

From: Dan Douglass  
Sent: 6/23/2014 3:35:37 PM  
To: 'Hymes, Kelly A.' (kelly.hymes@cpuc.ca.gov)  
jody\_london\_consulting@earthlink.net (jody\_london\_consulting@earthlink.net);  
jleslie@mckennalong.com (jleslie@mckennalong.com); Steph@Clean-Coalition.org  
(Steph@Clean-Coalition.org); frader@energyhub.net (frader@energyhub.net);  
liddell@energyattorney.com (liddell@energyattorney.com);  
douglass@energyattorney.com (douglass@energyattorney.com);  
sachu.constantine@energycenter.org (sachu.constantine@energycenter.org);  
mpanfil@edf.org (mpanfil@edf.org); TBrill@SempraUtilities.com  
Cc: (TBrill@SempraUtilities.com); olivia.samad@sce.com (olivia.samad@sce.com);  
cmeehan@comverge.com (cmeehan@comverge.com); hchoy@isd.co.lacounty.gov  
(hchoy@isd.co.lacounty.gov); Cherry, Brian K  
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7); ssmyers@att.net  
(ssmyers@att.net); Woo, Shirley A (Law  
(/O=PG&E/OU=Corporate/cn=Recipients/cn=SAW0); jerryl@abag.ca.gov  
(jerryl@abag.ca.gov); nes@a-klaw.com (nes@a-klaw.com); marcel@turn.org  
(marcel@turn.org); mtierney-lloyd@enernoc.com (mtierney-lloyd@enernoc.com);  
sue.mara@RTOadvisors.com (sue.mara@RTOadvisors.com); service@cforat.org  
(service@cforat.org); dwooley@kfwlaw.com (dwooley@kfwlaw.com);  
dhilla@consumercal.org (dhilla@consumercal.org); MeganMMyers@yahoo.com  
(MeganMMyers@yahoo.com); breid@olivineinc.com (breid@olivineinc.com);  
lms@cpuc.ca.gov (lms@cpuc.ca.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); gthomas@ecoact.org (gthomas@ecoact.org);  
ABesa@SempraUtilities.com (ABesa@SempraUtilities.com); eric@ethree.com  
(eric@ethree.com); david@nemtow.com (david@nemtow.com); elvine@lbl.gov  
(elvine@lbl.gov); 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); enriqueg@greenlining.org  
(enriqueg@greenlining.org); dwang@nrdc.org (dwang@nrdc.org);  
Eric@CoalitionofEnergyUsers.org (Eric@CoalitionofEnergyUsers.org);  
aschwartz@solarcity.com (aschwartz@solarcity.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); gfishman@ecoact.org (gfishman@ecoact.org);  
dadams@viridityenergy.com (dadams@viridityenergy.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); 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 (california@opower.com); CChristensen@Strategen.com (CChristensen@Strategen.com); bernardo@braunlegal.com (bernardo@braunlegal.com); tglassey@certichron.com (tglassey@certichron.com); sephra.ninow@energycenter.org (sephra.ninow@energycenter.org); mrw@mrwassoc.com (mrw@mrwassoc.com); Huffman, Mark (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=MRH2); blaising@braunlegal.com (blaising@braunlegal.com); klatt@energyattorney.com (klatt@energyattorney.com); JanMcFar@sonic.net (JanMcFar@sonic.net); mpf@stateside.com (mpf@stateside.com); snuller@ethree.com (snuller@ethree.com); ttutt@smud.org (ttutt@smud.org); peter.pearson@bves.com (peter.pearson@bves.com); mainspan@ecsgrid.com (mainspan@ecsgrid.com); sswaroop@mceCleanEnergy.org (sswaroop@mceCleanEnergy.org); JWaen@mceCleanEnergy.org (JWaen@mceCleanEnergy.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); janderson@viridityenergy.com (janderson@viridityenergy.com); janderson@viridityenergy.com (janderson@viridityenergy.com); 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.kwei@pjc.com (elaine.s.kwei@pjc.com); klaughlin@viridityenergy.com (klaughlin@viridityenergy.com); admin@energycoaliton.org (admin@energycoaliton.org); nplanson@consumerpowerline.com (nplanson@consumerpowerline.com); mplante@bidgely.com (mplante@bidgely.com); SGeorge@nexant.com (SGeorge@nexant.com); marina@energyhub.net (marina@energyhub.net); nmurthy@wirelessglue.com (nmurthy@wirelessglue.com)

Bcc:

Subject: FW: R.13-09-011 Email Ruling Granting Request to Revise Hearing Schedule

Your Honor, you may have already heard from others on this, but September 1 (the reply briefs date specified in your ruling) is Labor Day. As reply briefs can take some time to prepare, especially when the opening briefs are likely to be quite wide-ranging in scope, could we perhaps make it September 8, the following Monday?

