



**J. Steve Rahon**  
Director  
Tariffs & Regulatory Accounts

8315 Century Park Ct.  
San Diego, CA 92123-1550  
Tel: 858.654.1773  
Fax 858.654.1788  
srahon@SempraUtilities.com

April 2, 2003

Advice No. 3254  
(U 904 G)

Public Utilities Commission of the State of California

**Subject: Self-Generation Incentive Program Fund Reallocation Request**

Southern California Gas Company (SoCalGas) hereby submits for filing with the California Public Utilities Commission (Commission) this advice letter requesting authority to reallocate Self-Generation Incentive Program (SGIP) funds described in Decision (D.) 01-03-073 (or Decision) under the reallocation guidelines adopted in D. 02-02-026 and approval of this request within twenty days of filing in lieu of the normal forty days.

**Purpose**

The purpose of this filing is to request Commission authority to allow SoCalGas to reallocate \$4.533 million in SGIP incentive funds budgeted for Level 3 technology projects in 2004 to the Level 3 technology project budget for 2003. This reallocation of 2004 funds for use in 2003 will allow the approval and installation of new Level 3 self generation capacity on the most timely basis while still fully meeting the Commission's intent to not withhold any funding available for renewable self generation technologies (Level 1).

**Background**

On March 27, 2001 the Commission issued D. 01-03-073 adopting new utility programs to reduce demand for electricity through load control and distributed self-generation initiatives. Ordering Paragraph 1 of the Decision established annual self-generation program budgets for the Program Administrators. SoCalGas' annual budget totaled \$17.0 million with \$13.6 million allocated for self-generation incentives and \$3.4 million allocated for various overhead costs including measurement and evaluation, and general program administration. Ordering Paragraph 5 of the Decision described the three incentive categories for which the incentive funds may be spent. Section 4.4 of the Decision provided further guidelines on spending between the three program categories stating:

*"...one third of the self-generation incentive funds is initially allocated to each of the self generation categories. Although the utilities may exercise full discretion in moving funds from non-renewable self-generation categories to*

*the renewable category, a utility must seek approval through advice letter prior to shifting additional funds into either of the non-renewable categories. The utilities shall not unreasonably withhold funds that could be used to deploy a greater amount of renewable self-generation...*

Dividing the incentive funding by one-third was a means to quickly kick-off the program, but did not consider the varying market demand or desirability among the three technology levels. For that reason, the Commission correctly anticipated the need for such adjustments and specified in D.01-03-073 a mechanism for making such funding adjustments. Level 1 incentives include renewable technologies and provide an incentive level of \$4.50 per installed watt. Level 2 incentives include fuel-cells operating on non-renewable fuel and utilizing waste heat recovery and provide an incentive level of \$2.50 per installed watt. Level 3 incentives include micro-turbines, small gas turbines and internal combustion engines operating either on renewable or non-renewable fuel. Incentive levels of \$1.50 per installed watt are provided for renewable fuel units and incentive levels of \$1.00 per installed watt are provided for non-renewable fuel units that meet certain minimum waste heat recovery requirements.

On February 7, 2002 the Commission issued D. 02-02-026 that clarified the treatment of overruns and under spending in annual budgets. Ordering Paragraph 5 of D.02-02-026 allows utilities to request Commission approval to borrow against the annual budget of a subsequent year if program participation is larger than anticipated in the current year by filing an Advice Letter. Ordering Paragraph 5 states:

*“PG&E, SoCal, San Diego Gas & Electric Company (SDG&E) and Southern California Edison Company, collectively referred to as “the utilities,” shall carryover unused funding from one year to the next. The utilities may request approval to borrow against the annual budget of a subsequent year if program participation is larger than anticipated in the current year by filing an Advice Letter. However, the funding flexibility restrictions adopted in D.01-03-073 shall continue to apply.”*

### **Reason for the Fund Reallocation Request**

The following table shows the status of available funding by technology level as of March 17, 2003. The Total Incentive Budget row reflects initial program allocations, carry-forward of available funding within the same funding category from year to year, the reallocation of funding from Level 2 to Level 3 as approved in SoCalGas Advice No. 3080, dated November 16, 2001, and the reallocation of \$4.533 million from 2003 Level 2 funding to 2003 Level 1 funding effective March 6, 2003. The Funds Available – *Current* row shows that as of March 17, 2003 the sum of incentives paid and pending payment, incentives reserved and incentives requested in applications currently under review exceeds the total Level 3 funds currently available for 2003. The Funds Available – *After Transfer* row incorporates the additional \$4.533 million scheduled for Level 3 allocation in 2004 that will be made available to Level 3 projects in 2003 if this advice letter is approved.

