

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

R.02-11-039
(Filed November 21, 2002)

**COMMENTS OF AES, RELIANT, AND WEST COAST
POWER ON REMAINING ISSUES**

GOODIN, MACBRIDE, SQUERI,
RITCHIE & DAY, LLP
Brian T. Cragg
505 Sansome Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321

Date: April 1, 2005

Attorneys for AES, Reliant, and West Coast
Power

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

R.02-11-039
(Filed November 21, 2002)

**COMMENTS OF AES, RELIANT, AND WEST COAST
POWER ON REMAINING ISSUES**

Pursuant to the March 17, 2005 Ruling of Assigned Commissioner Peevey and Administrative Law Judge Mattson, AES,¹ Reliant,² and West Coast Power³ (“WCP”) provide the following comments on (1) issues remaining to be resolved in this

¹ For purposes of these comments, AES refers to AES Alamosa LLC, AES Huntington Beach LLC, and AES Redondo Beach LLC.

² For purposes of these comments, Reliant refers to Reliant Energy Coolwater, Inc., Reliant Energy Etiwanda, Inc., Reliant Energy Mandalay, Inc., and Reliant Energy Ormond Beach, Inc.

³ West Coast Power is a partnership equally owned by subsidiaries of Dynegy Power Corp. and NRG West Coast LLC. WCP refers collectively to the limited liability companies that own and operate approximately 2,300 MW in Southern California: Cabrillo Power I LLC, which operates the Encina power plant previously owned by San Diego Gas & Electric Company; Cabrillo Power II LLC, which operates 13 combustion turbines in the San Diego area; El Segundo Power, LLC, which operates the El Segundo power plant previously owned by Southern California Edison Company (“SCE”); and Long Beach Generation LLC, which operated the now-retired Long Beach power plant also previously owned by SCE.

proceeding and (2) suggested modifications to General Order (“GO”) 167.⁴

I. ISSUES REMAINING TO BE RESOLVED

The March 17 Ruling preliminarily finds that all issues raised in the two scoping memos have been addressed and resolved. In AES/Reliant/WCP’s view, the following general issues remain to be resolved.

A. Jurisdiction

The most important question that remains unanswered is the issue that has loomed over this proceeding from its outset: whether or not the Commission has jurisdiction over facilities that are Exempt Wholesale Generators (“EWGs”) under federal law. EWGs have attempted to cooperate with the Commission in this proceeding, to help achieve the common goal of ensuring that generation in California is available when needed to meet customers’ demand for electricity. At the same time, those generators who are EWGs have been careful to state that their participation in this proceeding is voluntary and to reserve their rights to contest the Commission’s jurisdiction, as shown

⁴ These comments are submitted pursuant to the provisions set forth at pages 42-43 of the transcript of the February 10, 2003 Prehearing Conference in R.02-11-039. By voluntarily submitting these comments and participating in this proceeding, AES, Reliant, and WCP are not in any way conceding that this Commission has jurisdiction over or can lawfully compel a response to this rulemaking by AES, Reliant, WCP, the named limited liability corporations and corporations, their affiliates, or the generating plants that they own and operate. AES, Reliant, and WCP expressly reserve the right to challenge fully, in an appropriate forum, the relevant portions of SB 39XX and any requirement the Commission may attempt to impose on AES, Reliant, WCP, the named LLCs and corporations, their affiliates, or other wholesale generators. Nothing in these comments constitutes a waiver of such rights, including these entities’ rights to seek relief in federal court for violations of federal law or the United States Constitution. AES, Reliant, and WCP make this express reservation pursuant to the provisions of *England v. Louisiana State Bd. of Medical Examiners*, 375 U.S. 411, 420 (1984); see *United Parcel Service v. California Public Utilities Comm'n*, 77 F.3d 1178, 1182 (9th Cir. 1996). Furthermore, AES, Reliant, WCP, and the named LLCs and corporations do not consider themselves to be respondents in this proceeding.

by the now-familiar presence of footnote 4, above.

The Commission gave its opinion on its jurisdiction in several decisions in this proceeding, notably in D.04-05-017, pp. 5-21. However, many generators, including AES, Reliant, and WCP, filed applications for rehearing of D.04-05-017 that questioned the legal validity of the decision's conclusions on jurisdiction. The Commission has not yet ruled on those applications for rehearing.

It must also be recognized that if the Commission maintains its assertion of jurisdiction over EWGs, it is unlikely that such a result would be acceptable. Thus, this foundational issue may not be finally resolved for several years.

Because the jurisdictional issue is both important and delicate, AES/Reliant/WCP are encouraged that the Ruling, in Attachment B, seems to suggest the possibility of using mediation to arrive at "ways to prevent and resolve future conflicts while still meeting essential program goals." AES/Reliant/WCP and other EWGs have attempted to work cooperatively with the Commission to focus on the goal of Senate Bill ("SB") 39XX, the legislation that this proceeding was instituted to implement, instead of pursuing other options. Mediation offers the possibility that the Commission and the parties may yet be able to reach an accommodation on this issue that will permit us to avoid a legal confrontation.⁵

The jurisdiction question is also implicated in the following issues, as listed in the scoping memos: Phase 1 Issues 1.3 (PUC's ratemaking and regulatory functions),

⁵ By voluntarily agreeing to engage in any mediation, AES/Reliant/WCP do not concede that any other legal remedies that are available to them are foreclosed.

1.4 (exemptions from maintenance standards), 2 (enforcement), 2.4 (sanctions and penalties), 3 (enforcement and public utility status); Phase 2 Issues 2.1.4 (enforcement of logbook standards), 2.1.5 (enforcement and public utility status); Phase 3 Issues 3.1.2 (enforcement of operation standards), 3.1.3 (enforcement and public utility status); and Phase 4 Issues 4.1.2 (enforcement of general duty standards).