Incidentally, this is being re-sent in separate emails because of the number of kickbacks received on the original email.

Dan Douglass

Douglass & Liddell  
21700 Oxnard Street, Suite 1030  
Woodland Hills, CA 91367  
Telephone: (818) 961-3001  
Facsimile: (818) 961-3004  
Cellphone: (818) 404-7535  
[douglass@energyattorney.com](mailto:douglass@energyattorney.com)

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

**Sent:** Monday, June 23, 2014 2:34 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@SemptraUtilities.com](mailto:TBrill@SemptraUtilities.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**; [dhilla@consumercal.org](mailto:dhilla@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@ici.com](mailto:jennifer.anne.chamberlin@ici.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@SemptraUtilities.com](mailto:ABesa@SemptraUtilities.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); [eric@ethree.com](mailto:eric@ethree.com); [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); [joel.gamoran@c3energy.com](mailto:joel.gamoran@c3energy.com); [janderson@viridityenergy.com](mailto:janderson@viridityenergy.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); [bernardo@braunlegal.com](mailto:bernardo@braunlegal.com); [blaising@braunlegal.com](mailto:blaising@braunlegal.com); [sean.beatty@nrgenergy.com](mailto:sean.beatty@nrgenergy.com); [sephra.ninow@energycenter.org](mailto:sephra.ninow@energycenter.org); [sswaroop@mceCleanEnergy.org](mailto:sswaroop@mceCleanEnergy.org); [snuller@ethree.com](mailto:snuller@ethree.com); [SGeorge@nexant.com](mailto:SGeorge@nexant.com); [tculley@kfwlaw.com](mailto:tculley@kfwlaw.com); [ttutt@smud.org](mailto:ttutt@smud.org); [tglassey@certichron.com](mailto:tglassey@certichron.com); [admin@energycoaliton.org](mailto:admin@energycoaliton.org); [mrw@mrwassoc.com](mailto:mrw@mrwassoc.com); [elaine.s.kwei@pic.com](mailto:elaine.s.kwei@pic.com); [Sahm@Clean-Coalition.org](mailto:Sahm@Clean-Coalition.org); [martinhomec@gmail.com](mailto:martinhomec@gmail.com); [michelle.d.grant@dynegy.com](mailto:michelle.d.grant@dynegy.com); [rwalth@pacbell.net](mailto:rwalth@pacbell.net); [stephen.baker@constellation.com](mailto:stephen.baker@constellation.com); [erin.grizard@bloomenergy.com](mailto:erin.grizard@bloomenergy.com); [emalone@synapse-energy.com](mailto:emalone@synapse-energy.com);

