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Bcc:

Subject: RE: R.13-09-011 Email Ruling Revising Hearing Schedule

Dear ALJ Hymes,

As of today, Sierra Club will not reserve cross-examination time for individual witnesses, but does wish to preserve its right to cross-examine witnesses based on information that may surface during the June 9-10 workshops. In any case, we do not expect that any cross-examination we would decide is necessary would exceed 45 minutes in total.

Our expert witness, Ron Binz, will be traveling to San Francisco from Colorado to attend the workshops and to be available to testify if called. To accommodate Mr. Binz travel schedule, we request that any party wishing to cross-examine him schedule their cross for the morning of Wednesday, June 11, if possible.

Thank you for your consideration.

Sincerely,

John Nimmons  
Counsel for Sierra Club



Dan Douglass  
June 2, 2014 4:47 PM

Your Honor, and parties,

DACC/AReM do not need to reserve any cross-examination time as we believe cost recovery issues are best suited for being addressed through briefing and that expediting the hearing process is desirable. Further, although it appears based on the emails sent so far that no one has cross for DACC/AReM witness Sue Mara either, she is available only on Wednesday, June 11.

With regard to Monday's workshop schedule, it would be good to get a sense of format and timing....i.e., when do we start; how long is to be devoted to each topic; are PowerPoint presentations expected, etc?

Dan Douglass

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**From:** Hymes, Kelly A. [<mailto:kelly.hymes@cpuc.ca.gov>]  
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**Cc:** ALJ\_Support ID; ALJ Process; ALJ Docket Office  
**Subject:** R.13-09-011 Email Ruling Revising Hearing Schedule  
**Importance:** High

On April 2, 2014, the assigned Commissioner and Administrative Law Judge (ALJ) issued a joint Ruling that, among other things, scheduled testimony deadlines and evidentiary hearings dates in this proceeding. The Ruling also directed parties to serve their individual list of facts in dispute on May 20, 2014.

On May 20, 2014, the following parties served what they consider to be their facts in dispute: Sierra Club, Calpine Corporation, the Alliance for Retail Energy Markets/Direct Access Customer Coalition, the California Large Energy Consumers Association, The Utility Reform Network, and San Diego Gas & Electric Company (SDG&E). Pacific Gas and Electric Company (PG&E) provided a list of potential facts in dispute but not necessarily the facts that PG&E disputes. Southern California Edison Company (SCE) and the Environmental Defense Fund each served a document stating that they have no facts in dispute. SCE explained that while there is disagreement on issues, the disagreement is based on opinion but not a dispute of facts. Furthermore, SCE suggested that many issues are more appropriate for workshops.

After reviewing the lists provided by the parties, the ALJ contacted the service list to convey the SCE suggestion that workshops could replace evidentiary hearings. Furthermore, the ALJ requested that parties convey whether they are amenable to workshops in place of evidentiary hearings and to state whether parties would waive cross examination. No party opposed workshops. However, while some parties agreed to waive cross examination not all parties agreed to do so. As such, the most efficient course of action that continues the proceeding on an similar time schedule is to hold a combination of workshops and hearings as described below.

The hearings scheduled for June 9 and 10, 2014 are canceled and will be replaced with workshops, facilitated by the ALJ. Evidentiary hearings will be held on June 11 and 12, 2014. Parties shall serve cross examination estimates no later than Monday, June 2, 2014. Furthermore, the workshop scheduled for June 2, 2014 is now rescheduled to be part of the June 9-10 workshop.

A final agenda for the workshops will be sent to parties but a tentative schedule is 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 each should be prepared to provide an overview of the proposed costs of the Rule 24 Implementation. Other parties wanting to provide a cost presentation shall contact the ALJ no later than June 4, 2014.

•Day 2 (June 10)

- AM - Categorization of current demand response programs including the characteristics of load modifying resources and supply resources and Setting future demand response goals
- PM - Demand Response Auction Mechanism and the interplay with Resource Adequacy matters

Following the workshop, the three utilities, PG&E, SDG&E and SCE are directed to develop a draft workshop report to be filed no later than June 19, 2014. Parties shall file comments to the draft report no later than June 26, 2014. Reply comments on the draft report shall be filed no later than July 3, 2014.

A Ruling providing guidance to the parties for filing briefs will be issued shortly after the evidentiary hearings. A revised briefing schedule will be provided at that time.