B. The Role of Guidelines

The distinction between standards and guidelines was made crystal clear in D.04-12-048: standards are enforceable, guidelines are not enforceable and are advisory only. However, there appears to be some continuing confusion about the role of guidelines. For example, the Consumer Protection and Safety Division (“CPSD”) staff has recently presented a proposal that attempts to transform the guidelines into standards. The staff’s proposed Format and Content Element for Operation Plan Summaries treats certain guidelines as if they were enforceable standards that must be complied with. This proposal is still in draft form and has not yet been adopted, but staff’s proposal indicates that some unresolved confusion remains about the role of the guidelines.

Similarly, AES/Reliant/WCP are concerned that the staff’s enforcement efforts might place too much emphasis on meeting guidelines, rather than on the broader goals expressed in the standards. In part, this confusion may have resulted from focusing on certain language in D.04-12-049 apart from the broader context in which it appears. D.04-12-049 states, “The Guidelines may be used to determine compliance with a

Standard,”⁶ and this statement, standing by itself, could be interpreted to give guidelines more weight in an enforcement context than the Commission intended. However, the Commission goes on to quote approvingly from an explanation provided by the Electric Generation Facilities Standards Committee (“Committee”), which formulated the standards and guidelines:

Failure to meet a guideline, *in combination with other evidence*, may indicate a violation of the Standards. However, failure to meet a guideline should *not* be taken, *per se*, as a failure to meet the associated standard.

(D.04-12-049, p. 10, quoting Committee Operation Standards, October 27, 2004, Introduction, Guidelines, p. 6 (emphasis added).)⁷ These ideas are combined in Conclusion of Law No. 9:

Failure to meet a Guideline may raise CPSD’s concern about a GAO’s [Generating Asset Owner’s] compliance, and failure to meet a Guideline in combination with other evidence may demonstrate a violation, but failure to meet one or more Guidelines(s) does not by itself demonstrate a failure to comply with GO 167.

In the opinion of AES/Reliant/WCP, any lingering confusion about the role of guidelines in the enforcement process is clarified by Finding of Fact No. 7:

Each GAO must comply with each Maintenance and Operation Standards and may—but is not required to—use some or all Guidelines to demonstrate compliance.

⁶ D.04-12-049, pp. 9-10.

⁷ AES/Reliant/WCP are also concerned about the vagueness of the standards and guidelines. If GAOs may be subject to sanctions for violations of standards, they must have clear advance notice of exactly what behavior is prohibited. Although this is not the vehicle for commenting on the specific wording of the standards and guidelines, AES/Reliant/WCP point out that even the Committee’s explanation does not provide much guidance. For example, what is the nature of the “other evidence” that may be combined with an alleged failure to meet a guideline to constitute a violation?

The Commission should consider addressing this issue again so that all concerned are completely clear about the role of guidelines.

C. Enforcement

Apart from the jurisdictional issues raised above, the Commission's decisions and the GO discuss only the broad outlines of enforcement of the standards.

GO 167, for example, generally refers to “audits, inspections, and investigations” without explaining how these three activities are different or how they relate to each other and to any other elements of enforcement.⁸ In the section describing Commission proceedings (§ 13.0 *et seq.*), the GO states that “the Commission may initiate any formal proceeding authorized by the California Constitution, the Public Utilities Code, other state and federal statutes, court decisions or decrees, the Commission's Rules of Practice and Procedure, or prior Commission decisions or rulings” (§ 13.1). If that list is not broad enough, the GO goes on to authorize the Commission to “pursue any other remedy authorized by the California Constitution, the Public Utilities Code, other state or federal statutes, court decisions or decrees, or otherwise by law or in equity” (§ 13.2). And then there are “Other Remedies,” described in section 13.4 as “informal proceedings, formal proceedings, or other remedies.”

Nowhere in the GO or in the Commission's decisions is there a clear roadmap of how the Commission's enforcement efforts will proceed, or a clear description of when and whether audits or inspections will lead to some sort of formal or

⁸ GO 167, §§ 11.0 – 11.5.

informal proceeding, how the Commission will determine whether violations of the standards have occurred, or how a GAO may ask the Commission to adjudicate CPSD's assessment of a fine.

Up to now, the Commission has understandably been concerned about putting the standards in place, and the GAOs have been focused on initial compliance with the standards. But as CPSD begins its audits and inspections in support of the Commission's enforcement efforts, a clear description of the enforcement process becomes crucial. The core of "due process" is, after all, a *process*. As things now stand, there is no clear enforcement process, and AES/Reliant/WCP and other directly affected parties cannot even begin to evaluate whether or not the process meets the relevant standards of due process.

Another enforcement-related issue is the instruction of SB 39XX that the Commission should "seek enforcement capability from the Federal Energy Regulatory Commission ["FERC"] regarding the private generator agreement to provide for broader state control of operational activities of generation facilities in the state." Attachment A to the Ruling describes how the Commission forwarded the adopted standards to the FERC-regulated California Independent System Operator ("CAISO") with a request to submit the standards to the FERC for incorporation in the CAISO's tariffs. Attachment A also describes an exchange of correspondence between the Commission's President and the Chair of FERC. AES/Reliant/WCP appreciate the effort the Commission and its President have made to involve FERC and the CAISO in the enforcement effort, but these actions do not appear to comply fully with the Legislature's instruction. The

statute's specific language suggests that a more formal and affirmative action by the Commission to seek enforcement capability was contemplated.

