

From: Sara S. Myers

Sent: 8/14/2014 11:38:44 AM

To: mrw@mrwassoc.com (mrw@mrwassoc.com); rwalther@pacbell.net (rwalther@pacbell.net); martinhomec@gmail.com (martinhomec@gmail.com); Erin.Grizard@BloomEnergy.com (Erin.Grizard@BloomEnergy.com); michelle.d.grant@dynegy.com (michelle.d.grant@dynegy.com); sahm@clean-coalition.org (sahm@clean-coalition.org); elaine.s.kwei@pjc.com (elaine.s.kwei@pjc.com); emalone@synapse-energy.com (emalone@synapse-energy.com); stephen.baker@constellation.com (stephen.baker@constellation.com); Clark.Pierce@us.landisgyr.com (Clark.Pierce@us.landisgyr.com); kjsimonsen@ems-ca.com (kjsimonsen@ems-ca.com); smaye@nappartners.com (smaye@nappartners.com); mpieniazek@drenergyconsulting.com (mpieniazek@drenergyconsulting.com); dan.delurey@drsgcoalition.org (dan.delurey@drsgcoalition.org); sdebroy@rroads-sinon.com (sdebroy@rroads-sinon.com); kcooney@summitblue.com (kcooney@summitblue.com); apetersen@rroads-sinon.com (apetersen@rroads-sinon.com); miino@rroads-sinon.com (miino@rroads-sinon.com); dan.violette@navigantconsulting.com (dan.violette@navigantconsulting.com); policy@tendriline.com (policy@tendriline.com); jtauber@earthjustice.org (jtauber@earthjustice.org); rbinz@rbinz.com (rbinz@rbinz.com); jimk@ecsgrid.com (jimk@ecsgrid.com); updates@tolerableplanet.com (updates@tolerableplanet.com); smiller@earthjustice.org (smiller@earthjustice.org); Jennifer.Shigekawa@sce.com (Jennifer.Shigekawa@sce.com); JYamagata@SempraUtilities.com (JYamagata@SempraUtilities.com); dwood8@cox.net (dwood8@cox.net); CentralFiles@SempraUtilities.com (CentralFiles@SempraUtilities.com); SDPatrick@SempraUtilities.com (SDPatrick@SempraUtilities.com); larry.cope@sce.com (larry.cope@sce.com); case.admin@sce.com (case.admin@sce.com); SNelson@Sempra.com (SNelson@Sempra.com); janet.combs@sce.com (janet.combs@sce.com); hvidstenj@kindermorgan.com (hvidstenj@kindermorgan.com); shawn\_cox@kindermorgan.com (shawn\_cox@kindermorgan.com); nguyen.quan@gswater.com (nguyen.quan@gswater.com); don@ucan.org (don@ucan.org); ames\_doug@yahoo.com (ames\_doug@yahoo.com); DBarker@semprautilities.com (DBarker@semprautilities.com); carl.silsbee@sce.com (carl.silsbee@sce.com); afaustino@semprautilities.com (afaustino@semprautilities.com); Dave.Hanna@itron.com (Dave.Hanna@itron.com); dwylie@aswengineering.com (dwylie@aswengineering.com); barrettlarry@comcast.net (barrettlarry@comcast.net); ka-wing.poon@sce.com (ka-wing.poon@sce.com); LDavidson@SempraUtilities.com (LDavidson@SempraUtilities.com); joyce.leung@sce.com (joyce.leung@sce.com); David.Lowrey@sce.com (David.Lowrey@sce.com); kmkiener@cox.net (kmkiener@cox.net); garwacrd@sce.com (garwacrd@sce.com); mark.s.martinez@sce.com (mark.s.martinez@sce.com); andrea.horwatt@sce.com (andrea.horwatt@sce.com); KSmith2@SempraUtilities.com (KSmith2@SempraUtilities.com); Lolds@VWVRA.com (Lolds@VWVRA.com); pbeck@eliteenergysys.com

(pbeck@eliteenergysys.com); david.leblond@sce.com (david.leblond@sce.com);  
Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7);  
Wu, Josephine (/O=PG&E/OU=Corporate/cn=Recipients/cn=JWWd);  
tlong@turn.org (tlong@turn.org); filings@a-klaw.com (filings@a-klaw.com);  
pk@utilitycostmanagement.com (pk@utilitycostmanagement.com); Middlekauff,  
Charles (Law) (/O=PG&E/OU=Corporate/cn=Recipients/cn=CRMd);  
theresa.mueller@sfgov.org (theresa.mueller@sfgov.org); tcr@cpuc.ca.gov  
(tcr@cpuc.ca.gov); KKloberdanz@SempraUtilities.com  
(KKloberdanz@SempraUtilities.com); willem.fadrhonc@stem.com  
(willem.fadrhonc@stem.com); James.J.Hirsch@gmail.com  
(James.J.Hirsch@gmail.com); cara.goldenberg@grueneich.com  
(cara.goldenberg@grueneich.com); dcengel@fscgroup.com  
(dcengel@fscgroup.com)

