

Decision _____

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 March 22, 2013)
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**INTERVENOR COMPENSATION CLAIM OF L. JAN REID
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF L. JAN REID**

Claimant: L. Jan Reid	For contribution to R.12-03-014
Claimed: \$ 35,795.25	Awarded: \$
Assigned Commissioner: Florio	Assigned ALJ: Gamson
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ L. Jan Reid
Date:	Printed Name: L. Jan Reid

PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)

A. Brief Description of Decision: _____

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	April 18, 2012	
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 17, 2012	
4. Was the NOI timely filed? Yes		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:		
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):		

8. Has the Claimant demonstrated customer or customer-related status? Yes		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship? Yes		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	N/A See comment below.	
14. Date of Issuance of Final Order or Decision:	N/A	
15. File date of compensation request:	October 31, 2013	
16. Was the request for compensation timely? Yes.		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment
3	L. Jan Reid		<p>On May 17, 2012 in R.12-03-014, I filed a Public NOI, a Confidential NOI, and a Motion for Leave to File Confidential Materials Under Seal. The Confidential NOI consisted of two attachments: Attachment A, a Statement of Income and Attachment B, a Statement of Assets. Attachments A and B were for the year ending December 31, 2011.</p> <p>On June 3, 2013 in A.12-04-015 et. al., I filed a Public Compensation Claim, a Confidential Compensation Claim, a Motion for Leave to File Confidential Materials Under Seal. The Confidential Compensation Claim consisted of two attachments: Attachment A, a Statement of Income and Attachment B, a Statement of Assets. Attachments A and B were for the year ending December 31, 2012.</p> <p>The Commission has not acted on either the motions, the Compensation Claims, or the NOIs.</p>
13	L. Jan Reid		<p>A final decision closing proceeding R.12-03-014 has not been issued. Therefore, the request is timely pursuant to Public Utilities Code § 1804(c).</p>

16	L. Jan Reid	<p>This request is timely under PU Code §1804(c) because of a standard previously established in D.11-03-019. In its decision on a compensation request filed by Reid, the Commission stated that: (D.11-03-019, slip op. at 6)</p> <p>“Reid filed his request for compensation on September 16, 2010. Considering that PRG and cost allocation mechanism group (CAMG) activities are ongoing and we have not established time-lines for requesting intervenor compensation for this work, we find this request timely.”</p> <p>The Commission should apply the same standard to the instant request by finding that Reid’s request is timely under PU Code §1804(c).</p>
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PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059). (For each contribution, support with specific reference to the record.)

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
1. PRG and CAM Groups	<p>Reid claims compensation for his participation in Pacific Gas and Electric Company’s (PG&E’s) Procurement Review Group (PRG) and PG&E’s Cost Allocation Mechanism (CAM) group for the period October 1, 2011 to September 30, 2013.</p> <p>Reid made a substantial contribution to the PRG and CAM process during the period reflected in the request through unique analysis, perspective or work product, and through specific expertise or skills.</p> <p>The Commission has previously stated that: (D.11-03-019, slip op. at 7)</p> <p>“D.07-11-024 clarifies what information intervenors need to provide when they request compensation for participation in PRGs. That decision directed intervenors to explain the types of programs, policies, practices or documents reviewed in connection with its PRG work and how that work</p>	

	<p>contributed to an outcome that benefited ratepayers. The intervenors should address how their work added value to the review or advisory process because of the intervenor’s unique analysis, perspective or work product or because of specific expertise or skills of the intervenor. The intervenor should also demonstrate reasonable collaboration with other group members to minimize the duplication of effort.”</p> <p>I address the requirements of D.07-11-024 in Attachment B of the instant pleading.</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: DRA and TURN.		
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>Reid collaborated with a number of PRG members during the period from October 2011 through September 2013. Reid had private meetings or teleconferences with the following individuals: Marcel Howiger of TURN; Fred Mobasheri, consultant for DRA; Independent Evaluators Lewis Hashimoto and Wayne Oliver; Kevin Woodruff, consultant for TURN; and Brian Stevens of the Energy Division.</p> <p>Although Reid does not seek compensation for all of these communications, they indicate reasonable collaboration with other PRG members.</p>		

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p> <p>My participation in PG&E’s PRG allowed me to identify issues in advance of an application and to focus on disputed cases that I believed were the highest priority for ratepayers. Ratepayers benefited because I was able to resolve many issues in the PRG process, thereby reducing the amount of protracted and expensive litigation.</p> <p>San Diego Gas & Electric Company (SDG&E) has pointed out: (R.06-02-013, Reply Comments of San Diego Gas & Electric Company On Proposed Decision Regarding Intervenor Compensation Related to Procurement Review Groups, Peer Review Groups and Public Advisory Groups, June 25, 2007, p. 2.)</p> <p>“Although the PRGs and PAGs are advisory in nature, they have greatly minimized potential litigation and contention in advance of filings being made because of the opportunity to confer at an early stage and on an ongoing basis.”</p> <p>PG&E has withdrawn or modified numerous proposals as a result of Reid’s participation in the PRG process, thereby saving ratepayers millions of dollars. At a public workshop on June 11, 2007, Sandra Burns of PG&E pointed out that PG&E considered certain transactions, but decided against executing them after consultation with its PRG.</p> <p>Discovery in the PRG setting is more efficient than discovery conducted in a formal proceeding. In the PRG process, PG&E often provides requested data within 48 hours. There has been no instance where PG&E has refused to furnish information to Reid. In a formal application, this is not always the case. Utilities may take up to two weeks to respond to discovery requests and can object, refuse to answer, or provide incomplete answers to discovery questions. Because discovery in the PRG process is more efficient than discovery in a formal proceeding, Reid was able to reduce ratepayer costs when he participated in a subsequent formal proceeding.</p>	<p>CPUC Verified</p>
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In 2002, the Commission found that: (D.02-10-062, Finding of Fact 28, slip op. at 72)

“Participation in the procurement review group makes a significant contribution to effective implementation of this decision and parties eligible to receive intervenor compensation awards in this proceeding should be eligible to seek compensation for their work in these groups and in the on-going review of procurement advice letters and expedited applications.”

My contract analysis in the PRG process allowed me to determine whether I would formally protest subsequent application and advice letter filings. During the period covered by this pleading, I reviewed three advice letters: AL3402-G, AL4107, and AL4155. Based upon my review and analysis, I decided not to protest these PG&E advice letters.

Reid’s PRG participation saved ratepayers the cost of participation in the procedural process for the above-cited advice letters. Reid contributed to the proceeding in a manner that was productive and will result in benefits to ratepayers that exceed the costs of participation.

The Commission can safely find that the participation of Reid in this proceeding was productive. Overall, the benefits of Reid’s contributions to The PRG and CAM process justify compensation in the amount requested.

b. Reasonableness of Hours Claimed.

All of Reid’s work in this proceeding was performed by L. Jan Reid. Thus, no unnecessary internal duplication took place.

In this pleading, Reid requests compensation in the total amount of \$35,795.25 for time reasonably devoted to PG&E’s PRG and CAM group. A more detailed breakdown of the time devoted to this proceeding by Reid is provided in Attachment A to this pleading.

Reid’s work was performed efficiently. L. Jan Reid is a former Commission employee who has testified on many occasions on issues such as long term procurement plans, renewables procurement, cost-of-capital, utility finance, and electricity and natural gas procurement issues.

Daily listings of the specific tasks performed by Reid in connection with this proceeding are available in Attachment A to this pleading. The cost listings demonstrate that the hours claimed are reasonable given the scope and timeframe of this part of the instant rulemaking.

No compensation for administrative time is requested, in accordance with Commission practice. (D.99-06-002, discussion, slip op. at 8-10). I understand that the Commission may audit my books and records to the extent necessary to verify the basis for any award, pursuant to PU Code §1804(d).