If the Commission's enforcement authority were to be derived from FERC's statutory authority over wholesale electricity transactions and EWGs, the jurisdictional objections discussed above would evaporate. The possibility of resolving the jurisdictional issues, combined with the legislative instruction, suggest that the Commission should have been, and should still be, more vigorous in its efforts to seek enforcement capability through FERC.

D. Confidentiality

The lack of a defined enforcement process also raises questions about the confidentiality of information submitted by GAOs during the course of audits, inspections, and investigations. AES/Reliant/WCP think that several factors must be weighed in developing the proper degree of protection of confidential materials.

First, the Commission and the public interest benefit if GAOs and their employees can communicate with CPSD staff candidly about conditions at their plants, without fear of disclosure of trade secrets, competitively sensitive information, or the possibility that the information could be used against them.

Second, some of the information conveyed to CPSD could consist of trade secrets or information that is competitively sensitive, which could harm the GAO and benefit competitors if it is disclosed.

Third, the possibility that GAO could be found in contempt of the

Commission and potentially punished by imprisonment⁹ also implicates the constitutional privilege against self-incrimination.¹⁰ “[I]t has been held that the privilege against self-incrimination can be claimed in an administrative proceeding where there may be an imposition of any sanction which makes the assertion of the privilege ‘costly’ to the person invoking the privilege.”¹¹ Clearly, the fines and potential for imprisonment listed as possible sanctions in the GO are “costly” for GAOs. Without further description of the enforcement process or the circumstances in which a GAO might be found in contempt, a GAO could, in an effort to cooperate with the Commission and its staff, unknowingly waive its privilege against self-incrimination.

A fourth consideration is how the Public Records Act and GO 66-C apply to information GAOs provide to the Commission and its staff and how they interact with the confidentiality provisions of GO 167. The Public Records Act states the general principle that information provided to state agencies should be available to the public.¹² However, General Order 66-C, which is the Commission’s implementation of the Public Records Act, states that “records of investigations and audits made by the Commission” are not open to public inspection, “except to the extent disclosed at a hearing or by formal

⁹ Code of Civil Procedure §§ 1218, 1219.

¹⁰ The constitutional privilege against self-incrimination is not limited to criminal proceedings. “The privilege can be claimed in any proceeding, be it criminal or civil, administrative or judicial, investigatory or adjudicatory.” *Murphy v. Waterfront Commission* (1964) 78 U.S. 52, 94 (J. White, concurring). “The availability of the privilege does not turn upon the type of proceeding in which its protection is invoked, but upon the nature of the statement or admission and the exposure which it invites.” *Borrer v. Dept. of Investment* (1971) 15 Cal.App. 3d 531, 542, quoting *In re Gault* (1967) 387 U.S. 1, 49.

¹¹ *Borrer v. Dept. of Investment* (1971) 15 Cal.App. 3d 531, 542.

¹² Gov’t Code § 6250.

Commission action.”¹³ The process described in GO 167 (§ 15.4 *et seq.*) requires the GAO to assert any privilege to protect information from public disclosure, seemingly in contradiction to the broader protections offered in GO 66-C.

AES/Reliant/WCP submit that the public interest will be better served if GAOs are free to communicate information to the Commission and the staff during audits and inspections without reservation and without the fear that today’s communication will become tomorrow’s headline. Audits and inspections may at times address some highly technical aspects of the plant’s operation and maintenance, and these technical points could be misunderstood or distorted in the simplified summaries that might appear in the press or other media. If the goal of the GO 167 program is to ensure the reliability of California’s generating units through improved operation and maintenance practices, the ability of plant employees and CPSD staff to speak freely, without the concern that reports of their discussions will be distorted or sensationalized, will further that goal. There should be no reluctance by CPSD to make critical observations about generators’ operation and maintenance practices, and no reluctance by the GAOs to respond fully and frankly to those observations. The prospect of public disclosure and possible misperceptions will have a chilling effect on these communications. For these reasons, AES/Reliant/WCP urge the Commission to revise GO 167 to provide that communications made during audits and inspections will be protected from public disclosure.

¹³ GO 66-C, §2.2(a).

When the enforcement process shifts to investigations or formal proceedings, additional considerations come into play. It would be unfair, unwise, and perhaps unlawful, as discussed above, if the statements of GAOs and their employees were used against them when the enforcement process reaches the stage where the GAO may be subjected to fines or, potentially, imprisonment. In addition to maintaining the confidentiality of communications from the GAO, these communications should not be used against the GAOs and should not be entered into the record in a formal proceeding. The CPSD can make its case by means of other information it has obtained from other sources or developed during the enforcement process.

II. TECHNICAL MODIFICATIONS TO GO 167

The Ruling invites parties to submit proposals for technical modifications to GO 167 and to submit a proposed process and schedule. AES/Reliant/WCP believe that the following modifications could be considered through comments and reply comments, with 20 days provided to develop comments, and 10 days for reply comments.

Section 4.0—General Duty Standards: This section may now be deleted, since the General Duty Standards have been superseded by the Maintenance and Operation Standards.

Section 10.1—Provision of Information: This section fails to acknowledge that some information that CPSD might request is privileged, and disclosure to CPSD (or anyone else) will result in a waiver of the privilege. Although the section provides that “these information requests shall be reasonably related to the requirements of this General Order,” no procedure is provided that would permit the

GAO to contest the relevance of the request to the GO. As pointed out above, the GO lacks any description of the enforcement process and consequently too often overlooks the basic requirements of due process. This section also fails to take the protections of due process into account.

Section 10.2—Authorization for Release of Information: The information in the possession of other governmental agencies could include materials that might be protected by the privilege against self-incrimination. This section should be revised to recognize expressly that GAOs are not required to authorize governmental agencies to release any such protected materials.

