

**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.

R.07-05-025
(Filed May 24, 2007)

**MOTION OF THE
ALLIANCE FOR RETAIL ENERGY MARKETS, RETAIL ENERGY SUPPLY
ASSOCIATION AND DIRECT ACCESS CUSTOMER COALITION
REQUESTING STATUS REPORT ON DIRECT ACCESS IMPLEMENTATION**

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Date: April 20, 2011

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Pursuant to Rule 11.1 of the Commission’s Rules of Practice and Procedure, the Alliance for Retail Energy Markets (“AReM”),¹ Retail Energy Supply Association (“RESA”),² and Direct Access Customer Coalition (“DACC”)³ (collectively, “Joint Parties”) submit this motion requesting a status report on direct access implementation in accordance with Decision (“D”) 10-03-022, that set forth the rules for the transitional reopening of direct access provided for in Senate Bill 695, signed into law on October 11, 2009. Specifically, the Joint Parties request that the Commission direct the Energy Division to provide a report on the results to date for direct access six-month switching notices submitted in 2010 for Phase 2 service to begin in January 2011 and for six-month switching notices submitted in 2011 for Phase 3 service to begin in January 2012. Also, to the extent not provided on the Commission website, the Joint Parties

¹ AReM is a California non-profit mutual benefit corporation formed by electric service providers that are active in the California’s direct access market. This filing represents the position of AReM, but not necessarily that of a particular member or any affiliates of its members with respect to the issues addressed herein.

² RESA’s members include: Champion Energy Services, LLC; ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant Energy Northeast LLC and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

³ DACC is a regulatory alliance of education, commercial and industrial customers that utilize direct access for all or a portion of their electricity requirements.

request specific information with respect to submissions of Direct Access Service Requests (“DASRs”) for Phase 2, as described below.

The Joint Parties note that the requested information should be readily available to Energy Division Staff, considering that the time period for DASR enrollments for Phase 2 has concluded and the time period for the Investor -Owned Utilities (“IOUs”) to respond to the six - month switching notices for Phase 3 has also concluded. On August 2, 2010, the Energy Division produced a report that that provided precisely this same information relative to the Phase 1 results, so this request for an updated status report should not be burdensome. Accordingly, the Joint Parties respectfully request that the status report be provided within 30 days.

I. BACKGROUND

On June 4, 2010, the California Alliance for Choice in Energy Solutions (“CACES”) and AReM submitted a motion requesting that the Commission direct the IOUs to submit reports on the Notice of Intent (“NOI”) process for Phase 1 (2010) and utility compliance with D.10-03-022 (“Motion”). In response to the Motion, on June 23, 2010, the Assigned Commissioner directed “Energy Division to produce a status report on its internal review of utility compliance.”⁴ Energy Division provided the report on July 16, 2010 and updated it on August 2, 2010 (“2010 Report”).⁵ The 2010 Report included an analysis of the IOUs’ process, quantified the extent of the over-subscription and concluded that the IOUs were compliant with D.10-03-022. The Joint Parties are requesting a similar report with respect to Phase 2 and Phase 3 to ensure continued compliance with the first come/first service requirements of D.10-03-022, provide information

⁴ See *Assigned Commissioner’s Ruling Denying Motion Requiring Utility Report and Directing Production of Energy Division Report*, R.07-05-025, June 23, 2010, p. 1.

⁵ *Status Report on the Results of Energy Division’s Review of the Utilities’ Senate Bill 695 Implementation for 2010 Per D.10-03-022*, R.07-05-025, July 16, 2010 and updated August 2, 2010.

needed to determine whether and how enrollment processes can be improved in the future, and inform the public about the demand for retail choice.

II. SPECIFIC INFORMATION REQUESTED

At present, there is little public information regarding the results of the six-month switching notice process for Phases 2 and 3 or on the enrollment process for Phase 2.⁶ The Joint Parties are not requesting an audit of the IOUs’ process for direct access implementation, as was included in the 2010 Report. Rather, the Joint Parties request that the Energy Division provide a table of results, similar to the tables provided in the 2010 Report,⁷ documenting for each IOU for Phase 2 and Phase 3 the number of customers submitting six month switching notices , the load associated with those submissions, the number of customers and the associated load that was rejected, and confirmation of the amount of time it took to fill the cap. To assist, we provide a sample table, modified from the tables provided in 2010 Report, showing the specific six-month switching notice data requested for Phases 2 and 3.

Sample Table of Requested Six-Month Switching Notice Information for Each Phase

	Accepted Customers (#)	Accepted Load (MW)	Rejected Customers (#)	Rejected Load (MW)	Elapsed time until Cap was Filled
PG&E					
SCE					
SDG&E					

In addition, because of the timeframe for completion of the processing of DASR enrollments of new direct access customers for 20 11 (Phase 2) , the Joint Parties request a summary of that data as well. As noted above, there have been no updates to the Commission

⁶ The CPUC posts cu rrent levels of direct access participation on its web site. The most recent report, however, is dated January 15, 2011, and reflects direct access statistics only through December 31, 2010.

⁷ Energy Division August 2010 report, *loc. cit.*, pp. 2 and 3.

website with respect to direct access data in each IOU territory since December 2010. Therefore, Joint Parties are providing a sample table indicating the specific enrollment data we are requesting for Phase 2.

Sample Table of Requested Enrollment Information for Phase 2

	Accepted Customers (#)	Accepted Load (MW)	Enrolled Customers (#)	Enrolled Load (MW)	Cap Filled for 2011 (yes or no)
PG&E					
SCE					
SDG&E					

III. CONCLUSION

As described above, the Joint Parties respectfully request the Commission to direct the Energy Division to provide a status report regarding direct access implementation for Phase 2 and Phase 3, in accordance with D.10-03-022. This status report is necessary to ensure continued compliance with the first come/first service requirements of D.10-03-022, support needed process improvements going forward, and inform the public about demand for retail choice. The Joint Parties further request that the status report be provided within 30 days.

Respectfully submitted,

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Date: April 20, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of *Motion of the Alliance for Retail Energy Markets, Retail Energy Supply Association and Direct Access Customer Coalition Requesting Status Report on Direct Access Implementation* on all parties of record in **R.07-05-025** by serving an electronic copy on their e-mail addresses of record and, for those parties without an e-mail address of record, by mailing a properly addressed copy by first-class mail with postage prepaid to each party on the Commission's official service list for this proceeding.

This Certificate of Service is executed on April 20, 2011 at Redwood City, California.

/s/ Susan J. Mara

SUSAN J. MARA

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL – R.07-05-025

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