<p>c. Allocation of Hours by Issue</p> <p>Due to the confidential nature of the PRG and CAM groups, the Commission does not require intervenors to allocate hours by issue. The Commission has previously stated:</p> <p>“Compensation requests need not publicly disclose confidential information.” (D.07-11-024, slip op. at 6)</p> <p>“The intervenor must determine what information it can or will provide to support its request.” (D.07-11-024, slip op. at 7-8)</p>	
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B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
[Attorney 1]								
[Attorney 2]								
L. Jan Reid, Expert and Advocate	2011	28.8	200	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	5,760			
L. Jan Reid, Expert and Advocate	2012	72.4	200	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	14,480			
L. Jan Reid, Expert and Advocate	2013	70.1	215	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	15,071.50			
Subtotal: \$ 35,311.50						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
[Person 1]								
[Person 2]								
Subtotal: \$						Subtotal: \$		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Jan Reid	2013	4.5	107.50	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	483.75			
[Preparer 2]								
Subtotal: \$ 483.75						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
TOTAL REQUEST: \$ 35,795.25						TOTAL AWARD: \$		
<p>When entering items, type over bracketed text; add additional rows as necessary. *If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale. **Travel and Reasonable Claim preparation time are compensated at ½ of preparer's normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR ¹		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		

C. Attachments Documenting Specific Claim and Comments on Part III (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Attachment A, A daily listing of the work performed by Reid.
3	Attachment B, The Requirements of D.07-11-024
4	<p>Reid Hourly Rate</p> <p>Reid requests that the Commission authorize an hourly rate of \$200 for L. Jan Reid for 2011 and 2012 professional work, and \$215 for 2013 professional work. Reid also requests an hourly rate for L. Jan Reid of \$100 for 2011-2012 compensatory time, and \$107.50 for 2013 compensatory time.</p>

¹ This information may be obtained at: <http://www.calbar.ca.gov/>.

	<p>The Commission has previously awarded Reid compensation for 2010 professional work at a rate of \$185 per hour. (D.12-06-011, Appendix) Intervenor compensation rates for experts are separated into three tiers based on experience. The tiers are Tier I (0-6 years), Tier II (7-12 years), and Tier III (13 years and over). (See Resolution ALJ-281, slip op. at 5)</p> <p>Reid now has 15 full years of experience (1998-2013). Thus, Reid moved from Tier II to Tier III in 2011 after Reid had 13 years of experience. The Commission has provided that intervenors will receive two step increases of 5% within each tier, rounded up to the nearest \$5 increment. (Resolution ALJ-281, Ordering Paragraph 2, slip op. at 7; and D.08-04-010, slip op. at 11-13) The Commission has also adopted two cost of living adjustments (COLAs): a 2.2% COLA for 2012 (See Resolution ALJ-281, slip op. at 1.) and a 2.0% COLA for 2013 (See Resolution ALJ-287, slip op. at 1).</p> <p>Thus, Reid should receive two increases for calendar year 2012: a 5% step increase and a 2.2% Cost of Living Adjustment. Five percent of Reid's 2010 rate (\$185) is \$9.25, which rounds to an hourly increase of \$10 for a total rate of \$195/hr. for 2011-2012 work. Two and two-tenths percent of \$195 is \$4.29, which rounds to an hourly increase of \$5 for a total rate of \$200/hr. for 2011-2012 work.</p> <p>For 2013, Reid should receive a step increase of 5% (\$5/hr.) for work performed in 2013 and a 2.0% COLA (\$5 hour). Thus, Reid should be awarded a 2013 rate of \$215/hr.</p>
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D. CPUC Disallowances, Adjustments, and Comments (CPUC completes):

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS
 Within 30 days after service of this Claim, Commission Staff
 or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	
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If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.
2. The requested hourly rates for Claimant’s representatives [as adjusted herein] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [as adjusted herein] are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Claimant the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Claimant’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

**Attachment 1:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **INTERVENOR COMPENSATION CLAIM OF L. JAN REID AND DECISION ON INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

- hand delivery;
 first-class mail; and/or
 electronic mail

to the following persons appearing on the official Service List:

R.12-03-014
Service List
Last Changed October 30, 2013

PARTIES

ADAM GUSMAN CORPORATE COUNSEL GLACIAL ENERGY OF CALIFORNIA, INC. EMAIL ONLY EMAIL ONLY, VI 00000 FOR: GLACIAL ENERGY OF CALIFORNIA, INC.	ANDREW WANG SOLARRESERVE, LLC EMAIL ONLY EMAIL ONLY, CA 00000 FOR: SOLARRESERVE
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Revised September 2013

ELIZABETH KELLY
LEGAL DIRECTOR
MARIN ENERGY AUTHORITY
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: MARIN ENERGY AUTHORITY

KENNETH SAHM WHITE
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: CLEAN COALITION

MARCUS V. DA CUNHA
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: MARCUS V. DA CUNHA

SCOTT BLAISING
BRAUN BLAISING MCLAUGHLIN P.C.
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: KINGS RIVER CONSERVATION DISTRICT
(KRCD)

TAM HUNT
ATTORNEY
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: COMMUNITY ENVIRONMENTAL COUNCIL

ANDREW O. KAPLAN, ESQ.
BROWN RUDNICK LLP
ONE FINANCIAL CENTER
BOSTON, MA 02111
FOR: BEACON POWER, LLC

RICK C. NOGER
PRAXAIR PLAINFIELD, INC.
2711 CENTERVILLE ROAD, SUITE 400
WILMINGTON, DE 19808
FOR: PRAXAIR PLAINFIELD, INC.

VICTOR GONZALES
CONSTELLATION NEW ENERGY, INC. (1359)
111 MARKET PLACE, SUITE 500
BALTIMORE, MD 21202
FOR: CONSTELLATION NEW ENERGY, INC.

ALRINE WILLIAMS
LEGAL COUNSEL
LIBERTY POWER DELAWARE LLC
1901 W. CYPRESS CREEK ROAD, SUITE 600
FORT LAUDERDALE, FL 33309
FOR: LIBERTY POWER DELAWARE LLC

KATHY TRELEVEN
LARGE-SCALE SOLAR ASSOCIATION
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: LARGE-SCALE SOLAR ASSOCIATION

LISA BOND
ATTORNEY
RICHARDS WATSON GERSHON
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: CITY OF REDONDO BEACH

MATTHEW FREEDMAN
THE UTILITY REFORM NETWORK
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: THE UTILITY REFORM NETWORK

SIERRA MARTINEZ
ATTORNEY
NATURAL RESOURCES DEFENSE COUNCIL
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: NATIONAL RESOURCES DEFENSE COUNCIL

GENERAL MANAGER
PLUMAS SIERRA RURAL ELECTRIC COOP. (908)
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: PLUMAS SIERRA RURAL ELECTRIC CORP

ABRAHAM SILVERMAN
ASSIST. GEN. COUNSEL - REGULATORY
NRG ENERGY, INC.
211 CARNEGIE CENTER DRIVE
PRINCETON, NJ 08540
FOR: NRG ENERGY, INC.
KYLE W. DANISH
VAN NESS FELDMAN, P.C.
1050 THOMAS JEFFERSON ST., N. W.
WASHINGTON, DC 20007-3877
FOR: COALITION FOR EMISSION REDUCTION
POLICY

ALRINE WILLIAMS
LEGAL COUNSEL
LIBERTY POWER HOLDINGS LLC (1371)
1901 W. CYPRESS CREEK ROAD, SUITE 600
FORT LAUDERDALE, FL 33309
FOR: LIBERTY POWER HOLDINGS LLC

TRACY PHILLIPS
VP OF MARKETING
TIGER NATURAL GAS, INC.
1422 E. 71ST., STE J
TULSA, OK 74136
FOR: TIGER NATURAL GAS, INC.

