

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternate Rates For Energy Programs and Budgets (U 39 M)	Application 08-05-022 (Filed 5/15/08)
Application of San Diego Gas and Electric Company (U 902 M) for Approval of Low Income Assistance Programs and Budgets for Program Years 2009-2011	Application 08-05-024 (Filed 5/15/08)
Application of Southern California Gas Company (U 904 G) for Approval of Low Income Assistance Programs and Budgets for Program Years 2009-2011	Application 08-05-025 (Filed 5/15/08)
Application of Southern California Edison Company (U 338 E) for Approval of Low Income Assistance Programs and Budgets for Program Years 2009, 2010 and 2011	Application 08-05-026 (Filed 5/15/08)

**DISABILITY RIGHTS ADVOCATES' RESPONSE TO PETITION OF SAN
DIEGO GAS & ELECTRIC COMPANY (U 902E) AND THE SOUTHERN
CALIFORNIA GAS COMPANY (U 904G) TO MODIFY DECISION 08-11-031**

DISABILITY RIGHTS ADVOCATES
MELISSA W. KASNITZ
REBECCA S. WILLIFORD
2001 Center Street, Fourth Floor
Berkeley, California 94704-1204
Telephone: 510-665-8644
Fax: 510-665-8511
TTY: 510-665-8716

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pucservice@dralegal.org

I. BACKGROUND

Disability Rights Advocates (“DisabRA”) appreciates the ongoing efforts of San Diego Gas & Electric Company (“SDG&E”) and Southern California Gas Company (“SoCalGas”) (collectively, the “Joint Utilities”) to provide opportunities for people with disabilities to voluntarily self-identify. Self-identification of disability is important so that the large investor-owned utilities (“IOUs”) can measure the number of disabled households enrolled in the Low Income Energy Efficiency (“LIEE”) program and subsequently work toward the goal of enrolling disabled households as 15% of new enrollments.

As noted in the Joint Utilities’ petition, DisabRA has engaged in multiple conversations with the Joint Utilities’ representatives about ways to appropriately conduct outreach to people with disabilities for the purpose of increasing program enrollment in a way that does not force customers to make snap decisions on whether or not to self-identify as disabled.¹ DisabRA has articulated and the Joint Utilities have agreed that this outreach requires that the utilities and their representatives refrain from asking customers if anyone in their household has a disability when the utilities conduct any kind of direct communication exchanges. In this context, direct communication exchanges include “face-to-face communications, telephone calls, or direct electronic communications such as text messaging.”²

II. DISABRA OFFERS ALTERNATIVE LANGUAGE TO CLARIFY THAT THE JOINT UTILITIES SHOULD NOT ASK ANYONE ABOUT DISABILITY IN THE HOUSEHOLD WHEN CONDUCTING ANY FORM OF DIRECT COMMUNICATION EXCHANGE

In response to the Joint Utilities’ petition, DisabRA proposes changes to clarify OP 31 of D.08-11-031 so that the text is consistent with the text of the petition and the discussions between the Joint Utilities and DisabRA.

In their proposed edits to OP 31, the Joint Utilities provide the following red-lined changes:

¹ Petition of San Diego Gas & Electric Company (U 902E) and the Southern California Gas Company (U 904G) to Modify Decision 08-11-031, May 14, 2010 at 7.

² *Id.* at 8, n.14.

31. We will allow IOUs to count customers they enroll in LIEE as a result of leveraging with CBOs that serve the disabled community, or with the DDTP, toward the 15% annual disabled enrollment goal. IOUs may also count customers who voluntarily self-identify as disabled or whom the IOUs enroll from the Medical Baseline program, but should not ask customers whether they are disabled during a direct communication exchange (defined as face-to-face, in a telephone call or through direct electronic communications such as text messaging) or any situation within which a customer may feel forced to make a decision to answer the question in a face-to-face situation. IOUs are allowed to ask customers on all other methods of communication and to pose such a question as optional and voluntary for customers to choose whether to identify if they or a member of their household have a permanent disability. In addition, the IOUs may count as disabled persons who voluntarily describe themselves as having a disability during a face-to-face encounter, persons who have an observed disability such as mobility, vision or hearing disability, and persons who use TTY/TDD or request accessible formats of written materials (*i.e.*, large print and/or Braille).³

DisabRA offers alternative language, noted in italics, to clarify the agreed-upon concept that neither the utilities nor their representatives should ask customers if they have a disability during any kind of direct communication exchange, not just face-to-face communication.