[smaye@nappartners.com](mailto:smaye@nappartners.com); [clark.pierce@us.landisgyr.com](mailto:clark.pierce@us.landisgyr.com); [mpieniazek@drenergyconsulting.com](mailto:mpieniazek@drenergyconsulting.com); [jimk@ecsgrid.com](mailto:jimk@ecsgrid.com); [apetersen@rhoads-sinon.com](mailto:apetersen@rhoads-sinon.com); [miino@rhoads-sinon.com](mailto:miino@rhoads-sinon.com); [sdebroy@rhoads-sinon.com](mailto:sdebroy@rhoads-sinon.com); [dan.delurey@drsgcoalition.org](mailto:dan.delurey@drsgcoalition.org); [jtauber@earthjustice.org](mailto:jtauber@earthjustice.org); [smiller@earthjustice.org](mailto:smiller@earthjustice.org); [KJSimonsen@ems-ca.com](mailto:KJSimonsen@ems-ca.com); [rbinz@rbinz.com](mailto:rbinz@rbinz.com); [policy@tendrillinc.com](mailto:policy@tendrillinc.com); [dan.violette@navigantconsulting.com](mailto:dan.violette@navigantconsulting.com); [kcooney@summitblue.com](mailto:kcooney@summitblue.com); [updates@tolerableplanet.com](mailto:updates@tolerableplanet.com); [barrettlarry@comcast.net](mailto:barrettlarry@comcast.net); [pbeck@eliteenergysys.com](mailto:pbeck@eliteenergysys.com); [SDPatrick@SempraUtilities.com](mailto:SDPatrick@SempraUtilities.com); [joyce.leung@sce.com](mailto:joyce.leung@sce.com); [mark.s.martinez@sce.com](mailto:mark.s.martinez@sce.com); [andrea.horwatt@sce.com](mailto:andrea.horwatt@sce.com); [carl.silsbee@sce.com](mailto:carl.silsbee@sce.com); [case.admin@sce.com](mailto:case.admin@sce.com); [david.leblond@sce.com](mailto:david.leblond@sce.com); [David.Lowrey@sce.com](mailto:David.Lowrey@sce.com); [janet.combs@sce.com](mailto:janet.combs@sce.com); [Jennifer.Shigekawa@sce.com](mailto:Jennifer.Shigekawa@sce.com); [ka-wing.poon@sce.com](mailto:ka-wing.poon@sce.com); [larry.cope@sce.com](mailto:larry.cope@sce.com); [garwacrd@sce.com](mailto:garwacrd@sce.com); [nguyen.quan@gswater.com](mailto:nguyen.quan@gswater.com); [dwood8@cox.net](mailto:dwood8@cox.net); [SNelson@sempra.com](mailto:SNelson@sempra.com); [kmkiener@cox.net](mailto:kmkiener@cox.net); [don@ucan.org](mailto:don@ucan.org); [afaustino@semprautilities.com](mailto:afaustino@semprautilities.com); [DBarker@SempraUtilities.com](mailto:DBarker@SempraUtilities.com); [KSmith2@SempraUtilities.com](mailto:KSmith2@SempraUtilities.com); [LDavidson@SempraUtilities.com](mailto:LDavidson@SempraUtilities.com); [CentralFiles@SempraUtilities.com](mailto:CentralFiles@SempraUtilities.com); [JYamagata@SempraUtilities.com](mailto:JYamagata@SempraUtilities.com); [Dave.Hanna@itron.com](mailto:Dave.Hanna@itron.com); [ames\\_doug@yahoo.com](mailto:ames_doug@yahoo.com); [dwyllie@aswengineering.com](mailto:dwyllie@aswengineering.com); [hvidstenj@kindermorgan.com](mailto:hvidstenj@kindermorgan.com); [shawn\\_cox@kindermorgan.com](mailto:shawn_cox@kindermorgan.com); [James.J.Hirsch@gmail.com](mailto:James.J.Hirsch@gmail.com); [pk@utilitycostmanagement.com](mailto:pk@utilitycostmanagement.com); [willem.fadrhonc@stem.com](mailto:willem.fadrhonc@stem.com); [kkloberdanz@semprautilities.com](mailto:kkloberdanz@semprautilities.com); [theresa.mueller@sfgov.org](mailto:theresa.mueller@sfgov.org); [Roberts, Thomas; tlong@turn.org](mailto:Roberts, Thomas; tlong@turn.org); [dcengel@fscgroup.com](mailto:dcengel@fscgroup.com); [cara.goldenberg@grueneich.com](mailto:cara.goldenberg@grueneich.com); [CRMd@pge.com](mailto:CRMd@pge.com); [jwwd@pge.com](mailto:jwwd@pge.com); [filings@a-klaw.com](mailto:filings@a-klaw.com); [matt.vespa@sierraclub.org](mailto:matt.vespa@sierraclub.org); [mpa@a-klaw.com](mailto:mpa@a-klaw.com); [rdj@att.com](mailto:rdj@att.com); [SXDH@pge.com](mailto:SXDH@pge.com); [SRH1@pge.com](mailto:SRH1@pge.com); [aliddell@icfi.com](mailto:aliddell@icfi.com); [steven@moss.net](mailto:steven@moss.net); [steven@sfpower.org](mailto:steven@sfpower.org); [aadeyeye@earthjustice.org](mailto:aadeyeye@earthjustice.org); [bcragg@goodinmacbride.com](mailto:bcragg@goodinmacbride.com); [mgo@goodinmacbride.com](mailto:mgo@goodinmacbride.com); [oliviapara@dwt.com](mailto:oliviapara@dwt.com); [rafi.hassan@sig.com](mailto:rafi.hassan@sig.com); [robertgex@dwt.com](mailto:robertgex@dwt.com); [RVillarreal@earthjustice.org](mailto:RVillarreal@earthjustice.org); [sdhilton@stoel.com](mailto:sdhilton@stoel.com); [speesapati@earthjustice.org](mailto:speesapati@earthjustice.org); [wrostov@earthjustice.org](mailto:wrostov@earthjustice.org); [jeffgray@dwt.com](mailto:jeffgray@dwt.com); [irene@iqc.org](mailto:irene@iqc.org); [cem@newsdata.com](mailto:cem@newsdata.com); [CPUCCases@pge.com](mailto:CPUCCases@pge.com); [MAGq@pge.com](mailto:MAGq@pge.com); [regrelcpuccases@pge.com](mailto:regrelcpuccases@pge.com); [mrh2@pge.com](mailto:mrh2@pge.com); [chris\\_king@siemens.com](mailto:chris_king@siemens.com); [Service@spurr.org](mailto:Service@spurr.org); [dmccoard@hotmail.com](mailto:dmccoard@hotmail.com); [CLamasBabbini@Comverge.com](mailto:CLamasBabbini@Comverge.com); [pmcleod@finsch.com](mailto:pmcleod@finsch.com); [kowalewskia@calpine.com](mailto:kowalewskia@calpine.com); [smithmj@calpine.com](mailto:smithmj@calpine.com); [barmackm@calpine.com](mailto:barmackm@calpine.com); [cpuc-r1309011@olivineinc.com](mailto:cpuc-r1309011@olivineinc.com); 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Thomas, Sarah R.; Liang-Uejio, Scarlett; Gokhale, Sudheer K.; Sullivan, Timothy J.; Kao, Valerie; Li, Xian M.; Lee, Rebecca Tsai-Wei