Revised September 2013

JASON ARMENTA
CALPINE POWERAMERICA-CA, LLC
717 TEXAS AVENUE, SUITE 1000
HOUSTON, TX 77002
FOR: CALPINE POWERAMERICA-CA, LLC

KARA MORGAN
TRANSWEST EXPRESS, LLC
555 SEVENTEENTH STREET, SUITE 2400
DENVER, CO 80202
FOR: TRANSWEST EXPRESS, LLC

PAUL SHEPARD
WILDFLOWER ENERGY
333 S. GRAND AVENUE, SUITE 1570
LOS ANGELES, CA 90071
FOR: WILDFLOWER ENERGY

INGER GOODMAN
COMMERCE ENERGY INC
1 CENTERPOINTE DRIVE, SUITE 350
LA PALMA, CA 90623-2520
FOR: COMMERCE ENERGY, INC.

CAROL A. SCHMID-FRAZEE
ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON COMPANY
PO BOX 800 2244 WALNUT GROVE AVE
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

AIMEE SMITH
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ-12
SAN DIEGO, CA 92101
FOR: SAN DIEGO GAS & ELECTRIC COMPANY

GREG BASS
NOBLE AMERICAS ENERGY SOLUTIONS, LLC
401 WEST A STREET, STE. 500
SAN DIEGO, CA 92101
FOR: NOBLE AMERICAS ENERGY SOLUTIONS LLC

DAVID A. PEPPER, ESQ.
PROTECT OUR COMMUNITIES FOUNDATION
4452 PARK BOULEVARD, STE. 209
SAN DIEGO, CA 92116
FOR: PROTECT OUR COMMUNITIES FOUNDATION

SARAH TOMEK
SR. ADVISOR, REGULATORY AFFAIRS WEST
CAPITAL POWER CORPORATION
9255 TOWNE CENTRE DRIVE, STE. 900
SAN DIEGO, CA 92121
FOR: CAPITAL POWER CORPORATION

KEVIN BOUDREAU
ENERCAL USA LLC
7660 WOODWAY DRIVE, STE. 471A
HOUSTON, TX 77063
FOR: ENERCAL USA, LLC

BRIAN FICKETT
VALLEY ELECTRIC ASSOCIATION
800 E. HWY 372
PAHRUMP, NV 89048
FOR: VALLEY ELECTRIC ASSOCIATION

MICHAEL MAZUR
PRINCIPAL
3 PHASES RENEWABLES LLC (1373)
2100 SEPULVEDA BLVD, SUITE 37
MANHATTAN BEACH, CA 90266
FOR: 3 PHASES RENEWABLES, LLC

DANIEL W. DOUGLASS
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS, CA 91367
FOR: CONEDISON SOLUTIONS, INC./WESTERN
POWER TRADING FORUM

HAL ROMANOWITZ
CEO
ALTON ENERGY, INC.
4039 ALTON WAY
ESCONDIDO, CA 92025
FOR: ALTON ENERGY, INC.

DANIEL KING
SEMPRA U.S. GAS & POWER, LLC
101 ASH STREET, HQ-15B
SAN DIEGO, CA 92101
FOR: SEMPRE U.S. GAS & POWER, LLC

DONALD C. LIDDELL
COUNSEL
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA 92103
FOR: STARWOOD POWER-MIDWAY, LLC /
CALIFORNIA ENERGY STORAGE ALLIANCE /
CAMCO INTERNATIONAL GROUP, INC ./ TAS
ENERGY

MARCIE MILNER
SHELL ENERGY (1374)
4445 EASTGATE MALL, SUITE 100
SAN DIEGO, CA 92121
FOR: SHELL ENERGY NORTH AMERICA (US),
L.P. (SHELL ENERGY)

THOMAS R. DARTON
PILOT POWER GROUP, INC. (1365)
8910 UNIVERSITY CENTER LANE, STE. 520
SAN DIEGO, CA 92122
FOR: PILOT POWER GROUP, INC.

Revised September 2013

GLORIA BRITTON
REGULATORY AFFAIRS MGR.
ANZA ELECTRIC CO-OPERATIVE, INC (909)
PO BOX 39109 / 58470 HIGHWAY 371
ANZA, CA 92539-1909
FOR: ANZA ELECTRIC CO-OPERATIVE, INC.

ANDREA MORRISON
DIRECTOR - GOV'T. AND REGULATORY AFFAIRS
DIRECT ENERGY SERVICES, LLC (1341)
415 DIXON STREET
ARROYO GRANDE, CA 93420
FOR: DIRECT ENERGY, LLC/DIRECT ENERGY
SERVICES

DAVID ORTH
SAN JOAQUIN VALLEY POWER AUTHORITY
ADMIN OFF @KINGS RIVER CONSERV DISTRICT
4886 EAST JENSEN AVENUE
FRESNO, CA 93725
FOR: SAN JOAQUINVALLEY POWER AUTHORITY

DAVID MACMILLAN
PRESIDENT
MEGAWATT STORAGE FARMS, INC.
3931 JEFFERSON AVE.
WOODSIDE, CA 94062
FOR: MEGAWATT STORAGE FARMS, INC.

MARC D. JOSEPH
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD., SUITE 1000
SOUTH SAN FRANCISCO, CA 94080
FOR: COALITION OF CALIFORNIA UTILITY
EMPLOYEES

THERESA L. MUELLER
CITY AND COUNTY OF SAN FRANCISCO
CITY HALL, ROOM 234
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102-4682
FOR: CITY AND COUNTY OF SAN FRANCISCO

BRIAN CHERRY
DIRECTOR - REGULATORY RELATIONS
PACIFIC GAS AND ELECTRIC COMPANY (39)
77 BEALE STREET ROOM 1087
SAN FRANCISCO, CA 94105
FOR: PACIFIC GAS AND ELECTRIC COMPANY

DEBORAH N. BEHLES
ENVIRONMENTAL LAW AND JUSTICE CLINIC
GOLDEN GATE UNIVERSITY SCHOOL OF LAW
536 MISSION STREET
SAN FRANCISCO, CA 94105-2968
FOR: THE CALIFORNIA ENVIRONMENTAL
JUSTICE ALLIANCE

KRISTINE MICHAELS
CHIEF FINANCIAL OFFICER
SOUTHERN CALIFORNIA TELEPHONE & ENERGY
27515 ENTERPRISE CIRCLE WEST
TEMECULA, CA 92590
FOR: SOUTHERN CALIFORNIA TELEPHONE &
ENERGY

MONA TIERNEY-LLOYD
DIR., WESTERN REGALATORY AFFAIRS
ENERNOC, INC.
PO BOX 378
CAYUCOS, CA 93430
FOR: ENERNOC, INC.

EVELYN KAHL
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO, CA 94015
FOR: ENERGY PRODUCERS & USERS COALITION

SUE MARA
PRINCIPAL
RTO ADVISORS, LLC
164 SPRINGDALE WAY
REDWOOD CITY, CA 94062
FOR: ALLIANCE FOR RETAIL ENERGY MARKETS
(AREM) /DIRECT ACCESS CUSTOMER
COALITION

DIANA L. LEE
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: ORA

ETHAN RAVAGE
WEST COAST LEAD - US
INTERNATIONAL EMISSIONS TRADING ASSN.
456 MONTGOMERY ST., 18TH FLOOR
SAN FRANCISCO, CA 94104
FOR: INTERNATIONAL EMISSIONS TRADING
ASSOCIATION (IETA)

NORA SHERIFF
ALCANTAR & KAHL
33 NEW MONTGOMERY ST., STE. 1850
SAN FRANCISCO, CA 94105
FOR: CALIFORNIA LARGE ENERGY CONSUMERS
ASSOCIATION (CLECA)

BRIAN T. CRAGG
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111
FOR: INDEPENDENT ENERGY PRODUCERS
ASSOCIATION (IEPA)

Revised September 2013

JACK STODDARD
MANATT PHELPS & PHILLIPS, LLP
ONE EMBARCADERO CENTER, 30TH FL.
SAN FRANCISCO, CA 94111
FOR: PANOCHÉ ENERGY CENTER, LLC

JEANNE B. ARMSTRONG
ATTORNEY
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111
FOR: SOLAR ENERGY INDUSTRIES ASSOCIATION

MICHAEL B. DAY
ATTORNEY
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY,
505 SANSOME ST., STE. 900
SAN FRANCISCO, CA 94111
FOR: ABENGOA SOLAR, INC./CALENERGY
GENERATION

SETH D. HILTON
ATTORNEY AT LAW
STOEL RIVES LLP
THREE EMBARCADERO CENTER, STE. 1120
SAN FRANCISCO, CA 94111
FOR: AES SOUTHLAND/ZEPHYR POWER
TRANSMISSION

WILLIAM KISSINGER
BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER, 28TH FL.
SAN FRANCISCO, CA 94111
FOR: COMPETITIVE POWER VENTURES/POWER
DEVELOPMENT, INC.

