

From: Michael E Boyd

Sent: 1/13/2012 5:06:49 PM

keith.mccrea@sablaw.com (keith.mccrea@sablaw.com);  
DAKing@SempraUtilities.com (DAKing@SempraUtilities.com);  
mparsons@mwdh2o.com (mparsons@mwdh2o.com); jimross@r-c-s-inc.com  
(jimross@r-c-s-inc.com); chilen@sppc.com (chilen@sppc.com);  
hchoy@isd.co.la.ca.us (hchoy@isd.co.la.ca.us); toms@i-cpg.com (toms@i-  
cpg.com); todil@mckennalong.com (todil@mckennalong.com);  
garson\_knapp@fpl.com (garson\_knapp@fpl.com); roger@berlinerlawpllc.com  
(roger@berlinerlawpllc.com); case.admin@sce.com (case.admin@sce.com);  
DAKing@SempraGeneration.com (DAKing@SempraGeneration.com);  
mmazur@3PhasesRenewables.com (mmazur@3PhasesRenewables.com);  
fortlieb@sandiego.gov (fortlieb@sandiego.gov); gbass@noblesolutions.com  
(gbass@noblesolutions.com); rkmoore@gswater.com (rkmoore@gswater.com);  
TRoberts@SempraUtilities.com (TRoberts@SempraUtilities.com);  
KMelville@SempraUtilities.com (KMelville@SempraUtilities.com);  
To: allwazeready@aol.com (allwazeready@aol.com); DGarber@SempraUtilities.com  
(DGarber@SempraUtilities.com); amber.wyatt@sce.com (amber.wyatt@sce.com);  
nwhang@manatt.com (nwhang@manatt.com); GBaker@semprautilities.com  
(GBaker@semprautilities.com); beth.fox@sce.com (beth.fox@sce.com);  
bdelamer@capstoneturbine.com (bdelamer@capstoneturbine.com);  
annette.gilliam@sce.com (annette.gilliam@sce.com); Cherry, Brian K  
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7); ssmyers@att.net  
(ssmyers@att.net); edwardoneill@dwt.com (edwardoneill@dwt.com); nes@a-  
klaw.com (nes@a-klaw.com); jeanne.sole@sfgov.org (jeanne.sole@sfgov.org);  
cneedham@edisonmission.com (cneedham@edisonmission.com);  
jsqueri@goodinmacbride.com (jsqueri@goodinmacbride.com); filings@a-klaw.com  
(filings@a-klaw.com); bfinkelstein@turn.org (bfinkelstein@turn.org);  
bcragg@goodinmacbride.com (bcragg@goodinmacbride.com);  
GloriaB@anzaelectric.org (GloriaB@anzaelectric.org); Huffman, Mark (Law)  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=MRH2);  
mdjoseph@adamsbroadwell.com (mdjoseph@adamsbroadwell.com);  
andrea.morrison@directenergy.com (andrea.morrison@directenergy.com);  
jkarp@winston.com (jkarp@winston.com); stevegreenwald@dwt.com  
(stevegreenwald@dwt.com); kowalewskia@calpine.com  
(kowalewskia@calpine.com); lcottle@winston.com (lcottle@winston.com);  
mshames@ucan.org (mshames@ucan.org); jarmstrong@gmssr.com  
(jarmstrong@gmssr.com); jeffreygray@dwt.com (jeffreygray@dwt.com);  
WKeilani@SempraUtilities.com (WKeilani@SempraUtilities.com);  
edd@cpuc.ca.gov (edd@cpuc.ca.gov); Post, Jennifer (Law)  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=JLKm);  
michael.hindus@pillsburylaw.com (michael.hindus@pillsburylaw.com);  
ayk@cpuc.ca.gov (ayk@cpuc.ca.gov); lschavrien@semprautilities.com  
(lschavrien@semprautilities.com); agrimaldi@mckennalong.com  
(agrimaldi@mckennalong.com); sleeper@manatt.com (sleeper@manatt.com);