The Docket Office shall formally file this email Ruling.

**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



Megan M. Myers

June 2, 2014 4:12 PM

**Dear ALJ Hymes and the Service List in R.13-09-011 (DR),**

**Pursuant to ALJ Hymes' e-mail ruling of May 30, 2014, the Center for Energy Efficiency and Renewable Technologies (CEERT) provides the following cross-examination estimates for evidentiary hearings scheduled for June 11 and 12, 2014 in R.13-09-011 (DR):**

**CAISO: Witness Goodin – 15 minutes**

**Witness Millar – 15 minutes**

**Please note that service of these cross-examination estimates has been made through multiple electronic transmissions.**

**Thank you,**



**Megan M. Myers**

**Attorney for CEERT**

**(415) 994-1616**

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

**Sent:** Friday, May 30, 2014 1:09 PM

**To:** [ekelly@mceCleanEnergy.org](mailto:ekelly@mceCleanEnergy.org); [jody\\_london\\_consulting@earthlink.net](mailto:jody_london_consulting@earthlink.net); [JLeslie@McKennaLong.com](mailto:JLeslie@McKennaLong.com); [frader@energyhub.net](mailto:frader@energyhub.net); [Steph@clean-coalition.org](mailto:Steph@clean-coalition.org); [mpanfil@edf.org](mailto:mpanfil@edf.org); [cmeehan@comverge.com](mailto:cmeehan@comverge.com); [hchoy@isd.co.lacounty.gov](mailto:hchoy@isd.co.lacounty.gov); [douglass@energyattorney.com](mailto:douglass@energyattorney.com); [olivia.samad@sce.com](mailto:olivia.samad@sce.com); [Liddell@EnergyAttorney.com](mailto:Liddell@EnergyAttorney.com); [sachu.constantine@energycenter.org](mailto:sachu.constantine@energycenter.org); [TBrill@SempraUtilities.com](mailto:TBrill@SempraUtilities.com); [Lolds@VWVRA.com](mailto:Lolds@VWVRA.com); [mtierney-lloyd@enernoc.com](mailto:mtierney-lloyd@enernoc.com); [sue.mara@RTOadvisors.com](mailto:sue.mara@RTOadvisors.com); Salvacion, Lisa-Marie; [dhillia@consumercal.org](mailto:dhillia@consumercal.org); [marcel@turn.org](mailto:marcel@turn.org); [pbull@nrdc.org](mailto:pbull@nrdc.org); [BKC7@pge.com](mailto:BKC7@pge.com); [nes@a-klaw.com](mailto:nes@a-klaw.com); [saw0@pge.com](mailto:saw0@pge.com); [MeganMMyers@yahoo.com](mailto:MeganMMyers@yahoo.com); [ssmyers@att.net](mailto:ssmyers@att.net); [breid@olivineinc.com](mailto:breid@olivineinc.com); [JerryL@abag.ca.gov](mailto:JerryL@abag.ca.gov); [dwooley@kfwlaw.com](mailto:dwooley@kfwlaw.com); [service@cforat.org](mailto:service@cforat.org); [edward.koch@honeywell.com](mailto:edward.koch@honeywell.com); [california@opower.com](mailto:california@opower.com); [jna@speakeasy.org](mailto:jna@speakeasy.org); [jennifer.anne.chamberlin@jci.com](mailto:jennifer.anne.chamberlin@jci.com); [wilson1224@gmail.com](mailto:wilson1224@gmail.com); [hsanders@caiso.com](mailto:hsanders@caiso.com); [Eric@CoalitionofEnergyUsers.org](mailto:Eric@CoalitionofEnergyUsers.org); [kmills@cbbf.com](mailto:kmills@cbbf.com); [grover@evergreenecon.com](mailto:grover@evergreenecon.com); [ahmad.faruqui@brattle.com](mailto:ahmad.faruqui@brattle.com); [afreifeld@viridityenergy.com](mailto:afreifeld@viridityenergy.com); [aschwartz@solarcity.com](mailto:aschwartz@solarcity.com); [ABesa@SempraUtilities.com](mailto:ABesa@SempraUtilities.com); [bboice02@yahoo.com](mailto:bboice02@yahoo.com); [barbara@barkovichandyap.com](mailto:barbara@barkovichandyap.com); [RegRelCpucCases@pge.com](mailto:RegRelCpucCases@pge.com); [CChristensen@Strategen.com](mailto:CChristensen@Strategen.com); [charlie.buck@energycenter.org](mailto:charlie.buck@energycenter.org); [dchia@solarcity.com](mailto:dchia@solarcity.com); [davidmorse9@gmail.com](mailto:davidmorse9@gmail.com); [david@nemtow.com](mailto:david@nemtow.com); [david.reed@sce.com](mailto:david.reed@sce.com); [deane.burk@water.ca.gov](mailto:deane.burk@water.ca.gov); [dwang@nrdc.org](mailto:dwang@nrdc.org); [Diane.Fellman@nrgenergy.com](mailto:Diane.Fellman@nrgenergy.com); [cpucdockets@keyesandfox.com](mailto:cpucdockets@keyesandfox.com); [dadams@viridityenergy.com](mailto:dadams@viridityenergy.com); [elvine@lbl.gov](mailto:elvine@lbl.gov); [enriqueg@greenlining.org](mailto:enriqueg@greenlining.org); [gthomas@ecoact.org](mailto:gthomas@ecoact.org); [gfishman@ecoact.org](mailto:gfishman@ecoact.org); [klatt@energyattorney.com](mailto:klatt@energyattorney.com); [janmcfar@sonic.net](mailto:janmcfar@sonic.net); [jkeyes@kfwlaw.com](mailto:jkeyes@kfwlaw.com); [JWaen@mceCleanEnergy.org](mailto:JWaen@mceCleanEnergy.org); [jcohen@isd.lacounty.gov](mailto:jcohen@isd.lacounty.gov); [joel.gamoran@c3energy.com](mailto:joel.gamoran@c3energy.com); [janderson@viridityenergy.com](mailto:janderson@viridityenergy.com); [klaughlin@viridityenergy.com](mailto:klaughlin@viridityenergy.com); [mainspan@ecsgird.com](mailto:mainspan@ecsgird.com); [mbruce@ecoact.org](mailto:mbruce@ecoact.org); [marina@energyhub.net](mailto:marina@energyhub.net); [mrh2@pge.com](mailto:mrh2@pge.com); [mplante@bidgely.com](mailto:mplante@bidgely.com); [regulatory@mceCleanEnergy.org](mailto:regulatory@mceCleanEnergy.org); [mpf@stateside.com](mailto:mpf@stateside.com); [nmurthy@wirelessglue.com](mailto:nmurthy@wirelessglue.com); [nplanson@consumerpowerline.com](mailto:nplanson@consumerpowerline.com); [Paul.Karr@TrilliantInc.com](mailto:Paul.Karr@TrilliantInc.com); [Peter.Pearson@bves.com](mailto:Peter.Pearson@bves.com); [pramod@ces-ltd.com](mailto:pramod@ces-ltd.com); [rcounihan@enernoc.com](mailto:rcounihan@enernoc.com);

