CALIFORNIA ISO

California Independent
System Operator

March 11, 2004

Attn: Commission's Docket Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Docket # R.01-10-024, Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development

Dear Clerk:

Enclosed for filing please find an original and five copies of the Reply Comments of The California Independent System Operator Corporation on the Resource Adequacy Workshops in Docket # R. 01-10-024. Please date stamp one copy and return to California ISO in the self-addressed stamped envelope provided.

Thank you.

Sincerely,

Gene L. Waas

Gene L. Waas
Regulatory Counsel

Cc: Attached Service List

151 Blue Ravine Road Folsom, California 95630 Telephone: 916 351-4400

BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development	R.01-10-024

REPLY COMMENTS OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION ON THE RESOURCE ADEQUACY WORKSHOPS

Anthony J. Ivancovich
Gene L. Waas
California Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
Telephone: 916-608-7135
Facsimile: 916-608-7296

Attorneys for the
California Independent System Operator

Dated: March 11, 2004

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I. INTRODUCTION

In accordance with the Assigned Administrative Law Judge's (ALJ) Ruling On The Scope And Schedule Of Resource Adequacy Workshops ("Workshops Ruling"), the California Independent System Operator Corporation ("ISO") respectfully submits its Reply Comments[1] on the Resource Adequacy Workshops.

II. PROCESS ISSUES

The California Energy Commission ("CEC") suggests the following two modifications to the workshop process: (1) a comment opportunity should be provided for the workshop report after it is filed or a draft of the report should be circulated to participants and the views of the participants should be incorporated either as changes to the draft recommendations or as alternate positions; and (2) alternate workshop dates that span a reasonable period of time should be developed. CEC Comments at 3. San Diego

[1] Capitalized terms not otherwise defined herein shall have the meaning set forth in the Master Definitions Supplement, Appendix A to the ISO Tariff.

Gas & Electric Company ("SDG&E") recommends that the California Public Utilities Commission ("CPUC") devote more time to resolving the issues scheduled for consideration in the workshop process. SDG&E Comments at 1. The ISO supports these recommendations. In combination with the ISO's earlier recommendation to establish a priority order to the list of issues, adoption of the CEC's and SDG&E's recommendations will result in a more effective workshop process that will allow fair and adequate vetting of the issues.

III. LOAD FORECASTING ISSUES

The Alliance for Retail Energy Markets ("AREM") recommends a "bottoms up" approach to load forecasting with each load serving entity ("LSE") being responsible for forecasting its peak loads. AREM Comments at 4. Pacific Gas & Electric Company ("PG&E") also argues that LSEs should be responsible for forecasting their own non-coincident peak loads. PG&E Comments at 4. In a similar vein, the CEC believes that no party other than an Energy Service Provider ("ESP") can accurately forecast the ESP's load. CEC Comments at 4.

The ISO supports the concept that LSEs should be responsible for forecasting the loads they serve because LSEs are in the best position to do so. In addition, LSEs will need their non-coincident load forecast for purposes such as grid planning. However, the ISO notes that LSE forecasts are inherently focused on a portion of the system load that may peak at different times of the year. Therefore, such individual LSE forecasts must be reconciled to a system-wide forecast and correlated to a coincident peak forecast.

PG&E states that calculation of an LSE-specific coincidence factor is best left to the ISO or the CEC. PG&E comments at 10. This concept was further supported by

Southern California Edison Company ("SCE"), which stated that, with proper analysis and data, an average diversity factor can be determined. SCE comments at 4. The ISO supports this concept because it will permit the ISO and/or the CEC to develop a method to reconcile the LSE non-coincident peaks such that they will be consistent with a system-wide coincident peak load forecast. As the ISO indicated in its Opening Comments (p.11), a coincident peak-based methodology is appropriate because, *inter alia*, such methodology is consistent with the historical approach to integrated planning. The ISO also agrees with PG&E that LSEs, the CPUC, the CEC and the ISO should use consistent assumptions, and develop a process to reconcile significant forecast differences.

IV. COUNTING ISSUES

AREM states that consistency should be a guiding principal in developing standards and criteria for counting resources. AREM Comments at 11. AREM also states that a forward contract held by an ESP should count toward the ESP's resource adequacy requirements to the same extent that a similar contract would count toward a utility's resource adequacy requirements. AREM Comments at 13.

The ISO agrees that consistent standards should apply to all LSEs, utilities and ESPs alike. In that way, all LSE's will be providing their proportionate and appropriate share of resources to serve load plus operating reserves.

PG&E suggests that system or non-unit specific power is more reliable than unit specific power because of the diversity of the portfolio supporting a specific transaction and the financial backing of the supplier. PG&E Comments at 17.

