Respondents acknowledged they did not include PTC’s or ITC’s that they were entitled to in their original bid, SDG&E requested that the Respondent recalculate its bid prices to include them.
- 2) Transmission Cost Adders – As required by D.04-06-013 issued on June 9, 2004 and D.05-07-040 issued on July 21, 2005, SDG&E estimated transmission upgrade costs necessary to accommodate the proposed projects. Total transmission cost adders were derived from CAISO-approved system impact studies or TRCR’s published by the utilities. The 2005 transmission upgrade costs were inflated to 2006 dollars using an average cost of inflation. An annualized carrying cost value was calculated by multiplying the estimated cost of transmission upgrade costs times SDG&E’s total weighted average Levelized Annual Capital Costs (LACC). The resulting annualized value was then divided by the expected annual deliveries (MWh) of each project which resulted in a \$/MWh adder for project.
- 3) Congestion Cost/Benefit – SDG&E hired ABB Consulting to determine the congestion cost to deliver output from a project’s delivery point to SDG&E’s load aggregation point. ABB used its GridView Market Simulation Software for this analysis. Input included publicly available information regarding projected transmission upgrades and included information from Respondents. SDG&E requires that Respondents pursue all applicable options for obtaining PTC or ITC benefits or other alternative funding that

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may be available regarding the offered projects. The resultant congestion cost/benefit was also calculated on a \$/MWh basis.

- 4) Reliability Must-Run ("RMR") – SDG&E assessed the potential RMR benefits a proposed project may provide to local system reliability. Similar to the other cost elements, RMR benefits, if any, are on a \$/MWh basis.

Once all cost elements were determined, SDG&E summed up the four \$/MWh cost elements in 2006 dollars to determine the overall unit cost ("OUC") of a proposed project for ranking purposes. SDG&E ranked each OUC in the order of least cost. Those projects with acceptable OUC's were initially shortlisted.

Portfolio Fit

SDG&E's 2005 plan stated that SDG&E does not have a preference for a particular product or technology type and that SDG&E has latitude in the resources that it selects. The PPA, therefore, was not selected due to a pre-determined preference for the product type or technology type. SDG&E fairly reviewed all offers and selected the Project due to factors applicable to its LCBF analysis, as explained above.

Consistent Application of Time of Delivery ("TOD") Factors

In its solicitation documents, SDG&E notified potential Respondents that it utilizes Time of Delivery factors for non-baseloaded resources. During its LCBF evaluation, SDG&E applied TOD factors to all offers with intermittent products such as wind and solar. The average all-in bid price, as described above, was adjusted to reflect the relative value of projected energy deliveries during peak, semipeak and off-peak periods. The projected delivery profiles were provided by the Respondents.

Qualitative Factors

As stated in the RFO, SDG&E differentiates offers of similar cost by reviewing qualitative factors including (in no particular order of preference):

- 1) Location
- 2) Benefits to minority and low income areas
- 3) Resource diversity
- 4) Environmental stewardship

Minority/low-income areas and environmental stewardship were not factors in SDG&E's ranking process because those factors were not applicable to the offers. However, SDG&E did consider its own service territory and resource diversity in its ranking.

Consistency with Adopted Standard Terms and Conditions

D.04-06-014 adopted standard RPS contract terms and conditions to be used in RPS PPAs. The decision identified certain terms as either modifiable or non-modifiable. All non-modifiable terms and conditions in the proposed PPA extension are consistent with D.04-06-014. SDG&E has, as required by D.04-06-014⁵, demonstrated to the Commission the need on the developer's part for a contract with a non-standard delivery term. The justification for the non-standard term is confidential, as requested in SDG&E Supplemental Advice Letter 1889-E-A.

Contract prices are at or below a 5-year 2005 MPR calculated by SDG&E

The contract price for the proposed PPA extension is below the 2005 10-year MPR for projects coming online in 2008 as set forth in Resolution E-3980 issued on April 13, 2006. Therefore, the proposed PPA extension (like the initial PPA approved in Res. E-3803) does not require Supplemental Energy Payments. (In addition, per Public Utilities Code § 399.14(b)(1), the project would be ineligible for SEPs if the developer does not opt to extend the contract to its full ten year potential length.)

The contract term is variable, at a minimum of five years with five additional option years at the developer's option. The 10-year MPR is therefore not a reasonable price benchmark to use. Given that the Commission has not yet developed a short-term RPS price benchmark methodology, Energy Division requested that SDG&E demonstrate price reasonableness using a price benchmark that could apply to a 5-year contract. Using the same CPUC-approved MPR model developed by the Energy Division for the 2005 solicitation year, SDG&E modified the model's formulas to calculate a 5-year MPR for the proposed contract. SDG&E did not modify any of the model's input assumptions such as gas forecasts or capital costs. SDG&E simply changed the way the model levelized prices from 10, 15 or 20 to 5 years. SDG&E's calculated equivalent 5-year 2005 MPR is \$78.90/MWh, which is higher than the 10-year MPR and higher than the contract price.

⁵ D.04-06-014 p. A-9 states "If the 'Non-Standard Delivery' contract term is selected, Parties need to apply to the CPUC justifying the need for non standard-delivery."

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The Commission's approval of SDG&E's methodology for calculating a 5-year MPR for this contract does not set precedent for any future Commission decision regarding a methodology for an MPR that may apply to RPS contracts of less than 10 years.

The Commission has approved a decision setting minimum quotas of RPS contracting from long-term contract or contracts with new facilities

Public Utilities Code 399.14(b)(2) states that before the Commission may approve an RPS contracts of less than ten years' duration, the Commission must establish "for each retail seller, minimum quantities of eligible renewable energy resources to be procured either through contracts of at least 10 years' duration or from new facilities commencing commercial operations on or after January 1, 2005." On May 3, 2007, the Commission approved D.07-05-028 establishing a minimum percentage of the prior year's retail sales that must be contracted with contracts of at least 10 years' duration or from new facilities commencing commercial operations on or after January 1, 2005. The Commission is thereby permitted to authorize renewable contracts of less than 10 years' duration.

PPAs are viable projects

SDG&E believes that the project is viable due to the fact that it the facility is already online and generating energy reliably. In particular:

Financing

Because the project is already constructed and online, it does not require financing.

Creditworthiness and Experience

SDMWD has been delivering energy reliably from the project since 2003. As a result, SDG&E has no concerns about creditworthiness or developer experience.