DisabRA suggests substituting the following language for OP 31:

31. We will allow IOUs to count customers they enroll in LIEE as a result of leveraging with CBOs that serve the disabled community, or with the DDTP, toward the 15% annual disabled enrollment goal. IOUs may also count customers who voluntarily self-identify as disabled or whom the IOUs enroll from the Medical Baseline program, but should not ask customers whether they are disabled during a direct communication exchange (defined as face-to-face, in a telephone call or through direct electronic communications such as text messaging) or any situation within which a customer may feel forced to make a decision to answer the question in any situation that involves a direct communication exchange. IOUs are allowed to ask customers on all other methods of communication and to pose such a question as optional and voluntary for customers to choose whether to identify if they or a member of their household have a permanent disability. In addition, the IOUs may count as disabled persons who voluntarily describe themselves as having a disability during a face-to-face encounter, persons who have an observed disability such as mobility, vision or hearing disability, and persons who use TTY/TDD or request accessible formats of written materials (*i.e.*, large print and/or Braille).⁴

DisabRA believes this suggested language is an important clarification that achieves the same result sought by the Joint Utilities – emphasizing that when conducting any form of direct communication exchange, the utilities not ask any customer to decide on the spot whether to

³ *Id.* at 8 (emphasis added).

⁴ *Id.* (alteration and emphasis added).

answer the question of disability in the household. This ensures that customers are not made to feel uncomfortable while at the same time best equipping the Joint Utilities to obtain and track accurate data regarding disabled households enrolled in the LIEE program.

III. CONCLUSION

DisabRA generally supports the Joint Utilities' petition to modify D.08-11-31 and efforts to conduct outreach to disabled households, with the clarification noted above.

Signed: June 14, 2010

Respectfully submitted,

_____/s/_____

Melissa W. Kasnitz
Rebecca S. Williford
Disability Rights Advocates
2001 Center Street, Third Floor
Berkeley, California 94704-1204
Telephone: 510-665-8644
Fax: 510-665-8511
TTY: 510-665-8716

Service List

I. Parties

HOLLY J. LLOYD
ANALYST III/STATE REGULATORY AFFAIRS
SOUTHWEST GAS CORPORATION
5241 SPRING MOUNTAIN ROAD
LAS VEGAS, NV 89150-0002
FOR: SOUTHWEST GAS CORPORATION

KEITH LAYTON
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS, NV 89193-8510
FOR: SOUTHWEST GAS CORPORATION

VALERIE J. ONTIVEROZ
SPECIALIST/ STATE REGULATORY AFFAIRS
SOUTHWEST GAS CORPORATION
5241 SPRING MOUNTAIN ROAD
LAS VEGAS, NV 89193-8510

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

MICHAEL R. THORP
SO CAL GAS AND SDG&E
555 WEST FIFTH STREET, STE 1400
LOS ANGELES, CA 90013-1011

ALEX SOTOMAYOR
MARAVILLA FOUNDATION
5729 UNION PACIFIC AVENUE
LOS ANGELES, CA 90022
FOR: MARAVILLA FOUNDATION

ARLEEN NOVOTNEY
SOUTHERN CALIFORNIA FORUM
941 PALMS BLVD.
VENICE, CA 90291
FOR: SELF

RICHARD VILLASENOR
TELACU
12252 MC CANN DRIVE
SANTA FE SPRINGS, CA 90670

LUIS A. CHAVEZ
WINEGARD ENERGY, INC.
5354 IRWINDALE AVE., BUILDING B
IRWINDALE, CA 91706
FOR: WINEGARD ENERGY, INC.

ALLAN RAGO
QUALITY CONSERVATION SERVICES, INC.
4701 ARROW HIGHWAY, SUITE E
MONTCLAIR, CA 91763
FOR: THE ENERGY EFFICIENCY COUNCIL;
QUALITY CONSERVATION SERVICES, INC.

MICHAEL MONTOYA
SENIOR ATTORNEY
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVE.
ROSEMEAD, CA 91770

MONICA GHATTAS
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

KEITH SWITZER
BEAR VALLEY ELECTRIC SERVICE
630 EAST FOOTHILL BLVD.
SAN DIMAS, CA 91773
FOR: BEAR VALLEY ELECTRIC SERVICE

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

DON WOOD SR.
PACIFIC ENERGY POLICY CENTER
4539 LEE AVENUE
LA MESA, CA 91941

BRUCE PATTON
RANCHO VALLEY BUILDERS, INC.
647 AERO WAY
ESCONDIDO, CA 92029
FOR: THE SAN DIEGO COMMUNITY ENERGY
ADVISORY COMMITTEE (SDCEAC)

GEORGETTA J. BAKER
SAN DIEGO GAS & ELECTRIC/SOCAL GAS
101 ASH STREET, HQ 13
SAN DIEGO, CA 92101
FOR: SDG&E/SOCALGAS

KIM F. HASSAN
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ-12
SAN DIEGO, CA 92101
FOR: SOUTHERN CALIFORNIA GAS COMPANY &
SAN DIEGO GAS ELECTRIC COMPANY

JOY C. YAMAGATA
SAN DIEGO GAS & ELECTRIC/SOCALGAS
8330 CENTURY PARK COURT, CP 32 D
SAN DIEGO, CA 92123-1530
FOR: SAN DIEGO GAS & ELECTRIC
COMPANY/SOUTHERN CALIFORNIA GAS COMPANY

LYDIA FLORES
PRESIDENT
AMERICAN INSULATION INC
8305 MIRALANI DRIVE
SAN DIEGO, CA 92126
FOR: AMERICAN INSULATION INC.