**Cc:** ALJ\_Support ID; ALJ Process; ALJ Docket Office

**Subject:** R.13-09-011 Email Ruling Granting Request to Revise Hearing Schedule

During an evidentiary hearing held on June 12, 2014, the evidentiary hearing was suspended until July 10, 2014 in order that parties could hold settlement discussions. On June 20, 2014, the parties requested a conference call with the assigned Administrative Law Judge (ALJ.) On June 21, 2014, the parties (California Independent System Operator Corporation (CAISO), the California Large Energy Consumers Association (CLECA), Calpine Corporation, Consumer Federation of California (CFC), Direct Access Customer Coalition/Alliance for Retail Energy Markets (DACC/AReM), Joint Demand Response Parties (representing EnerNOC, Comverge, and Johnson Controls), Marin Clean Energy (MCE), Office of Ratepayer Advocates, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Sierra Club, Southern California Edison (SCE), and The Utility Reform Network (TURN)) discussed the general status of the settlement discussions with the ALJ and requested additional time for settlement discussions and the suspension of hearings until at least July 31, 2014. On June 23, 2014, PG&E, on behalf of the CAISO, CLECA, CalPine, CFC, DACC/AReM, Joint Demand Response Parties, MCE, Olivine, SDG&E, Sierra Club, SCE, and TURN, filed a Settlement Meeting Status Report. In that report, the represented parties reiterated the request for additional time for settlement discussions and the suspension of hearings until at least July 31, 2014. Parties explained that settlement discussions were positive and efficient but, given the complexity of the issues in this demand response proceeding, parties need additional time to reach settlement.

As stated during the June 12, 2014 evidentiary hearing, the Commission has routinely favored settlement because settlement reduces the expense of litigation, conserves scarce Commission resources, and allows parties to reduce the risk that litigation will produce unacceptable results. I find the request to continue settlement discussions to be reasonable. However, the Commission must be prudent and ensure that the proceeding remains on a schedule that results in a decision by the end of 2014, as set forth in the April 2, 2014 Ruling and Scoping Memo. As such, I grant the request to suspend the hearings currently scheduled for July 10 and 11, 2014. Instead, a pre-hearing conference is now scheduled for July 29, 2014 at 10:00 am at which time parties should be prepared to discuss the status of the settlement talks. To further ensure that the proceeding remains on schedule, evidentiary hearings are tentatively re-scheduled to August 7 and 11, 2014 to address any items where parties have not reached settlement. Opening Briefs on any remaining issues will be due on August 25, 2014 and reply briefs will be due on September 1, 2014.

Lastly, on June 10, 2014, an email was sent to parties memorializing a conversation held during the workshop earlier that day. This Ruling formalizes that conversation as such: As a result of the depth of the workshop discussions held on June 9-10, 2014, representatives of Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Gas Company have requested an extension of time to file the draft workshop report. As discussed and agreed to by the parties during the June 21, 2014 conference call, the draft workshop report shall be filed on June 24, 2014. Parties shall file comments to the draft report no later than July 1,

2014. Reply comments on the draft report shall be filed no later than July 8, 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