Transmission

No new transmission is required as the project is already online and no expansions in energy or capacity are planned.

Site Control & Permitting

Nothing additional is needed for either site control or permitting to extend the existing PPA.

Technology

The facility burns bio-gas (more precisely, digester gas) using a proven and well-commercialized technology. Digesters at the wastewater treatment plant use heat and bacteria to break down organic solids removed from wastewater. One by-product of this biological process is methane gas. The methane is collected and used to fuel electric generators.

Production or Investment Tax Credits

The Proposed PPA extensions are not contingent on Production Tax Credits, nor are they PTC-eligible for them under current rules.

Confidential information about the contracts should remain confidential

Certain contract details were filed by SDG&E under confidential seal. Energy Division recommends that certain material filed under seal pursuant to Public Utilities (Pub. Util.) Code Section 583, General Order (G.O.) 66-C, and D.06-06-066, and considered for possible disclosure, should be kept confidential to ensure that market sensitive data does not influence the behavior of bidders in future RPS solicitations.

COMMENTS

This is an uncontested matter in which the decision grants the requested relief. Therefore, pursuant to Public Utilities Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment was shortened to 10 days (6 days for comments and an additional 4 days for reply comments).

FINDINGS

- 1) SDG&E filed Advice Letter 1879-E on March 1, 2007, requesting Commission review and approval of an extension to an existing renewable energy contract with San Diego Metropolitan Wastewater Department. The existing renewable energy contract was approved by the Commission on December 5, 2002 in Resolution E-3803.
- 2) The RPS Program requires each utility, including SDG&E, to increase the amount of renewable energy in its portfolio to 20 percent by 2010, increasing by a minimum of one percent per year.

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- 3) On September 7, 2005 the Energy Division notified SDG&E that no protests were received in response to its revised 2005 plan and authorized SDG&E to issue its 2005 RFO.
- 4) SDG&E issued its 2005 RPS RFO on September 30, 2005.
- 5) D.04-06-014 set forth standard terms and conditions to be incorporated into RPS PPAs.
- 6) Levelized contract prices at or below the 2005 MPR are considered per se reasonable as measured according to the net present value calculations explained in D.04-06-015 and D.04-07-029.
- 7) D.04-07-029 adopted least-cost, best-fit criteria which the utilities must use in their selection process after the RFO has been closed.
- 8) The Commission required each utility to establish a Procurement Review Group (PRG) to review the utilities' interim procurement needs and strategy, proposed procurement process, and selected contracts.
- 9) SDG&E first briefed its PRG on December 5, 2005, regarding SDG&E's preliminary assessment of the bids received in response to the 2005 RFO. SDG&E provided further briefings on January 24, 2006, to summarize its recommendations for a preliminary shortlist. On March 24, 2006, SDG&E briefed the PRG on its final shortlist and provided an update on the status of its negotiations. None of the PRG members have expressed any objection to the price or terms presented to them in connection with the Proposed PPAs.
- 10) Certain material filed under seal pursuant to Public Utilities (Pub. Util.) Code Section 583, General Order (G.O.) 66-C, and D.06-06-066, and considered for possible disclosure, should not be disclosed. Accordingly, the confidential appendices, marked "[REDACTED]" in the redacted copy, should not be made public upon Commission approval of this resolution.
- 11) The proposed contract price is below a five-year 2005 MPR calculated by SDG&E using a methodology that closely matches the Commission-approved 2005 MPR methodology in Resolution E-3980 issued on April 13, 2006. The Commission's approval of SDG&E's methodology for calculating a 5-year MPR for this contract does not set precedent for any future Commission decision

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regarding a methodology for an MPR that may apply to RPS contracts of less than 10 years.

- 12) The Commission has reviewed the proposed contract extension and finds it to be consistent with SDG&E's approved 2005 renewable procurement plan.
- 13) On May 3, 2007, the Commission approved D.07-05-028 establishing a minimum percentage of the prior year's retail sales that must be contracted with contracts of at least 10 years' duration or from new facilities commencing commercial operations on or after January 1, 2005. The Commission is thereby permitted to authorize renewable contracts of less than 10 years' duration.
- 14) Procurement pursuant to the extended PPA is procurement from an eligible renewable energy resource for purposes of determining SDG&E compliance with any obligation that it may have to procure eligible renewable energy resources pursuant to the California Renewables Portfolio Standard (Public Utilities Code Section 399.11 et seq.), Decision 03-06-071, or other applicable law.
- 15) Procurement pursuant to the extended PPA constitutes incremental procurement or procurement for baseline replenishment by SDG&E from an eligible renewable energy resource for purposes of determining SDG&E's compliance with any obligation to increase its totals procurement of eligible renewable energy resources that it may have pursuant to the California Renewables Portfolio Standard (Public Utilities Code Section 399.11 et seq.), Decision 03-06-071, or other applicable law.
- 16) Any indirect costs of renewables procurement identified in Section 399.15(a)(2) shall be recovered in rates.
- 17) AL 1879-E-A should be approved without modifications today.

THEREFORE IT IS ORDERED THAT:

1. Advice Letter AL 1879-E-A is approved without modifications.
2. This Resolution is effective today.

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I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on May 24, 2007; the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

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Confidential Appendix A

Solicitation Analysis REDACTED

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Confidential Appendix B

Contract Summary
REDACTED

DRAFT

Confidential Appendix C

Contract Pricing Analysis REDACTED

DRAFT

Confidential Appendix D

Project's Contribution Toward RPS Goals REDACTED

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STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 8, 2007

I.D.# 6626

Draft Resolution E-4081 May 24, Commission Meeting

TO: PARTIES TO DRAFT RESOLUTION E-4081

Enclosed is draft Resolution E-4081 of the Energy Division addressing SDG&E's advice letters 1879-E and 1879-E-A. It will be on the agenda at the May 24, 2007 Commission meeting. The Commission may then vote on this Resolution or it may postpone a vote until later.

When the Commission votes on a draft Resolution, it may adopt all or part of it as written, amend, modify or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

Parties may submit comments on the draft Resolution no later than Monday, May 14, 2007.