The ISO is concerned about this notion. First, the objective of resource adequacy is to ensure adequate resources are committed to California load. The lack of unit specificity will make it impossible to determine whether the capacity is committed elsewhere. Second, the lack of unit specificity will not allow for an effective deliverability assessment. Third, the supplier may be anticipating it can purchase the necessary capacity in the ISO spot market. As far as the ISO is aware, none of the other functioning capacity markets, or markets where there is a capacity obligation, facilitates a portfolio-based approach to capacity adequacy. Finally, whenever one introduces a financial incentive to perform in one manner or another, unintended consequences invariably occur. For example, in a true regional scarcity situation, a supplier with a liquidated damages provision in its contract may decide that it is financially advantageous to not perform under its contract and sell to another third party willing to cover those costs. This is exactly the outcome California needs to avoid – California needs capacity that is firmly committed to California load. A reliance on financial arrangements such as liquidated damages to ensure resource adequacy is not prudent at this point in time.

SCE states, "[s]ystem purchases should be allowed to the extent that seller can verify sufficient resources exist to satisfy all their sale obligations through firm liquidated damages contracts or by demonstration of a physical portfolio of resources". SCE Comments at 17. In the ISO's opinion, there should be a showing that there are physical resources supporting the contract, as well as a specified point of delivery. As further described above, the mere existence of a liquidated damages provision is insufficient because such provision does not ensure that the capacity will be available, *e.g.* the contract supplier may be anticipating that it can buy capacity in the ISO spot market.

Consequently, this creates an explicit opportunity for "free-riding" on the capacity procured by other LSEs[2].

Finally, SDG&E states, "[a]s a general matter, spot capacity should not be counted for purposes of the reserve requirement calculation. Only capacity for which the utility has contractual or ownership rights should be counted". SDG&E Comments at 10. The ISO agrees with SDG&E that, as a general matter, spot capacity should not be counted for purposes satisfying the reserve requirement calculation. Only capacity for which the utility has contractual or ownership rights should be counted. There is no guarantee that specific spot capacity will be available on a given day.

V. DELIVERABILITY ISSUES

AREM states that the fact that a contract does not specify a delivery point does not diminish the deliverability of the resources behind the contract. AREM Comments at 15. The ISO disagrees with that conclusion. A LSE cannot confirm a resource's deliverability without knowledge of the specific resources and the anticipated point of delivery. Further, while a LSE may believe there is sufficient transmission to meet its needs, other LSEs may be relying on the same transmission in their plans, and the "same" transmission may not be able to meet the LSE's aggregate needs. This is the reason why the ISO has recommended that it perform the system-wide deliverability assessment based on the specific plans of each LSE.

PG&E states that for QFs located outside of the control area, PG&E either has transmission arrangements or access to sufficient transmission to deliver QF power to

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[2] It essentially results in certain LSEs "leaning" on other LSEs without having to pay any cost for doing so and therefore an inappropriate form of cross-subsidization. *See* ISO Opening Comments at 11

load. PG&E Comments at 16. The ISO agrees with this concept, otherwise the deliverability of the resource could be in question.

PG&E also states that resource deliverability is satisfied when it can be shown that there is enough network transmission capacity to adequately transfer the amount of resources needed to support the LSE's resource requirement under normal conditions during the monthly peak hours. PG&E Comments at 22. This concept is consistent with the deliverability proposal of the ISO. ISO Opening Comments at 18-19.

The ISO agrees with SDG&E that deliverability needs to be addressed on a statewide basis and consistent with the ISO's rules. The ISO also agrees with SCE that there should be uniform deliverability standards for all contracts. Deliverability is assessed in two timeframes. First, in the long-forward market, each LSE should demonstrate, and the ISO should validate, that the resources LSEs have procured are deliverable to load. In its opening comments, the ISO summarized a three-pronged approach for performing such an analysis. Second, when resources are scheduled or otherwise made available to the ISO in the day-ahead timeframe, the ISO performs another validation of deliverability, *i.e.*, congestion management. Each of these assessments should be performed on a comparable basis, with the goal being to ensure "simultaneous feasibility". To achieve such an outcome, the ISO must examine all transmission elements on the system, not just in one LSE's area. Because deliverability must be assessed, in the first instance, on a *system*-wide basis and under a given set of *system* conditions, it is appropriate that each LSE's portfolio of resources be evaluated on that same basis.

SCE states that the ISO will identify local generation requirements for local reliability problems. SCE Comments at 13. The ISO agrees. This was one of the three elements of the ISO's proposal regarding deliverability. *See* ISO Opening Comments at 20-21.

Further, SCE states "[t]o meet the Commission's Resource Adequacy Requirement, those resources should be able to demonstrate that they can deliver into the ISO system to meet peak load. SCE Comments at 24. Resources already within ISO (*i.e.*, participating generator agreements with the ISO) should be deemed deliverable. Resources outside the ISO would need to demonstrate deliverability to the load the resource is counting towards.

