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Bcc:

Subject: RE: R1309011 Email Ruling Providing Guidance Regarding Testimony

Your honor:

Thank you for considering ORA's additional proposed Exhibits regarding the Settlement Parties' issue for briefing on the Demand Response Auction Mechanism. ORA would like to clarify that it does not intend to serve any additional testimony; rather, ORA intends to propose Exhibits in the form of tables (and any other thing that it may rely on for briefs).

Best Regards,

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**From:** Hymes, Kelly A.

**Sent:** Wednesday, August 13, 2014 3:58 PM

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

**Subject:** R1309011 Email Ruling Providing Guidance Regarding Testimony

Pursuant to statements made during the August 11, 2014 hearing, this Ruling provides guidance to the parties regarding the testimony in Rulemaking 13-09-011. Parties have waived requests for additional hearings in this proceeding. Furthermore, several parties have stated an intent to waive rights to cross-examination of the testimony. As described below, this Ruling provides instructions to parties regarding three separate categories of testimony: 1) served testimony that has been marked and identified on the record but not received into evidence; 2) served testimony that has not been marked nor identified on the record; and 3) testimony that may still be served. This Ruling also clarifies the identification of certain testimony previously marked during the June 9 and 12, 2014 evidentiary hearings.

First, in order to clarify the record, the following corrections and clarifications to the hearing transcripts are necessary. On page 5 of the June 9, 2014 evidentiary hearing transcript Vol. 1, lines 21-22 identify exhibits as SDG&E-02, SDG&E-03, SDG&E-04, SDG&E-05, and SDG&E-06. These are incorrectly labelled and, instead, should be SGE-02, SGE-03, SGE-04, SGE-05, and SGE-06. Furthermore, as indicated in Vol. 1, on page 6, lines 5 through 23, only SGE-04, SGE-05, and SGE-06 were received into evidence on June 9, 2014. SGE-02 and SGE-03 were received into evidence on June 12, 2014, as indicated in the June 12, 2014 transcript, Vol. 2 at p. 51.

**1. Served testimony previously marked and identified on the record, but not received into evidence.**

During the evidentiary hearings on June 12, 2014, several pieces of served testimony were marked and identified on the record but not received into evidence. The following table lists



these pieces of testimony:

Exhibit	Witness	Exhibit Title
No		
CLE-01	Barkovich	California Large Energy Consumers Association's Testimony of Dr. Barbara R. Barkovich
CLE-02	Barkovich	California Large Energy Consumers Association's Reply Testimony of Dr. Barbara R. Barkovich
CLE-03	Goodin CAISO	March 25, 2014 email and attached presentation from Heather Sanders, CAISO on "Recent Demand Response Success Story:
CPC-01	Barmack	Calpine Corporation's Direct Testimony
CPC-02	Barmack	Calpine Corporation's Reply Testimony
EDF-01	Moss	Environmental Defense Fund's Amended Opening Testimony on Phase Two and Phase Three Issues
EDF-02	Moss	Environmental Defense Fund's Rebuttal Testimony on Phase Two and Phase Three Issues
EDF-03		Responses to Data Request
ISO-01	Millar	California Independent System Operator Corporation's Testimony of Neil Millar
ISO-02	Millar	California Independent System Operator Corporation's Rebuttal Testimony of Neil Millar
ISO-03	Goodin	California Independent System Operator Corporation's Testimony of John Goodin
ISO-04	Goodin	California Independent System Operator Corporation's Rebuttal Testimony of John Goodin
ISO-05	Laundergan	California Independent System Operator Corporation's Rebuttal Testimony of Jeremy Laundergan
ISO-06	Kristov	California Independent System Operator Corporation's Rebuttal Testimony of Dr. Lorenzo Kristov
JDP-01	Tierney- Lloyd et al	EnerNOC, Inc., Comverge, Inc., and Johnson Controls, Inc.'s Joint Phase Two (Foundational Issues) and Phase Three (Future DR Program Design) Opening Prepared Testimony - JDRP-1
JDP-02	Tierney- Lloyd et al	EnerNOC, Inc., Comverge, Inc., and Johnson Controls, Inc.'s Joint Phase Two (Foundational Issues) and Phase Three (Future DR Program Design) Opening Prepared Testimony - JDRP-2 Errata
JDP-03	Tierney- Lloyd et al	EnerNOC, Inc., Comverge, Inc. & Johnson Controls, Inc.'s Second Errata to Phase Two and Phase Three Rebuttal Testimony of Joint Demand Response Parties
JDP-04	Tierney- Lloyd et al	EnerNOC, Inc., Comverge, Inc., and Johnson Controls, Inc.'s Joint Phase Two (Foundational Issues) and Phase Three (Future DR Program Design) Rebuttal Testimony
JDP-	Tierney-	EnerNOC, Inc., Comverge, Inc. & Johnson Controls, Inc.'s Errata to Phase