WILLIAM V. ROSTOV
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO, CA 94111
FOR: SIERRA CLUB CALIFORNIA

MARTIN A. MATTES
ATTORNEY
NOSSAMAN, LLP
50 CALIFORNIA STREET, 34TH FL.
SAN FRANCISCO, CA 94111-4799
FOR: NOSSAMAN, LLP

LISA A. COTTLE
ATTORNEY AT LAW
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO, CA 94111-5802
FOR: GENON ENERGY, INC.

EDWARD O'NEILL
DAVIS WRIGHT TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533
FOR: SOUTH SAN JOAQUIN IRRIGATION
DISTRICT

JEFFREY P. GRAY
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533
FOR: CALPINE CORPORATION

MARK HUFFMAN
LAW DEPT
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 7442, B30A
SAN FRANCISCO, CA 94120
FOR: PACIFIC GAS AND ELECTRIC COMPANY

SARA STECK MYERS
ATTORNEY AT LAW
122 - 28TH AVENUE
SAN FRANCISCO, CA 94121
FOR: CENTER FOR ENERGY EFFICIENCY AND
RENEWABLE TECHNOLOGIES (CEERT)

JENNIFER CHAMBERLIN
LS POWER DEVELOPMENT, LLC
5000 HOPYARD ROAD, SUITE 480
PLEASANTON, CA 94588
FOR: LS POWER

JOHN L. GEESMAN
ATTORNEY
DICKSON GEESMAN LLP
1999 HARRISON STREET, STE. 2000
OAKLAND, CA 94612
FOR: ALLIANCE FOR NUCLEAR
RESPONSIBILITY (A4NR)

LAURENCE G. CHASET
KEYES FOX & WIEDMAN, LLP
436 14TH STREET, STE. 1305
OAKLAND, CA 94612
FOR: INTERSTATE RENEWABLE ENERGY
COUNCIL, INC. / FRIENDS OF THE EARTH

MARGIE GARDNER
EXECUTIVE DIRECTOR
CAL. ENERGY EFFICIENCY INDUSTRY COUNCIL
436 14TH STREET, SUITE 1123
OAKLAND, CA 94612
FOR: CALIFORNIA ENERGY EFFICIENCY
INDUSTRY COUNCIL (CEEIC)

Revised September 2013

PATRICK VANBEEK
DIR - CUSTOMER SUPPORT
COMMERCIAL ENERGY OF CALIFORNIA
7677 OAKPORT STREET, STE. 525
OAKLAND, CA 94621
FOR: COMMERCIAL ENERGY OF CALIFORNIA

GREGG MORRIS
DIRECTOR
GREEN POWER INSTITUTE
2039 SHATTUCK AVENUE, STE 402
BERKELEY, CA 94704
FOR: GREEN POWER INSTITUTE

LAURA WISLAND
SENIOR ENERGY ANALYST
UNION OF CONCERNED SCIENTISTS
2397 SHATTUCK AVE., STE. 203
BERKELEY, CA 94704
FOR: UNION OF CONCERNED SCIENTISTS

NANCY RADER
EXECUTIVE DIRECTOR
CALIFORNIA WIND ENERGY ASSOCIATION
2560 NINTH STREET, SUITE 213A
BERKELEY, CA 94710
FOR: CALIFORNIA WIND ENERGY ASSOCIATION

R. THOMAS BEACH
CROSSBORDER ENERGY
2560 9TH ST., SUITE 213A
BERKELEY, CA 94710-2557
FOR: THE CALIFORNIA COGENERATION COUNCIL

BRAD BORDINE
DISTRIBUTED ENERGY CONSUMER ADVOCATES
516 WHITEWOOD DRIVE
SAN RAFAEL, CA 94903
FOR: DISTRIBUTED ENERGY CONSUMER
ADVOCATES

BARBARA GEORGE
WOMEN'S ENERGY MATTERS
PO BOX 548
FAIRFAX, CA 94978-0548
FOR: WOMEN'S ENERGY MATTERS

JAN REID
COAST ECONOMICS CONSULTING
3185 GROSS ROAD
SANTA CRUZ, CA 95062
FOR: L. JAN REID

DAVID KATES
DAVID MARK & COMPANY
3510 UNOCAL PLACE, SUITE 200
SANTA ROSA, CA 95403
FOR: THE NEVADA HYDRO COMPANY

JUDITH B. SANDERS
SR. COUNSEL
CALIF. INDEPENDENT SYSTEM OPERATOR CORP
250 OUTCROPPING WAY
FOLSOM, CA 95630
FOR: CALIFORNIA INDEPENDENT SYSTEM
OPERATOR CORPORATION

MARGARET MILLER
BROOKFIELD RENEWABLE ENERGY GROUP
513 SAN MARCO PLACE
EL DORADO HILLS, CA 95762
FOR: BROOKFIELD RENEWABLE ENERGY GROUP

STEPHEN T. GREENLEAF
V.P. & COMPLIANCE DIRECTOR
J.P. MORGAN CHASE BANK, N.A.
2864 ABERDEEN LANE
EL DORADO HILLS, CA 95762
FOR: J.P. MORGAN VENTURES ENERGY
CORPORATION (JPMVEC) / BE CA LLC

DOUGLAS E. DAVIE
V.P.
WELLHEAD ELECTRIC COMPANY, INC.
650 BERECUT DRIVE, STE. C
SACRAMENTO, CA 95811
FOR: WELLHEAD ELECTRIC COMPANY

RONALD LIEBERT
ATTORNEY AT LAW
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, STE. 400
SACRAMENTO, CA 95816
FOR: THE VOTE SOLAR INITIATIVE

CHRISTOPHER T. ELLISON
ATTORNEY
ELLISON, SCHNEIDER & HARRIS, L.L.P
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905
FOR: PATHFINDER RENEWABLE WIND ENERGY,
LLC

KAREN MILLS
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833
FOR: CALIFORNIA FARM BUREAU FEDERATION

Revised September 2013

DANIEL SILVERIA
GEN MGR
SURPRISE VALLEY ELECTRIC CORP.
516 US HIGHWAY 395 E
ALTURAS, CA 96101-4228
FOR: SURPRISE VALLEY ELECTRIC
CORPORATION

DONALD BROOKHYSER
ALCANTAR & KAHL
1300 SW FIFTH AVE., SUITE 1750
PORTLAND, OR 97210
FOR: COGENERATION ASSOCIATION OF
CALIFORNIA

GIFFORD JUNG
POWEREX CORPORATION
666 BURRARD STREET, SUITE 1400
VANCOUVER, BC V5R 4Y2
CANADA
FOR: POWEREX CORPORATION

INFORMATION ONLY

ARMANDO INFANZON
SMART GRID POLICY MANAGER
SAN DIEGO GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

BARBARA R. BARKOVICH
BARKOVICH & YAP, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000