An original and two copies of the comments, with a certificate of service, should be submitted to:

Honesto Gatchalian
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
fax: 415-703-2200
email: jnj@cpuc.ca.gov

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An electronic copy of the comments should be submitted to:

Susannah Churchill
Energy Division
SC1@cpuc.ca.gov

Those submitting comments and reply comments must serve a copy of their comments on 1) the entire service list attached to the draft Resolution, 2) all Commissioners, and 3) the Director of the Energy Division.

Comments may be submitted electronically.

Comments shall be limited to five pages in length plus a subject index listing the recommended changes to the draft Resolution, a table of authorities and an appendix setting forth the proposed findings and ordering paragraphs. Comments shall focus on factual, legal or technical errors in the proposed draft Resolution. Comments that merely reargue positions taken in the advice letter or protests will be accorded no weight and are not to be submitted.

Reply comments shall be served on parties and Energy Division no later than Friday, May 18, 2007, and may also be submitted electronically.

Late submitted comments or reply comments will not be considered.

Judith Ikle
Branch Manager
Energy Division

Enclosures:

Certificate of Service
Service List

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CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of Draft Resolution E-4081 on all parties in these filings or their attorneys as shown on the attached list.

Dated May 8, 2007 at San Francisco, California.

Maria Salinas

NOTICE

Parties should notify the Energy Division, Public Utilities Commission, 505 Van Ness Avenue, Room 4002 San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the Resolution number on the service list on which your name appears.

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Service List for Resolution E-4073

ENERGY AMERICA, LLC
ONE STAMFORD PLAZA, 8TH FLOOR
263 TRESSER BLVD.
STAMFORD, CT 06901

ADRIAN PYE
ENERGY AMERICA, LLC
ONE STAMFORD PLAZA, EIGHTH FLOOR
263 TRESSER BLVD.
STAMFORD, CT 06901

DANIEL V. GULINO
RIDGEWOOD POWER MANAGEMENT, LLC
947 LINWOOD AVENUE
RIDGEWOOD, NJ 07450

RICK C. NOGER
PRAXAIR PLAINFIELD, INC.
2711 CENTERVILLE ROAD, SUITE 400
WILMINGTON, DE 19808

KEITH MC CREA
ATTORNEY AT LAW
SUTHERLAND, ASBILL & BRENNAN
1275 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2415

CAROL A. SMOOTS
PERKINS COIE LLP
607 FOURTEENTH STREET, NW, SUITE 800
WASHINGTON, DC 20005

RHONE RESCH
SOLAR ENERGY INDUSTRIES ASSOCIATION
805 FIFTEENTH STREET, N.W., SUITE 510
WASHINGTON, DC 20005

GARSON KNAPP
FPL ENERGY, LLC
770 UNIVERSE BLVD.
JUNO BEACH, FL 33408

KEVIN BOUDREAUX
MANAGER-RETAIL OPERATIONS
CALPINE POWERAMERICA CA, LLC
717 TEXAS AVENUE, SUITE 1000
HOUSTON, TX 77002

ELIZABETH WRIGHT
OCCIDENTAL POWER SERVICES, INC.
5 GREENWAY PLAZA, SUITE 110
HOUSTON, TX 77046

STACY AGUAYO
APS ENERGY SERVICES COMPANY, INC.
400 E. VAN BUREN STREET, STE 750
PHOENIX, AZ 85004

NEW WEST ENERGY
ISB665
BOX 61868
PHOENIX, AZ 85082-1868

ROBERT NICHOLS
NEW WEST ENERGY
MAILING STATION ISB 665
BOX 61868
PHOENIX, AZ 85082-1868

DAVID SAUL
COO
SOLEL, INC.
701 NORTH GREEN VALLEY PKY, STE 200
HENDERSON, NV 89074

DRAFT

RASHA PRINCE
SAN DIEGO GAS & ELECTRIC
555 WEST 5TH STREET, GT14D6
LOS ANGELES, CA 90013

DAVID L. HUARD
ATTORNEY AT LAW
MANATT, PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BOULEVARD
LOS ANGELES, CA 90064

RANDALL W. KEEN
ATTORNEY AT LAW
MANATT PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BLVD.
LOS ANGELES, CA 90064

NORMAN A. PEDERSEN
HANNA AND MORTON LLP
444 S FLOWER ST., SUITE 1500
LOS ANGELES, CA 90071-2916

3 PHASES ENERGY SERVICES
2100 SEPULVEDA BLVD., SUITE 37
MANHATTAN BEACH, CA 90266

MICHAEL MAZUR
CHIEF TECHNICAL OFFICER
3 PHASES ENERGY SERVICES, LLC
2100 SEPULVEDA BLVD., SUITE 38
MANHATTAN BEACH, CA 90266

SUSAN MUNVES
CITY OF SANTA MONICA
1212 5TH STREET
SANTA MONICA, CA 90401

DANIEL W. DOUGLASS
ATTORNEY AT LAW
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS, CA 91367

GREGORY S. G. KLATT
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS, CA 91367-8102

PAUL DELANEY
AMERICAN UTILITY NETWORK (A.U.N.)
10705 DEER CANYON DRIVE
ALTA LOMA, CA 91737

CATHY KARLSTAD
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE.
ROSEMEAD, CA 91770

WILLIAM V. WALSH
ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVE.
ROSEMEAD, CA 91770

SOCAL WATER/BEAR VALLEY ELECTRIC
ELECTRIC
630 EAST FOOTHILL BLVD.
SAN DIMAS, CA 91773

RONALD MOORE
GOLDEN STATE WATER/BEAR VALLEY
630 EAST FOOTHILL BOULEVARD
SAN DIMAS, CA 91773

DRAFT

ANN MOORE
CITY OF CHULA VISTA
276 FOURTH AVENUE
CHULA VISTA, CA 91910

MICHAEL MEACHAM
ENVIRONMENTAL RESOURCE MANAGER
CITY OF CHULA VISTA
276 FOURTH AVENUE
CHULA VISTA, CA 91910

STRATEGIC ENERGY, LTD.
7220 AVENIDA ENCINAS, SUITE 120
CARLSBAD, CA 92009

AIMEE M. SMITH
ATTORNEY AT LAW
SEMPRA ENERGY
101 ASH STREET HQ13
SAN DIEGO, CA 92101

FREDERICK M. ORTLIEB, ESQ.
OFFICE OF CITY ATTORNEY
CITY OF SAN DIEGO
1200 THIRD AVENUE, SUITE 1100
SAN DIEGO, CA 92101

SEMPRA ENERGY SOLUTIONS
101 ASH STREET, HQ09
SAN DIEGO, CA 92101-3017

GREG BASS
SEMPRA ENERGY SOLUTIONS
101 ASH STREET. HQ09
SAN DIEGO, CA 92101-3017

SYMONE VONGDEUANE
SEMPRA ENERGY SOLUTIONS
101 ASH STREET, HQ09
SAN DIEGO, CA 92101-3017

THEODORE E. ROBERTS
ATTORNEY AT LAW
SEMPRA ENERGY
101 ASH STREET, HQ 13D
SAN DIEGO, CA 92101-3017

DONALD C. LIDDELL
ATTORNEY AT LAW
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA 92103