The ISO is concerned that deeming resources already in the ISO Control Area as deliverable would be problematic for two reasons. First, some generators currently within the ISO Control Area are not fully deliverable during system peak conditions. Second, FERC Order 2003, Paragraph 768 requires that new generators analyzed for deliverability should be analyzed "in the same manner as the [existing ISO Control Area resources] … for purposes of assessing whether aggregate supply is sufficient to meet aggregate load within the Transmission Provider's Control Area". Therefore, deeming all existing resources as deliverable would implicitly deem all future resources to be deliverable. This would overstate the ability for all resources declared as capacity resources to be deliverable to the system aggregate load. While, in the end, the ISO acknowledges that certain accommodations may be necessary and appropriate during a transition period, the ISO recommends that the deliverability of each resource or portfolio of resources be assessed so as to ascertain the potential cost consequences of deeming such resource(s) deliverable. Such a transparent process is necessary in order to avoid the hidden or opaque cross-subsidies that exist today (*i.e.*, real-time Intra-Zonal Congestion costs that are allocated to all load in a given area as opposed to the specific entities that cause such congestion).

VI. PHASE-IN OF THE RESOURCE ADEQUACY REQUIREMENT

With respect to the phase-in of the reserve requirement, SDG&E and SCE recommend a linear phase-in starting with a nine percent reserve requirement in 2005. SDG&E Comments at 3; SCE Comments at 6. Pacific Gas & Electric Company ("PG&E") argues that the appropriate starting point for phasing in the reserve requirement is the equivalent amount of planning reserves required for 2004. For PG&E, that figure is ten percent. PG&E Comments at 14.

The ISO supports PG&E's recommendation. As the ISO indicated in its Opening Comments, the minimum starting level for the planning reserve margin should be set at a minimum level of 10 percent for 2005 in order to account for the lowest quantity of forced outages, thereby establishing an adequate level of resources that are available for operation during the summer months. ISO Opening Comments at 22.

SCE states that a "Reserve Margin of one year advance may be sufficient". SCE defines "a year in advance" to be a calendar year prior to the summer month in question. For example, to meet the resource adequacy requirement for May 2008, the LSE will forward contract 90% of its peak demand plus 15% reserve margin prior to the end of 2007." SCE Comments at 8. In other words, SCE is saying that the LSE must demonstrate by December 31, 2007 the reserves that it will have for May 2008.

The ISO disagrees with SCE. Committing reserves in December is not one year in advance; it is only four months prior to the summer months as they were defined by the Initial Order (May through September). That is inconsistent with the intent of the CPUC's interim order. The ISO believes that this "shrinkage" in the amount of time that LSEs are required to forward commitment will significantly reduce the benefits and flexibility in meeting the requirement. For example, the LSE will be taking much greater risk that sufficient hydro resources will be known by waiting until December, of the preceding year, than by the CPUC intended deadline of April of the prior year. This risk would result in significantly higher prices for capacity that was still available after April, but prior to December, because fewer options remain available to the LSE.

VII. AVAILABILITY OF SPOT ENERGY AND CAPACITY

SCE raises the issue of whether it is in the long-term best interests of California ratepayers to rely on uncommitted surpluses forecast in other states in the WECC. SCE Comments at 8. The ISO supports the notion that there should not be any reliance on uncommitted surpluses in other states. The ISO has continued to voice its concern that surpluses outside of California do not meet the reliability objectives of an effective resource adequacy framework because they are more likely to serve local load than be exported to California. Therefore, without a contractual commitment, the "appearance" of surplus resources can quickly vanish.

VIII. REPORTING REQUIREMENTS

The ISO agrees with most of the comments regarding the scope of the reporting obligation. For example, the ISO agrees with AREM that a standard, straight-forward load report be developed for ESPs to report their estimated aggregate peak loads. AREM Comments at 4. This should be provided at least one year in advance and include information as to which resources the ESP has procured to meet its load plus the 15%-17% planning reserve margin.

The ISO also agrees with the CEC that the ISO needs to receive the annual reports and any intra-year updates. For example, a well-designed resource adequacy requirement should require LSEs to report contracted-for capacity available for use by the ISO. ISO Opening Comments at 8. Such a requirement will ensure that (1) the ISO can operate the grid reliably, (2) resources procured by the LSEs are utilized by the ISO to meet operational requirements and (3) costs are not unnecessarily increased. Finally, as proposed by PG&E, each LSE should report to the CPUC and the ISO for a rolling five-year period the LSE's summer month load and the resources that the LSE has forward contracted with to meet the planning reserve requirement. PG&E Comments at 23.

IX. PENALTIES

SDG&E contends that penalties for failing to satisfy resource adequacy obligations is one detail that is best addressed through the ISO's mechanisms under the CPUC's framework. SDG&E Comments at 13. Further, SDG&E states that close coordination between the CPUC and the ISO in the process is necessary. In particular, SDG&E states that the "ISO needs to occupy a key, centralized role in the ultimate resource adequacy framework that emerges from this process" and the rules adopted by the CPUC "must be aligned with the ISO's operations, particularly in the areas of counting resources, reporting and penalties." SDG&E Comments at 2.

