

From: Hymes, Kelly A.

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jody_london_consulting@earthlink.net (jody_london_consulting@earthlink.net);
Ekelly@mceCleanEnergy.org (Ekelly@mceCleanEnergy.org);
jleslie@mckennalong.com (jleslie@mckennalong.com); mpanfil@edf.org
(mpanfil@edf.org); Steph@Clean-Coalition.org (Steph@Clean-Coalition.org);
cmeehan@comverge.com (cmeehan@comverge.com); frader@energyhub.net
(frader@energyhub.net); Cherry, Brian K
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7); Woo, Shirley A
(Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=SAW0); nes@a-klaw.com
(nes@a-klaw.com); marcel@turn.org (marcel@turn.org); mtierney-
lloyd@enernoc.com (mtierney-lloyd@enernoc.com); liddell@energyattorney.com
(liddell@energyattorney.com); douglass@energyattorney.com
(douglass@energyattorney.com); sue.mara@RTOadvisors.com
(sue.mara@RTOadvisors.com); sachu.constantine@energycenter.org
(sachu.constantine@energycenter.org); TBrill@SempraUtilities.com
(TBrill@SempraUtilities.com); dhilla@consumercal.org (dhilla@consumercal.org);
Salvacion, Lisa-Marie (lisa-marie.salvacion@cpuc.ca.gov); olivia.samad@sce.com
(olivia.samad@sce.com); hchoy@isd.co.lacounty.gov (hchoy@isd.co.lacounty.gov);
pbull@nrdc.org (pbull@nrdc.org); Lolds@VWVRA.com (Lolds@VWVRA.com);
RegRelCPUCCases
(/O=PG&E/OU=Corporate/cn=Recipients/cn=RegRelCPUCCases);
kmills@cfbf.com (kmills@cfbf.com); ssmyers@att.net (ssmyers@att.net);
jerry1@abag.ca.gov (jerry1@abag.ca.gov); ABesa@SempraUtilities.com
(ABesa@SempraUtilities.com); david@nemtzw.com (david@nemtzw.com);
davidmorse9@gmail.com (davidmorse9@gmail.com);
Diane.Fellman@nrgenergy.com (Diane.Fellman@nrgenergy.com);
jna@speakeasy.org (jna@speakeasy.org); cpucdockets@keyesandfox.com
(cpucdockets@keyesandfox.com); service@cforat.org (service@cforat.org);
dwang@nrdc.org (dwang@nrdc.org); Eric@CoalitionofEnergyUsers.org
(Eric@CoalitionofEnergyUsers.org); aschwartz@solarcity.com
(aschwartz@solarcity.com); dwooley@kfwlaw.com (dwooley@kfwlaw.com);
dchia@solarcity.com (dchia@solarcity.com); charlie.buck@energycenter.org
(charlie.buck@energycenter.org); ahmad.faruqui@brattle.com
(ahmad.faruqui@brattle.com); barbara@barkovichandyap.com
(barbara@barkovichandyap.com); MeganMMyers@yahoo.com
(MeganMMyers@yahoo.com); jennifer.anne.chamberlin@jci.com
(jennifer.anne.chamberlin@jci.com); afreifeld@viridityenergy.com
(afreifeld@viridityenergy.com); HSANDERS@caiso.com
(HSANDERS@caiso.com); grover@evergreenecon.com
(grover@evergreenecon.com); breid@olivineinc.com (breid@olivineinc.com);
wilson1224@gmail.com (wilson1224@gmail.com); edward.koch@honeywell.com
(edward.koch@honeywell.com); deane.burk@water.ca.gov
(deane.burk@water.ca.gov); bboice02@yahoo.com (bboice02@yahoo.com);
david.reed@sce.com (david.reed@sce.com); california@opower.com

To:

(california@opower.com); CChristensen@Strategen.com
(CChristensen@Strategen.com); gthomas@ecoact.org (gthomas@ecoact.org);
bernardo@braunlegal.com (bernardo@braunlegal.com); tglassey@certichron.com
(tglassey@certichron.com); Clark.Pierce@us.landisgyr.com
(Clark.Pierce@us.landisgyr.com); sephra.ninow@energycenter.org
(sephra.ninow@energycenter.org); rwalther@pacbell.net (rwalther@pacbell.net);
mrw@mrwassoc.com (mrw@mrwassoc.com); elvine@lbl.gov (elvine@lbl.gov);
Huffman, Mark (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=MRH2);
blaising@braunlegal.com (blaising@braunlegal.com); klatt@energyattorney.com
(klatt@energyattorney.com); kjsimonsen@ems-ca.com (kjsimonsen@ems-ca.com);
JanMcFar@sonic.net (JanMcFar@sonic.net); mpf@stateside.com
(mpf@stateside.com); martinhomec@gmail.com (martinhomec@gmail.com);
Erin.Grizard@BloomEnergy.com (Erin.Grizard@BloomEnergy.com);
snuller@ethree.com (snuller@ethree.com); ttutt@smud.org (ttutt@smud.org);
peter.pearson@bves.com (peter.pearson@bves.com); enriqueg@greenlining.org
(enriqueg@greenlining.org); michelle.d.grant@dynegy.com
(michelle.d.grant@dynegy.com); smaye@nappartners.com
(smaye@nappartners.com); mainspan@ecsgrid.com (mainspan@ecsgrid.com);
mpieniazek@drenergyconsulting.com (mpieniazek@drenergyconsulting.com);
sswaroop@mceCleanEnergy.org (sswaroop@mceCleanEnergy.org);
JWaen@mceCleanEnergy.org (JWaen@mceCleanEnergy.org);
dan.delurey@drsgcoalition.org (dan.delurey@drsgcoalition.org);
tculley@kfwlaw.com (tculley@kfwlaw.com); sean.beatty@nrgenergy.com
(sean.beatty@nrgenergy.com); regulatory@mceCleanEnergy.org
(regulatory@mceCleanEnergy.org); jkeyes@kfwlaw.com (jkeyes@kfwlaw.com);
mbruce@ecoact.org (mbruce@ecoact.org); gfishman@ecoact.org
(gfishman@ecoact.org); janderson@viridityenergy.com
(janderson@viridityenergy.com); janderson@viridityenergy.com
(janderson@viridityenergy.com); dadams@viridityenergy.com
(dadams@viridityenergy.com); sahm@clean-coalition.org (sahm@clean-
coalition.org); pramod@ces-ltd.com (pramod@ces-ltd.com);
rcounihan@enernoc.com (rcounihan@enernoc.com); joel.gamoran@c3energy.com
(joel.gamoran@c3energy.com); Paul.Karr@TrilliantInc.com
(Paul.Karr@TrilliantInc.com); elaine.s.wei@pjc.com (elaine.s.wei@pjc.com);
klaughlin@viridityenergy.com (klaughlin@viridityenergy.com);
admin@energycoaliton.org (admin@energycoaliton.org);
nplanson@consumerpowerline.com (nplanson@consumerpowerline.com);
sschare@summitblue.com (sschare@summitblue.com); sdebroff@rhoads-sinon.com
(sdebroff@rhoads-sinon.com); barrettlarry@comcast.net
(barrettlarry@comcast.net); kcooney@summitblue.com
(kcooney@summitblue.com); apetersen@rhoads-sinon.com (apetersen@rhoads-
sinon.com); miino@rhoads-sinon.com (miino@rhoads-sinon.com);
dan.violette@navigantconsulting.com (dan.violette@navigantconsulting.com);
emalone@synapse-energy.com (emalone@synapse-energy.com);
policy@tendriline.com (policy@tendriline.com); stephen.baker@constellation.com
(stephen.baker@constellation.com); jcohen@isd.lacounty.gov