armi@smwlaw.com (armi@smwlaw.com); mecsoft@pacbell.net  
(mecsoft@pacbell.net); bpowers@powersengineering.com  
(bpowers@powersengineering.com); RegRelCPUCCases  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=RegRelCPUCCases);  
irene.stillings@energycenter.org (irene.stillings@energycenter.org);  
lmh@eslawfirm.com (lmh@eslawfirm.com); joyw@mid.org (joyw@mid.org);  
Cynthiakmitchell@gmail.com (Cynthiakmitchell@gmail.com);  
brbarkovich@earthlink.net (brbarkovich@earthlink.net); nlong@nrdc.org  
(nlong@nrdc.org); mpa@a-klaw.com (mpa@a-klaw.com); jweil@aglet.org  
(jweil@aglet.org); Laura.Genao@sce.com (Laura.Genao@sce.com);  
glw@eslawfirm.com (glw@eslawfirm.com);  
Jennifer.Barnes@Navigantconsulting.com  
(Jennifer.Barnes@Navigantconsulting.com); mrw@mrwassoc.com  
(mrw@mrwassoc.com); elvine@lbl.gov (elvine@lbl.gov);  
clyde.murley@comcast.net (clyde.murley@comcast.net);  
johnredding@earthlink.net (johnredding@earthlink.net);  
michaelboyd@sbcglobal.net (michaelboyd@sbcglobal.net); gmorris@emf.net  
(gmorris@emf.net); rick\_noger@praxair.com (rick\_noger@praxair.com);  
dsaul@pacificsolar.net (dsaul@pacificsolar.net); abb@eslawfirm.com  
(abb@eslawfirm.com); dkk@eslawfirm.com (dkk@eslawfirm.com);  
npedersen@hanmor.com (npedersen@hanmor.com); tomb@crossborderenergy.com  
(tomb@crossborderenergy.com); rschmidt@bartlewells.com  
(rschmidt@bartlewells.com); davidmorse9@gmail.com (davidmorse9@gmail.com);  
Winn, Valerie J (/O=PG&E/OU=Corporate/cn=Recipients/cn=VJW3);  
atrowbridge@daycartermurphy.com (atrowbridge@daycartermurphy.com);  
ron.cerniglia@directenergy.com (ron.cerniglia@directenergy.com);  
Diane.Fellman@nrgenergy.com (Diane.Fellman@nrgenergy.com); dws@r-c-s-  
inc.com (dws@r-c-s-inc.com); sberlin@mccarthy.com  
(sberlin@mccarthy.com); Halverson, Shaun E  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=SEHc); cpacc@calpine.com  
(cpacc@calpine.com); mary.wiencke@pacificcorp.com  
(mary.wiencke@pacificcorp.com); janice@strategenconsulting.com  
(janice@strategenconsulting.com); beth@beth411.com (beth@beth411.com);  
ramonag@ebmud.com (ramonag@ebmud.com); dcarroll@downeybrand.com  
(dcarroll@downeybrand.com); bmcc@mccarthy.com  
(bmcc@mccarthy.com); RPrince@SempraUtilities.com  
(RPrince@SempraUtilities.com); william.tomlinson@elpaso.com  
(william.tomlinson@elpaso.com); carol.schmidfrazee@sce.com  
(carol.schmidfrazee@sce.com); michael.yuffee@hoganlovells.com  
(michael.yuffee@hoganlovells.com); pucservice@manatt.com  
(pucservice@manatt.com); grosenblum@caiso.com (grosenblum@caiso.com);  
dkates@sonic.net (dkates@sonic.net); ccasselmann@pilotpowergroup.com  
(ccasselmann@pilotpowergroup.com); tciardella@nvenenergy.com  
(tciardella@nvenenergy.com); tomk@mid.org (tomk@mid.org); eric@strategy.com  
(eric@strategy.com); luta1@bp.com (luta1@bp.com); sarveybob@aol.com  
(sarveybob@aol.com); andrew.dalton@valero.com (andrew.dalton@valero.com);