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**Cc:** ALJ\_Support ID; ALJ Process; ALJ Docket Office  
**Subject:** R.13-09-011 Email Ruling Revising Hearing Schedule  
**Importance:** High

On April 2, 2014, the assigned Commissioner and Administrative Law Judge (ALJ) issued a joint Ruling that, among other things, scheduled testimony deadlines and evidentiary hearings dates in this proceeding. The Ruling also directed parties to serve their individual list of facts in dispute on May 20, 2014.

On May 20, 2014, the following parties served what they consider to be their facts in dispute: Sierra Club, Calpine Corporation, the Alliance for Retail Energy Markets/Direct Access Customer Coalition, the California Large Energy Consumers Association, The Utility Reform Network, and San Diego Gas & Electric Company (SDG&E). Pacific Gas and Electric Company (PG&E) provided a list of potential facts in dispute but not necessarily the facts that PG&E disputes. Southern California Edison Company (SCE) and the Environmental Defense Fund each served a document stating that they have

no facts in dispute. SCE explained that while there is disagreement on issues, the disagreement is based on opinion but not a dispute of facts. Furthermore, SCE suggested that many issues are more appropriate for workshops.

After reviewing the lists provided by the parties, the ALJ contacted the service list to convey the SCE suggestion that workshops could replace evidentiary hearings.

Furthermore, the ALJ requested that parties convey whether they are amenable to workshops in place of evidentiary hearings and to state whether parties would waive cross examination. No party opposed workshops. However, while some parties agreed to waive cross examination not all parties agreed to do so. As such, the most efficient course of action that continues the proceeding on an similar time schedule is to hold a combination of workshops and hearings as described below.

