

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

Order Instituting Rulemaking to Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans.

Rulemaking 12-03-014
(Filed December 16, 2010)

**RESPONSE OF TAS ENERGY TO MOTION OF SOUTHERN CALIFORNIA EDISON
TO STRIKE THE REPLY TESTIMONY OF TAS ENERGY**

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Pursuant to Rule 11.1(e) of the California Public Utilities Commission's ("Commission's") Rules of Practice and Procedure, TAS Energy ("TAS") hereby responds to the *Motion of Southern California Edison Company to Strike the Testimony of TAS Energy* ("SCE's Motion") occasioned by the *Assigned Commissioner's Ruling*, issued July 13, 2012 ("ACR").

I. THE ASSIGNED COMMISSIONER'S RULING INVITED THE TAS REPLY TESTIMONY AND THE TAS REPLY TESTIMONY IS RESPONSIVE TO THE ASSIGNED COMMISSIONER'S RULING.

The ACR observed that: "In the past, the Commission has allowed all source Request for Offers (RFOs) for incremental resources in which any type of resource could compete to fill an identified need." The ACR then asked parties to respond to the following questions in reply testimony:

- "What barriers may currently exist to ensuring effective all source RFOs?"
- "What specific performance characteristics should be accounted for in this RFO to effectively enable the participation of non-traditional resources like energy storage, demand response and distributed generation?"

- “Would the Commission need to be specific about the characteristics of the resources needed to meet the need (e.g., minimum hours of availability required to meet local reliability needs)? If so, what characteristics should the Commission require?”

The ACR went on to state: “To the extent that these issues can be addressed by responding to parties’ Opening Testimony through Reply Testimony, please do so *to the extent possible*. [Emphasis added]”¹

Along with its Reply Testimony, TAS responded to the questions posed in the ACR by filing a Motion for Party Status² that stated:

“TAS’ interest in party status in this proceeding is to file reply testimony responsive to the Assigned Commissioner’s Ruling, and not to reply to testimonies filed by other parties.” (p. 2)

The Motion for Party Status also stated:

“Concurrent with filing its Motion for Party Status, TAS served its testimony in response to the opening testimonies filed by Southern California Edison (“SCE”), by San Diego Gas & Electric (“SDG&E”), and jointly by the Alliance for Retail Energy Markets (“AReM”), the Direct Access Customer Coalition (“DACC”), and the Marin Energy Authority (“MEA”).” (p. 2).

II. THE COMMISSION SHOULD REJECT SCE’S MOTION TO STRIKE AND GRANT SCE’S ALTERNATIVE MOTION TO BE ALLOWED TO SERVE SURREBUTTAL TESTIMONY ON AUGUST 7.

SCE made no mention of the ACR in its Reply Testimony at all.³ TAS points out here, since SCE’s Motion does not, that the ACR states:

“At the hearings, Administrative Law Judge (ALJ) David Gamson and/or I may ask parties questions about these (and possibly other) issues. To the extent that Testimony, cross-examination and questions from the bench do not

¹ SCE’s Motion quotes the first half of this sentence verbatim and omits the second half that is italicized for emphasis here. SCE’s Motion also goes on to argue that the Commission should disregard the ACR completely by allowing the Scoping Memo to override the Assigned Commissioner’s obvious interest in using the ACR to encourage creation of as a robust record as possible on the subject of the questions posed in the ACR.

² No party, including SCE, has opposed the Motion for Party Status.

³ PG&E likewise made no mention of the ACR in its Reply Testimony, and nevertheless chose to file a Response supporting SCE’s Motion without reservation.

provide sufficient information on the record, I may ask Energy Division or the ALJ to schedule a workshop on these topics.”

Although SCE clearly considers the TAS Reply Testimony unhelpful, TAS respectfully disagrees, and suggests that the Assigned Commissioner may also chose to disagree – particularly if the robustness of the record is augmented by surrebuttal testimony.

III. CONCLUSION

For the reasons stated above, TAS respectfully requests that the Commission reject SCE’s Motion and grant SCE’s alternative motion to be allowed to submit surrebuttal testimony.

Respectfully submitted,



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