kporter@ExeterAssociates.com (kporter@ExeterAssociates.com);  
cmlong@earthlink.net (cmlong@earthlink.net); carlo.zorzoli@enel.it  
(carlo.zorzoli@enel.it); dmcfarian@mwgen.com (dmcfarian@mwgen.com);  
frank.cooley@sce.com (frank.cooley@sce.com); pcmcdonnell@earthlink.net  
(pcmcdonnell@earthlink.net); brianhaney@useconsulting.com  
(brianhaney@useconsulting.com); Dick@DavisHydro.com  
(Dick@DavisHydro.com); gabriellilaw@sbcglobal.net  
(gabriellilaw@sbcglobal.net); sdavis@ccap.org (sdavis@ccap.org);  
kjk@kjkammerer.com (kjk@kjkammerer.com); sdhilton@stoel.com  
(sdhilton@stoel.com); bill@jbsenergy.com (bill@jbsenergy.com); dwood8@cox.net  
(dwood8@cox.net); CentralFiles@SempraUtilities.com  
(CentralFiles@SempraUtilities.com); craigtyler@comcast.net  
(craigtyler@comcast.net); norman.furuta@navy.mil (norman.furuta@navy.mil);  
jennifer.porter@energycenter.org (jennifer.porter@energycenter.org);  
cem@newsdata.com (cem@newsdata.com); aliddell@icfi.com (aliddell@icfi.com);  
lisa\_weinzimer@platts.com (lisa\_weinzimer@platts.com); whb@a-klaw.com  
(whb@a-klaw.com); dhuard@manatt.com (dhuard@manatt.com);  
janreid@coastecon.com (janreid@coastecon.com); Middlekauff, Charles (Law)  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=CRMd); Dan.adler@calcef.org  
(Dan.adler@calcef.org); Lucha, Ed  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=ELL5);  
DNiehaus@SempraUtilities.com (DNiehaus@SempraUtilities.com);  
andy.vanhorn@vhcenergy.com (andy.vanhorn@vhcenergy.com);  
dgrandy@caonsitegen.com (dgrandy@caonsitegen.com); mramirez@sflower.org  
(mramirez@sflower.org); CPUCCases@pge.com (CPUCCases@pge.com); ek@a-  
klaw.com (ek@a-klaw.com); Livingston-Nunley, Grace  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=GXL2); keithwhite@earthlink.net  
(keithwhite@earthlink.net); jscancarelli@crowell.com (jscancarelli@crowell.com);  
ceyap@earthlink.net (ceyap@earthlink.net); dmarcus2@sbcglobal.net  
(dmarcus2@sbcglobal.net); Service@spurr.org (Service@spurr.org);  
jbloom@winston.com (jbloom@winston.com); philm@scdenergy.com  
(philm@scdenergy.com); robertgex@dwt.com (robertgex@dwt.com);  
brflynn@flynnrci.com (brflynn@flynnrci.com); ecrem@ix.netcom.com  
(ecrem@ix.netcom.com); mike.montoya@sce.com (mike.montoya@sce.com);  
Gandesbery, Mary (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=MAGq);  
Gideon, Patricia C (/O=PG&E/OU=Corporate/cn=Recipients/cn=PCG8);  
tcorr@sempraglobal.com (tcorr@sempraglobal.com); Reid, Alice L (Law)  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=ALR4); Sastry, Soumya  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=SVS6); Harris, Andrew L  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=ALHo); philha@astound.net  
(philha@astound.net); DAKinports@semprautilities.com  
(DAKinports@semprautilities.com); wesley.spowhn@pillsburylaw.com  
(wesley.spowhn@pillsburylaw.com); rcounihan@enernoc.com  
(rcounihan@enernoc.com); cbaskette@enernoc.com (cbaskette@enernoc.com);  
kmkiener@cox.net (kmkiener@cox.net); garyi@enxco.com (garyi@enxco.com);  
lkostrzewa@edisonmission.com (lkostrzewa@edisonmission.com);

k.abreu@sbcglobal.net (k.abreu@sbcglobal.net); pherrington@edisonmission.com (pherrington@edisonmission.com); ctoca@utility-savings.com (ctoca@utility-savings.com); knotsund@berkeley.edu (knotsund@berkeley.edu); rantonopoulos@calpine.com (rantonopoulos@calpine.com); rhwiser@lbl.gov (rhwiser@lbl.gov); sia2@pwrval.com (sia2@pwrval.com); ddowers@sfwater.org (ddowers@sfwater.org); loudenj@co.kern.ca.us (loudenj@co.kern.ca.us); tim.hemig@nrgenergy.com (tim.hemig@nrgenergy.com); neburgess@sycamore.com (neburgess@sycamore.com); rhoffman@anaheim.net (rhoffman@anaheim.net); jskillman@prodigy.net (jskillman@prodigy.net); ron.dahlin@ge.com (ron.dahlin@ge.com); keith.krom@att.com (keith.krom@att.com); rru@sandag.org (rru@sandag.org); MSchmidt@SempraUtilities.com (MSchmidt@SempraUtilities.com)