<b>Combined Years: 2001 + 2002 + 2003</b> (as of 3/17/03)				
<b>Technology Level</b>	<b>All Levels</b>	<b>Level 1 Renewable</b>	<b>Level 2 Fuel Cells</b>	<b>Level 3 Turbines/Engines</b>
Total Incentive Budget (\$k)	<b>\$43,571</b>	\$19,431	\$4,533	\$19,607
- Incentives Paid (\$k)	<b>2,644</b>	564	-	2,080
- Pending Payment (\$k)	<b>1,047</b>	84	-	963
- Reserved (\$k)	<b>22,277</b>	10,517	-	11,760
- Applications Under Review (\$k)	<b>8,237</b>	3,268	-	4,969
Funds Available - <i>Current</i> (\$k)	<b>\$9,366</b>	\$4,998	\$4,533	-\$165
Funds Available - <i>After Transfer</i> (\$k)	<b>\$13,899</b>	\$4,998	\$4,533	\$4,368
MW	<b>43.0</b>	7.0	0.0	36.0

As the table illustrates, SoCalGas' program is fully subscribed for Level 3 projects for the 2003 plan year. Accessing Level 3 2004 budgeted funding of \$4.533 million to 2003 will allow SoCalGas to continue to process and fund eligible Level 3 projects without interruption. The shortage of 2003 incentive funding for Level 3 projects has now created indecision and uncertainty for potential participants in the Level 3 self-generation marketplace. As of the date of this request, potential customers are being advised that new project applications will be placed in a processing queue. Processing of these applications will not be initiated until the Commission approves additional funding since without funding approval there can be no guarantee of incentive payments. SoCalGas has received twelve new Level 3 project applications for a total of 9.7 MW from January 1, 2003 through March 17, 2003 and expects this level of interest to continue. If SoCalGas' fund shift request is denied or approval of this advice letter is not acted upon expeditiously, the result will be a delay in implementing self-generation installations. This will result in less monitoring and evaluation data being collected and less availability of self-generation supply. Both of these impacts seem contrary to the Commission's intent in authorizing the Self-Generation program.

#### **Details of Fund Reallocation Request**

In this Advice Letter SoCalGas is requesting authority from the Commission to shift up to the full 2004 Level 3 budgeted amount of \$4.533 million to the 2003 Level 3 program. SoCalGas is asking to shift the funds as needed. Any unused Level 3 funds remaining at year-end 2003 will automatically become available for funding 2004 Level 3 projects.

#### **Protests**

Anyone may protest this Advice Letter to the Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and received within 20 days of the date of this Advice Letter. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

Energy Division - IMC Branch  
California Public Utilities Commission  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102

Copies of the protest should also be sent via e-mail to the attention of both Jerry Royer (jir@cpuc.ca.gov) and Honesto Gatchalian (jnj@cpuc.ca.gov) of the Energy Division. A copy of the protest shall also be sent via both e-mail and facsimile to the address shown below on the same date it is mailed or delivered to the Commission.

Attn: Sid Newsom  
Tariff Manager - GT14D6  
555 West Fifth Street  
Los Angeles, CA 90013-1011  
Facsimile No. (213) 244-4957  
E-Mail: snewsom@semprautilities.com

### **Effective Date**

In order to fully carry out the extremely important directives of California Assembly Bill 970, enacting the California Energy Security and Reliability Act of 2000, as codified through Public Utilities Code 970 and enacted through D.01-03-073 and D.02-02-026, SoCalGas respectfully requests that the Commission approve this advice letter not later than April 22, 2003, which provides twenty (20) days notice in lieu of the normal forty (40) days regular statutory notice.

### **Notice**

In accordance with Section III.G of General Order No. 96-A, a copy of this advice letter is being sent to all parties listed on Attachment A to this advice letter, which includes the service list in R.98-07-037.

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J. STEVE RAHON  
Director  
Tariffs and Regulatory Accounts

Attachments

**ATTACHMENT A**

**Advice No. 3254**

**(See Attached Service Lists)**

ACN Energy  
Hans Herzog  
hans.herzog@acnenergy.com

ACN Energy  
Mark Warno  
mark.warno@acnenergy.com

ACN Energy  
Tony Cusati  
tony.cusati@acnenergy.com

Aglet Consumer Alliance  
James Weil  
jweil@aglet.org

Alcantar & Kahl  
Elizabeth Westby  
egw@a-klaw.com

Alcantar & Kahl  
Kari Harteloo  
klc@a-klaw.com

Alcantar & Kahl LLP  
Phil Vizcarra  
120 Montgomery Street, Ste 2200  
San Francisco, CA 94104

AFRPA/DD McClellan Attn: L. Baustian  
3411 Olson Street, Room 105  
McClellan, CA 95652-1003

BP Amoco, Reg. Affairs  
Marianne Jones  
501 West Lake Park Blvd.  
Houston, TX 77079

BP EnergyCo.  
J. M. Zaiontz  
Zaiontj@bp.com

Barkovich & Yap  
Catherine E. Yap  
ceyap@earthlink.net

Berliner, Camdon & Jimison  
John Jimison  
johnj@bcjlaw.com

Beta Consulting  
John Burkholder  
burkee@cts.com

CPUC  
Consumer Affairs Branch  
505 Van Ness Ave., #2003  
San Francisco, CA 94102