The ISO agrees with SDG&E. The ISO, unlike the CPUC, is in a position to enforce the resource adequacy requirement for all LSEs in the control area. In addition, it is likely that the ISO will develop resource adequacy requirements for LSEs that are in the ISO's Control Area but which are not subject to the CPUC's jurisdiction. Therefore, it is essential for the CPUC and ISO to work together in working out the details of an appropriate enforcement mechanism for resource adequacy.

Further, in the ISO's Opening Comments, the ISO delineated two timeframes[3] that have emerged with regard to an effective enforcement mechanism. In both these instances, it appears the ISO will have an integral role. In the first instance, the CPUC and CAISO would review the utility and LSE plans to determine whether they have satisfied their capacity obligation for each of the summer months. In the second instance, the ISO will have information that results from real-time operations that may be the basis for determining whether an LSE was resource adequate in real-time.

X. MISCELLANEOUS ISSUES

AREM states that the CPUC intends for certain resource adequacy requirements to apply to LSEs while it intends for other requirements to apply only to utilities. AREM Comments at 9.

The ISO generally believes that any resource adequacy requirement should be consistently applied to all LSEs in the ISO Control Area. Such an approach will ensure

[3] The ISO proposes that the CPUC recognize two time periods for which it will establish penalties for the inadequate procurement of capacity by the utilities. First, the Interim Order established an explicit annual obligation to procure 90% of the resource adequacy requirement, load plus planning reserves, for the summer months of May through September. Second, the Interim Order placed a "soft" cap on utility purchases in the spot market of 5%. Thus, the Interim Order essentially established an implicit requirement that utilities and LSEs "close the capacity gap" between the 90% annual obligation and 100% of real time needs.

that all LSE's will compete on a level playing field and that LSEs will not be able to unfairly "lean" on the reserves that other LSEs have procured and are paying the costs.

XI. CONCLUSION

As discussed herein and in the ISO's Opening Comments, the ISO respectfully urges the CPUC to adopt the ISO's recommendations on the workshop issues.

Respectfully submitted,

By: Gene L. Waas

Anthony J. Ivancovich
Gene L. Waas
Counsel for the California Independent
System Operator Corporation
151 Blue Ravine Road
Folsom, California 95630
Phone: (916) 608-7135
Fax: (916) 608-7296

Dated: March 11, 2004

PROOF OF SERVICE

I hereby certify that on March 11, 2004 I served, by electronic and U.S. mail, Reply Comments of The California Independent System Operator Corporation on the Resource Adequacy Workshops in Docket # R. 01-10-024.

DATED at Folsom, California on March 11, 2004.

Karen Voong

Karen Voong
An Employee of the California
Independent System Operator

DANIEL V. GULINO
RIDGEWOOD POWER MANAGEMENT, LLC
947 LINWOOD AVENUE
RIDGEWOOD, NJ 7450

WILLIAM P. SHORT
RIDGEWOOD POWER MANAGMENT, LCC
947 LINWOOD AVENUE
RIDGEWOOD, NJ 7450

TYSON SLOCUM, RESEARCH DIRECTOR
CRITICAL MASS ENERGY/ENVIRONMENTAL
PRG
215 PENNSYLVANIA AVE, SE
WASHINGTON, DC 20003

KEITH MCCREA, ATTORNEY AT LAW
SUTHERLAND, ASBILL & BRENNAN
1275 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2415

ROGER A. BERLINER
MANATT, PHELPS & PHILLIPS, LLP
1501 M STREET, NW, SUITE 700
WASHINGTON, DC 20005

MARTIN PROCTOR
CONSTELLATION POWER SOURCE
111 MARKET PLACE, SUITE 500
BALTIMORE, MD 21202

EDWARD SULLIVAN, SENIOR COUNSEL
PEABODY HOLDING COMPANY, INC.
701 MARKET STREET
ST. LOUIS, MO 63101-1826

LOUIS DENETSOSIE, ATTORNEY GENERAL
NAVAJO NATION DEPARTMENT OF JUSTICE
PO DRAWER 2010
WINDOW ROCK, AZ 86515

GILLIAN A. WRIGHT
SEMPRA ENERGY
555 W. FIFTH STREET, GT14D6
LOS ANGELES, CA 90013

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

CURTIS KEBLER
GOLDMAN, SACHS & CO.
2121 AVENUE OF THE STARS
LOS ANGELES, CA 90067

RICHARD A. SHORTZ, ESQUIRE
MORGAN, LEWIS & BOCKIUS LLP
300 SOUTH GRAND AVE., 22ND FLOOR
LOS ANGELES, CA 90071-3132

GREGORY KLATT, ATTORNEY AT LAW
LAW OFFICES OF DANIEL W. DOUGLASS
411 E. HUNTINGTON DRIVE, SUITE 107-356
ARCADIA, CA 91006