TIMOTHY J. LAWLER
CEO/PRESIDENT
SUNDOWNER INSULATION, INC.
1495 RAILROAD AVENUE
CLOVIS, CA 93612
FOR: SUNDOWNER INSULATION, INC.

PAUL KERKORIAN
UTILITY COST MANAGEMENT, LLC
6475 N PALM AVE., STE. 105
FRESNO, CA 93704
FOR: NONPROFIT HOUSING ASSOCIATIO OF
NORTHRN CALIFORNIA

BENJAMIN CARROLL
RENAISSANCE INC.
2615 W DUDLEY AVE.
FRESNO, CA 93728
FOR: RENAISSANCE INC.

WILLIAM F. PARKER
COMMUNITY ACTION AGENCY OF SAN MATEO
930 BRITTAN AVENUE
SAN CARLOS, CA 94070
FOR: COMMUNITY ACTION AGENCY OF SAN
MATEO

RASHID A. RASHID
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

DANIEL COOLEY
ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MAIL CODE B30A
SAN FRANCISCO, CA 94105
FOR: PACIFIC GAS AND ELECTRIC COMPANY

LAILA CORREA
LATINO ISSUES FORUM
160 PINE STREET, SUITE 700
SAN FRANCISCO, CA 94111
FOR: LATINO ISSUES FORUM

CHONDA J. NWAMU
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A
SAN FRANCISCO, CA 94120

DAVID C. CLARK
SYNERGY COMPANIES
28436 SATELLITE STREET
HAYWARD, CA 94545
FOR: SYNERGY COMPANIES, INC.

ROBERT GNAIZDA
POLICY DIRECTOR/GENERAL COUNSEL
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, SECOND FLOOR
BERKELEY, CA 94704
FOR: THE GREENLINING INSTITUTE

MARY - LEE KIMBER
ATTORNEY AT LAW
DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, 3RD FLOOR
BERKELEY, CA 94704-1204

ART BRICE
RICHARD HEATH AND ASSOCIATES, INC.
590 W. LOCUST AVENUE, SUITE 103
FRESNO, CA 93650
FOR: RICHARD HEATH AND ASSOCIATES, INC.

JERRY H. MANN
ATTORNEY AT LAW
PERKINS, MANN & EVERETT
2222 W. SHAW AVE., SUITE 202
FRESNO, CA 93711
FOR: RICHARD HEATH & ASSOCIATES

GREGORY REDICAN
DEPUTY DIRECTOR
COMMUNITY ACTION AGENCY OF SAN MATEO
930 BRITTAN AVENUE
SAN CARLOS, CA 94070
FOR: SELF

KAREN WATTS-ZAGHA
CALIF PUBLIC UTILITIES COMMISSION
ENERGY PRICING AND CUSTOMER PROGRAMS BRA
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

HAYLEY GOODSON
THE UTILITY REFORM NETWORK
115 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94104
FOR: TURN

JOSEPHINE WU
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A
SAN FRANCISCO, CA 94105

IRENE K. MOOSEN
ATTORNEY AT LAW
WESTERN MANUFACTURED HOUSING COMM. SVCS.
53 SANTA YNEZ AVENUE
SAN FRANCISCO, CA 94112

JOHN DUTCHER
MOUNTAIN UTILITIES
3210 CORTE VALENCIA
FAIRFIELD, CA 94534-7875

JULIE RICHARDSON
ENERGY EFFICIENCY, INC.
PO BOX 1612
UNION CITY, CA 94587
FOR: ENERGY EFFICIENCY, INC.

SAMUEL S. KANG
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, 2ND FLR.
BERKELEY, CA 94704
FOR: THE GREENLINING INSTITUTE

MELISSA W. KASNITZ
DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, FOURTH FLOOR
BERKELEY, CA 94704-1204
FOR: DISABILITY RIGHTS ADVOCATES

FOR: DISABILITY RIGHTS ADVOCATES

DANA ARMANINO
COMMUNITY DEVELOPMENT AGENCY
COUNTY OF MARIN
3501 CIVIC CENTER DRIVE, ROOM 308
SAN RAFAEL, CA 94903
FOR: COUNTY OF MARIN COMMUNITY
DEVELOPMENT AGENCY

SUSAN E. BROWN
ATTORNEY AT LAW
A WORLD INSTITUTE FOR SUSTAINABLE HUMANI
PO BOX 428
MILL VALLEY, CA 94942
FOR: A WORLD INSTITUTE FOR SUSTAINABLE
HUMANITY

PETER HOFMANN
BO ENTERPRISES
43B EAST MAIN ST
LOS GATOS, CA 95030-6907
FOR: BO ENTERPRISES

MICHAEL LAMOND
ALPINE NATURAL GAS OPERATING COMPANY
PO BOX 550
15 ST. ANDREWS ROAD, SUITE 7
VALLEY SPRINGS, CA 95252

STEVE HEIM
WESTERN INSULATION, L.P.
2400 ROCKEFELLER DRIVE
CERES, CA 95307
FOR: WESTERN INSULATION, L.P.