(jcohen@isd.lacounty.gov); mplante@bidgely.com (mplante@bidgely.com);
SGeorge@nexant.com (SGeorge@nexant.com); jtauber@earthjustice.org
(jtauber@earthjustice.org); rbinz@rbinz.com (rbinz@rbinz.com);
jimk@ecsgird.com (jimk@ecsgird.com); marina@energyhub.net
(marina@energyhub.net); nmurthy@wirelessglue.com
(nmurthy@wirelessglue.com); updates@tolerableplanet.com
(updates@tolerableplanet.com); Wu, Josephine
(/O=PG&E/OU=Corporate/cn=Recipients/cn=JWWd); tlong@turn.org
(tlong@turn.org); Haertle, Steve
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=SRH1);
RegRelCPUCCases
(/O=PG&E/OU=Corporate/cn=Recipients/cn=RegRelCPUCCases);
rmccann@umich.edu (rmccann@umich.edu); lmh@eslawfirm.com
(lmh@eslawfirm.com); sdhilton@stoel.com (sdhilton@stoel.com); joyw@mid.org
(joyw@mid.org); Jennifer.Shigekawa@sce.com (Jennifer.Shigekawa@sce.com);
steven@moss.net (steven@moss.net); eric@ethree.com (eric@ethree.com);
clamasbabbini@comverge.com (clamasbabbini@comverge.com);
mgo@goodinmacbride.com (mgo@goodinmacbride.com); filings@a-klaw.com
(filings@a-klaw.com); JYamagata@SempraUtilities.com
(JYamagata@SempraUtilities.com); mpa@a-klaw.com (mpa@a-klaw.com);
dwood8@cox.net (dwood8@cox.net); SDPatrick@SempraUtilities.com
(SDPatrick@SempraUtilities.com); larry.cope@sce.com (larry.cope@sce.com);
pk@utilitycostmanagement.com (pk@utilitycostmanagement.com);
cem@newsdata.com (cem@newsdata.com); msherida@energy.state.ca.us
(msherida@energy.state.ca.us); aliddell@icfi.com (aliddell@icfi.com);
alex.kang@itron.com (alex.kang@itron.com); case.admin@sce.com
(case.admin@sce.com); Roberts, Thomas (thomas.roberts@cpuc.ca.gov);
mgillette@enernoc.com (mgillette@enernoc.com); vwood@smud.org
(vwood@smud.org); bcragg@goodinmacbride.com (bcragg@goodinmacbride.com);
e-recipient@caiso.com (e-recipient@caiso.com); janreid@coastecon.com
(janreid@coastecon.com); Middlekauff, Charles (Law)
(/O=PG&E/OU=Corporate/cn=Recipients/cn=CRMd); cmkehrrein@ems-ca.com
(cmkehrrein@ems-ca.com); Huffman, Mark (Law)
(/O=PG&E/OU=Corporate/cn=Recipients/cn=MRH2); jsanders@caiso.com
(jsanders@caiso.com); rl@eslawfirm.com (rl@eslawfirm.com);
abb@eslawfirm.com (abb@eslawfirm.com); jeffgray@dwt.com
(jeffgray@dwt.com); rschmidt@bartlewells.com (rschmidt@bartlewells.com);
kowalewskia@calpine.com (kowalewskia@calpine.com); maldridge@ecoact.org
(maldridge@ecoact.org); steven@iepa.com (steven@iepa.com);
barmackm@calpine.com (barmackm@calpine.com); saeed.farrokhpay@ferc.gov
(saeed.farrokhpay@ferc.gov); dgrandy@caonsitegen.com
(dgrandy@caonsitegen.com); CPUCCases@pge.com (CPUCCases@pge.com);
kdw@woodruff-expert-services.com (kdw@woodruff-expert-services.com);
lwhouse@innercite.com (lwhouse@innercite.com); SNelson@Sempra.com
(SNelson@Sempra.com); brian.theaker@nrgenergy.com
(brian.theaker@nrgenergy.com); Service@spurr.org (Service@spurr.org);