THOMAS D. O'CONNOR, ATTORNEY AT LAW
O'CONNOR CONSULTING SERVICES, INC
5427 FENWOOD AVENUE
WOODLAND HILLS, CA 91367

DANIEL W. DOUGLASS, ATTORNEY AT LAW
LAW OFFICES OF DANIEL W. DOUGLASS
6303 OWENSMOUTH AVE., TENTH FLOOR
WOODLAND HILLS, CA 91367-2262

BETH A. FOX, ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, RM. 535
ROSEMEAD, CA 91770

JAMES WOODRUFF, ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, SUITE 342
ROSEMEAD, CA 91770

RICHARD H. HERTZBERG
ENPEX CORPORATION
1329 STRATFORD COURT
DEL MAR, CA 92014

DAVID KATES
NEVADA HYDRO COMPANY
2416 CADES WAY
VISTA, CA 92081

JOHN PACHECO
CA ENERGY RESOURCES SCHEDULING
CALIFORNIA DEPT OF WATER RESOURCES
3310 EL CAMINO AVENUE, ROOM 120
SACRAMENTO, CA 95821

JEFFREY M. PARROTT, ATTORNEY AT LAW
SAN DIEGO GAS & ELECTRIC COMPANY
101 ASH STREET, HQ 13
SAN DIEGO, CA 92101

JOHN W. LESLIE, ATTORNEY AT LAW
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
600 WEST BROADWAY, SUITE 2600
SAN DIEGO, CA 92101

KELLY M. MORTON, ATTORNEY AT LAW
SAN DIEGO GAS & ELECTRIC
101 W. ASH STREET, HQ13B
SAN DIEGO, CA 92101

KELLY M. MORTON
SEMPRA ENERGY SOLUTIONS
101 ASH STREET, HQ13
SAN DIEGO, CA 92101

FREDERICK M. ORTLIEB, CITY ATTORNEY
CITY OF SAN DIEGO
1200 THIRD AVENUE, 11TH FLOOR
SAN DIEGO, CA 92101-4100

MICHAEL C. TIERNEY, ATTORNEY AT LAW
PALOMAR ENERGY
101 ASH STREET
SAN DIEGO, CA 92109

BILL POWERS WORKING GROUP
BORDER POWER PLANT
4452 PARK BLVD., SUITE 209
SAN DIEGO, CA 92116

MARK J. SKOWRONSKI
DUKE SOLAR
3501 JAMBOREE ROAD, SUITE 606
NEWPORT BEACH, CA 92660

CHRIS KING
CALIF. CONSUMER EMPOWERMENT
ALLIANCE
ONE TWIN DOLPHIN DRIVE
REDWOOD CITY, CA 94065

KATE POOLE, ATTORNEY AT LAW
ADAMS BROADWELL JOSEPH & CARDOZO
651 GATEWAY BOULEVARD, SUITE 900
SOUTH SAN FRANCISCO, CA 94080

MARC D. JOSEPH ATTORNEY AT LAW
ADAMS BROADWELL JOSEPH & CARDOZO
651 GATEWAY BOULEVARD, SUITE 900
SOUTH SAN FRANCISCO, CA 94080

MATTHEW FREEDMAN, ATTORNEY AT LAW
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

MICHEL PETER FLORIO, SENIOR ATTORNEY
THE UTILITY REFORM NETWORK (TURN)
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

OSA ARMI, ATTORNEY AT LAW
SHUTE MIHALY & WEINBERGER LLP
396 HAYES STREET
SAN FRANCISCO, CA 94102

ROBERT FINKELSTEIN, ATTORNEY AT LAW
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

Noel Obiora
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
LEGAL DIVISION ROOM 4107
SAN FRANCISCO, CA 94102-3214

THERESA MUELLER, ATTORNEY AT LAW
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102-4682

MARK SAVAGE, ATTORNEY AT LAW
CONSUMERS UNION OF U.S., INC.
1535 MISSION STREET
SAN FRANCISCO, CA 94103

JODY LONDON
GRUENEICH RESOURCE ADVOCATES
582 MARKET STREET, SUITE 1020
SAN FRANCISCO, CA 94104

KAREN TERRANOVA
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, STE 2200
SAN FRANCISCO, CA 94104

EVELYN C. LEE, ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MAILCODE 30B
SAN FRANCISCO, CA 94105

JEANNE MC KINNEY, ATTORNEY AT LAW
THELEN, REID & PRIEST
101 SECOND STREET, SUITE 1800
SAN FRANCISCO, CA 94105

MARY A. GANDESBERY
PACIFIC GAS & ELECTRIC COMPANY
77 BEALE STREET
B30A-2486
SAN FRANCISCO, CA 94105

PAUL C. LACOURCIERE, ATTORNEY AT LAW
THELEN REID & PRIEST LLP
101 SECOND STREET, SUITE 1800
SAN FRANCISCO, CA 94105

SHERYL CARTER
NATURAL RESOURCES DEFENSE COUNCIL
71 STEVENSON STREET, STE. 1825
SAN FRANCISCO, CA 94105

MARK R. HUFFMAN, ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET
SAN FRANCISCO, CA 94106