BILL JULIAN
43556 ALMOND LANE
DAVIS, CA 95618

CAROLYN COX
GENERAL MANAGER
5213 ROSEANA COURT
FAIR OAKS, CA 95628

GREGGORY L. WHEATLAND
ELLISON SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905
FOR: SIERRA PACIFIC POWER COMPANY

JAMES HODGES
ACCES
1069 45TH STREET
SACRAMENTO, CA 95819
FOR: ACCES, THE COMMUNITY ACTION OF SAN
MATEO COUNTY, INC., TELACU, THE
MARAVILLA FOUNDATION

RAYMOND J. CZAHAR, C.P.A.
WEST COAST GAS COMPANY
9203 BEATTY DRIVE
SACRAMENTO, CA 95826

LOUISE A. PEREZ
COMMUNITY RESOURCE PROJECT, INC.
250 HARRIS AVENUE, SUITE 6
SACRAMENTO, CA 95838
FOR: SELF

CRISTAL BEDORTHA
RESIDENTIAL WALL INSULATION
3714 NELSON AVE.
OROVILLE, CA 95965
FOR: RESIDENTIAL WALL INSULATION

KEITH GRIFFITH
SELF HELP HOME IMPROVEMENT PROJECT INC.
3777 MEADOWVIEW DR. 100
REDDING, CA 96002
FOR: SELF HELP HOME IMPROVEMENT PROJECT
INC.

MICHELLE R. MISHOE
PACIFICORP
825 NE MULTNOMAH STREET, SUITE 1800
PORTLAND, OR 97232
FOR: PACIFICORP

II. Information Only

TARYN CIARDELLA
SR. LEGAL SECRETARY
NV ENERGY
EMAIL ONLY
EMAIL ONLY, NV 00000

ZACHARY FRANKLIN
GRID ALTERNATIVES
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: GRID ALTERNATIVES

GLORIA BRITTON
ANZA ELECTRIC CO-OPERATIVE, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

RICHARD ESTEVES
SESCO, INC.
77 YACHT CLUB DRIVE, SUITE 1000
LAKE HOPATCONG, NJ 07849-1313

JIM MEYERS
SOUTHWEST REGIONAL MANAGER
NORTH AMERICAN INSULATION MANUF. ASSOC.
7792 SOUTH HARRISON CIRCLE
CENTENNIAL, CO 80122

DAVE MUNK
PROGRAM MANAGER
RESOURCE ACTION PROGRAM
2724 UPPER CATTLE CREEK ROAD
CARBONDALE, CO 81623

CHRISTOPHER HILEN
SIERRA PACIFIC POWER CO.
PO BOX 10100

TREVOR DILLARD
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD, MS S4A50 / PO BOX 10100

RENO, NV 89511

STEVEN D. PATRICK
SEMPRA ENERGY
555 WEST FIFTH STREET, GT14G1, STE 1400
LOS ANGELES, CA 90013-1011

RON GARCIA
RELIABLE ENERGY MANAGEMENT, INC.
6250 PARAMOUNT BLVD.
LONG BEACH, CA 90805

SHEILA LEE
REGULATORY, CONTROLS AND SOLICITATIONS
SOUTHERN CALIFORNIA EDISON COMPANY
6042 N. IRWINDALE AVENUE, SUITE A
IRWINDALE, CA 91702

WALLIS WINEGARD
WINEGARD ENERGY, INC.
5354 IRWINDALE AVE., BUILDING B
IRWINDALE, CA 91706
FOR: WINEGARD ENERGY, INC.

AKBAR JAZAYEIRI
DIR OF REVENUE & TARIFFS
SOUTHERN CALIFORNIA EDISON COMPANY (338)
2241 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD, CA 91770

JACK F. PARKHILL
SOUTHERN CALIFORNIA EDISON
2131 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

JENNIFER M. TSAO SHIGEKAWA
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

LARRY R. COPE
ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON
PO BOX 800, 2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

ROBERTO DEL REAL
SOUTHERN CALIFORNIA EDISON COMPANY
2131 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

YOLE WHITING
12532 JACKSON HILL LANE
EL CAJON, CA 92021

REGULATORY AFFAIRS
SAN DIEGO GAS & ELECTRIC CO.
8330 CENTURY PARK COURT-CP31E
SAN DIEGO, CA 92123-1530

YVETTE VAZQUEZ
SAN DIEGO GAS & ELECTRIC
8335 CENTURY PARK CT.
SAN DIEGO, CA 92123-1569

JOHN NEWCOMB
696 SOUTH TIPPECANOE AVENUE

RENO, NV 89520-0024

SENATOR RICHARD POLANCO
3701 GLENALBYN DRIVE
LOS ANGELES, CA 90065

JOSE ATILIO HERNANDEZ
LIOB MEMBER
LIOB
9237 GERALD STREET
NORTHRIDGE, CA 91343

WALLIS J. WINEGAR
WINEGARD ENERGY, INC
5354 IRWINDALE AVENUE, BLDG B.
IRWINDALE, CA 91706

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

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., RM. 370
ROSEMEAD, CA 91770