RICHARD F. WIEBE
LAW OFFICE OF RICHARD R. WIEBE
425 CALIFORNIA STREET, SUITE 2025
SAN FRANCISCO, CA 94104

BILL LYONS
CORAL POWER, LLC
4445 EASTGATE MALL, SUITE 100
SAN DIEGO, CA 92121

MARCIE MILNER
CORAL POWER, L.L.C.
4445 EASTGATE MALL, SUITE 100
SAN DIEGO, CA 92121

THOMAS R. DARTON
PILOT POWER SERVICES, INC.
SUITE 112
9320 CHESAPEAKE DRIVE
SAN DIEGO, CA 92123

DRAFT

GLORIA BRITTON
ANZA ELECTRIC COOPERATIVE, INC.
58470 HWY 371
PO BOX 391909
ANZA, CA 92539

LYNELLE LUND
COMMERCE ENERGY, INC.
600 ANTON BLVD., SUITE 2000
COSTA MESA, CA 92626

ROB GUNNIN
VICE PRESIDENT SUPPLY
COMMERCE ENERGY, INC.
600 ANTON BLVD., SUITE 2000
COSTA MESA, CA 92626

AOL UTILITY CORP.
12752 BARRETT LANE
SANTA ANA, CA 92705

GEORGE HANSON
DEPT OF WATER & POWER
CITY OF CORONA DEPT. OF WATER & POWER
POW
730 CORPORATION YARD WAY
CORONA, CA 92880

YAREK LEHR
DEPARTMENT OF WATER
CITY OF CORONA DEPARTMENT OF WATER &
730 CORPORATION YARD WAY
CORONA, CA 92880

PHILLIP REESE
INC.
C/O REESE-CHAMBERS SYSTEMS CONSULTANTS,
PO BOX 8
3379 SOMIS ROAD
SOMIS, CA 93066

JOSEPH LANGENBERG
CENTRAL CALIFORNIA POWER
949 EAST ANNADALE AVE., A210
FRESNO, CA 93706

DAVID ORTH
KINGS RIVER CONSERVATION DISTRICT
4886 EAST JENSEN AVENUE
FRESNO, CA 93725

JANE H. TURNBULL
LEAGUE OF WOMEN VOTERS OF CALIFORNIA
64 LOS ALTOS SQUARE
LOS ALTOS, CA 94022

JANIS C. PEPPER
CLEAN POWER MARKETS, INC.
PO BOX 3206
LOS ALTOS, CA 94024

BRUCE FOSTER
VICE PRESIDENT
SOUTHERN CALIFORNIA EDISON COMPANY
601 VAN NESS AVENUE, STE. 2040
SAN FRANCISCO, CA 94102

MATTHEW FREEDMAN
ATTORNEY AT LAW
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
234
SAN FRANCISCO, CA 94102

STEPHEN A.S. MORRISON
ATTORNEY AT LAW
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM
SAN FRANCISCO, CA 94102

DRAFT

EVELYN KAHL
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA 94104

ROD AOKI
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA 94104

ARTHUR HAUBENSTOCK
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A
SAN FRANCISCO, CA 94105

CHARLES MIDDLEKAUFF
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET
SAN FRANCISCO, CA 94105

CRAIG M. BUCHSBAUM
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A
SAN FRANCISCO, CA 94105

EVELYN C. LEE
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MAIL DROP 30A
SAN FRANCISCO, CA 94105

JEANNE MCKINNEY
THELEN REID BROWN RAYSMAN & STEINER
101 SECOND STREET, SUITE 1800
SAN FRANCISCO, CA 94105

JP ROSS
DEPUTY DIRECTOR
THE VOTE SOLAR INITIATIVE
300 BRANNAN STREET, SUITE 609
SAN FRANCISCO, CA 94107

BRIAN CRAGG
ATTORNEY AT LAW
GOODIN, MAC BRIDE, SQUERI, RITCHIE & DAY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

JAMES D. SQUERI
ATTORNEY AT LAW
GOODIN MACBRIDE SQUERI DAY & LAMPREY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

JOSEPH M. KARP
ATTORNEY AT LAW
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CA 94111

JEFFREY P. GRAY
ATTORNEY AT LAW
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533