Section 11.0—Audits, Inspections, and Investigations: The deficiencies of this portion of the GO are discussed above, in Section I.C.

Section 11.2—Interviews and Testimony: As discussed above, the privilege against self-incrimination should be recognized in many provisions of the GO, particularly in this section, which requires GAOs, their employees, and contractors to provide testimony under oath and to submit to interviews. This section also fails to offer any of the procedures or safeguards the law provides for this sort of testimony, as illustrated by the provisions of the Code of Civil Procedure on oral depositions.¹⁴

Section 11.3—Tests and Technical Evaluations: By requiring the GAO to pay “all . . . liabilities” resulting from the tests or technical evaluations, this section interferes with the normal operation of tort law and insurance policies.

¹⁴ Code of Civil Proc. § 2025.

If the test results in reduced or suspended generation, the GAO is required to *notify* the CAISO. However, the test should not be conducted unless and until the CAISO *consents* to the reduced or suspended generation or issues a dispatch order. The GAO should not be required to choose between violating the GO and ignoring the commands of the CAISO.

Section 13.0—Commission Proceedings: As discussed above, the GO provides little information in this section or elsewhere about how the enforcement process will in fact proceed. This entire portion of the GO needs to be reconsidered and rewritten to provide a clear road map showing the various steps of the enforcement process.

Section 15.4—Confidentiality: As discussed above, the provisions of the GO on confidentiality are not consistent with GO 66-C or other legal protections of confidentiality. As also pointed out above, AES/Reliant/WCP believe the public interest would be better served in this arena by encouraging candid discussions between GAOs and CSPD, and broader confidentiality protections would encourage that frank exchange of information.

III. PROPOSED MEDIATION

Attachment B to the Ruling presents some thoughts on the possible mediation of points of conflict between the parties. AES/Reliant/WCP's initial reaction is that mediation might be worth exploring, as a way to arrive at an understanding of how to defuse the most controversial issues in this proceeding. There could very well be approaches that have not yet been raised on how to reconcile the EWGs' jurisdictional

concerns with the CPSD's desire to fulfill what it understands to be the directive of the statute. Mediation may stimulate new thinking on these issues and produce acceptable solutions to the most difficult issues in this proceeding.

AES/Reliant/WCP will give this proposal more consideration and will come to the prehearing conference on April 12 with more complete thoughts on this proposal.

IV. CONCLUSION

For the last few years, the Commission and the GAOs have been consumed by the effort of getting the standards required by SB 39XX in place. Now that the standards are in effect, the Ruling has wisely asked the parties to step back and consider how the adopted standards and the Commission's implementation and enforcement are working. AES/Reliant/WCP appreciate the opportunity to offer their views on modifications to GO 167. For the reasons stated in these comments, AES/Reliant/WCP respectfully urge the Commission to consider, or more precisely to reconsider, the points made in these comments about the need to modify GO 167 on the issues of jurisdiction, the role of guidelines, enforcement, and confidentiality. AES/Reliant/WCP are intrigued by the possibility of submitting some of the potential sources of future conflict to mediation, and we look forward to discussing this proposal at the prehearing conference.

Respectfully submitted this April 1, 2005 at San Francisco, California.

GOODIN, MACBRIDE, SQUERI,
RITCHIE & DAY, LLP

Brian T. Cragg

505 Sansome Street, Suite 900

San Francisco, California 94111

Telephone: (415) 392-7900

Facsimile: (415) 398-4321

By _____
Brian T. Cragg

Attorneys for AES, Reliant, and West
Coast Power

2729/021/X62959.v3

CERTIFICATE OF SERVICE

I, Melinda LaJaunie, certify that I have on this 1st day of April 2005 caused a copy of the foregoing **COMMENTS OF AES, RELIANT, AND WEST COAST POWER ON REMAINING ISSUES; R.02-11-039** to be served on all parties to R.02-11-039 via Electronic Mail, and listed below via Hand Delivery:

Via Hand Delivery

Commissioner Michael R. Peevey
California Public Utilities Commission
State Building, Room 5218
505 Van Ness Avenue
San Francisco, CA 94102

Via Hand Delivery

Administrative Law Judge John E. Thorson
California Public Utilities Commission
State Building, Room 5007
505 Van Ness Avenue
San Francisco, CA 94102

Via Hand Delivery

Administrative Law Judge Burton Mattson
California Public Utilities Commission
State Building, Room 5105
505 Van Ness Avenue
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of April 2005 at San Francisco, California.

s/MELINDA LAJAUNIE

Melinda LaJaunie

SERVICE LIST – R.02-11-039
(Updated March 30, 2005)

ALEX GOLDBERG
WILLIAMS COMPANIES,
INC.
ONE WILLIAMS CENTER,
SUITE 4100
TULSA, OK 74172ALEX
alex.goldberg@williams.com

TIM MULLER
LEGAL DEPARTMENT
WILLIAMS ENERGY
SERVICES
ONE WILLIAMS CENTER,
MD 41-3
TULSA, OK 74172TIM
tim.muller@williams.com

J. CHRISTOPHER
HAJOVSKY
RELIANT ENERGY, INC.
RELIANT ENERGY, INC.
1000 MAIN STREET, SUITE
1726
HOUSTON, TX 77002J.
CHRISTOPHER
CJHajovsky@reliant.com

DAVID M. NORRIS
ATTORNEY AT LAW
SIERRA PACIFIC POWER
COMPANY
6100 NEIL ROAD
RENO, NV 89520DAVID M.
dnorris@sppc.com

HAMID V. NEJAD
LOS ANGELES DEPT. OF
WATER & POWER
111 N. HOPE STREET,
ROOM 1141
LOS ANGELES, CA
90012HAMID V.
hamid.nejad@ladwp.com