JEANNIE HARRELL
SOUTHERN CALIFORNIA EDISON COMPANY
2131 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

JOHN FASANA
SOUTHERN CALIFORNIA EDISON
2131 WALNUT GOVE AVE.
ROSEMEAD, CA 91770

PETE ZANZOT
SOUTHERN CALIFORNIA EDISON COMPANY
2131 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

MARK MCNULTY
4654 MAYAPAN DR
LA MESA, CA 91941-7148
FOR: BEAR VALLEY ELECTRIC/GOLDEN STATE
WATER

JOHN JENSEN
REGIONAL MANAGER
RICHARD HEATH AND ASSOCIATES, INC.
7847 CONVOY COURT , SUITE 102
SAN DIEGO, CA 92111

STEVE RAHON
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32C
SAN DIEGO, CA 92123-1548

FAITH BAUTISTA
LIOB MEMBER
LIOB
9630 BLACK MOUNTAIN ROAD, SUITE G
SAN DIEGO, CA 92126

MARIA Y. JUAREZ
DEPUTY DIRECTOR

SAN BERNARDINO, CA 92415
FOR: COMMUNITY ACTION PARTNERSHIP OF
SAN BERNARDINO COUNTY

BILL BELANSKY
WESTERN INSULATION
680 COLUMBIA AVE
RIVERSIDE, CA 92507-2144

RICHARD SHAW
PRESIDENT
SOUTHERN CALIFORNIA FORUM
PO BOX 469
FILLMORE, CA 93016

ELISABETH ADAMS
ASSERT INC.
155 W. AVENUE J-5
LANCASTER, CA 93534

JOE WILLIAMS
CEO
RICHARD HEATH AND ASSOCIATES, INC.
590 W. LOCUST AVENUE, STE 103
FRESNO, CA 93650

MARK SHIRIN
VENTURA TV APPLIANCE CENTER
3619 E VENTURA BLVD
FRESNO, CA 93702-5009

ORTENSIA LOPEZ
EXECUTIVE DIRECTOR
EL CONCILIO OF SAN MATEO
1419 BURLINGAME AVE., SUITE N
BURLINGAME, CA 94010

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

JEANNE M. SOLE
CITY AND COUNTY OF SAN FRANCISCO
CITY HALL, RM 234
1 DR. CARLTON B. GOODLET PLACE
SAN FRANCISCO, CA 94102-4682

BRANDON TRAN
PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, MC N9E
SAN FRANCISCO, CA 94105

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

LINDA FONTES
PACIFIC GAS & ELECTRIC COMPANY
123 MISSION ROOM 1404 MC H14F
SAN FRANCISCO, CA 94105

MARDI WALTON
SR. REGULATORY ANALYST
PACIFIC GAS AND ELECTRIC COMPANY

DEPARTMENT OF COUMMINTY ACTION
2038 IOWA AVENUE, SUITE B-102
RIVERSIDE, CA 92507

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

JIM MCNAMARA
SAN LUIS OBISPO COUNTY, INC.
1030 SOUTHWOOD DRIVE
SAN LUIS OBISPO, CA 93401

HECTOR HUERTA
RICHARD HEATH AND ASSOCIATES, INC.
590 W. LOCUST AVE., SUITE 103
FRESNO, CA 93650

KRISTINE LUCERO
EXECUTIVE ASSISTANT
RICHARD HEATH AND ASSOCIATES, INC.
590 W. LOCUST AVE., STE. 103
FRESNO, CA 93650

MICHAEL WILLIAMS
LIOB MEMBER
LIOB
3045 N. SUNNYSIDE, SUITE 101
FRESNO, CA 93727

ANN KELLY
DEPT. OF THE ENVIRONMENT
CITY AND COUNTY OF SAN FRANCISCO
11 GROVE STREET
SAN FRANCISCO, CA 94102

DONNA L. WAGONER
CALIF PUBLIC UTILITIES COMMISSION
UTILITY AUDIT, FINANCE & COMPLIANCE BRAN
AREA 3-C
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LARA ETTENSON
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA 94104

BRETT SEARLE
SR. PROJECT MGMT ANALYST
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM 559A, MCB5K
SAN FRANCISCO, CA 94105

KRISTEN MONAHAN
PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, MC N6G
SAN FRANCISCO, CA 94105

LISE H. JORDAN, ESQ.
DIRECTOR AND COUNSEL, RATES
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A
SAN FRANCISCO, CA 94105

REGULATORY FILE ROOM
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B30A / PO BOX 7442

77 BEALE STREET, MC B9A
SAN FRANCISCO, CA 94105

SAN FRANCISCO, CA 94105

STEVEN R. HAERTLE
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A
SAN FRANCISCO, CA 94105

TINA NGUYEN
PACIFIC GAS AND ELECTRIC COMPANY
123 MISSION-ROOM 1456
SAN FRANCISCO, CA 94105

STEVEN MOSS
SAN FRANCISCO COMMUNITY POWER
2325 THIRD STREET, STE 344
SAN FRANCISCO, CA 94107
FOR: SAN FRANCISCO COMMUNITY POWER