theresa.mueller@sfgov.org (theresa.mueller@sfgov.org); janet.combs@sce.com (janet.combs@sce.com); wrostov@earthjustice.org (wrostov@earthjustice.org); philm@scdenergy.com (philm@scdenergy.com); robertgex@dwt.com (robertgex@dwt.com); rafi.hassan@sig.com (rafi.hassan@sig.com); glbarbose@lbl.gov (glbarbose@lbl.gov); KKloberdanz@SempraUtilities.com (KKloberdanz@SempraUtilities.com); hvidstenj@kindermorgan.com (hvidstenj@kindermorgan.com); shawn_cox@kindermorgan.com (shawn_cox@kindermorgan.com); Gandesbery, Mary (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=MAGq); tderivi@scppa.org (tderivi@scppa.org); nguyen.quan@gswater.com (nguyen.quan@gswater.com); matt.vespa@SierraClub.org (matt.vespa@SierraClub.org); gayatri@jbsenergy.com (gayatri@jbsenergy.com); Inavarro@edf.org (Inavarro@edf.org); chris_king@siemens.com (chris_king@siemens.com); policy@efficiencycouncil.org (policy@efficiencycouncil.org); don@ucan.org (don@ucan.org); rogerv@mid.org (rogerv@mid.org); jderosa@ces-ltd.com (jderosa@ces-ltd.com); berlin@susieberlinlaw.com (berlin@susieberlinlaw.com); rvillarreal@earthjustice.org (rvillarreal@earthjustice.org); ames_doug@yahoo.com (ames_doug@yahoo.com); willem.fadrhonc@stem.com (willem.fadrhonc@stem.com); oliviapara@dwt.com (oliviapara@dwt.com); irene@igc.org (irene@igc.org); aadeyeye@earthjustice.org (aadeyeye@earthjustice.org); mharamati@opiniondynamics.com (mharamati@opiniondynamics.com); speesapati@earthjustice.org (speesapati@earthjustice.org); philha@astound.net (philha@astound.net); DBarker@semprautilities.com (DBarker@semprautilities.com); James.J.Hirsch@gmail.com (James.J.Hirsch@gmail.com); drothrock@cmta.net (drothrock@cmta.net); chinman@caiso.com (chinman@caiso.com); kjohnson@caiso.com (kjohnson@caiso.com); jgoodin@caiso.com (jgoodin@caiso.com); cara.goldenberg@grueneich.com (cara.goldenberg@grueneich.com); David.Weidberg@jci.com (David.Weidberg@jci.com); carl.silsbee@sce.com (carl.silsbee@sce.com); afaustino@semprautilities.com (afaustino@semprautilities.com); tomk@mid.org (tomk@mid.org); jshields@ssjid.com (jshields@ssjid.com); Dave.Hanna@itron.com (Dave.Hanna@itron.com); dcengel@fscgroup.com (dcengel@fscgroup.com); dwylie@aswengineering.com (dwylie@aswengineering.com); eric@strategyi.com (eric@strategyi.com); rdj@att.com (rdj@att.com); ka-wing.poon@sce.com (ka-wing.poon@sce.com); pmcleod@finsch.com (pmcleod@finsch.com); LDavidson@SempraUtilities.com (LDavidson@SempraUtilities.com); dhungerf@energy.state.ca.us (dhungerf@energy.state.ca.us); jskromer@gmail.com (jskromer@gmail.com); Dadras, Shada (/O=PG&E/OU=Corporate/cn=Recipients/cn=SxDh); janders@caiso.com (janders@caiso.com); joyce.leung@sce.com (joyce.leung@sce.com); ted@energy-solution.com (ted@energy-solution.com); David.Lowrey@sce.com (David.Lowrey@sce.com); smithmj@calpine.com (smithmj@calpine.com); cpjoe@gepllc.com (cpjoe@gepllc.com); kmkiener@cox.net (kmkiener@cox.net); ja_boothe@yahoo.com (ja_boothe@yahoo.com); steven@sfpower.org (steven@sfpower.org); garwacrd@sce.com (garwacrd@sce.com);