BRIAN T. CRAGG, ATTORNEY AT LAW
GOODIN MACBRIDE SQUERI RITCHIE & DAY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

DANIELLE MERIDA
BINGHAM MCCUTCHEN
3 EMBARCADERO, 18TH FLOOR
SAN FRANCISCO, CA 94111

ENOCH H. CHANG, ATTORNEY AT LAW
WHITE & CASE LLP
THREE EMBARCADERO CENTER, SUITE 2100
SAN FRANCISCO, CA 94111

JOE KARP, ATTORNEY AT LAW
WHITE & CASE, LLP
3 EMBARCADERO CENTER, SUITE 2210
SAN FRANCISCO, CA 94111

JOHN ROSENBAUM
WHITE & CASE LLP
THREE EMBARCADERO CENTER, SUITE 2200
SAN FRANCISCO, CA 94111

MARK FOGELMAN, ATTORNEY AT LAW
STEEFEL, LEVITT & WEISS, P.C.
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO, CA 94111

WILLIAM D. KISSINGER
BINGHAM MCCUTCHEN
THREE EMBARACADERO CENTER
SAN FRANCISCO, CA 94111

EDWARD W. O'NEILL, ATTORNEY AT LAW
DAVIS WRIGHT TREMAINE LLP
ONE EMBARCADERO CENTER, SUITE 600
SAN FRANCISCO, CA 94111-3834

LINDSEY HOW- DOWNING
ATTORNEY AT LAW
DAVIS WRIGHT TREMAINE, LLP
ONE EMBARCADERO, SUITE 600
SAN FRANCISCO, CA 94111-3834

STEVEN F. GREENWALD, ATTORNEY AT LAW
DAVIS WRIGHT TREMAINE LLP
ONE EMBARCADERO CENTER, SUITE 600
SAN FRANCISCO, CA 94111-3834

LISA A. COTTLE, ATTORNEY AT LAW
WHITE & CASE LLP
3 EMBARCADERO CENTER, SUITE 2210
SAN FRANCISCO, CA 94111-4050

DANIEL W. FESSLER
HOLLAND & KNIGHT LLP
50 CALIFORNIA STREET, SUITE 2800
SAN FRANCISCO, CA 94111-4726

JOHN WHITTING BOGY, ATTORNEY AT LAW
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO, CA 94120

SARA STECK MYERS, ATTORNEY AT LAW
122 - 28TH AVENUE
SAN FRANCISCO, CA 94121

ANDREW J. SKAFF, ATTORNEY AT LAW
LAW OFFICE OF ANDREW J. SKAFF
220 THE KNOLL
ORINDA, CA 94563

JOSEPH M. PAUL
DYNEGY MARKETING & TRADE
5976 WEST LAS POSITAS BLVD.
PLEASANTON, CA 94588

WILLIAM H. BOOTH, ATTORNEY AT LAW
LAW OFFICE OF WILLIAM H. BOOTH
1500 NEWELL AVENUE, 5TH FLOOR
WALNUT CREEK, CA 94596

PETER W. HANSCHEN, ATTORNEY AT LAW
MORRISON & FOERSTER, LLP
101 YGNACIO VALLEY ROAD, SUITE 450
WALNUT CREEK, CA 94596-8130

SETH HILTON, ATTORNEY AT LAW
MORRISON & FOERSTER LLP
101 YGNACIO VALLEY ROAD, SUITE 450
WALNUT CREEK, CA 94596-8130

PAUL FENN
RATEPAYERS FOR AFFORDALE CLEAN ENERGY
4281 PIEDMONT AVE.
OAKLAND, CA 94611

REED V. SCHMIDT
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY, CA 94703-2714

GREGORY MORRIS
GREEN POWER INSTITUTE
2039 SHATTUCK AVE., SUITE 402
BERKELEY, CA 94704

JULIA LEVIN
UNION OF CONCERNED SCIENTISTS
2397 SHATTUCK AVENUE, SUITE 203
BERKELEY, CA 94704

CHRIS KING EXECUTIVE DIRECTOR
AMERICAN ENERGY INSTITUTE
842 OXFORD ST.
BERKELEY, CA 94707

NANCY RADER
CALIFORNIA WIND ENERGY ASSOCIATION
1198 KEITH AVENUE
BERKELEY, CA 94708

PATRICK G. MCGUIRE
CROSSBORDER ENERGY
2560 NINTH STREET, SUITE 316
BERKELEY, CA 94710

REBEKAH COLLINS
MARIN CLEAN ALTERNATIVE ENERGY NOW
PO BOX 605
FAIRFAX, CA 94930

MICHAEL GREEN
THE PACIFIC LUMBER COMPANY
PO BOX 37
SCOTIA, CA 95565

MICHAEL THEROUX
THEROUX ENVIRONMENTAL
PO BOX 7838
AUBURN, CA 95604

SCOTT BLAISING, ATTORNEY AT LAW
BRAUN & BLAISING, P.C.
8980 MOONEY ROAD
ELK GROVE, CA 95624

JEANNIE S. LEE
CA ENERGY RESOURCES SCHEDULING
CALIFORNIA DEPT OF WATER RESOURCES
3310 EL CAMINO AVENUE, ROOM 120
SACRAMENTO, CA 95821

