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Bcc:

Subject: RE: R.13-09-011 Demand Response: Workshops versus Evidentiary Hearings - Joint
DR Parties' Response

Dear ALJ Hymes,

The Direct Access Customer Coalition (DACC) and Alliance for Retail Energy Markets (AReM) do not object to the workshop proposal outlined in your email, although it raises the issue of how to establish a record upon which your future proposed decision could be based. Two possibilities come to mind. First, the workshops could be followed by a brief period, perhaps two or three weeks, during which staff prepares a workshop report for submission into the record. There would then have to be a period that would permit parties to comment and reply on the report, with the comments and reply made part of the record. Similarly, if there were no hearings, at the time the workshop report is proposed to be moved into the record, parties could move that their respective testimonies also be incorporated into the record. A second approach would be to have the workshops transcribed and then have the transcription made part of the record, although that might tend to inhibit the usual free flow of discussion that customarily occurs at workshops, and is not an approach that DACC/AReM recommends.

As for cross-examination, if all other parties are willing to waive cross of DACC/AReM witness Sue Mara, we would similarly be willing to waive cross of all other parties. DACC/AReM also does not generally object to canceling the June 2 workshop, the schedule of workshops you propose and the topics to be included, with one exception. DACC/AReM do not believe the topics of cost recovery and cost allocation will be enhanced by workshops discussion and that these issues can be dealt with through briefing.

Dan Douglass

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From: Hymes, Kelly A. [<mailto:kelly.hymes@cpuc.ca.gov>]

Sent: Thursday, May 29, 2014 2:14 PM

To:

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