mark.s.martinez@sce.com (mark.s.martinez@sce.com); jeff@jbsenergy.com (jeff@jbsenergy.com); andrea.horwatt@sce.com (andrea.horwatt@sce.com); KSmith2@SempraUtilities.com (KSmith2@SempraUtilities.com); opatterson@opiniondynamics.com (opatterson@opiniondynamics.com); kmeeusen@caiso.com (kmeeusen@caiso.com); rafferty@gmail.com (rafferty@gmail.com); cpuc-r1309011@olivineinc.com (cpuc-r1309011@olivineinc.com); dmccoard@hotmail.com (dmccoard@hotmail.com); Karen@HerterEnergy.com (Karen@HerterEnergy.com); igeCILS@opiniondynamics.com (igeCILS@opiniondynamics.com); pbeck@eliteenergysys.com (pbeck@eliteenergysys.com); toguin@lightsailenergy.com (toguin@lightsailenergy.com); Peck, David B. (david.peck@cpuc.ca.gov); Villarreal, Christopher (christopher.villarreal@cpuc.ca.gov); Fortune, Hazlyn (hazlyn.fortune@cpuc.ca.gov); jholmes@emi1.com (jholmes@emi1.com); Ouyang, Ke Hao (kehao.ouyang@cpuc.ca.gov); Lee, Rebecca Tsai-Wei (rebecca.lee@cpuc.ca.gov); Caron, Jennifer (jennifer.caron@cpuc.ca.gov); claufenb@energy.state.ca.us (claufenb@energy.state.ca.us); Marks, Jaclyn (jaclyn.marks@cpuc.ca.gov); karen@klindh.com (karen@klindh.com); mary.wiencke@pacificorp.com (mary.wiencke@pacificorp.com); Franz, Damon A. (damon.franz@cpuc.ca.gov); wmc@a-klaw.com (wmc@a-klaw.com); Como, Joe (joe.como@cpuc.ca.gov); Brooks, Donald J. (donald.brooks@cpuc.ca.gov); jack@casaraquel.com (jack@casaraquel.com); jack@casaraquel.com (jack@casaraquel.com); Dorman, Elizabeth (elizabeth.dorman@cpuc.ca.gov); Kao, Valerie (valerie.kao@cpuc.ca.gov); Flagg, Michaela (Michaela.Flagg@cpuc.ca.gov); Kito, Michele (michele.kito@cpuc.ca.gov); Barcic, Nathan (Nathan.Barcic@cpuc.ca.gov); roger147@aol.com (roger147@aol.com); Lee, Audrey (audrey.lee@cpuc.ca.gov); Lee, Audrey (audrey.lee@cpuc.ca.gov); Chaset, Nicolas L. (nicolas.chaset@cpuc.ca.gov); agassner@enbala.com (agassner@enbala.com); Gupta, Alope (aloke.gupta@cpuc.ca.gov); Clay, Christopher (christopher.clay@cpuc.ca.gov); Li, Xian M. (Xian.Li@cpuc.ca.gov); Gannon, Jaime Rose (JaimeRose.Gannon@cpuc.ca.gov); Liang-Uejio, Scarlett (scarlett.liang-uejio@cpuc.ca.gov); Gubman, Joanna (Joanna.Gubman@cpuc.ca.gov); McMahon, Rachel (Rachel.McMahon@cpuc.ca.gov); McMahon, Rachel (Rachel.McMahon@cpuc.ca.gov); Ciupagea, Radu (radu.ciupagea@cpuc.ca.gov); everitt@ecobee.com (everitt@ecobee.com); Buch, Daniel (Daniel.Buch@cpuc.ca.gov); Chow, Dorris (dorris.chow@cpuc.ca.gov); Gokhale, Sudheer K. (sudheer.gokhale@cpuc.ca.gov); tylerb@poweritsolutions.com (tylerb@poweritsolutions.com); bschuman@pacific-crest.com (bschuman@pacific-crest.com); Nataloni, Pamela (pamela.nataloni@cpuc.ca.gov); Gruending, Paula (paula.gruending@cpuc.ca.gov); Hymes, Kelly A. (kelly.hymes@cpuc.ca.gov); Sullivan, Timothy J. (timothy.sullivan@cpuc.ca.gov); Kaneshiro, Bruce (bruce.kaneshiro@cpuc.ca.gov); Blumer, Werner M. (werner.blumer@cpuc.ca.gov); Peterson, Rachel A. (rachel.peterson@cpuc.ca.gov); Crisostomo, Noel (noel.crisostomo@cpuc.ca.gov); Edwards, Russell (Russell.Edwards@cpuc.ca.gov); Erickson, John "David" (john.erickson@cpuc.ca.gov)