BRAD MEIKLE
SOVEREIGN ENERGY, LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

CASE COORDINATION
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

CATHIE ALLEN
REGULATORY MGR.
PACIFICORP
EMAIL ONLY
EMAIL ONLY, OR 00000

DANIEL PATRY
RECURRENT ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000

DAVID FELIX
DIR - DEVELOPMENT
NORTHLIGHT POWER
EMAIL ONLY
EMAIL ONLY, CA 00000

DAVID HICKS
DIAMOND GENERATING CORPORATION
EMAIL ONLY
EMAIL ONLY, CA 00000

DAVID WEIDBERG
JOHNSON CONTROLS
EMAIL ONLY
EMAIL ONLY, CA 00000

DIANE FELLMAN
DIR - GOVERNMENTAL & REGULATORY AFFAIRS
NRG ENERGY, INC.
EMAIL ONLY
EMAIL ONLY, CA 00000

DYANA MARIE DELFIN-POLK
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY, CA 00000

ERIN GRIZARD
BLOOM ENERGY
EMAIL ONLY
EMAIL ONLY, CA 00000

GEORGE ZAHARIUDAKIS
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

JAMIE L. MAULDIN
ADAMS BROADWELL JOSEPH & CARDOZO, PC
EMAIL ONLY
EMAIL ONLY, CA 00000

JENNIFER CHAMBERLIN
EMAIL ONLY
EMAIL ONLY, CA 00000

JEREMY WAEN
REGULATORY ANALYST
MARIN ENERGY AUTHORITY
EMAIL ONLY
EMAIL ONLY, CA 00000

JERRY BROWN
WORLD BUSINESS ACADEMY
EMAIL ONLY
EMAIL ONLY, CA 00000

JIMMY NELSON
KENDALL SCIENCE FELLOW IN ELECTRICITY
UNION OF CONCERNED SCIENTISTS
EMAIL ONLY
EMAIL ONLY, CA 00000

JODY S. LONDON
JODY LONDON CONSULTING
EMAIL ONLY
EMAIL ONLY, CA 00000

JOHN W. LESLIE, ESQ.
MCKENNA LONG & ALDRIDGE LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

JULIEN DUMOULIN-SMITH
UBS INVESTMENT RESEARCH
EMAIL ONLY
EMAIL ONLY, NY 00000

KATY ROSENBERG
ALCANTAR & KAHL
EMAIL ONLY
EMAIL ONLY, CA 00000

KELSEY SOUTHERLAND
DIR OF GOV'T RELATIONS
TAS ENERGY
EMAIL ONLY
EMAIL ONLY, TX 00000

LYNN HAUG
ELLISON SCHNEIDER & HARRIS L.L.P.
EMAIL ONLY
EMAIL ONLY, CA 00000

MARIA STAMAS
NRDC
EMAIL ONLY
EMAIL ONLY, CA 00000

MATT KLOPFENSTEIN
GONZALEZ QUINTANA & HUNTER LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

MATTHEW BARMACK
CALPINE CORPORATION
EMAIL ONLY
EMAIL ONLY, CA 00000

MICHAEL EVANS
SHELL
EMAIL ONLY
EMAIL ONLY, CA 00000

MIKE CADE
ALCANTAR & KAHL, LLP
EMAIL ONLY
EMAIL ONLY, OR 00000

MIYUKI IWAHASHI
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

OLIVIA PARA
DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

RACHEL MCMAHON
EMAIL ONLY
EMAIL ONLY, CA 00000

RANDY KELLER
DIRECTOR OF DEVELOPMENT
CALENERGY OPERATING CORPORATION
EMAIL ONLY
EMAIL ONLY, CA 00000

ROBERT GEX
DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

ROBIN SMUTNY-JONES
DIR. - CALIFORNIA POLICY & REGULATION
IBERDROLA RENEWABLES, LLC
EMAIL ONLY
EMAIL ONLY, OR 00000

SHALINI SWAROOP
REGULATORY COUNSEL
MARIN ENERGY AUTHORITY
EMAIL ONLY
EMAIL ONLY, CA 00000

STEPHANIE WANG
DIRECTOR
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY, CA 00000

STEVE ZURETTI
MANAGER, CALIFORNIA
SOLAR ENERGY INDUSTRIES ASSOCIATION
EMAIL ONLY
EMAIL ONLY, CA 00000

Revised September 2013

SUJATA PAGEDAR
PACIFIC GAS & ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000

VIDHYA PRABHAKARAN
DAVIS WRIGHT & TREMAINE, LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

DAVIS WRIGHT TREMAINE LLP
EMAIL ONLY
EMAIL ONLY, CA 00000

KAREN TERRANOVA
ALCANTAR & KAHL
EMAIL ONLY
EMAIL ON LY, CA 00000-0000

MIKE BERLINSKI
BEACON POWER, LLC
65 MIDDLESEX ROAD
TYNGSBORO, MA 01879

PATRICK LUCKOW
SYNAPSE ENERGY ECONOMICS, INC.
485 MASSACHUSETTS AVE., 2ND FL.
CAMBRIDGE, MA 02139

THOMAS J. VITOLO
SYNAPSE ENERGY ECONOMICS, INC.
485 MASSACHUSETTS AVENUE, STE. 2
CAMBRIDGE, MA 02139

ADAM FAIRBANKS
DIR - REGULATORY AND RETAIL STRUCTURING
CONEDISON SOLUTIONS, INC.
100 SUMMIT LAKE DRIVE, STE. 410
VALHALLA, NY 10595

KENDRA ULRICH
NUCLEAR CAMPAIGNER
FRIENDS OF THE EARTH
1100 15TH STREET, NW, 11TH FL.
WASHINGTON, DC 20005

YANIRA M. GOMEZ
LIBERTY POWER CORP.
1901 W. CYPRESS CREEK RD., STE. 600
FORT LAUDERDALE, FL 33309

TAM HUNT
CLEAN COALITION
EMAIL ONLY
EMAIL ONLY, CA 00000

WILLIAM J. KEESE
EMAIL ONLY
EMAIL ONLY, CA 00000

AES SOUTHLAND
EMAIL ONLY
EMAIL ONLY, CA 00000

ALICE GONG
PACIFIC GAS AND ELECTRIC COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

ERIC HSIEH
A 123 SYSTEMS INC.
155 FLANDERS RD
WESTBOROUGH, MA 01581-1032

RACHEL WILSON
SYNAPSE ENERGY ECONOMIS, INC.
485 MASSACHUSETTS AVE., 2ND FLOOR
CAMBRIDGE, MA 02129

ROBERT FAGAN
SYNAPSE ENERGY & ECONOMICS
485 MASSACHUSETTS AVE., 2ND FLOOR
CAMBRIDGE, MA 02139

ALEXANDER DABERKO
CALPEAK POWER, LLC
591 PUTNAM AVENUE
GREENWICH, CT 06830

RICHARD J. HUDSON, JR.
DIR. - REGULATORY & LEGISLATIVE AFFAIRS
CONEDISON SOLUTIONS, INC.
100 SUMMIT LAKE DR., STE. 410
VALHALLA, NY 10595

S.DAVID FREEMAN
C/O FRIENDS OF THE EARTH
1100 15HT STREET, NW, 11TH FLOOR
WASHINGTON, DC 20005

KIM L. JOHNSON
EVP AND AGENT
RIVERBANK PUMPED STORAGE, LLC
2000 S. OCEAN BLVD., STE. 703
DELRAY BEACH, FL 33483
FOR: RIVERBANK PUMPED STORAGE, LLC