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

CALIFORNIA ENERGY MARKTS
425 DIVISADERO STREET, STE 303
SAN FRANCISCO, CA 94117

SARA BIRMINGHAM
DIRECTOR, WESTERN POLICY
SOLAR ALLIANCE
646 19TH AVE
SAN FRANCISCO, CA 94121
FOR: SOLAR ALLIANCE

BRIAN K. CHERRY
DIRECTOR, REGULATORY RELATIONS
PACIFIC GAS AND ELECTRIC COMPANY (39)
PO BOX 770000, MAIL CODE: B10C
SAN FRANCISCO, CA 94177

CASE COORDINATION
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000; MC B9A
SAN FRANCISCO, CA 94177

MARY O'DRAIN
PACIFIC GAS AND ELECTRIC COMPANY
123 MISSION - ROOM 1410, MC H14G
SAN FRANCISCO, CA 94177

JAMES DEZELL
RHA, INC.
SUITE 205
1151 HARBOR BAY PKWY
ALAMEDA, CA 94502

BARBARA WILLIAMS
RHA, INC.
1151 HARBOR BAY PKWY STE. 205
ALAMEDA, CA 94502-6561

DUTCHER JOHN
V.P. REGULATORY AFFAIRS
MOUNTAIN UTILITIES
3210 CORTE VALENCIA
FAIRFIELD, CA 94534
FOR: MOUNTAIN UTILITIES

STEVEN R. SHALLENBERGER
SYNERGY COMPANIES
28436 SATTELITE STREET
HAYWARD, CA 94545

FRANCES L. THOMPSON
PACIFIC GAS AND ELECTRIC COMPANY
3401 CROW CANYON ROAD, 170C
SAN RAMON, CA 94583

RICK C. NOGER
PRAXAIR, INC.
2430 CAMINO RAMON DRIVE, STE. 300
SAN RAMON, CA 94583

LADONNA WILLIAMS
EXECUTIVE DIRECTOR
PO BOX 5653
VALLEJO, CA 94591

SARAH BESERRA
CALIFORNIA REPORTS.COM
39 CASTLE HILL COURT
VALLEJO, CA 94591
FOR: CALIFORNIA REPORTS.COM

ALEX KANG
ITRON, INC.
1111 BROADWAY, STE. 1800
OAKLAND, CA 94607

JODY S. LONDON
JODY LONDON CONSULTING
PO BOX 3629
OAKLAND, CA 94609
FOR: THE LOCAL GOVERNMENT SUSTAINABLE
ENERGY COALITION

DOCKET COORDINATOR
5727 KEITH ST.
OAKLAND, CA 94618

STEPHANIE CHEN
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, 2ND FLOOR
BERKELEY, CA 94704
FOR: THE GREENLINING INSTITUTE

KAREN NOTSUND
ASSISTANT DIRECTOR
UC ENERGY INSTITUTE
2547 CHANNING WAY 5180
BERKELEY, CA 94720-5180

MICHELE RODRIGUEZ
PLANNING SUSTAINABLE COMMUNITIES

MARY TUCKER
ENVIRONMENTAL SERVICES DEPARTMENT

220 MCALLISTER AVENUE
KENTFIELD, CA 94904

CITY OF SAN JOSE
200 E. SANTA CLARA, 10TH FLOOR
SAN JOSE, CA 95113

DOUGLAS MOIR
WESTERN APPLIANCE
1976 W. SAN CARLOS STREET
SAN JOSE, CA 95128

STEPHANIE BORBA
WESTERN INSULATION, L.P.
2400 ROCKEFELLER DRIVE
CERES, CA 95307

THOMAS S KIMBALL
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO, CA 95352-4060

BOB HONDEVILLE
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO, CA 95354

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

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

DAVID E. MORSE
CALIFORNIA AMERICAN WATER CO.
1411 W. COVELL BLVD., STE. 106-292
DAVIS, CA 95616-5934

WAYNE AMER
PRESIDENT
MOUNTAIN UTILITIES (906)
PO BOX 205
KIRKWOOD, CA 95646

ROBERT J. BICKER
LEGISLATIVE ANALYST
CALIFORNIA APARTMENT ASSOCIATION
980 NINTH STREET, SUITE 200
SACRAMENTO, CA 95814

RYAN BERNARDO
BRAUN BLAISING MCLAUGHLIN, P.C.
915 L STREET, SUITE 1270
SACRAMENTO, CA 95814

SHEILA DEY
EXECUTIVE DIRECTOR
WESTERN MANUFACTURED HOUSING COMMUNITIES
455 CAPITAL MALL STE 800
SACRAMENTO, CA 95814

DEVI EDEN
ADVISOR TO COMMISSIONER ROSENFELD
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 35
SACRAMENTO, CA 95814-5512

JEDEDIAH J. GIBSON
ATTORNEY AT LAW
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905
FOR: SIERRA PACIFIC POWER COMPANY

JASON WIMBLEY
DIVISION CHIEF, ENERGY&ENVIRON PROGRAMS
DEPT. OF COMMUNITY SERVICES & DEVELOPMEN
2389 GATEWAY OAKS DRIVE
SACRAMENTO, CA 95833