LISA URICK
ATTORNEY AT LAW
SAN DIEGO GAS &
ELECTRIC COMPANY
555 W. FIFTH STREET,
SUITE 1400
LOS ANGELES, CA 90013-
1011LISA
lurick@sempra.com

DANIEL W. DOUGLASS
ATTORNEY AT LAW
DOUGLASS & LIDDELL
Western Power Trading Forum
21700 OXNARD STREET,
SUITE 1030
WOODLAND HILLS, CA
91367-8102DANIEL W.
douglass@energyattorney.com

LARRY R. COPE
ATTORNEY AT LAW
SOUTHERN CALIFORNIA
EDISON
Southern California Edison
2244 WALNUT GROVE
AVENUE
ROSEMEAD, CA
91770LARRY R.
larry.cope@sce.com

MARK MINICK
SOUTHERN CALIFORNIA
EDISON
2244 WALNUT GROVE BLV
D.
ROSEMEAD, CA
91770MARK
mark.minick@sce.com

PAUL KLAPKA
SOUTHERN CALIFORNIA
EDISON COMPANY
2244 WALNUT GROVE
AVENUE
ROSEMEAD, CA 91770PAUL
paul.klapka@sce.com

DANIEL A. KING
SEMPRA ENERGY
101 ASH STREET, HQ13
SAN DIEGO, CA
92101DANIEL A.
daking@sempra.com

MEREDITH E. ALLEN
ATTORNEY AT LAW
SOUTHERN CALIFORNIA
GAS COMPANY
San Diego Gas & Electric
Company
101 ASH STREET, HQ13
SAN DIEGO, CA
92101MEREDITH E.
meallen@sempra.com

KELLY M. MORTON
ATTORNEY AT LAW
SAN DIEGO GAS &
ELECTRIC
Elk Hills Power, LLC
101 ASH STREET
SAN DIEGO, CA 92101-
3017KELLY M.
kmorton@sempra.com

EDWARD E. MADDOX
BUSINESS DEVELOPMENT
MANAGER
SEAWEST WINDPOWER,
INC.
Seawest Wind Power, Inc.
1455 FRAZEE ROAD, SUITE
900
SAN DIEGO, CA 92108-
4310EDWARD E.
emaddox@seawestwindpower.c
om

LISA BROWY
CASE ADMINISTRATOR
SAN DIEGO GAS &
ELECTRIC COMPANY
8330 CENTURY PARK
COURT, CP32D
SAN DIEGO, CA 92123LISA
lbrowy@semprautilities.com

DAVE BOWARD
GENERAL MANAGER
HIGH DESERT POWER
PROJECT LLC
HDPP
19000 PERIMETER ROAD
VICTORVILLE, CA
92394DAVE

TOM ROMESBERG
LA PALOMA GENERATING
COMPANY, LLC
La Paloma Generating
Company
PO BOX 175
1760 WEST SKYLINE ROAD
MCKITTRICK, CA
93251TOM
tom.romesberg@lapalomagc.co
m

MARC D. JOSEPH
ATTORNEY AT LAW
ADAMS BROADWELL
JOSEPH & CARDOZO
Coalition of California Utility
Employees
651 GATEWAY
BOULEVARD, SUITE 900
SOUTH SAN FRANCISCO,
CA 94080MARC D.
mdjoseph@adamsbroadwell.co
m

Charlyn A Hook
CALIF PUBLIC UTILITIES
COMMISSION
LEGAL DIVISION
ROOM 5033
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Charlyn A
chh@cpuc.ca.gov

EVELYN KAHL
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
Energy Producers & Users
Coalition (EPUC)
120 MONTGOMERY
STREET, SUITE 2200
SAN FRANCISCO, CA
94104EVELYN
ek@a-klaw.com

NORA SHERIFF
ATTORNEY AT LAW
ALCANTAR & KAHL LLP
Cogeneration Association of
California
120 MONTGOMERY
STREET, SUITE 2200
SAN FRANCISCO, CA
94104NORA
nes@a-klaw.com

ROD AOKI
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
Midway Sunset Cogeneration
Company
120 MONTGOMERY
STREET, SUITE 2200
SAN FRANCISCO, CA
94104ROD
rsa@a-klaw.com

ROD AOKI
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
Midway Sunset Cogeneration
Co.
120 MONTGOMERY
STREET, SUITE 2200
SAN FRANCISCO, CA
94104ROD
rsa@a-klaw.com

BARNEY SPECKMAN
NEXANT
101 SECOND STREET, 11TH
FLOOR
SAN FRANCISCO, CA
94105BARNEY
bspeckman@nexant.com

JANET C. LODUCA
PACIFIC GAS AND
ELECTRIC COMPANY
Pacific Gas and Electric
Company
77 BEALE STREET, B30A
SAN FRANCISCO, CA
94105JANET C.
j1lc@pge.com

BRIAN T. CRAGG
ATTORNEY AT LAW
GOODIN MACBRIDE
SQUERI RITCHIE & DAY
LLP
El Segundo Power LLC, Long
Beach Generation LLC,
Cabrillo Power I, LLC; Cabrillo
Power II, LLC
505 SANSOME STREET,
SUITE 900
SAN FRANCISCO, CA
94111BRIAN T.
bcragg@gmsr.com

SERVICE LIST – R.02-11-039
(Updated March 30, 2005)

JOSEPH M. KARP
ATTORNEY AT LAW
WHITE & CASE LLP
AUTOMATED POWER
EXCHANGE, INC.
3 EMBARCADERO CENTER,
22ND FLOOR
SAN FRANCISCO, CA
94111JOSEPH M.
jkarp@whitecase.com