Cc:

Bcc:

Subject: A.08-11-001 et al. (QF Proceedings) - ALJ Inquiry Regarding Reduction in Comment Period for Proposed Decision

## **A.08-11-001 et al. (QF Proceedings) - ALJ Inquiry Regarding Reduction in Comment Period for Proposed Decision**

Friday, January 13, 2012 5:00 PM

From:

"Michael E Boyd" <[boyd.michaele@gmail.com](mailto:boyd.michaele@gmail.com)>

[Add sender to Contacts](#)

To:

"Yip-Kikugawa, Amy C." <[amy.yip-kikugawa@cpuc.ca.gov](mailto:amy.yip-kikugawa@cpuc.ca.gov)>, "Michael Boyd" <[michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)>

Cc:

"Bob Sarvey" <[sarveybob@aol.com](mailto:sarveybob@aol.com)>, "Mary Hoffman" <[mary@solutionsforutilities.com](mailto:mary@solutionsforutilities.com)>, [Julie.Morris@iberdrolaren.com](mailto:Julie.Morris@iberdrolaren.com), [californiadockets@pacificorp.com](mailto:californiadockets@pacificorp.com), [kyle.l.davis@pacificorp.com](mailto:kyle.l.davis@pacificorp.com), [Shayleah.LaBray@Pacifcorp.Com](mailto:Shayleah.LaBray@Pacifcorp.Com), [samuel.r.sadler@state.or.us](mailto:samuel.r.sadler@state.or.us), [slewis@landsenergy.com](mailto:slewis@landsenergy.com)... more

Dear ALJ Yip-Kikugawa,

CAlifornians for Renewable Energy, Inc. (CARE) respectfully objects to reducing the comment period on the PD and also objects to closing R.04-04-003/R.04-04-025, R.06-02-013, which is beyond the relief requested in the motions as well as continuing to oppose closing A.08-11-001.

I contacted the ED on December 6, 2011 about CARE's pending litigation [see below].

According to D.11-10-016 Ordering Paragraph 4. "The Settlement Agreement Effective Date shall be when Decision 10-12-035 and this decision reach final and non-appealable status" and whether or not that applies to CARE's litigation against CPUC.

CARE apparently has an ongoing legal dispute with the ED on when this decision reach final and non-appealable status. It is not clear whether or not that is the Commission's position as well.

The relief CARE seeks is for the Commission to stay further action in regards to the purported settlement until after the court reaches its decision with "non-appealable status" rendering a decision which may; or may-not; decide to support D.11-10-016 Ordering Paragraph 4. "The Settlement Agreement Effective Date shall be when Decision 10-12-035 and this decision reach final and non-appealable status". CARE is seeking to exercise its rights to sue under the First Amendment.

Respectfully,

Michael E. Boyd President  
CALifornians for Renewable Energy, Inc.  
(CARE)  
5439 Soquel Drive  
Soquel, CA 95073  
Phone: (408) 891-9677  
E-mail: [michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)

From: Yip-Kikugawa, Amy C. <[amy.yip-kikugawa@cpuc.ca.gov](mailto:amy.yip-kikugawa@cpuc.ca.gov)>  
Subject: A.08-11-001 et al. (QF Proceedings) - ALJ Inquiry Regarding Reduction in Comment Period for Proposed Decision  
To: [hoerner@redefiningprogress.org](mailto:hoerner@redefiningprogress.org), [douglass@energyattorney.com](mailto:douglass@energyattorney.com), [klatt@energyattorney.com](mailto:klatt@energyattorney.com), ...  
Date: Friday, January 13, 2012, 12:18 PM

All,

On December 2, 2011, I received the following motions:

- Motion of Southern California Edison Company to Withdraw Claims and of Settling Parties to Close Docket [A.08-11-001]
- Motion to Withdraw Joint Petition for Modification of D.07-12-052 of Southern

California Edison Company, Pacific Gas & Electric Company, and San Diego Gas & Electric Company in R.06-02-013

- Joint Parties' Motion to Withdraw Pending Motions, Pleadings and Petition for Modification in Rulemaking 99-11-022 and to Close Docket

On December 6, 2011, I received Motion of Settling Parties to Withdraw Petitions for Modification and to Close Dockets R.04-04-003 and R.04-04-025. None of these motions have been opposed.

