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Subject: Notice to parties- Non DEER Ex Ante Case Management Statement

Dear Parties to A.08-07-021, A.08-07-022, A.08-07-023, and A.08-07-031:

On Friday, January 28, 2011, a public meeting was held to discuss outstanding non-agreements on Energy Division's Non-DEER workpapers ex ante values reviews and Custom Applications Ex Ante Values Review Process. The goal of this meeting is to produce a report to ALJ Gamson identifying areas of agreement and disagreements. At this meeting the utilities suggested using the Case Management Statement (CMS) format to report to ALJ Gamson. The CMS provides a means for parties to state their positions on items of agreement and disagreements. ALJ Gamson agreed to the CMS format when Energy Division presented him the suggestion.

For the Case Management Statement Report, ALJ Gamson provided the below guidance:

1. In an Appendix, tables with HIM workpapers should be structured with the following elements:
 - A. A table showing the HIM workpapers where there is consensus
 - B. A table showing HIM non-consensus workpapers with the ED position from the October 29, 2010 ALJ Ruling seeking comments on the ED proposal AND the positions of any party with a position on these workpapers (both pro and con). For Example: DRA agrees with the ED position on X workpaper; the utilities' position on X workpaper is ---.
 - C. If there are any changes in ED position from the previous Ruling where there is not consensus, this should not be noted unless it is supported by at least one party.

2. The write up in the report for HIM workpapers should discuss the rationale for each area of disagreement, from the perspective of the party sponsoring the view, not ED. However, if a party

supports the ED position from the October 29, 2010 Ruling, that party can simply reference previous comments to that effect or state that it agrees with the rationale put forth by ED in the document attached to the Ruling.

3. There should be an Appendix with the custom review process. If the ED proposed custom review process differs from that proposed for comment in the October 29, 2010 Ruling, there needs to be party support for the new ED position. If the overall revised ED recommended custom process is sponsored by one or more parties, it can be considered as a whole. If the revised custom process advocated by ED does not have any party sponsors, there would need to be some process to put this in the record or it cannot be considered. As with HIM, all alternatives (full or partial) sponsored by parties should have their rationale explained in the write up.

4. The case management statement report should be filed either (a) by one party, with a declaration from any other party that wishes to associate itself with it (including dissenting opinions), or (b) jointly by all sponsoring parties. In either case, all parties on the service list should be given an opportunity to either associate itself with the report, or provide input to revise the report before it is filed. ALJ Gamson does not want to have any party to say later that it either was not brought into the process or that any disagreements were not noted. If the report is handled this way, there will be no need for further comment.

5. Filing party(ies) will file a Motion seeking the right to file the report along with the CMS report.

ALJ Gamson asked ED to provide the above information to all parties, and that he would be happy to speak to selected representatives of parties to clear any of this up, or to have a conference call open to all parties if necessary.

Energy Division posted the Case Management Statement Report template that lists the items of agreement and disagreement. If you wish to state a position in any of the items, simply type in your position under the particular item in the document, and upload the entire document to the ED Public Documents Area by close of business day on February 10, 2011. **Please keep your positions concise and to the point (Keeping it within one to two paragraphs is appreciated).** There is no need to restate what is all ready in a utility workpaper. Energy Division will collate the parties' position into one master Case Management Statement Report. This master copy will be posted for parties to review. Upon review, parties should provide by email to Energy Division staff, Peter Lai at peter.lai@cpuc.ca.gov, a declaration stating whether the party wishes to associate itself with the said statement report (including dissenting opinions), and whether it wishes to sponsor the report.

To download the Case Management Statement Report document for entering party position:

- Click on the following link: <http://www.energydataweb.com/cpuc/>
- Click on "Create an account" (if you do not have one)

- Fill in the "Registration Form"
- Under topics, subscribe to "2010-12 Custom Applications/Projects Review Process"
- Click on "2010-12 Custom Applications/Projects Review Process" after it appears under the "My Topics" area
- Click on the links for "Case Management Statement Ex Ante Values V1" to open or save the document

To upload the party positions document:

- Click on the following link: <http://www.energydataweb.com/cpuc/>
- Log in using you account ID
- Click on "_2010-12 Custom Applications/Projects Review Process" topic
- Click on "View/Add" next to "Case Management Statement Ex Ante Values V1"
- Click the "Add a Comment or Question" button
- DO NOT enter any comments here, but only upload your position document.

Schedule:

February 10, 2011: Parties to upload their positions document on to ED's Public Documents Area by close of business day.

February 14, 2011: ED posts, by close of business day, on the Public Documents Area the collated master Case Management Statement Report with the parties positions.

February 16, 2011: Parties will email, by close of business day, a declaration to ED staff stating whether party will be associate with report or not, and if they wish to sponsor the report.

February 18, 2011: Sponsoring party (or parties) will file a motion to submit the Case Management Statement Report to ALJ Gamson.

Questions

Questions regarding this should be directed to Peter Lai of the CPUC Energy Division at ppl@cpuc.ca.gov.

Thank you,

Peter Lai

Energy Division