TERRY J. HOULIHAN
BINGHAM MCCUTCHEN
LLP
Reliant Energy
3 EMBARCADERO CENTER,
18TH FLOOR
SAN FRANCISCO, CA
94111TERRY J.
terry.houlihan@bingham.com

LINDSEY HOW- DOWNING
ATTORNEY AT LAW
DAVIS WRIGHT
TREMAYNE, LLP
Calpine
ONE EMBARCADERO,
SUITE 600
SAN FRANCISCO, CA 94111-
3834LINDSEY HOW-
lindseyhowdowning@dwt.com

LISA A. COTTLE
ATTORNEY AT LAW
WHITE & CASE LLP
Mirant Delta LLC and Mirant
Potrero LLC
3 EMBARCADERO CENTER,
SUITE 2210
SAN FRANCISCO, CA 94111-
4050LISA A.
lcottle@whitecase.com

SARA STECK MYERS
ATTORNEY AT LAW
LAW OFFICES OF SARA
STECK MYERS
Center for Energy Efficiency &
Renewable Technologies
122 - 28TH AVENUE
SAN FRANCISCO, CA
94121SARA STECK
ssmyers@att.net

SYLVIA D. GARDNER
PACIFIC GAS AND
ELECTRIC COMPANY
Pacific Gas and Electric
Company
PO BOX 770000, MAIL CODE
B8R
SAN FRANCISCO, CA
94177SYLVIA D.
sdg6@pge.com

ROXANNE PICCILLO
REGULATORY ANALYSIS
PACIFIC GAS AND
ELECTRIC COMPANY
MAIL CODE B10B
PO BOX 770000
SAN FRANCISCO, CA 94177-
0001ROXANNE
rtp1@pge.com

STEPHEN NELSON
RJ RUDDEN AND
ASSOCIATES
RJ Rudden and Associates
1032 LINDSEY CT.
LAFAYETTE, CA
94549STEPHEN
boilrdoc@pacbell.net

MARK J. SMITH
FPL ENERGY
7445 SOUTH FRONT
STREET
LIVERMORE, CA
94550MARK J.
mark_j_smith@fpl.com

GREGORY T. BLUE
MANAGER, STATE
REGULATORY AFFAIRS
DYNEGY INC.
5976 WEST LAS POSITAS
BLVD., NO. 200
PLEASANTON, CA
94588GREGORY T.
greg.blue@dynegy.com

PETER W. HANSCHEN
ATTORNEY AT LAW
MORRISON & FOERSTER
LLP
AES Alamos, LLC; AES
Huntingon Beach, LLC; AES
Redondo Beach, LLC
101 YGNACIO VALLEY
ROAD, SUITE 450
WALNUT CREEK, CA
94596PETER W.
phansch@mofo.com

STEVE HUHMAN
SOUTHERN COMPANY
ENERGY MARKETING
1350 TREAT BLVD. SUITE
500
WALNUT CREEK, CA
94597STEVE
steve.huhman@mirant.com

C. SUSIE BERLIN
ATTORNEY AT LAW
MC CARTHY & BERLIN,
LLP
Northern California Power
Agency (NCPA)
100 PARK CENTER PLAZA,
SUITE 501
SAN JOSE, CA 95113C.
SUSIE
sberlin@mccarthylaw.com

SCOTT BLAISING
ATTORNEY AT LAW
BRAUN & BLAISING, P.C.
California Municipal Utilities
Association (CMUA)
8980 MOONEY ROAD
ELK GROVE, CA
95624SCOTT
blaising@braunlegal.com

KEITH JOHNSON
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA 95630KEITH
kjohnson@caiso.com

PHILIP D. PETTINGILL
CAISO
151 BLUE RAVINE ROAD
FOLSOM, CA 95630PHILIP
D.
ppettingill@caiso.com

ANDREW B. BROWN
ELLISON, SCHNEIDER &
HARRIS, LLP
Constellation Generation Group
2015 H STREET
SACRAMENTO, CA
95814ANDREW B.
abb@eslawfirm.com

ANDREW B. BROWN
ELLISON, SCHNEIDER &
HARRIS, LLP
High Desert Power Project,
LLC
2015 H STREET
SACRAMENTO, CA
95814ANDREW B.
abb@eslawfirm.com

DOUGLAS K. KERNER
ATTORNEY AT LAW
ELLISON, SCHNEIDER &
HARRIS LLP
Duke Energy North America
2015 H STREET
SACRAMENTO, CA
95814DOUGLAS K.
dkk@eslawfirm.com

MELANIE GILLETTE
DIRECTOR, STATE
REGULATORY AFFAIRS
DUKE ENERGY NORTH
AMERICA
DUKE ENERGY NORTH
AMERICA
980 NINTH STREET, SUITE
1420
SACRAMENTO, CA
95814MELANIE
mlgillette@duke-energy.com

STEVEN KELLY
INDEPENDENT ENERGY
PRODUCERS ASSN
1215 K STREET, SUITE 900
SACRAMENTO, CA
95814STEVEN
steven@iepa.com

MICHAEL ALCANTAR
ATTORNEY AT LAW
ALCANTAR & KAHL LLP
Cogeneration Association of
America
1300 SW FIFTH AVENUE,
SUITE 1750
PORTLAND, OR
97201MICHAEL
mpa@a-klaw.com

PAUL CAPELL
PACIFIC POWER AND
LIGHT
920 SW 6TH AVENUE, 1000
PSB
PORTLAND, OR 97204PAUL

JOEL D. NEWTON
SENIOR ATTORNEY
FPL ENERGY, LLC
FPL ENERGY, LLC
801 PENNSYLVANIA AVE.,
NW, STE. 220
WASHINGTON, DC
20004JOEL D.
joel_newton@fpl.com