I am in the process of writing a proposed decision to address these motions. Since the motions are unopposed, I could waive the comment period if I were to grant the relief requested. However, in this instance, I am considering closing R.06-02-013, which is beyond the relief requested in the above motions. To allow the resolution of these motions in an expeditious manner, I am proposing to reduce the time for public review and comment to 5 business days for comments and 3 business days for reply comments. If any parties are opposed to reducing the comment period, please let me know by **Friday, January 20, 2012**.

Thank you,

Amy C. Yip-Kikugawa

Administrative Law Judge

California Public Utilities Commission

From: Michael Boyd <[michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)>  
Subject: RE: QF/CHP Program Settlement Effectiveness Date  
To: "JenniferKalafut" <[jennifer.kalafut@cpuc.ca.gov](mailto:jennifer.kalafut@cpuc.ca.gov)>  
Cc: "AndrewSchwartz" <[andrew.schwartz@cpuc.ca.gov](mailto:andrew.schwartz@cpuc.ca.gov)>  
Date: Wednesday, December 7, 2011, 7:11 PM

The Settlement isn't final until you can no longer appeal the Decision. Why is that the effective date of the settlement when the underlying Decision is part of the subject of our litigation? How can you say that Decision is final and un-appealable then? I've attached the Court's decision giving me leave to amend?

MB-CARE

--- On **Wed, 12/7/11, Kalafut, Jennifer** <[jennifer.kalafut@cpuc.ca.gov](mailto:jennifer.kalafut@cpuc.ca.gov)> wrote:

From: Kalafut, Jennifer <[jennifer.kalafut@cpuc.ca.gov](mailto:jennifer.kalafut@cpuc.ca.gov)>  
Subject: RE: QF/CHP Program Settlement Effectiveness Date  
To: "Michael Boyd" <[michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)>  
Cc: "Schwartz, Andrew" <[andrew.schwartz@cpuc.ca.gov](mailto:andrew.schwartz@cpuc.ca.gov)>  
Date: Wednesday, December 7, 2011, 1:43 PM

Mr. Boyd,

The Settlement Effective Date is not contingent upon the outcome of CARE's Federal District Court complaint.

Best,

Jennifer

**From:** Michael Boyd [mailto:[michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)]  
**Sent:** Tuesday, December 06, 2011 7:00 PM  
**To:** Kalafut, Jennifer  
**Cc:** Schwartz, Andrew  
**Subject:** Re: QF/CHP Program Settlement Effectiveness Date

How can that be the effective date when this matter is still being litigated in the US District Court?? I haven't been thrown out yet and my case against CPUC is still pending.

Michael E. Boyd President  
CALifornians for Renewable Energy, Inc.  
(CARE)  
5439 Soquel Drive  
Soquel, CA 95073  
Phone: (408) 891-9677  
E-mail: [michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)

--- On **Tue, 12/6/11, Kalafut, Jennifer** <[jennifer.kalafut@cpuc.ca.gov](mailto:jennifer.kalafut@cpuc.ca.gov)> wrote:

From: Kalafut, Jennifer <jennifer.kalafut@cpuc.ca.gov>  
Subject: QF/CHP Program Settlement Effectiveness Date  
To: hoerner@redefiningprogress.org, douglass@energyattorney.com,  
klatt@energyattorney.com, ...  
Cc: "Schwartz, Andrew" <andrew.schwartz@cpuc.ca.gov>  
Date: Tuesday, December 6, 2011, 3:00 PM

**To: All Parties of A.08-11-001**

Energy Division has received a number of inquiries concerning the QF/CHP Program Settlement Effectiveness Date (SED). Consistent with Ordering Paragraph 4 of Decision 11-10-016, the SED is November 23, 2011.

Best regards,

Jennifer Kalafut

---

Jennifer Kalafut

Energy Division

California Public Utilities Commission

Office: 415.703.1475

(415)-703-5256