Revised September 2013

SHAWN NICHOLS
SUMMIT POWER GROUP
1324 CLARKSON CLAYTON CENTER, STE. 119
BALLWIN, MO 63011-2145

JIM ROSS
RCS, INC.
500 CHESTERFIELD CENTER, SUITE 320
CHESTERFIELD, MO 63017

CHRIS HENDRIX
TEXAS RETAIL ENERGY
2001 SE 10TH STREET
BENTONVILLE, AR 72716

ERIN SZALKOWSKI
CORPORATE COUNSEL
CLEAN LINE ENERGY PARTNERS, LLC
1001 MCKINNEY STREET, SUITE 700
HOUSTON, TX 77002
FOR: CENTENNIAL WEST CLEAN LINE LLC

CHARLES PURSHOUSE
CAMCO INTERNATIONAL GROUP, INC.
390 INTERLOCKEN CRESCENT, SUITE 490
BROOMFIELD, CO 80021

CAROLINE SCHNEIDER
PROLOGIS
4545 AIRPORT WAY
DENVER, CO 80239

DREW TORBIN
V.P. - RENEWABLE ENERGY
PROLOGIS
4545 AIRPORT WAY
DENVER, CO 80239

PUNEET PASRICH
COLORADO STATE UNIVERSITY
350 N. COLLEGE AVE.
FORT COLLINS, CO 80524

CAITLIN COLLINS LIOTIRIS
ENERGY STRATEGIES, LLC
215 SOUTH STATE STREET, STE 200
SALT LAKE CITY, UT 84111

GIANCARLO ESTRADA
KIS MAYES LAW FIRM
ONE EAST CAMELBACK ROAD, STE. 550
PHOENIX, AZ 85012

PAUL THOMSEN
DIR. - POLICY & BUSINESS DEVELOPMENT
ORMAT TECHNOLOGIES INC.
6225 NEIL ROAD
RENO, NV 89511
FOR: ORMAT TECHNOLOGIES

RON KNECHT
1009 SPENCER ST
CARSON, NY 89703-5422

STEVEN HRUBY
SOUTHERN CALIFORNIA GAS COMPANY
555 W. FIFTH ST., GT14D6
LOS ANGELES, CA 90013

SARAH FRIEDMAN
SIERRA CLUB
714 W. OLYMPIC BLVD., STE. 1000
LOS ANGELES, CA 90015

FRED MOBASHERI
CONSULTANT
ELECTRIC POWER GROUP, LLC
295 HOMEWOOD RD
LOS ANGELES, CA 90049

TOUSSAINT.S BAILEY
RICHARDS WATSON GERSHON
355 S. GRAND AVENUE, 40TH FLOOR
LOS ANGELES, CA 90071

DARIUSH SHIRMOHAMMADI
CALIFORNIA WIND ENERGY ASSOCIATION
10208 CIELO DRIVE
BEVERLY HILLS, CA 90210

MICHAEL W. WEBB
CITY ATTORNEY
CITY OF REDONDO BEACH
415 DIAMOND STREET
REDONDO BEACH, CA 90277

ADAM GREEN
SOLARRESERVE
2425 OLYMPIC BLVD., STE. 500E
SANTA MONICA, CA 90404

J. DOUGLAS DIVINE
CHIEF EXECUTIVE OFFICER
EAGLE CREST ENERGY COMPANY
3000 OCEAN PARK BLVD., STE. 1020
SANTA MONICA, CA 90405
FOR: EAGLE CREST ENERGY COMPANY

Revised September 2013

MARILYN LYON
SOUTH BAY CITIES COUNCIL OF GOVERNMENTS
SOUTH BAY ENVIRONMENTAL SERVICES CTR.
20285 S. WESTERN AVE., STE. 100
TORRANCE, CA 90501

CAROL SCHMID-FRAZEE
ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91765

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, RM. 321
ROSEMEAD, CA 91770

NGUYEN QUAN
MGR - REGULATORY AFFAIRS
GOLDEN STATE WATER CO. - ELECTRIC OP.
630 EAST FOOTHILL BOULEVARD
SAN DIMAS, CA 91773

CHRISTOPHER SUMMERS
REGULATORY AFFAIRS
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT
SAN DIEGO, CA 92101

CENTRAL FILES
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP31-E
SAN DIEGO, CA 92123

DESPINA NIEHAUS
REGULATORY CASE MGR.
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO, CA 92123-1530

CATHERINE SULLIVAN
EZZBGREEN
27479 VIA RAMONA
SAN JUAN CAPISTRANO, CA 92675

JEFF HIRSCH
JAMES J. HIRSCH & ASSOCIATES
12185 PRESILLA ROAD
SANTA ROSA VALLEY, CA 93012-9243

RON DICKERSON
CALIFORNIA CONSUMERS ALLIANCE
PO BOX 3751
CLOVIS, CA 93613

ANDREW G. CAMPBELL
SENTIENT ENERGY
880 MITTEN ROAD
BURLINGAME, CA 94010

GREGORY KLATT
DOUGLASS & LIDDELL
411 E. HUNTINGTON DR., STE. 107-356
ARCADIA, CA 91006
FOR: TIGER NATURAL GAS, INC.

AMANDA KLOPF
SOUTHERN CALIFORNIA EDISON COMPANY
PO BOX 800/2244 WALNUT GROVE AVE.
ROSEMEAD, CA 91770

MELISSA A. HOVSEPIAN
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD, CA 91770

TY TOSDAL
TOSDAL LAW FIRM
777 S. HIGHWAY 101, SUITE 215
SOLANA BEACH, CA 92075
FOR: SAN DIEGO ENERGY DISTRICT
FOUNDATION

SHAWN BAILEY
DIRECTOR - PLANNING & ANALYSIS
SEMPRA US GAS AND POWER
101 ASH STREET
SAN DIEGO, CA 92101-3017

REMEDIOS SANTOS
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK CT., CP31E
SAN DIEGO, CA 92123

THOMAS C. SAILE
ENERGY CONTRACTS ORIGINATOR
SAN DIEGO GAS & ELECTRIC COMPANY
8315 CENTURY PARK COURT, CP21D
SAN DIEGO, CA 92123-1548

CRAIG POSPISIL
EDISON MISSION ENERGY
3 MACARTHUR PLACE, STE. 100
SANTA ANA, CA 92707

RINALDO BRUTUCO
WORLD BUSINESS ACADEMY
308 E. CARRILLO STREET
SANTA BARBARA, CA 93101

RANDY SHILLING
4886 EAST JENSEN AVENUE
FRESNO, CA 93725

WILLEM FADRHONC
STEM, INC.
100 ROLLINS RD.
MILLBRAE, CA 94030
FOR: STEM, INC.

Revised September 2013

NICOLAI SCHLAG
ENERGY & ENVIRONMENTAL ECONOMICS, INC.
101 MONTGOMERY ST., STE 1600
SAN FRANCISCO, CA 94101

DENNIS J. HERRERA
CITY AND COUNTY OF SAN FRANCISCO
CITY HALL, ROOM 234
1 DR. CARLTON B. GOODLET PLACE
SAN FRANCISCO, CA 94102

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

BREWSTER BIRDSALL, P.E.
ASPEN ENVIRONMENTAL GROUP
235 MONTGOMERY STREET, STE. 935
SAN FRANCISCO, CA 94104

JIM BAAK
DIRECTOR-POLICY FOR UTILITY SCALE SOLAR
THE VOTE SOLAR INITIATIVE
101 MONTGOMERY ST., STE. 2600
SAN FRANCISCO, CA 94104

AHMAD FARUQUI
THE BRATTLE GROUP
201 MISSION ST., STE. 2800
SAN FRANCISCO, CA 94105

BARNEY SPECKMAN
VP - GRID MANAGEMENT
NEXANT
101 SECOND STREET, 11TH FLOOR
SAN FRANCISCO, CA 94105

CARA GOLDENBERG
DIAN GRUENEICH CONSULTING, LLC
201 MISSION STREET, SUITE 1200
SAN FRANCISCO, CA 94105

FRED WELLINGTON
NAVIGANT CONSULTING, INC.
1 MARKET ST., SPEAR ST. TOWER, STE 1200
SAN FRANCISCO, CA 94105

KIMBERLY C. JONES
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A, ROOM 904
SAN FRANCISCO, CA 94105