ALEX GOLDBERG
WILLIAMS COMPANIES,
INC.
Williams Energy Marketing and
Trading
ONE WILLIAMS CENTER,
SUITE 4100
TULSA, OK 74172ALEX
alex.goldberg@williams.com

TIM MULLER
LEGAL DEPARTMENT
WILLIAMS ENERGY
SERVICES
Williams Energy Marketing and
Trading
ONE WILLIAMS CENTER,
MD 41-3
TULSA, OK 74172TIM
tim.muller@williams.com

SERVICE LIST – R.02-11-039
(Updated March 30, 2005)

BRIAN FIELDS
1000 MAIN (OFFICE 3434D)
HOUSTON, TX 77002BRIAN
bfields@reliant.com

KEVIN J. SIMONSEN
ENERGY MANAGEMENT
SERVICES
646 EAST THIRD AVENUE
DURANGO, CO 81301KEVIN
J.
kjsimonsen@ems-ca.com

PAT VANMIDDE
22006 NORTH 55TH STREET
PHOENIX, AZ 85054-
7150PAT
pvanmidde@earthlink.net

NORMAN A. PEDERSEN
ATTORNEY AT LAW
HANNA AND MORTON LLP
Williams Energy Marketing and
Trading
444 SOUTH FLOWER ST.,
SUITE 1500
LOS ANGELES, CA
90071NORMAN A.
npedersen@hanmor.com

TANDY MCMANNES
SOLAR THERMAL
ELECTRIC ALLIANCE
2938 CROWNVIEW DRIVE
RANCHO PALOS VERDES,
CA 90275TANDY
mcmannes@aol.com

VITALY LEE
AES ALAMITOS, LLC
690 N. STUDEBAKER ROAD
LONG BEACH, CA
90803VITALY
vitaly.lee@aes.com

JENNIFER LEHMANN
AES PLACERITA, LLC
20885 PLACERITA CANYON
ROAD
NEWHALL, CA
91321JENNIFER
jennifer.lehmann@aes.com

SOUTHERN CALIFORNIA
EDISON COMPANY
CASE ADMINISTRATION
2244 WALNUT GROVE
AVENUE, ROOM 370
ROSEMEAD, CA 91770
case.admin@sce.com

GLORIA M. ING
ATTORNEY AT LAW
SOUTHERN CALIFORNIA
EDISON COMPANY
2244 WALNUT GROVE
AVENUE
ROSEMEAD, CA
91770GLORIA M.
gloria.ing@sce.com

MICHAEL SHAMES
ATTORNEY AT LAW
UTILITY CONSUMERS'
ACTION NETWORK
3100 FIFTH AVENUE, SUITE
B
SAN DIEGO, CA
92103MICHAEL
mshames@ucan.org

THOMAS CORR
SEMPRA ENERGY
101 ASH STREET, MS 08-C
SAN DIEGO, CA
92103THOMAS
tcorr@sempra.com

CENTRAL FILES
SAN DIEGO GAS &
ELECTRIC
SAN DIEGO GAS &
ELECTRIC
CP31-E
8330 CENTURY PARK
COURT
SAN DIEGO, CA 92123-1530
centralfiles@semprautilities.co
m

JOHN W. LESLIE
ATTORNEY AT LAW
LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 EL CAMINO REAL,
SUITE 200
SAN DIEGO, CA 92130JOHN
W.
jleslie@luce.com

ANJA IRWIN
AES HUNTINGTON BEACH,
LLC
18904 DEODAR ST.
FOUNTAIN VALLEY, CA
92708ANJA
anja.irwin@aes.com

DIANE I. FELLMAN
LAW OFFICES OF DIANE I.
FELLMAN
MILLENNIUM ENERGY
234 VAN NESS AVENUE
SAN FRANCISCO, CA
94102DIANE I.
difellman@fellmanlaw.com

REGINA COSTA
THE UTILITY REFORM
NETWORK
711 VAN NESS AVENUE,
SUITE 350
SAN FRANCISCO, CA
94102REGINA
rcosta@turn.org

ANDREW L. NIVEN
ATTORNEY AT LAW
PACIFIC GAS AND
ELECTRIC COMPANY
77 BEALE STREET, SUITE
3109
SAN FRANCISCO, CA
94105ANDREW L.
aln2@pge.com

CALIFORNIA ENERGY
MARKETS
517-B POTRERO AVENUE
SAN FRANCISCO, CA 94110
Cem@newsdata.com

LULU WEINZIMER
CALIFORNIA ENERGY
CIRCUIT
695 9TH AVE. NO.2
SAN FRANCISCO, CA
94118LULU
lisaweinzimer@sbcglobal.net

JUNE RUCKMAN
PACIFIC GAS AND
ELECTRIC COMPANY
PO BOX 770000, MAIL CODE
B8R
SAN FRANCISCO, CA
94177JUNE
JCR4@pge.com

AVIS CLARK
CALPINE CORPORATION
4160 DUBLIN BLVD.
DUBLIN, CA 94568AVIS
aclark@calpine.com

SETH D. HILTON
MORRISON & FOERSTER
LLP
101 YGNACIO VALLEY
ROAD
WALNUT CREEK, CA
94596SETH D.
shilton@mofo.com

MRW & ASSOCIATES
1999 HARRISON STREET,
SUITE 1440
OAKLAND, CA 94612
mrw@mrwassoc.com

BARRY F. MCCARTHY
ATTORNEY AT LAW
MCCARTHY & BERLIN, LLP
Northern California Power
Agency
100 PARK CENTER PLAZA,
SUITE 501
SAN JOSE, CA 95113BARRY
F.
bmcc@mccarthylaw.com