SARA STECK MYERS
LAW OFFICES OF SARA STECK MYERS
122 28TH AVE.
SAN FRANCISCO, CA 94121

ARNO HARRIS
RECURRENT ENERGY, INC.
220 HALLECK ST., SUITE 220
SAN FRANCISCO, CA 94129

DRAFT

GABE PETLIN
3 PHASES ENERGY SERVICES
PRESIDIO OF SAN FRANCISCO
6 FUNSTON AVENUE
SAN FRANCISCO, CA 94129

JANICE G. HAMRIN
CENTER FOR RESOURCE SOLUTIONS
PRESIDIO BUILDING 97
PO BOX 29512
SAN FRANCISCO, CA 94129

JENNIFER CHAMBERLIN
STRATEGIC ENERGY, LLC
2633 WELLINGTON CT.
CLYDE, CA 94520

JOHN DUTCHER
VICE PRESIDENT - REGULATORY AFFAIRS
MOUNTAIN UTILITIES
3210 CORTE VALENCIA
FAIRFIELD, CA 94534-7875

WILLIAM H. BOOTH
ATTORNEY AT LAW
LAW OFFICE OF WILLIAM H. BOOTH
1500 NEWELL AVE., 5TH FLOOR
WALNUT CREEK, CA 94556

AVIS KOWALEWSKI
CALPINE CORPORATION
3875 HOPYARD ROAD, SUITE 345
PLEASANTON, CA 94588

LINDA Y. SHERIF
ATTORNEY AT LAW
CALPINE CORPORATION
3875 HOPYARD ROAD, SUITE 345
PLEASANTON, CA 94588

WILLIAM H. CHEN
CONSTELLATION NEW ENERGY, INC.
2175 N. CALIFORNIA BLVD., SUITE 300
WALNUT CREEK, CA 94596

JODY LONDON
JODY LONDON CONSULTING
PO BOX 3629
OAKLAND, CA 94609

ERIC LARSEN
ENVIRONMENTAL SCIENTIST
RCM INTERNATIONAL
PO BOX 4716
BERKELEY, CA 94704

GREGORY MORRIS
GREEN POWER INSTITUTE
2039 SHATTUCK AVE., SUITE 402
BERKELEY, CA 94704

JOHN GALLOWAY
UNION OF CONCERNED SCIENTISTS
2397 SHATTUCK AVENUE, SUITE 203
BERKELEY, CA 94704

NEAL DE SNOO
CITY OF BERKELEY
2180 MILVIA STREET, 2ND FLOOR
BERKELEY, CA 94704

CLYDE MURLEY
CONSULTANT
600 SAN CARLOS AVENUE
ALBANY, CA 94706

DRAFT

NANCY RADER
CALIFORNIA WIND ENERGY ASSOCIATION
2560 NINTH STREET, SUITE 213A
BERKELEY, CA 94710

R. THOMAS BEACH
PRINCIPAL CONSULTANT
CROSSBORDER ENERGY
2560 NINTH STREET, SUITE 316
BERKELEY, CA 94710

L. JAN REID
COAST ECONOMIC CONSULTING
3185 GROSS ROAD
SANTA CRUZ, CA 95062

JOHN R. REDDING
ARCTURUS ENERGY CONSULTING
44810 ROSEWOOD TERRACE
MENDOCINO, CA 95460

JAMES WEIL
DIRECTOR
AGLET CONSUMER ALLIANCE
PO BOX 37
COOL, CA 95614

CAROLYN KEHREIN
ENERGY MANAGEMENT SERVICES
1505 DUNLAP COURT
DIXON, CA 95620-4208

JUDITH SANDERS
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA 95630

ANDY WUELLNER
MOUNTAIN UTILITIES
PO BOX 1
KIRKWOOD, CA 95646

KIRBY DUSEL
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670

JOHN DALESSI
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670-6078

ANDREW B. BROWN
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814

DAN L. CARROLL
ATTORNEY AT LAW
DOWNEY BRAND LLP
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO, CA 95814

DAVID A. BISCHSEL
PRESIDENT
CALIFORNIA FORESTRY ASSOCIATION
1215 K STREET, SUITE 1830
SACRAMENTO, CA 95814

JAN MCFARLAND
AMERICANS FOR SOLAR POWER
1100 11TH STREET, SUITE 323
SACRAMENTO, CA 95814

DRAFT

JOHN B. HOFMANN
REGIONAL COUNCIL OF RURAL COUNTIES
801 12TH STREET, SUITE 600
SACRAMENTO, CA 95814

WILLIAM W. WESTERFIELD III
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS LLP
2015 H STREET
SACRAMENTO, CA 95814

LYNN M. HAUG
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814-3512

KAREN NORENE MILLS
ATTORNEY AT LAW
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833

RYAN FLYNN
PACIFICORP
825 NE MULTNOMAH STREET
PORTLAND, OR 97232

SHAYLEAH LABRAY
PACIFICORP
825 NE MULTNOMAH, SUITE 2000
PORTLAND, OR 97232

KAREN MCDONALD
POWEREX CORPORATION
1400,
666 BURRAND STREET
VANCOUVER, BC V6C 2X8
CANADA

1.1 Information Only

WILLIAM P. SHORT
RIDGEWOOD POWER MANAGEMENT, LLC
AFFAIRS
947 LINWOOD AVENUE
RIDGEWOOD, NJ 07450

STEVEN S. SCHLEIMER
DIRECTOR, COMPLIANCE & REGULATORY

BARCLAYS BANK, PLC
200 PARK AVENUE, FIFTH FLOOR
NEW YORK, NY 10166

ROGER BERLINER
ATTORNEY AT LAW
BERLINER LAW PLLC
1747 PENNSYLVANIA AVE. N.W., STE 825
WASHINGTON, DC 20006

CHRISTOPHER O'BRIEN
SHARP SOLAR
VP STRATEGY AND GOVERNMENT RELATIONS
3808 ALTON PLACE NW
WASHINGTON, DC 20016

VENKAT SURAVARAPU
ASSOCIATES DIRECTOR
CAMBRIDGE ENERGY RESEARCH ASSOCIATES
1150 CONNECTICUT AVENUE NW, STE. 201
WASHINGTON, DC 20036

KEVIN PORTER
EXETER ASSOCIATES, INC.
SUITE 310
5565 STERRETT PLACE
COLUMBIA, MD 21044

DRAFT

TODD JAFFE
ENERGY BUSINESS BROKERS AND CONSULTANTS
3420 KEYSER ROAD
BALTIMORE, MD 21208

RALPH E. DENNIS
DIRECTOR, REGULATORY AFFAIRS
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE, STE 2000
LOUISVILLE, KY 40223