MATHEW VESPA
SIERRA CLUB
85 SECOND STREET, 2ND FLOOR
SAN FRANCISCO, CA 94105

MATHEW GONZALES
SENIOR CASE MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST., RM. 918, B9A
SAN FRANCISCO, CA 94105

MICHAEL ALCANTAR
ATTORNEY AT LAW
ALCANTAR & KAHL LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO, CA 94105

WADE GREENACRE
REGULATORY CASE COORDINATOR
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST., MC B9A
SAN FRANCISCO, CA 94105

TOM JARMAN
ENERGY
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM. 909, MC B9A
SAN FRANCISCO, CA 94105-1814

DAVID A. ZIZMOR
GRADUATE FELLOW
ENVIRONMENTAL LAW & JUSTICE CLINIC
536 MISSION STREET
SAN FRANCISCO, CA 94105-2968

JAMES J. CORBELLI
STAFF ATTORNEY
ENVIRONMENTAL LAW AND JUSTICE CLINIC
GOLDEN GATE UNIVERSITY SCHOOL OF LAW
536 MISSION STREET
SAN FRANCISCO, CA 94105-2968

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

ADENIKE ADEYEYE
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO, CA 94111

MONICA A. SCHWEBS
BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

Revised September 2013

PAUL R. CORT
EARTHJUSTICE
50 CALIFORNIA ST., STE. 500
SAN FRANCISCO, CA 94111

SARAH BARKER-BALL
BINGHAM MCCUTCHEM LLP
3 EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

WILL MITCHELL
COMPETITIVE POWER VENTURES, INC.
505 SANSOME STREET, STE. 475
SAN FRANCISCO, CA 94111

STEVEN MOSS
ENVIRONMENTAL DEFENSE FUND
2325 THIRD STREET, STE. 344
SAN FRANCISCO, CA 94114

CHARLES R. MIDDLEKAUFF
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442, MC-B30A-2475
SAN FRANCISCO, CA 94120

MEGAN M. MYERS
LAW OFFICES OF SARA STECK MYERS
122 - 28TH AVENUE
SAN FRANCISCO, CA 94121

ED LUCHA
CASE COORDINATOR
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE B9A
SAN FRANCISCO, CA 94177

BETH VAUGHN
CALIFORNIA COGENERATION COUNCIL
4391 N. MARSH ELDER COURT
CONCORD, CA 94521

AVIS KOWALEWSKI
VP - GOV'T & REGULATORY AFFAIRS
CALPINE CORPORATION
4160 DUBLIN BLVD, SUITE 100
DUBLIN, CA 94568

SCOTT DAYER
REGION SALES MGR.- GE POWER & WATER
GE PACKAGED POWER, INC.
6140 STONERIDGE MALL RD.
PLEASANTON, CA 94588

JENNIFER WEBERSKI
ENVIRONMENTAL DEFENSE FUND
49 TERRA BELLA DRIVE
WALNUT CREEK, CA 94596

ROSICELI VILLARREAL
EARTHJUSTICE
50 CALIFORNIA STREET, SUITE 500
SAN FRANCISCO, CA 94111

SUZY HONG
ATTORNEY AT LAW
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

IRENE K. MOOSEN
ATTORNEY AT LAW
CITY AND COUNTY OF SAN FRANCISCO
53 SANTA YNEZ AVE.
SAN FRANCISCO, CA 94112

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303
SAN FRANCISCO, CA 94117-2242

DONNA BARRY
ENERGY PROCEEDINGS
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MC B9A
SAN FRANCISCO, CA 94120-7442

CHRISTOPHER SMITH
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO, CA 94177

ANDY SCHWARTZ
SOLARCITY
3055 CLEARVIEW WAY
SAN MATEO, CA 94402

SEAN BEATTY
DIRECTOR - WEST REGULATORY AFFAIRS
NRG WEST
PO BOX 192
PITTSBURG, CA 94565

ROBERT ANDERSON
OLIVINE, INC
2010 CROW CANYON PLACE, STE. 100
SN RAMON, CA 94583

GREGORY BLUE
PRINCIPAL
GTB CONSULTING
3161 WALNUT BLVD
WALNUT CREEK, CA 94596

ANTHONY HARRISON
CAL. ENERGY EFFICIENCY INDUSTRY COUNCIL
436 14TH ST., SUITE 1020
OAKLAND, CA 94612

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SHANA LAZEROW
ATTORNEY
COMMUNITIES FOR A BETTER ENVIRONMENT
1904 FRANKLIN STREET, STE 600
OAKLAND, CA 94612
FOR: CALIFORNIA ENVIRONMENTAL JUSTICE
ALLIANCE

THADEUS B. CULLEY
KEYES, FOX & WIEDMAN LLP
436 14TH STREET, STE. 1305
OAKLAND, CA 94612
FOR: FRIENDS OF THE EARTH

TIM LINDL
INTERSTATE RENEWABLE ENERGY COUNCIL, INC
436 14TH ST., STE. 1305
OAKLAND, CA 94612

DAVID MARCUS
P.O. Box 1287
Berkeley, CA 94701

LINDA AGERTER
LARGE-SCALE SOLAR ASSOCIATION
51 PARKSIDE DRIVE
BERKELEY, CA 94705

ERIC G. GIMON
TECHNICAL CONSULTANT
THE VOTE SOLAR INITIATIVE
2727 MARIN AVE.
BERKELEY, CA 94708

CARLOS LAMAS-BABBINI
CEN-CA PROGRAM MGR.
COMVERGE, INC.
58 MT. TALLAC CT.
SAN RAFAEL, CA 94903

PHILIP MULLER
SCD ENERGY SOLUTIONS
436 NOVA ALBION WAY
SAN RAFAEL, CA 94903

RICH QUATRINI
DIR. PRODUCT MANAGEMENT
JOHNSON CONTROLS
901 CAMPISI WAY, STE 260
CAMPBELL, CA 95008-2348

PUSHKAR G. WAGLE
FLYNN RESOURCE CONSULTANTS, INC.
2900 GORDON AVENUE, SUITE 100-3
SANTA CLARA, CA 95051

DEVRA WANG
STAFF SCIENTIST
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA 95104

JEFFREY SHIELDS
GEN MGR.
SOUTH SAN JOAQUIN IRRIGATION DISTRICT
PO BOX 747
RIPON, CA 95366-0747

JAMES CALDWELL
1650 E NAPA STREET
SONOMA, CA 95476

DOUGLAS M. GRANDY, P.E.
CALIFORNIA ONSITE GENERATION
1220 MACAULAY CIRCLE
CARMICHAEL, CA 95608

MARTIN HOMEC
PO BOX 4471
DAVIS, CA 95617

DELPHINE HOU
CALIF. INDEPENDENT SYSTEMS OPERATOR
250 OUTCROPPING WAY
FOLSOM, CA 95630

JACQUELINE M. DEROSA
DIRECTOR OF REGULATORY AFFAIRS - CA
CUSTOMIZED ENERGY SOLUTIONS
101 PARKSHORE DRIVE SUITE 100
FOLSOM, CA 95630

SHUCHENG LIU
CALIFORNIA ISO
250 OUTCROPPING WAY
FOLSOM, CA 95630

CAL. INDEPENDENT SYSTEM OPERATOR CORP.
250 OUTCROPPING WAY
FOLSOM, CA 95630

BRIAN THEAKER
NRG ENERGY
3161 KEN DEREK LANE
PLACERVILLE, CA 95667

PAUL D. MAXWELL
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670-6078

DANIEL KIM
WESTLANDS SOLAR PARK
PO BOX 582844
ELK GROVE, CA 95757

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ALLISON C. SMITH
ATTORNEY
STOEL RIVES LLP
500 CAPITOL MALL, SUITE 1600
SACRAMENTO, CA 95814