Cc: ALJ Process (ALJ_Process@cpuc.ca.gov); ALJ_Support ID (alj_supportid@cpuc.ca.gov); ALJ Docket Office (ALJ_Docket_Office@cpuc.ca.gov)

Bcc:

Subject: R.13-09-011 Email Ruling Granting Limited Extension of Time to Serve Rebuttal Testimony

On May 15, 2014, the California Independent System Operator (CAISO) filed a motion requesting a one-week extension of time for parties to serve rebuttal testimony in Rulemaking (R.) 13-09-011. The CAISO explained that the volume and breadth of the opening testimony and the limited time for rebuttal testimony has resulted in insufficient time to complete rebuttal testimony. CAISO requested an additional week to serve the rebuttal testimony, resulting in a new deadline of May 27, 2014. CAISO, realizing the limited amount of time between the service of rebuttal testimony and the start of evidentiary hearings, offered an alternative request of May 23, 2014 for the extension.

Due to the brief amount of time before rebuttal testimony is currently due, parties were directed to email the assigned Administrative Law Judge and the service list by 12:00 pm on May 16, 2014 indicating opposition to the CAISO motion. The California Large Energy Consumers Association (CLECA) emailed the service list on May 16, 2014 opposing the one-week extension but agreeing to the May 23, 2014 extension. CLECA explained that it was concerned that the longer extension would not provide sufficient time for evidentiary hearing preparation. CLECA also requested that parties be directed to serve the rebuttal testimony as early as possible on May 23, 2014, because of the holiday weekend. The Joint Demand Response Parties also emailed the service list agreeing with CLECA but requesting that the extension be limited to the close of business on May 22, 2014, due to staffing schedules.

The extension request by the CAISO is reasonable but CLECA and the Joint Demand Response Parties' concern regarding the amount of time to prepare for evidentiary hearings is also valid. Thus, the schedule is revised as follows:

First, **parties shall serve their individual list of "facts in dispute" on May 20, 2014**, as originally directed in the April 2, 2014 Ruling. This will assist the Commission in narrowing the issues to be addressed in evidentiary hearings. As noted in the April 2, 2014 Ruling, there is no need to address issues during the evidentiary hearings where there are no facts in dispute; unless, of course, the Judge has questions for the witness. Thus, no later than May 29, 2014, parties will receive the final list of issues to be addressed during the June 9-13, 2014 hearings. In that notification, parties will also be directed to provide a list of cross examination witnesses and cross time estimates so that the hearings can be conducted efficiently and perhaps the

number of hearing days can be decreased.

Second, the CAISO's request for an extension of time for parties to serve rebuttal testimony is granted on a limited basis. **All parties shall serve rebuttal testimony no later than 5:00 pm on May 22, 2014.**

The Docket Office shall formally file this Ruling.

Kelly A. Hymes

Administrative Law Judge

California Public Utilities Commission

505 Van Ness Avenue, Room 5111

San Francisco, CA 94102

(415) 703-5132

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