CINDY A. HALL
CMS ENTERPRISES COMPANY
LIEBERMAN
ONE ENERGY PLAZA EP5-422
JACKSON, MI 49201

MARY COLLINS
POLICY ADVISOR TO COMMISSIONER

ILLINOIS COMMERCE COMMISSION
160 NORTH LASALLE STREET, STE. C-800
CHICAGO, IL 60601

RYAN PLETKA
RENEWABLE ENERGY PROJECT MANAGER
BLACK & VEATCH
950E
11401 LAMAR
OVERLAND PARK, KS 66211

ANN HENDRICKSON
COMMERCE ENERGY, INC.
222 WEST LAS COLINAS BLVD., SUITE

IRVING, TX 75039

TRENT A. CARLSON
RELIANT ENERGY
1000 MAIN STREET
250
HOUSTON, TX 77001

ED CHIANG
ELEMENT MARKETS, LLC
ONE SUGAR CREEK CENTER BLVD., SUITE

SUGAR LAND, TX 77478

JONATHAN JACOBS
PA CONSULTING GROUP
390 INTERLOCKEN CRESCENT, SUITE 410
BROOMFIELD, CO 80021

ELIZABETH BAKER
SUMMIT BLUE CONSULTING
1722 14TH STREET, SUITE 230
BOULDER, CO 80304

KEVIN J. SIMONSEN
ENERGY MANAGEMENT SERVICES
646 EAST THIRD AVENUE
DURANGO, CO 81301

JENINE SCHENK
APS ENERGY SERVICES
400 E. VAN BUREN STREET, SUITE 750
PHOENIX, AZ 85004

CHRISTOPHER HILEN
ASSISTANT GENERAL COUNSEL
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD

ELENA MELLO
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV 89520

DRAFT

RENO, NV 89511

TREVOR DILLARD
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV 89520

JOE GRECO
CAITHNESS OPERATING COMPANY
9590 PROTOTYPE COURT, SUITE 200
RENO, NV 89521

HARVEY EDER
PUBLIC SOLAR POWER COALITION
1218 12TH ST., 25
SANTA MONICA, CA 90401

STEVE CHADIMA
ENERGY INNOVATIONS, INC.
130 WEST UNION STREET
PASADENA, CA 91103

JACK MCNAMARA
ATTORNEY AT LAW
MACK ENERGY COMPANY
PO BOX 1380
AGOURA HILLS, CA 91376-1380

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

FRANK W. HARRIS
REGULATORY ECONOMIST
SOUTHERN CALIFORNIA EDISON
GO1
2244 WALNUT GROVE
ROSEMEAD, CA 91770

JAMES B. WOODRUFF
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, SUITE 342,
ROSEMEAD, CA 91770

LIZBETH MCDANNELL
2244 WALNUT GROVE AVE., QUAD 4D
ROSEMEAD, CA 91770

KEITH SWITZER
GOLDEN STATE WATER COMPANY
630 EAST FOOTHILL BLVD.
SAN DIMAS, CA 91773

ABBAS M. ABED
ASSOCIATE DIRECTOR
NAVIGANT CONSULTING, INC.
402 WEST BROADWAY, SUITE 400
SAN DIEGO, CA 92101

LINDA WRAZEN
SEMPRA ENERGY REGULATORY AFFAIRS
101 ASH STREET, HQ16C
SAN DIEGO, CA 92101

THOMAS P. CORR
SEMPRA ENERGY GLOBAL ENTERPRISES
101 ASH STREET, HQ16C
SAN DIEGO, CA 92101

MICHAEL SHAMES
ATTORNEY AT LAW
UTILITY CONSUMERS' ACTION NETWORK
3100 FIFTH AVENUE, SUITE B

DRAFT

SAN DIEGO, CA 92103

SCOTT J. ANDERS
RESEARCH/ADMINISTRATIVE DIRECTOR
UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
5998 ALCALA PARK
SAN DIEGO, CA 92110

CENTRAL FILES
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP31E
SAN DIEGO, CA 92123

CHARLES MANZUK
SAN DIEGO GAS & ELECTRIC
8330 CENTURY PARK COURT, CP 32D
LLP
SAN DIEGO, CA 92123

JOHN W. LESLIE
ATTORNEY AT LAW
LUCE, FORWARD, HAMILTON & SCRIPPS,
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130-2592

CARL STEEN
BAKER & HOSTETLER LLP
600 ANTON BLVD., SUITE 900
COSTA MESA, CA 92626

JUDE LEBLANC
BAKER & HOSTETLER LLP
600 ANTON BLVD., SUITE 900
COSTA MESA, CA 92626

MICHAEL J. GILMORE
INLAND ENERGY
SOUTH TOWER SUITE 606
3501 JAMBOREE RD
NEWPORT BEACH, CA 92660

DAVID OLSEN
IMPERIAL VALLEY STUDY GROUP
3804 PACIFIC COAST HIGHWAY
VENTURA, CA 93001

HAROLD M. ROMANOWITZ
OAK CREEK ENERGY SYSTEMS, INC.
14633 WILLOW SPRINGS ROAD
MOJAVE, CA 93501

MARC D. JOSEPH
ATTORNEY AT LAW
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., STE. 1000
SOUTH SAN FRANCISCO, CA 94080

BILLY BLATTNER
SAN DIEGO GAS & ELECTRIC COMPANY
601 VAN NESS AVENUE, SUITE 2060
SAN FRANCISCO, CA 94102

DIANE I. FELLMAN
ATTORNEY AT LAW
FPL ENERGY, LLC
234 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

MICHAEL A. HYAMS
POWER ENTERPRISE-REGULATORY AFFAIRS
SAN FRANCISCO PUBLIC UTILITIES COMM
1155 MARKET ST., 4TH FLOOR

DAN ADLER
DIRECTOR, TECH AND POLICY DEVELOPMENT
CALIFORNIA CLEAN ENERGY FUND
582 MARKET ST., SUITE 1015

DRAFT

SAN FRANCISCO, CA 94103

SAN FRANCISCO, CA 94104

DEVRA WANG
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA 94104

DOUGLAS E. COVER
ENVIRONMENTAL SCIENCE ASSOCIATES
225 BUSH STREET, SUITE 1700
SAN FRANCISCO, CA 94104

KAREN TERRANOVA
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, STE 2200
SAN FRANCISCO, CA 94104

SEEMA SRINIVASAN
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA 94104

SETH D. HILTON
STOEL RIVES
111 SUTTER ST., SUITE 700
SAN FRANCISCO, CA 94104

SNULLER PRICE
ENERGY AND ENVIRONMENTAL ECONOMICS
101 MONTGOMERY, SUITE 1600
SAN FRANCISCO, CA 94104

ASHLEE M. BONDS
THELEN REID BROWN RAYSMAN&STEINER LLP
SUITE 1800
101 SECOND STREET
SAN FRANCISCO, CA 94105

ED LUCHA
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MAIL CODE B9A
SAN FRANCISCO, CA 94105

EDWARD V. KURZ
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
77 BEALE ST., MAIL CODE B30A
SAN FRANCISCO, CA 94105

JOHN PAPPAS
UTILITY ELECTRIC PORTFOLIO MANAGEMENT
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, N12E
SAN FRANCISCO, CA 94105

