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Bcc:

Subject: Re: R.13-09-011 Demand Response: Workshops versus Evidentiary Hearings

Dear ALJ Hymes,

PG&E appreciates your interest in the potential use of workshops instead of hearings, and we have carefully considered your suggestions. However, PG&E cannot waive its right to cross-examination certain witnesses at this time, including but not limited to CAISO witnesses. We also have data requests pending, which may affect our need for cross-examination of various other witnesses.

Since PG&E anticipates that other parties also will want to cross-examine witnesses, we do not know how much hearing time will be necessary. However, PG&E agrees with CLECA's comments about having *at least* 2 days of hearings at the start of the week. The remaining days could be used for workshops as CLECA described, on the condition that, as CLECA suggests, the workshops result in a workshop report that is part of the record and produced with the opportunity for all parties to have input into that workshop report. We also support using the time scheduled for the DRAM workshop on June 2 to organize hearings, workshops, and future procedural dates.

Respectfully, Shirley Woo

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Hazlyn; Caron, Jennifer; Como, Joe; Ouyang, Ke Hao; Kito, Michele; Nataloni, Pamela; Gruendling, Paula; McMahon, Rachel; Ciupagea, Radu; Edwards, Russell; Liang-Uejio, Scarlett; Gokhale, Sudheer K.; Sullivan, Timothy J.; Kao, Valerie; Li, Xian M.; Lee, Rebecca Tsai-Wei
Cc: Hymes, Kelly A.

Subject: R.13-09-011 Demand Response: Workshops versus Evidentiary Hearings

After reviewing the lists of facts in dispute served by the parties in this proceeding, I am concerned that our time may be better spent in workshops as opposed to hearings.

I would like to propose to the parties that instead of holding hearings the week of June 9, we hold a series of workshops that address most, if not all, of the issues listed by the parties. As SCE has suggested, these matters may be more appropriate for workshop rather than hearings.

If parties are willing to waive cross-examination of the testimony, we could spend the time in workshops. Or, in the alternative, if parties are willing to waive cross-examination of part of the testimony, we could spend part of our time in workshops and part in hearings.

In my proposed schedule below, we would cancel the June 2 workshop and roll it into the workshops below. In my review of the lists provided by the parties, a tentative schedule could be as follows:

- Day 1 (June 9)
 - AM - Phase II issues including cost recovery, back up generation, and the cost effectiveness protocols.
 - PM - CAISO Market Integration costs with presentations by the three utilities. PG&E, SDG&E and SCE would be prepared to provide an overview of the proposed costs of the Rule 24 Implementation.
- Day 2 (June 10)
 - AM - Categorization of current demand response programs including the characteristics of load modifying resources and supply resources
 - PM - Setting future demand response goals
- Day 3 (June 11)
 - AM - Demand Response Auction Mechanism and Resource Adequacy Matters
 - PM - 1/2 day evidentiary hearing where parties cross examine witnesses on remaining issues
- Day 4 (June 12) -- One additional day of evidentiary hearings

I would like to make a final determination on this by noon tomorrow (Friday, May 30, 2014), so that we can reschedule the June 2 workshop, if appropriate. Parties should email me with their thoughts on this proposal as soon as possible (the earlier the better) and include a statement of whether they are willing to waive cross examination of any or all witnesses.

Thank you, Judge Hymes

Kelly A. Hymes

Administrative Law Judge

California Public Utilities Commission

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Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence. -- John Adams