

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

Rulemaking Regarding Whether, or Subject to
What Conditions, the Suspension of Direct Access
May Be Lifted Consistent with Assembly Bill 1X
and Decision 01-09-060.

Rulemaking 07-05-025
(Filed May 24, 2007)

**MOTION OF CALIFORNIA ALLIANCE FOR CHOICE IN ENERGY SOLUTIONS
AND THE ALLIANCE FOR RETAIL ENERGY MARKETS FOR ORDER DIRECTING
THE UTILITIES TO SUBMIT REPORTS ON THE NOTICE OF INTENT PROCESS**

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June 4, 2010

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Pursuant to Rule 11.1 of the Commission’s Rules of Practice and Procedure, California Alliance for Choice in Energy Solutions (“CACES”)¹ and the Alliance for Retail Energy Markets (“AReM”)² submit this motion for an order directing the utilities to submit reports on the Notice of Intent (“NOI”) process adopted in Decision (“D.”) 10-03-022.

In D.10-03-022, the Commission authorized limited additional direct access (“DA”) transactions within the service territories of California’s three largest investor-owned electric utilities (“IOUs”)—Pacific Gas and Electric Company (“PG&E”), Southern California Edison Company (“SCE”), and San Diego Gas & Electric Company (“SDG&E”)—in accordance with the provisions of Senate Bill (“SB”) 695. In addition, the Commission adopted an enrollment schedule for the increased DA transactions and the NOI enrollment process wherein customers or their designated agents submitted NOIs to sign up for DA service during an Open Enrollment Window (“OEW”).

¹ CACES is the successor organization to the parties who filed and/or supported the original December 6, 2006, Petition asking that the Commission open an investigation into restoring customer access to the competitive retail market.

² AReM is a California mutual benefit corporation formed by electric service providers that are active in California’s direct access market. The positions taken in this filing represent the views of AReM but not necessarily individual members or the affiliates of its members with respect to the issues addressed herein.

The OEW started at 9:00 a.m. (PDT) on April 16, 2010. The demand for DA from customers was clearly robust, with more customers submitting NOIs than the amount of additional DA transactions allowed in 2010 under D.10-03-022. According to anecdotal reports, many NOIs that were time-stamped at 9:00 a.m. on April 16, 2010 were not accepted under the applicable DA enrollment cap or added to the wait list. This result indicates that the number of customers that submitted NOIs was far in excess of the additional DA transactions allowed under D.10-03-022.

At present, only the IOUs know the particulars of the administration of the NOI process and the results of that process. So that the Commission, customers, and ESPs also have such information, and so that all parties can have the assurance that the process of management of the large number of requests was conducted in keeping with the first-come/first-service requirements of D.10-03-022, AReM and CACES request that the Commission issue an order directing each of the IOUs to submit a report that contains the following information relative to their respective service territories:

1. The total number of NOIs received on April 16, 2010.
2. The number of NOIs that were rejected for being submitted prior to 9:00 a.m. (PDT) on April 16, 2010.
3. Whether each NOI was given a unique and verifiable time stamp and/or was numbered.
4. The earliest time stamp accepted under the enrollment cap.
5. The latest time stamp accepted under the enrollment cap.

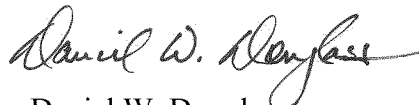
- a. If unique and verifiable time stamps were not recorded for each NOI, an explanation of how NOIs were prioritized and deemed accepted under the enrollment cap.
6. Whether any NOIs were captured in an email “spam” filter
 - a. If so, the number of NOIs so captured.
 - b. Whether steps were taken to ensure that such NOIs retained a unique and verifiable time stamp and numbering, and a description of those steps.
 - c. The number of NOIs captured in the IOU’s spam filter that were accepted under the enrollment cap.
7. The number of NOIs that were accepted under the enrollment cap.
8. The number of NOIs that had deficiencies that were remedied and then accepted.
9. The number of NOIs that had deficiencies that were never remedied.
 - a. Whether all NOIs were reviewed to see if they had any deficiencies.
10. The number of NOIs that were accepted to the IOU’s waitlist.
 - a. Of the NOIs accepted to the waitlist, the earliest time-stamped NOI.
 - b. Of the NOIs accepted to the waitlist, the last time-stamped NOI.
 - c. Whether all customers who have been waitlisted have been notified of their status.
11. Of the NOIs that were rejected:
 - a. How many were duplicate requests for NOIs that had already accepted?
 - b. How many were rejected because the cap had been filled?
 - c. Were there rejections of NOIs for any reasons other than the two categories listed directly above? If so, what were those reasons?

12. The method(s) used to calculate the 60-day customer OEW.³

13. There have been reports that NOI acceptances have been issued by SCE several weeks after the May 6 deadline. Are these NOI acceptances that are going to wait list NOIs due to information that original NOI acceptances will not be exercising their choice alternative – a choice that is not due until July 5? Or is this recent issuance of NOI acceptances due to a miscalculation in the first round? If the latter, is the wait list being expanded?

AReM and CACES request that the IOUs be directed to file and serve the reports on the parties to this proceeding no later than June 30, 2010.

Respectfully submitted,



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June 4, 2010

³ Information that AReM has received indicate that some customers have been afforded more than 60 days to “shop” for an ESP.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the *Motion of California Alliance for Choice in Energy Solutions and the Alliance for Retail Energy Markets for Order Directing the Utilities to Submit Reports on the Notice of Intent Process* on all parties of record in *R.07-05-025*, by serving an electronic copy on their email addresses of record and by mailing a properly addressed copy by first-class mail with postage prepaid to each party for whom an email address is not available.

Executed on June 4, 2010, at Woodland Hills, California.



Michelle Dangott

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