LENNY HOCHSCHILD
EVOLUTION MARKETS, LLC
RENEWABLE ENERGY MARKETS
425 MARKET STREET, SUITE 2200
SAN FRANCISCO, CA 94105

MADDIE REICHER
EVOLUTION MARKETS
425 MARKET STREET, SUITE 2209
SAN FRANCISCO, CA 94105

PAUL LACOURCIERE
ATTORNEY AT LAW
THELEN REID BROWN RAYSMAN & STEINER LLP
101 SECOND STREET, SUITE 1800
SAN FRANCISCO, CA 94105

STEPHANIE LA SHAWN
PACIFIC GAS AND ELECTRIC COMPANY
MAIL CODE B9A
77 BEALE STREET, RM. 996B
SAN FRANCISCO, CA 94105

DRAFT

NIELS KJELLUND
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MAIL CODE B9A
SAN FRANCISCO, CA 94105-1814

JON WELNER
PAUL HASTINGS JANOFSKY & WALKER LLP
55 SECOND STREET, 24TH FLOOR
SAN FRANCISCO, CA 94105-3441

CALIFORNIA ENERGY MARKETS
517-B POTRERO AVENUE
SAN FRANCISCO, CA 94110

CALIFORNIA ENERGY MARKETS
517-B POTRERO AVE.
SAN FRANCISCO, CA 94110-1431

JANINE L. SCANCARELLI
ATTORNEY AT LAW
FOLGER, LEVIN & KAHN, LLP
275 BATTERY STREET, 23RD FLOOR
SAN FRANCISCO, CA 94111

JUDY PAU
DAVIS WRIGHT TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533

ROBERT B. GEX
ATTORNEY AT LAW,
DAVIS WRIGHT TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533

STANDISH O'GRADY
FRIENDS OF KIRKWOOD ASSOCIATION
31 PARKER AVENUE
SAN FRANCISCO, CA 94118

LAW DEPARTMENT FILE ROOM
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO, CA 94120-7442

GRACE LIVINGSTON-NUNLEY
ASSISTANT PROJECT MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000 MAIL CODE B9A
SAN FRANCISCO, CA 94177

KATE BEARDSLEY
PG&E
MAILCODE B9A
PO BOX 770000
SAN FRANCISCO, CA 94177

KATHERINE RYZHAYA
PACIFIC GAS & ELECTRIC COMPANY
MAIL CODE B9A
PO BOX 770000
SAN FRANCISCO, CA 94177

VALERIE J. WINN
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, B9A
SAN FRANCISCO, CA 94177-0001

ROBIN J. WALTHER
1380 OAK CREEK DRIVE, NO. 316
PALO ALTO, CA 94304-2016

DRAFT

NICOLAS PROCOS
ALAMEDA POWER & TELECOM
2000 GRAND STREET
ALAMEDA, CA 94501-0263

KEITH WHITE
931 CONTRA COSTA DRIVE
EL CERRITO, CA 94530

JACK PIGOTT
GEN 3 SOLAR, INC.
31302 HUNTSWOOD AVENUE
HAYWARD, CA 94544

ANDREW J. VAN HORN
VAN HORN CONSULTING
12 LIND COURT
ORINDA, CA 94563

ROBERT T. BOYD
GE WIND ENERGY
6130 STONERIDGE MAIL ROAD, SUITE 300B
PLEASANTON, CA 94588-3287

PETER W. HANSCHEN
ATTORNEY AT LAW
MORRISON & FOERSTER, LLP
101 YGNACIO VALLEY ROAD, SUITE 450
WALNUT CREEK, CA 94596

PATRICIA THOMPSON
SUMMIT BLUE CONSULTING
2920 CAMINO DIABLO, SUITE 210
WALNUT CREEK, CA 94597

WILLIAM F. DIETRICH
ATTORNEY AT LAW
DIETRICH LAW
2977 YGNACIO VALLEY ROAD, 613
WALNUT CREEK, CA 94598-3535

NELLIE TONG
KEMA, INC.
492 NINTH STREET, SUITE 220
OAKLAND, CA 94607

RAMONA GONZALEZ
EAST BAY MUNICIPAL UTILITY DISTRICT
375 ELEVENTH STREET, M/S NO. 205
OAKLAND, CA 94607

PAUL FENN
LOCAL POWER
4281 PIEDMONT AVE.
OAKLAND, CA 94611

MRW & ASSOCIATES, INC.
1814 FRANKLIN STREET, SUITE 720
OAKLAND, CA 94612

BARRY H. EPSTEIN
FITZGERALD, ABBOTT & BEARDSLEY, LLP
1221 BROADWAY, 21ST FLOOR
OAKLAND, CA 94612

CYNTHIA WOOTEN
LUMENX CONSULTING, INC.
1126 DELAWARE STREET
BERKELEY, CA 94702

DRAFT

REED V. SCHMIDT
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY, CA 94703-2714

ADAM BRIONES
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, 2ND FLOOR
BERKELEY, CA 94704

CLIFF CHEN
UNION OF CONCERNED SCIENTIST
2397 SHATTUCK AVENUE, STE 203
BERKELEY, CA 94704

JANICE LIN
MANAGING PARTNER
STRATEGEN CONSULTING LLC
146 VICENTE ROAD
BERKELEY, CA 94705

BRENDA LEMAY
DIRECTOR OF PROJECT DEVELOPMENT
HORIZON WIND ENERGY
1600 SHATTUCK, SUITE 222
BERKELEY, CA 94709

EDWARD VINE
LAWRENCE BERKELEY NATIONAL LABORATORY
BUILDING 90-4000
BERKELEY, CA 94720

RYAN WISER
BERKELEY LAB
MS-90-4000
ONE CYCLOTRON ROAD
BERKELEY, CA 94720

DEREK DENNISTON
THE DENNISTON GROUP, LLC
101 BELLA VISTA AVE
BELVEDERE, CA 94920

C. SUSIE BERLIN
MCCARTHY & BERLIN LLP
100 PARK CENTER PLAZA, STE. 501
SAN JOSE, CA 95113

DAVID OLIVARES
ELECTRIC RESOURCE
MODESTO IRRIGATION DISTRICT
PO BOX 4060
MODESTO, CA 95352

CHRISTOPHER J. MAYER
MODESTO IRRIGATION DISTRICT
PO BOX 4060
MODESTO, CA 95352-4060

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

BARBARA R. BARKOVICH
BARKOVICH & YAP, INC.
44810 ROSEWOOD TERRACE
MENDOCINO, CA 95460

RICHARD MCCANN
M.CUBED
2655 PORTAGE BAY ROAD, SUITE 3
DAVIS, CA 95616

DRAFT

DAVID MORSE
1411 W, COVELL BLVD., SUITE 106-292
DAVIS, CA 95616-5934

LEGAL AND REGULATORY DEPARTMENT
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA 95630