- 05 Lloyd Two and Phase Three Rebuttal Testimony of Joint Demand Response Parties  
et al
- ORA- Gokhale Opening Testimony of the Office of Ratepayer Advocates  
01
- ORA- Gokhale Reply Testimony  
02
- ORA- Answer of SDG&E Witness Avery  
03
- PGE- Ho et al Pacific Gas and Electric Company 2013 Demand Response Rulemaking 13-  
01 00-011 Phases 2 and 3 Opening Testimony
- PGE- Ho et al Pacific Gas and Electric Company 2013 Demand Response Rulemaking 13-  
02 00-011 Phases 2 and 3 Appendices  
Pacific Gas and Electric Company 2013 Demand Response Rulemaking 13-  
00-011
- PGE- Abreu et al Phases 2 and 3 Rebuttal Testimony  
03 SCE
- PGE- Johnson PG&E Demand Response OIR 2013 Southern California Edison Data  
04 Request Response DR OIR-PG&E-SCE-001  
CAISO
- PGE- Millar PG&E Demand Response OIR 2013R.12-03-014, Excerpt from Millar  
05 Transcript, Pages 350 to 353, August 9, 2012  
CAISO PG&E Demand Response OIR 2013
- PGE- Goodin Excerpts from PG&E Aggregator Managed Portfolio Program Contracts,  
06 Approved in D.13-01-024 and D.14-02-033  
SDG&E
- PGE- Besa PG&E Demand Response OIR 2013 San Diego Gas and Electric Data  
07 Request Response to PG&E Data Request, May 28, 2014
- SCE- Aldrich et al Prepared Testimony of Southern California Edison Company  
01 al
- SCE- Aldrich et al Errata to Direct Testimony of Southern California Edison Company  
01A al  
Horwatt
- SCE- et al Rebuttal Testimony of Southern California Edison Company  
02 Johnson
- SCE- Silsbee Errata to Rebuttal Testimony of Southern California Edison Company  
02A
- SGE- Wang SDG&E's Prepared Direct Testimony of Liying Wang, Chapter II  
07
- SGE- Wang Rebuttal Testimony of Liying Wang (Chapter II)  
08
- SGE- Kruger SDG&E's Prepared Direct Testimony of Victor Kruger, Chapter III  
09
- SGE- Kruger Rebuttal Testimony of Victor Kruger (Chapter III)  
10
- SGE- Barker SDG&E's Prepared Direct Testimony of David Barker, Chapter VI

11

- SGE- Barker Rebuttal Testimony of David Barker (Chapter VI)  
12 Wang
- SGE- Barker Errata to Prepared Direct Testimony of San Diego Gas & Electric Company  
13
- TRN- Woodruff Prepared Direct Testimony of Kevin Woodruff Regarding Proposed Demand  
01 Response Auction Mechanism  
Prepared Direct Testimony of Kevin Woodruff Regarding Proposed Demand
- TRN- Woodruff Response Auction Mechanism  
01A June 8 Revisions
- TRN- Hawiger Prepared Direct Testimony of Marcel Hawiger  
02
- TRN- Hawiger TURN's Errata to Prepared Direct Testimony of Marcel Hawiger (Redlined)  
02A
- TRN- Woodruff TURN's Rebuttal Testimony of Kevin Woodruff Regarding Proposed  
03 Demand Response Auction Mechanism  
TURN's Rebuttal Testimony of Kevin Woodruff Regarding Proposed
- TRN- Woodruff Demand Response Auction Mechanism  
03A June 8 Revisions
- TRN- CEC, California Energy Demand 2014-2024 Final Forecast, December 2013 (Portion  
04 Addressing Demand Response)  
CEC, Revised Short-Term Peak Demand Forecast (2011-2012), March 2011
- TRN- (portion addressing methodology including demand response)  
05

If parties desire to enter this testimony into evidence, a motion from the parties requesting to do so shall be filed no later than Monday, August 18, 2014. Joint motions are highly encouraged. I will then allow three days (August 21, 2014) for parties to file any objections to the motion(s).

**2. Testimony previously served but neither marked, identified nor received into evidence.**

During the evidentiary hearings on June 12, 2014, two pieces of served testimony were neither marked, identified, nor received into evidence. The testimony in this category includes the following, which I have preliminarily identified and marked:

Exhibit Date

No. Served Witness(es) Description

Frader-[Alarm.Com](http://Alarm.Com) and EnergyHub's Prepared Testimony of Seth Frader-Thompson

ALA- Thompson Response to the Joint Ruling and Revised Scoping Memo Issued April 2,  
01 2014 on Phase 2 and 3 of the Demand Response OIR  
OPI-5/6/2014 O'Keefe Opower, Inc's Prepared Direct Testimony of Matthew O'Keefe  
01

Neither Alarm.Com/Energy Hub nor Opower were present at either the June 9 or June 12 hearings. If either Alarm.com/EnergyHub or Opower desire to enter this testimony into evidence, a motion requesting to do so shall be filed no later than Monday, August 18, 2014. The Motion should NOT include the testimony as an attachment. I will also allow three days (August 21, 2014) for parties to file any objections to the motion(s).

**3. Testimony not previously served, marked, identified or received into evidence.**

During the August 11, 2014 hearing, the Office of Ratepayer Advocates (ORA) stated that it intends to serve additional testimony in regards to the new aspect of the Demand Response Auction Mechanism that parties will include in briefs. No later than Monday, August 18, 2014, ORA shall file a motion requesting to identify, mark, and admit into evidence the new testimony. ORA should NOT attach the testimony to the motion. Again, parties will have three days (August 21, 2014) to file any objections to this motion.

The Docket Office shall formally file this 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