BRUCE MCLAUGHLIN
California Municipal Utilities
Association
8066 GARRYANNA DRIVE
CITRUS HEIGHTS, CA
95610BRUCE
mclaughlin@braunlegal.com

RICHARD MCCANN
M.CUBED
2655 PORTAGE BAY ROAD,
SUITE 3
DAVIS, CA 95616RICHARD
rmccann@umich.edu

CAROLYN M. KEHREIN
ENERGY MANAGEMENT
SERVICES
1505 DUNLAP COURT
DIXON, CA 95620-
4208CAROLYN M.
cmkehrein@ems-ca.com

CALIFORNIA ISO
LEGAL AND REGULATORY
DEPARTMENT
151 BLUE RIVER ROAD
FOLSOM, CA 95630
e-recipient@caiso.com

KEVIN SMITH
BRAUN & BLAISING, P.C.
California Municipal Utilities
915 L ST STE. 1460
SACRAMENTO, CA
95814KEVIN
smith@braunlegal.com

KEVIN WOODRUFF
WOODRUFF EXPERT
SERVICES
1100 K STREET, SUITE 204
SACRAMENTO, CA
95814KEVIN
kdw@woodruff-expert-
services.com

Maxine Harrison
CALIF PUBLIC UTILITIES
COMMISSION
EXECUTIVE DIVISION
320 WEST 4TH STREET
SUITE 500
LOS ANGELES, CA
90013Maxine
omh@cpuc.ca.gov

SERVICE LIST – R.02-11-039
(Updated March 30, 2005)

Raffy Stepanian
CALIF PUBLIC UTILITIES
COMMISSION
RAIL SAFETY & CROSSING
BRANCH
320 WEST 4TH STREET
SUITE 500
LOS ANGELES, CA
90013Raffy
rst@cpuc.ca.gov

GLENN BJORKKLUND
California Electricity
Generation Facilities Standards
Committee
76427 SWEET PEA WAY
PALM DESERT, CA
92211GLENN
bjorkpvcc@aol.com

Burton Mattson
CALIF PUBLIC UTILITIES
COMMISSION
DIVISION OF
ADMINISTRATIVE LAW
JUDGES
ROOM 5104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Burton
bwm@cpuc.ca.gov

Carl W. Wood
CALIF PUBLIC UTILITIES
COMMISSION
EXECUTIVE DIVISION
ROOM 5200
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Carl W.
cxw@cpuc.ca.gov

Catherine A. Johnson
CALIF PUBLIC UTILITIES
COMMISSION
LEGAL DIVISION
ROOM 4300
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Catherine A.
caj@cpuc.ca.gov

Chloe Lukins
CALIF PUBLIC UTILITIES
COMMISSION
ELECTRIC GENERATION
PERFORMANCE BRANCH
AREA 2-D
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Chloe
clu@cpuc.ca.gov

Chris Lee
CALIF PUBLIC UTILITIES
COMMISSION
ELECTRIC GENERATION
PERFORMANCE BRANCH
AREA 2-D
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Chris
ccl@cpuc.ca.gov

Colette Kersten
CALIF PUBLIC UTILITIES
COMMISSION
CONSUMER PROTECTION
AND SAFETY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Colette
cek@cpuc.ca.gov

Diane Flynn
CALIF PUBLIC UTILITIES
COMMISSION
ELECTRIC GENERATION
PERFORMANCE BRANCH
AREA 2-D
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Diane
dpf@cpuc.ca.gov

John E Thorson
CALIF PUBLIC UTILITIES
COMMISSION
DIVISION OF
ADMINISTRATIVE LAW
JUDGES
ROOM 5007
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214John E
jet@cpuc.ca.gov

Karen M Shea
CALIF PUBLIC UTILITIES
COMMISSION
ELECTRIC INDUSTRY &
FINANCE
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Karen M
kms@cpuc.ca.gov

Laurence Chaset
CALIF PUBLIC UTILITIES
COMMISSION
LEGAL DIVISION
ROOM 5131
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Laurence
lau@cpuc.ca.gov

Mark Ziering
CALIF PUBLIC UTILITIES
COMMISSION
ELECTRIC GENERATION
PERFORMANCE BRANCH
ROOM 2202
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Mark
maz@cpuc.ca.gov

Rami Kahlon
CALIF PUBLIC UTILITIES
COMMISSION
EXECUTIVE DIVISION
ROOM 5215
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Rami
rsk@cpuc.ca.gov

Richard Clark
CALIF PUBLIC UTILITIES
COMMISSION
CONSUMER PROTECTION
AND SAFETY DIVISION
ROOM 2205
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-
3214Richard
rwc@cpuc.ca.gov

MICHAEL KAHN
California Electricity
Generation Facilities Standards
Committee
275 BATTERY ST., 23RD
FLOOR
SAN FRANCISCO, CA
94111MICHAEL
mkahn@flk.com

RODNEY WHEELER
OUTAGE COORDINATOR
CALIFORNIA ISO
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA 95630RODNEY
rwheeler@caiso.com

JENNIFER TACHERA
ATTORNEY AT LAW
CALIFORNIA ENERGY
COMMISSION
1516 - 9TH STREET
SACRAMENTO, CA
95814JENNIFER
jtachera@energy.state.ca.us

JOEL KLEIN
CALIFORNIA ENERGY
COMMISSION
1516 NINTH STREET
SACRAMENTO, CA
95814JOEL
jklein@energy.state.ca.us

ATTILIO J. ZASSO
CALIFORNIA DEPT. OF
WATER RESOURCES
3301 EL CAMINO AVENUE,
SUITE 300
SACRAMENTO, CA
95821ATTILIO J.
azasso@water.ca.gov

PUC/X63018.v1