GRANT A. ROSENBLUM
STAFF COUNSEL
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA 95630

SAEED FARROKHPAY
FEDERAL ENERGY REGULATORY COMMISSION
110 BLUE RAVINE RD., SUITE 107
FOLSOM, CA 95630

KEVIN DAVIES
SOLAR DEVELOPMENT INC.
2424 PROFESSIONAL DR.
ROSEVILLE, CA 95661-7773

ERIN RANSLOW
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670-6078

LAURIE PARK
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670-6078

DOUG DAVIE
DAVIE CONSULTING, LLC
3390 BEATTY DRIVE
EL DORADO HILLS, CA 95762

BRUCE MCLAUGHLIN
ATTORNEY AT LAW
BRAUN & BLAISING P.C.
915 L STREET, SUITE 1420
SACRAMENTO, CA 95814

DAN GEIS
AGRICULTURAL ENERGY CONSUMERS ASSO.
925 L STREET, SUITE 800
SACRAMENTO, CA 95814

DOUGLAS K. KERNER
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814

JANE E. LUCKHARDT
ATTORNEY AT LAW
DOWNEY BRAND LLP
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO, CA 95814

KEVIN WOODRUFF
WOODRUFF EXPERT SERVICES, INC.
1100 K STREET, SUITE 204
SACRAMENTO, CA 95814

PATRICK STONER
PROGRAM DIRECTOR
LOCAL GOVERNMENT COMMISSION
1414 K STREET, SUITE 600
SACRAMENTO, CA 95814

RACHEL MCMAHON

SCOTT BLAISING

DRAFT

CEERT
1100 11TH STREET, SUITE 311
SACRAMENTO, CA 95814

ATTORNEY AT LAW
BRAUN & BLAISING, P.C.
915 L STREET, SUITE 1420
SACRAMENTO, CA 95814

STEVE BRINK
CALIFORNIA FORESTRY ASSOCIATION
1215 K STREET, SUITE 1830
SACRAMENTO, CA 95814

STEVEN KELLY
INDEPENDENT ENERGY PRODUCERS ASSN
1215 K STREET, SUITE 900
SACRAMENTO, CA 95814

ROB ROTH
SACRAMENTO MUNICIPAL UTILITY DISTRICT
6201 S STREET MS 75
SACRAMENTO, CA 95817

MICHAEL DEANGELIS
SACRAMENTO MUNICIPAL UTILITY DISTRICT
6201 S STREET
SACRAMENTO, CA 95817-1899

VIKKI WOOD
SACRAMENTO MUNICIPAL UTILITY DISTRICT
6301 S STREET, MS A204
SACRAMENTO, CA 95817-1899

RICH LAUCKHART
GLOBAL ENERGY
SUITE 200
2379 GATEWAY OAKS DR.
SACRAMENTO, CA 95833

RONALD LIEBERT
ATTORNEY AT LAW
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833

KAREN LINDH
LINDH & ASSOCIATES
7909 WALERGA ROAD, NO. 112, PMB 119
ANTELOPE, CA 95843

KYLE DAVIS
PACIFICORP
825 NE MULNOMAH, SUITE 2000
PORTLAND, OR 97232

DONALD SCHOENBECK
RCS, INC.
900 WASHINGTON STREET, SUITE 780
VANCOUVER, WA 98660

TIMOTHY CASTILLE
LANDS ENERGY CONSULTING, INC.
TRANSMISSION
18109 SE 42ND STREET
VANCOUVER, WA 98683

MONIQUE STEVENSON
SEA BREEZE PACIFIC REGIONAL
LOBBY BOX 91
333 SEYMOUR ST., SUITE 1400
VANCOUVER, BC V5B 5A6
CANADA

DRAFT

1.2 State Service

1.3

ANDREW SCHWARTZ
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5119
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ANNE E. SIMON
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5024
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ANNE GILLETTE
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

BRIAN D. SCHUMACHER
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

BURTON MATTSON
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
BRANCH
ROOM 5104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CHRISTOPHER DANFORTH
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DONALD R. SMITH
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DOROTHY DUDA
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5109
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ELLEN S. LEVINE
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5028
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

F. JACKSON STODDARD
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5125
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JACLYN MARKS
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JAY MORSE
CALIF PUBLIC UTILITIES COMMISSION
WATER BRANCH
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JULIE A. FITCH
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF STRATEGIC PLANNING
DIVISION
ROOM 5203

JULIE HALLIGAN
CALIF PUBLIC UTILITIES COMMISSION
CONSUMER PROTECTION AND SAFETY
ROOM 2203

DRAFT

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MARK R. LOY
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRA
ROOM 4205
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

NOEL OBIORA
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SARA M. KAMINS
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SHANNON EDDY
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

TRACI BONE
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5206
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JAMES MCMAHON
SENIOR ENGAGEMENT MANAGER
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670-6078

CONSTANCE LENI
CALIFORNIA ENERGY COMMISSION
MS-20
1516 NINTH STREET
SACRAMENTO, CA 95814

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MATTHEW DEAL
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

PAUL DOUGLAS
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SEAN A. SIMON
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SUSANNAH CHURCHILL
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SUZANNE KOROSEC
CALIFORNIA ENERGY COMMISSION
MS-31
1516 9TH STREET
SACRAMENTO, CA 95184

CLARE LAUFENBERG
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS 46
SACRAMENTO, CA 95814

HEATHER RAITT
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 45
SACRAMENTO, CA 95814

DRAFT

KATE ZOCCHETTI
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-45
SACRAMENTO, CA 95814

ROSS MILLER
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET
SACRAMENTO, CA 95814

THOMAS FLYNN
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
770 L STREET, SUITE 1050
SACRAMENTO, CA 95814

BILL KNOX
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS 45
SACRAMENTO, CA 95814-5504

HOLLY B. CRONIN
STATE WATER PROJECT OPERATIONS DIV
CALIFORNIA DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE., LL-90
SACRAMENTO, CA 95821