ROBERT E. BURT
INSULATION CONTRACTORS ASSN.
4153 NORTHGATE BLVD., NO.6
SACRAMENTO, CA 95834

DAVE STEPHENSON
RATE REGULATION MANAGER - WESTERN REGIO
AMERICAN WATER WORKS SERVICE CO.
4701 BELOIT DRIVE
SACRAMENTO, CA 95838

JAMES O'BANNON
RICHARD HEATH AND ASSOCIATES, INC.
1026 MANGROVE AVE., STE 20
CHICO, CA 95926

PAMELA GORSUCH
PROJECT MANAGER
RICHARD HEATH AND ASSOCIATES, INC.
1026 MANGROVE AVENUE, SUITE 20
CHICO, CA 95926

SCOTT BERG
SELF HELP HOME IMPROVEMENT PROJECT INC.
3777 MEADOWVIEW DR., 100
REDDING, CA 96002
FOR: SELF HELP HOME IMPROVEMENT PROJECT
INC.

JESSICA NELSON
ENERGY SERVICES MANAGER
PLUMAS SIERRA RURAL ELECTRIC COOP. (908)
73233 STATE ROUTE 70
PORTOLA, CA 96122-7069

DIANA BJORNSKOV
SENIOR PROGRAM MANAGER
PORTLAND ENERGY CONSERVATION, INC
1400 SW 5TH AVENUE, STE 700
PORTLAND, OR 97201

STEPHEN GROVER, PH.D.
ECONORTHWEST
888 SW 5TH AVE, SUITE 1460
PORTLAND, OR 97204

STEVE GROVER
ECONORTHWEST
888 SW FIFTH AVENUE, SUITE 1460
PORTLAND, OR 97204

M. SAMI KHAWAJA, PH.D
QUANTEC, LLC
SUITE 400
720 SW WASHINGTON STREET

PORTLAND, OR 97205

MARISA DECRISTOFORO
PACIFICORP
825 NE MULTNOMAH STREET, SUITE 800
PORTLAND, OR 97232

MARK TUCKER
PACIFICORP
825 NE MULTNOMAH, SUITE 2000
PORTLAND, OR 97232

DAVE SULLIVAN P.E.
CONSULTING ENGINEER
614 38TH PLACE
FLORENCE, OR 97439-8216

MICHAEL KARP
A.W.I.S.H.
PO BOX 812
LOPEZ ISLAND, WA 98261

III. State Service

VAROUJAN JINBACHIAN
CALIF PUBLIC UTILITIES COMMISSION
PUBLIC ADVISOR OFFICE
320 WEST 4TH STREET SUITE 500
LOS ANGELES, CA 90013

ALIK LEE
CALIF PUBLIC UTILITIES COMMISSION
COMMUNICATIONS POLICY BRANCH
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

AVA N. TRAN
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DAN OLSON
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

HARVEY Y. MORRIS
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5036
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

HAZLYN FORTUNE
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JOE COMO
CALIF PUBLIC UTILITIES COMMISSION
DRA - ADMINISTRATIVE BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JOSEPHINE EMELO
CALIF PUBLIC UTILITIES COMMISSION
ENERGY PRICING AND CUSTOMER PROGRAMS BRA
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KELLY HYMES
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5306
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KIMBERLY KIM
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5021
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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

MATTHEW TISDALE
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

MEGHA LAKHCHAURA
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MELICIA CHARLES
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5306
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

PAMELA NATALONI
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5124
505 VAN NESS AVENUE

RISA HERNANDEZ
CALIF PUBLIC UTILITIES COMMISSION
ENERGY PRICING AND CUSTOMER PROGRAMS BRA
ROOM 4209
505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3214

ROBERT KINOSIAN
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5202
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

SARITA SARVATE
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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

ZAIDA AMAYA-PINEDA
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
770 L STREET, SUITE 1050
SACRAMENTO, CA 95814

SAN FRANCISCO, CA 94102-3214

ROBERT LEHMAN
CALIF PUBLIC UTILITIES COMMISSION
COMMUNICATIONS POLICY BRANCH
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SARVJIT S. RANDHAWA
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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

KEVIN S. NAKAMURA
CALIF PUBLIC UTILITIES COMMISSION
UTILITY AUDIT, FINANCE & COMPLIANCE BRAN
180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834

holly.lloyd@swgas.com
keith.layton@swgas.com
valerie.ontiveroz@swgas.com
emello@sppc.com
MThorp@SempraUtilities.com
alexsot@aol.com
social.forum@yahoo.com
richvilla4@hotmail.com
luis@winegardenergy.com
arago@qcsca.com
montoym1@sce.com
monica.ghattas@sce.com
kswitzer@gswater.com
rkmoore@gswater.com
dwood8@cox.net
bpatton_rancho@sbcglobal.net
GBaker@SempraUtilities.com
KHassan@SempraUtilities.com
JYamagata@SempraUtilities.com
lflores@americanInsul.com
sundnr2@sbcglobal.net
abrice@rhainc.com
pk@utilitycostmanagement.com
jmann@pmelaw.com
ben@renaissanceinc.net
gredican@caasm.org
wparker@baprc.com
kwz@cpuc.ca.gov