JAMES WEIL
AGLET CONSUMER ALLIANCE
PO BOX 1599
FORESTHILL, CA 95631

THOMAS TANTON
4390 INDIAN CREEK ROAD
LINCOLN, CA 95648

ANDREW B. BROWN
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814

BILL DI CAPO, ATTORNEY AT LAW
CALIFORNIA POWER AUTHORITY
901 P STREET, SUITE 142A
SACRAMENTO, CA 95814

DOUGLAS K. KERNER, ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS LLP
2015 H STREET
SACRAMENTO, CA 95814

EMILIO E. VARANINI III ATTORNEY AT LAW
CALIFORNIA POWER AUTHORITY
901 P STREET, SUITE 142A
SACRAMENTO, CA 95814

ROBERT P. HOFFMAN
PAUL HASTINGS JANOFSKY & WALKER LLP
1127 11TH STREET, SUITE 905
SACRAMENTO, CA 95814

STEVE PONDER
FPL ENERGY, INC., LLC
980 NINTH STREET, 16TH FLOOR
SACRAMENTO, CA 95814

LYNN M. HAUG, ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814-3109

ANN L. TROWBRIDGE, ATTORNEY AT LAW
DOWNEY, BRAND, SEYMOUR & ROHWER
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO, CA 95814-4686

RONALD LIEBERT, ATTORNEY AT LAW
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833

DONALD BROOKHYSER, ATTORNEY AT LAW
ALCANTAR & KAHL LLP
1300 S.W. 5TH AVENUE, SUITE 1750
PORTLAND, OR 97201

MICHAEL P. ALCANTAR, ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
1300 SW FIFTH AVENUE, SUITE 1750
PORTLAND, OR 97201

JAMES PAINE, ATTORNEY AT LAW
STOEL RIVES, LLP
900 SW 5TH AVE STE. 2600
PORTLAND, OR 97204-1268

STEVE MUNSON
VULCAN POWER CO.
1183 NW WALL STREET, SUITE G
BEND, OR 97701

James Loewen
CALIF PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
NATURAL GAS, ENERGY EFFICIENCY AND RESOURCE ADVISORY
LOS ANGELES, CA 90013

Aaron J Johnson
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
EXECUTIVE DIVISION ROOM 5205
SAN FRANCISCO, CA 94102-3214

Bradford Wetstone
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRIC INDUSTRY & FINANCE AREA 4-A
SAN FRANCISCO, CA 94102-3214

Carol A Brown
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF ADMINISTRATIVE LAW JUDGES ROOM 5103
SAN FRANCISCO, CA 94102-3214

Christine M. Walwyn
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF ADMINISTRATIVE LAW JUDGES ROOM 5117
SAN FRANCISCO, CA 94102-3214

Clayton K. Tang
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRIC INDUSTRY & FINANCE AREA 4-A
SAN FRANCISCO, CA 94102-3214

Dan Adler
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF STRATEGIC PLANNING ROOM 5119
SAN FRANCISCO, CA 94102-3214

David M. Gamson
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
EXECUTIVE DIVISION ROOM 5214
SAN FRANCISCO, CA 94102-3214

Donna J Hines
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRICITY RESOURCES AND PRICING BRANCH ROOM 4102
SAN FRANCISCO, CA 94102-3214

Eugene Cadenasso
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
NATURAL GAS, ENERGY EFFICIENCY AND RESOURCE ADVISORY AREA 4-A
SAN FRANCISCO, CA 94102-3214

Farzad Ghazzagh
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRICITY RESOURCES AND PRICING BRANCH ROOM 4209
SAN FRANCISCO, CA 94102-3214

Jan Reid
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRICITY RESOURCES AND PRICING BRANCH ROOM 4209
SAN FRANCISCO, CA 94102-3214

Jay Luboff
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
NATURAL GAS, ENERGY EFFICIENCY AND RESOURCE ADVISORY AREA 4-A
SAN FRANCISCO, CA 94102-3214

John Galloway
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
NATURAL GAS, ENERGY EFFICIENCY AND RESOURCE ADVISORY AREA 4-A
SAN FRANCISCO, CA 94102-3214

Julie A Fitch
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
EXECUTIVE DIVISION ROOM 5203
SAN FRANCISCO, CA 94102-3214

Julie Halligan
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF ADMINISTRATIVE LAW JUDGES ROOM 5101
SAN FRANCISCO, CA 94102-3214