The hearings scheduled for June 9 and 10, 2014 are canceled and will be replaced with workshops, facilitated by the ALJ. Evidentiary hearings will be held on June 11 and 12, 2014. Parties shall serve cross examination estimates no later than Monday, June 2, 2014. Furthermore, the workshop scheduled for June 2, 2014 is now rescheduled to be part of the June 9-10 workshop.

A final agenda for the workshops will be sent to parties but a tentative schedule is 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 each should be prepared to provide an overview of the proposed costs of the Rule 24 Implementation. Other parties wanting to provide a cost presentation shall contact the ALJ no later than June 4, 2014.

• Day 2 (June 10)

- AM - Categorization of current demand response programs including the characteristics of load modifying resources and supply resources and Setting future demand response goals
- PM - Demand Response Auction Mechanism and the interplay with Resource Adequacy matters

Following the workshop, the three utilities, PG&E, SDG&E and SCE are directed to develop a draft workshop report to be filed no later than June 19, 2014. Parties shall file comments to the draft report no later than June 26, 2014. Reply comments on the

draft report shall be filed no later than July 3, 2014.

A Ruling providing guidance to the parties for filing briefs will be issued shortly after the evidentiary hearings. A revised briefing schedule will be provided at that time.

The Docket Office shall formally file this email Ruling.

**Kelly A. Hymes**

**Administrative Law Judge**

California Public Utilities Commission

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(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



Hymes, Kelly A.

May 30, 2014 1:08 PM

**On April 2, 2014, the assigned Commissioner and Administrative Law Judge (ALJ) issued a joint Ruling that, among other things, scheduled testimony deadlines and evidentiary hearings dates in this proceeding. The Ruling also directed parties to serve their individual list of facts in dispute on May 20, 2014.**

**On May 20, 2014, the following parties served what they consider to be their facts in dispute: Sierra Club, Calpine Corporation, the Alliance for Retail Energy Markets/Direct Access Customer Coalition, the California Large Energy Consumers Association, The Utility Reform Network, and San Diego Gas & Electric Company (SDG&E). Pacific Gas and Electric Company (PG&E) provided a list of potential facts in dispute but not necessarily the facts that PG&E disputes. Southern California Edison Company (SCE) and the Environmental Defense Fund each served a document stating that they have no facts in dispute. SCE explained that while there is disagreement on**

issues, the disagreement is based on opinion but not a dispute of facts. Furthermore, SCE suggested that many issues are more appropriate for workshops.

After reviewing the lists provided by the parties, the ALJ contacted the service list to convey the SCE suggestion that workshops could replace evidentiary hearings. Furthermore, the ALJ requested that parties convey whether they are amenable to workshops in place of evidentiary hearings and to state whether parties would waive cross examination. No party opposed workshops. However, while some parties agreed to waive cross examination not all parties agreed to do so. As such, the most efficient course of action that continues the proceeding on an similar time schedule is to hold a combination of workshops and hearings as described below.

The hearings scheduled for June 9 and 10, 2014 are canceled and will be replaced with workshops, facilitated by the ALJ. Evidentiary hearings will be held on June 11 and 12, 2014. Parties shall serve cross examination estimates no later than Monday, June 2, 2014. Furthermore, the workshop scheduled for June 2, 2014 is now rescheduled to be part of the June 9-10 workshop.

A final agenda for the workshops will be sent to parties but a tentative schedule is 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 each should be prepared to provide an overview of the proposed costs of the Rule 24 Implementation. Other parties wanting to provide a cost presentation shall contact the ALJ no later than June 4, 2014.
- Day 2 (June 10)
  - AM - Categorization of current demand response programs including the characteristics of load modifying resources and supply resources and Setting future demand response goals
  - PM - Demand Response Auction Mechanism and the interplay with Resource Adequacy matters

Following the workshop, the three utilities, PG&E, SDG&E and SCE are directed to develop a draft workshop report to be filed no later than June 19, 2014. Parties shall file comments to the draft report no later than June 26, 2014. Reply comments on the draft report shall be filed no later than July 3, 2014.

A Ruling providing guidance to the parties for filing briefs will be issued shortly after the evidentiary hearings. A revised briefing schedule will be provided at that time.

The Docket Office shall formally file this email Ruling.

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

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