KEVIN WOODRUFF
WOODRUFF EXPERT SERVICES
1100 K STREET, SUITE 204
SACRAMENTO, CA 95814
FOR: THE UTILITY REFORM NETWORK

NICOLE WRIGHT
BRAUN BLAISING MCLAUGHLIN & SMITH
915 L STREET, SUITE 1270
SACRAMENTO, CA 95814

STEVEN KELLY
POLICY DIRECTOR
INDEPENDENT ENERGY PRODUCERS ASSOCIATION
1215 K STREET, STE. 900
SACRAMENTO, CA 95814

ANDREW BROWN
ATTORNEY AT LAW
ELLISON & SCHNEIDER
2600 CAPITOL AVE, SUITE 400
SACRAMENTO, CA 95816-5905

DOUGLAS K. KERNER
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905

RACHEL GOLD
LARGE-SCALE SOLAR ASSOCIATION
2501 PORTOLA WAY
SACRAMENTO, CA 95818

ANN TROWBRIDGE
ATTORNEY
DAY CARTER & MURPHY LLP
3620 AMERICAN RIVER DR., STE. 205
SACRAMENTO, CA 95864

LISA SCHWARTZ
REGULATORY ASSISTANCE PROJECT
429 NE NORTH NEBERGALL LOOP
ALBANY, OR 97321

ROBIN FRASER
INTERNATIONAL EMISSIONS TRADING ASSN.
100 KING STREET WEST, SUITE 5700
TORONTO, ON M5X 1C7
CANADA
FOR: IETA

DAVID MILLER, PHD
CTR. FOR ENERGY EFFICIENCY & RENEWABLE
1100 ELEVENTH ST., STE. 311
SACRAMENTO, CA 95814

LAUREN NAVARRO
ATTORNEY
ENVIRONMENTAL DEFENSE FUND
1107 9TH ST., STE. 1070
SACRAMENTO, CA 95814
FOR: ENVIRONMENTAL DEFENSE FUND

STEVE KEENE
BRAUN BLAISING MCLAUGHLIN P.C.
915 L STREET, SUITE 1270
SACRAMENTO, CA 95814

SAMANTHA G. POTTENGER
ELLISON, SCHNEIDER AND HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816

CHASE B. KAPPEL
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905

GREGGORY L. WHEATLAND
ATTORNEY
ELLISON SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CA 95816-5905

SHANNON EDDY
EXECUTIVE DIRECTOR
LARGE SCALE SOLAR ASSOCIATION
2501 PORTOLA WAY
SACRAMENTO, CA 95818

JACK ELLIS
1425 ALPINE WAY / PO BOX 6600
LAKE TRAHOE, CA 96145-6600

DONALD SCHOENBECK
RCS INC.
900 WASHINGTON STREET, SUITE 780
VANCOUVER, WA 98660

DANIEL JURIJEW
SR. MGR - REGULATORY AFFAIRS WEST
CAPITAL POWER CORPORATION
1200 - 10423 101 ST. NW
EDMONTON, AB T5H 0E9
CANADA

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PETER CAVAN
PULSE ENERGY
576 SEYMOUR ST., STE. 600
VANCOUVER, BC V6B 3K1
CANADA

STATE SERVICE

CHRIS UNGSON
CPUC
EMAIL ONLY
EMAIL ONLY, CA 00000

DAVID PECK
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY, CA 00000

JOANNA GUBMAN
PUBLIC UTILITIES REGULATORY ANALYST
CPUC - PROCUREMENT ADEQUACY & OVERSIGHT
EMAIL ONLY
EMAIL ONLY, CA 00000

JORDAN PARRILLO
CALIFORNIA PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING AND POLICY BRANCH
EMAIL ONLY
EMAIL ONLY, CA 00000

LILY CHOW
REGULATORY ANALYST
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY, CA 00000

LINDA KELLY
CALIFORNIA ENERGY COMMISSION
EMAIL ONLY
EMAIL ONLY, CA 00000

MICHAELA FLAGG
CALIFORNIA PUBLIC UTILITIES COMMISSION
ORA
EMAIL ONLY
EMAIL ONLY, CA 00000
WILLIAM DIETRICH
SR. ANALYST - ENERGY DIV.
CPUC
EMAIL ONLY
EMAIL ONLY, CA 00000

VALERIE KAO
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY, CA 00000

ALAN WECKER
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ALEXANDER COLE
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ALOKE GUPTA
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ARTHUR J. O'DONNELL
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
ROOM 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

BRIAN STEVENS
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CARLOS A. VELASQUEZ
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CHLOE LUKINS
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CHRIS UNGSON
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DAMON A. FRANZ
CALIF PUBLIC UTILITIES COMMISSION
PROCUREMENT STRATEGY AND OVERSIGHT BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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DAVID M. GAMSON
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5019
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

DAVID SIAO
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ED CHARKOWICZ
CALIF PUBLIC UTILITIES COMMISSION
PROCUREMENT STRATEGY AND OVERSIGHT BRANC
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

EDWARD F. RANDOLPH
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
ROOM 4004
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

IRYNA KWASNY
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JULIE A. FITCH
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5214
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KARIN M. HIETA
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KE HAO OUYANG
CALIF PUBLIC UTILITIES COMMISSION
UTILITY & PAYPHONE ENFORCEMENT BRANCH
AREA 2-E
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KEITH D WHITE
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LEWIS BICKHOFF
CALIF PUBLIC UTILITIES COMMISSION
PROCUREMENT STRATEGY AND OVERSIGHT BRANC
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MARCELO POIRIER
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5025
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MATT MILEY
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5135
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MEGHA LAKHCHAURA
CALIF PUBLIC UTILITIES COMMISSION
PROCUREMENT STRATEGY AND OVERSIGHT BRANC
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MERIDETH STERKEL
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MICHEL PETER FLORIO
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MICHELE KITO
CALIF PUBLIC UTILITIES COMMISSION
DEMAND SIDE ANALYSIS BRANCH
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

NIKA ROGERS
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

NOUSHIN KETABI
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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PATRICK L. YOUNG
CALIF PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE PLANNING AND PERMITTING B
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

PETER SPENCER
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

RACHEL MCMAHON
CALIF PUBLIC UTILITIES COMMISSION
DEMAND SIDE PROGRAMS BRANCH
AREA
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

RADU CIUPAGEA
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PRICING AND CUSTOMER PROGRAM
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SEAN A. SIMON
CALIF PUBLIC UTILITIES COMMISSION
PROCUREMENT STRATEGY AND OVERSIGHT BRANC
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SEPIDEH KHOSROWJAH
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5201
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

STEPHEN ST. MARIE
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5203
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

XIAN "CINDY" LI
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PRICING AND CUSTOMER PROGRAM
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

YAKOV LASKO
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CONSTANCE LENI
CALIFORNIA ENERGY COMMISSION
MS-20
1516 NINTH STREET
SACRAMENTO, CA 95814

MARC S. PRYOR
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814

MICHAEL JASKE
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-20
SACRAMENTO, CA 95814

REBECCA TSAI-WEI LEE
CALIF PUBLIC UTILITIES COMMISSION
DRA - ADMINISTRATIVE BRANCH
770 L Street, Suite 1250
Sacramento, CA 95814

KEVIN S. NAKAMURA
CALIF PUBLIC UTILITIES COMMISSION
UTILITY AUDIT, FINANCE & COMPLIANCE BRAN
180 Promenade Circle, Suite 115
Sacramento, CA 95834

Executed this 31st day of October, 2013, at Santa Cruz,
California.

/s/ L. Jan Reid

L. Jan Reid
3185 Gross Road
Santa Cruz, CA 95062