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

Kayode Kajopaiye
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRIC INDUSTRY & FINANCE AREA 4-A
SAN FRANCISCO, CA 94102-3214

Lainie Motamedi
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF STRATEGIC PLANNING ROOM 5119
SAN FRANCISCO, CA 94102-3214

Laura L. Krannawitter
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRICITY RESOURCES AND PRICING BRANCH ROOM 4101
SAN FRANCISCO, CA 94102-3214

Laurence Chaset
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
LEGAL DIVISION ROOM 5131
SAN FRANCISCO, CA 94102-3214

Lisa Paulo
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
TELECOMMUNICATIONS DIVISION AREA 3-E
SAN FRANCISCO, CA 94102-3214

Maryam Ebke
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF STRATEGIC PLANNING ROOM 5119
SAN FRANCISCO, CA 94102-3214

Nilgun Atamturk
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
NATURAL GAS, ENERGY EFFICIENCY AND RESOURCE ADVISORY AREA 4-A
SAN FRANCISCO, CA 94102-3214

Paul Douglas
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRIC INDUSTRY & FINANCE AREA 4-A
SAN FRANCISCO, CA 94102-3214

Peter V. Allen
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
DIVISION OF ADMINISTRATIVE LAW JUDGES ROOM 5022
SAN FRANCISCO, CA 94102-3214

Regina DeAngelis
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
LEGAL DIVISION ROOM 4107
SAN FRANCISCO, CA 94102-3214

Richard A. Myers
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
NATURAL GAS, ENERGY EFFICIENCY AND RESOURCE ADVISORY AREA 4-A
SAN FRANCISCO, CA 94102-3214

Robert Kinosian
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
EXECUTIVE DIVISION ROOM 4205
SAN FRANCISCO, CA 94102-3214

Scott Logan
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRICITY RESOURCES AND PRICING
BRANCH ROOM 4209
SAN FRANCISCO, CA 94102-3214

Stephen St. Marie
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRIC INDUSTRY & FINANCE AREA
SAN FRANCISCO, CA 94102-3214

Steven C Ross
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
ELECTRICITY RESOURCES AND PRICING
BRANCH ROOM 4209
SAN FRANCISCO, CA 94102-3214

Trina Horner
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
EXECUTIVE DIVISION ROOM 5217
SAN FRANCISCO, CA 94102-3214

ANDREW ULMER, ATTORNEY AT LAW
SIMPSON PARTNERS LLP
900 FRONT STREET, SUITE 300
SAN FRANCISCO, CA 94111

ROSS MILLER
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET
MS-20
SACRAMENTO, CA 95184

JAMES MCMAHON
SENIOR ENGAGEMENT MANAGER
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA 95670

CHIEF COUNSEL'S OFFICE
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 14
SACRAMENTO, CA 95814

Alan Lofaso
CALIF PUBLIC UTILITIES COMMISSION
770 L STREET, SUITE 1050
EXECUTIVE DIVISION
SACRAMENTO, CA 95814

Carlos A Machado
CALIF PUBLIC UTILITIES COMMISSION
770 L STREET, SUITE 1050
EXECUTIVE DIVISION
SACRAMENTO, CA 95814

CONSTANCE LENI
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
MS-20
SACRAMENTO, CA 95814

DAVID HUNGERFORD
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-22
SACRAMENTO, CA 95814

Don Schultz
CALIF PUBLIC UTILITIES COMMISSION
770 L STREET, SUITE 1050
ELECTRICITY RESOURCES AND PRICING
BRANCH
SACRAMENTO, CA 95814

HEATHER RAITT
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 45
SACRAMENTO, CA 95814

JENNIFER TACHERA
CALIFORNIA ENERGY COMMISSION
1516 - 9TH STREET
SACRAMENTO, CA 95814

KAREN GRIFFIN, EXECUTIVE OFFICE
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 39
SACRAMENTO, CA 95814

KIP LIPPER
SENATOR BYRON SHER
STATE CAPITOL, ROOM 2082
SACRAMENTO, CA 95814

MIKE JASKE
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-22
SACRAMENTO, CA 95814

RUBEN TAVARES
ELECTRICITY ANALYSIS OFFICE
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 20
SACRAMENTO, CA 95814

TARA M. DUNN
901 P STREET, SUITE 142A
SACRAMENTO, CA 95814

WADE MCCARTNEY
REGULATORY ANALYST IV
PUBLIC UTILITIES COMMISSION
770 L STREET, SUITE 1050
ENERGY DIVISION
SACRAMENTO, CA 95814

FERNANDO DE LEON, ATTORNEY AT LAW
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-14
SACRAMENTO, CA 95814-5512

GLORIA BELL
CALIFORNIA DEPARTMENT OF WATER
RESOURCES
3310 EL CAMINO AVENUE, SUITE 120
SACRAMENTO, CA 95821