akbar.jazayeri@sce.com
Case.Admin@sce.com
parkhijf@sce.com
jeannie.harrell@sce.com
Jennifer.Shigekawa@sce.com
john.fasana@sce.com
larry.cope@sce.com
pete.zanzot@sce.com
roberto.delreal@sce.com
markmcnulty@sbcglobal.net
ywhiting@cox.net
jjensen@rhainc.com
CentralFiles@SempraUtilities.com
LSchavrien@SempraUtilities.com
YVazquez@SempraUtilities.com
bautistafaith@yahoo.com
jnewc@capsbc.sbcounty.gov
mjuarez@capriverside.org
bill.belansky@mascoocs.com
r-l-shaw@msn.com
jmcnamara@eocslo.org
eadams.assert@verizon.net
hhuerta@rhainc.com
joe@rhainc.com
klucero@rhainc.com
vtvgeneral@aol.com
mjwtms@calwes.com
or10sia@aol.com

rhd@cpuc.ca.gov
hayley@turn.org
dfc2@pge.com
jwwd@pge.com
irene@igc.org
cjn3@pge.com
ralf1241a@cs.com
davidclark@synergycompanies.org
julieenergyeff@aol.com
robertg@greenlining.org
samuelk@greenlining.org
pucservice@dralegal.org
pucservice@dralegal.org
darmanino@co.marin.ca.us
sebesq@comcast.net
phofmn@aol.com
mike@alpinenaturalgas.com
steve.heim@mascoocs.com
billjulian@sbcglobal.net
carolyncox2@sbcglobal.net
glw@eslawfirm.com
hodgesjl@surewest.net
westgas@aol.com
lperez@cresource.org
cristalfour@aol.com
sberg@shhip.org
michelle.mishoe@pacificcorp.com
tciardella@nvenergy.com
zfranklin@gridalternatives.org
GloriaB@anzaelectric.org
sesco@optonline.net
jmeyers@naima.org
dm@getwise.org
chilen@sppc.com
tdillard@sppc.com
SDPatrick@SempraUtilities.com
Senpolanco22@aol.com
ron@relenergy.com
Jose.atilio@gmail.com
sheila.lee@sce.com
wallis@winegardenergy.com
wallis@winegardenergy.com
pssed@adelphia.net
dstephenson@amwater.com
jim@rhainc.com
pamela@rhainc.com
sberg@shhip.org
jnelson@psrec.coop
Dbjornskov@peci.org
grover@portland.econw.com
grover@portland.econw.com

ann.kelly@sfgov.org
bruce.foster@sce.com
dlw@cpuc.ca.gov
jeanne.sole@sfgov.org
lettenson@nrdc.org
BVT2@pge.com
bjsv@pge.com
cmb3@pge.com
KMMV@pge.com
lcf2@pge.com
lhj2@pge.com
MEWR@pge.com
CPUCCases@pge.com
SRH1@pge.com
ttn7@pge.com
steven@sfpower.org
jscancarelli@crowell.com
cem@newsdata.com
sara@solaralliance.org
bkc7@pge.com
regrelcpuccases@pge.com
mjob@pge.com
jldezell@yahoo.com
barbara@rhainc.com
Ralf1241a@CS.com
shallenbgr@aol.com
flt2@pge.com
rick_noger@praxair.com
zzeria@aol.com
sbeserra@sbcglobal.net
alex.kang@itron.com
jody_london_consulting@earthlink.net
cpucdockets@keyesandfox.com
stephaniec@greenlining.org
knotsund@berkeley.edu
michele@boggis.com
mary.tucker@sanjoseca.gov
dwmoir@westernappliance.com
stephanie.borba@mascoocs.com
tomk@mid.org
bobho@mid.org
joyw@mid.org
rmccann@umich.edu
demorse@omsoft.com
wamer@kirkwood.com
rbicker@caanet.org
bernardo@braunlegal.com
sheila@wma.org
deden@energy.state.ca.us
jig@eslawfirm.com
jwimbley@csd.ca.gov

Sami.Khawaja@cadmusgroup.com
Marisa.Decristoforo@PacifiCorp.com
californiadockets@pacificorp.com
davesullivan_71@msn.com
michael@awish.net

vsj@cpuc.ca.gov
ayo@cpuc.ca.gov
atr@cpuc.ca.gov
do2@cpuc.ca.gov
hym@cpuc.ca.gov
hcf@cpuc.ca.gov
joc@cpuc.ca.gov
je3@cpuc.ca.gov
khy@cpuc.ca.gov
kk2@cpuc.ca.gov
mcl@cpuc.ca.gov
mwt@cpuc.ca.gov
mla@cpuc.ca.gov
mvc@cpuc.ca.gov
jpn@cpuc.ca.gov
rhh@cpuc.ca.gov
gig@cpuc.ca.gov
leh@cpuc.ca.gov
sbs@cpuc.ca.gov
ssr@cpuc.ca.gov
tmr@cpuc.ca.gov
tnf@cpuc.ca.gov
zca@cpuc.ca.gov
kev@cpuc.ca.gov