Cc: ssmyers@att.net (ssmyers@att.net)

Bcc:

Subject: FW: R1309011 Email Ruling Providing Guidance Regarding Testimony

Dear ALJ Hymes:

It has come to my attention that the list of exhibits provided in your ruling below for the Joint Demand Response Parties requires correction consistent with the list I provided to you on June 12 as well as their identification and admission in the transcript. Among other things, JDP-3 is listed below as the Joint DR Parties' "Rebuttal Testimony," when, in fact, it was the Second Errata to our Opening Testimony.

I have attached the list again and made interlineated changes below to make these corrections.

This email has been sent by multiple transmissions to prevent bounce-backs.

Many thanks.

Sara Myers

**From:** Hymes, Kelly A. [mailto:kelly.hymes@cpuc.ca.gov]  
**Sent:** Wednesday, August 13, 2014 3:58 PM  
**To:**

**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-	Barkovich	California Large Energy Consumers Association's Reply Testimony of Dr.

02 Barbara R. Barkovich

Goodin

CLE- CAISO March 25, 2014 email and attached presentation from Heather Sanders,  
03 CAISO on "Recent Demand Response Success Story:

CPC- Barmack Calpine Corporation's Direct Testimony  
01

CPC- Barmack Calpine Corporation's Reply Testimony  
02

EDF- Moss Environmental Defense Fund's Amended Opening Testimony on Phase Two  
01 and Phase Three Issues

EDF- Moss Environmental Defense Fund's Rebuttal Testimony on Phase Two and Phase  
02 Three Issues

EDF- Responses to Data Request  
03

ISO- Millar California Independent System Operator Corporation's Testimony of Neil  
01 Millar

ISO- Millar California Independent System Operator Corporation's Rebuttal Testimony of  
02 Neil Millar

ISO- Goodin California Independent System Operator Corporation's Testimony of John  
03 Goodin

ISO- Goodin California Independent System Operator Corporation's Rebuttal Testimony of  
04 John Goodin

ISO- Laundergan California Independent System Operator Corporation's Rebuttal Testimony of  
05 Jeremy Laundergan

ISO- Kristov California Independent System Operator Corporation's Rebuttal Testimony of  
06 Dr. Lorenzo Kristov

Tierney- **Joint Demand Response Parties** (EnerNOC, Inc., Comverge, Inc., and  
JDP- Lloyd Johnson Controls, Inc.) **Joint** Phase Two (Foundational Issues) and Phase  
01 et al Three (Future DR Program Design) Opening Prepared Testimony - JDRP-1

Tierney- **Joint Demand Response Parties** (EnerNOC, Inc., Comverge, Inc., and  
JDP- Lloyd Johnson Controls, Inc.) **Joint** Phase Two (Foundational Issues) and Phase  
02 et al Three (Future DR Program Design) **Errata to** Opening Prepared Testimony -  
JDRP-2 Errata

**Joint Demand Response Parties** (EnerNOC, Inc., Comverge, Inc. &  
Johnson Controls, Inc. ) **Second Errata to** Phase Two and Phase Three  
Tierney- **Rebuttal**

JDP- Lloyd  
03 et al **Opening** Testimony of Joint Demand Response Parties

Tierney- **Joint Demand Response Parties** (EnerNOC, Inc., Comverge, Inc., and  
JDP- Lloyd Johnson Controls, Inc.) **Joint** Phase Two (Foundational Issues) and Phase  
04 et al Three (Future DR Program Design) **Rebuttal** Testimony

Tierney- **Joint Demand Response Parties** (EnerNOC, Inc., Comverge, Inc. &  
JDP- Lloyd Johnson Controls, Inc. ) **Errata to** Phase Two and Phase Three **Rebuttal**  
05 et al **Testimony of** Joint Demand Response Parties

ORA- Gokhale Opening Testimony of the Office of Ratepayer Advocates  
01

ORA-  
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

SCE- Aldrich et al Errata to Direct Testimony of Southern California Edison Company  
01A  
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

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

No. Served Witness(es) Description

ALA5/6/2014 Thompson Frader-Alarm.Com and EnergyHub's Prepared Testimony of Seth Frader-Thompson  
01 Response to the Joint Ruling and Revised Scoping Memo Issued April 2, 2014 on Phase 2 and 3 of the Demand Response OIR

OPI-5/6/2014 O'Keefe O'Keefe Power, 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 or 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

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