CPUC  
R. Mark Pocta  
rmp@cpuc.ca.gov

CPUC  
Energy Rate Design & Econ.  
505 Van Ness Ave., Rm. 4002  
San Francisco, CA 94102

California Energy Market  
Lulu Weinzimer  
luluw@newsdata.com

Calpine Corp  
Avis Clark  
aclark@calpine.com

City of Anaheim  
Ben Nakayama  
Public Utilities Dept.  
P. O. Box 3222  
Anaheim, CA 92803

City of Azusa  
Light & Power Dept.  
215 E. Foothill Blvd.  
Azusa, CA 91702

City of Banning  
Paul Toor  
P. O. Box 998  
Banning, CA 92220

City of Burbank  
Fred Fletcher/Ronald Davis  
164 West Magnolia Blvd., Box 631  
Burbank, CA 91503-0631

City of Colton  
Thomas K. Clarke  
650 N. La Cadena Drive  
Colton, CA 92324

City of Glendale  
Larry Silva  
lsilva@ci.glendale.ca.us

City of Lompoc  
H. Paul Jones  
100 Civic Center Plaza  
Lompoc, CA 93438

City of Long Beach, Gas Dept.  
Chris Garner  
2400 East Spring Street  
Long Beach, CA 90806-2385

City of Los Angeles  
City Attorney  
1700 City Hall East  
Los Angeles, CA 90012

City of Pasadena  
Manuel A. Robledo  
150 S. Los Robles Ave., #200  
Pasadena, CA 91101

City of Riverside  
Stephen Aronson  
saronson@ci.riverside.ca.us

City of Vernon  
Kenneth J. DeDario  
kdedario@ci.vernon.ca.us

Coral Energy  
Walter Cinibulk  
wcinibulk@coral-energy.com

County of Los Angeles  
Stephen Crouch  
1100 N. Eastern Ave., Room 300  
Los Angeles, CA 90063

Crossborder Energy  
Tom Beach  
tomb@crossborderenergy.com

Davis Wright Tremaine, LLP  
Edward W. O'Neill  
One Embarcadero Center, #600  
San Francisco, CA 94111-3834

Davis, Wright, Tremaine  
Judy Pau  
judypau@dwt.com

Dept. of General Services  
Celia Torres  
celia.torres@dgs.ca.gov

Dan Douglass  
douglass@energyattorney.com

Downey, Brand, Seymour & Rohwer  
Ann Trowbridge  
atrowbridge@dbsr.com

Downey, Brand, Seymour & Rohwer  
Phil Stohr  
pstohr@dbsr.com

Downey, Brand, Seymour & Rohwer  
Dan Carroll  
dcarroll@dbsr.com

Dynegy  
Joseph M. Paul  
jmpa@dynegy.com

Edson & Modisette  
1015 K Street,, #200  
Sacramento, CA 95814

Energy Law Group, LLP  
Andrew Skaff  
askaff@energy-law-group.com

Energy Law Group, LLP  
Diane Fellman  
difellman@energy-law-group.com

Enserch Gas Marketing, Inc.  
Cathy Hawes  
353 Sacramento, St., Suite 400  
San Francisco, CA 94111

Gas Purchasing  
BC Gas Utility Ltd.  
16705 Fraser Highway  
Surrey, British Columbia, V3S 2X7

General Services Administration  
Dir., Public Utility Services Div.  
Public Bldgs. Serv., Rm. 7325  
18th and F Streets, N.W.  
Washington, D.C. 20405

General Services Administration  
Facilities Management (9PM-FT)  
450 Golden Gate Ave.  
San Francisco, CA 94102-3611

William Gibson  
weg@cpuc.ca.gov

Goodin, MacBride, Squeri  
J. H. Patrick  
hpatrick@gmssr.com

Goodin, MacBride, Squeri  
James D. Squeri  
jsqueri@gmssr.com

Hanna & Morton  
Norman A. Pedersen, Esq.  
npedersen@hanmor.com

David Huard  
dhuard@manatt.com

Louise Huen  
lou@cpuc.ca.gov

Imperial Irrigation District  
K. S. Noller  
P. O. Box 937  
Imperial, CA 92251

JBS Energy  
Jeff Nahigian  
jeff@jbsenergy.com

Jeffer, Mangels, Butler & Marmaro  
One Sansome Street, 12th Floor  
San Francisco, CA 94104-4430

LADWP  
Nevenka Ubavich  
nubavi@ladwp.com

LADWP  
Randy Howard  
P. O. Box 51111, Rm. 956  
Los Angeles, CA 90051-0100

Law Offices of William H. Booth  
William Booth  
wbooth@booth-law.com

LeBoeuf, Lamb, Greene  
Christopher Hilen  
chilen@llgm.com

Luce, Forward, Hamilton & Scripps  
John Leslie  
jleslie@luce.com

MRW & Associates  
Robert Weisenmiller  
mrw@mrwassoc.com

Matthew Brady & Associates  
Matthew Brady  
matt@bradylawus.com

National Utility Service, Inc.  
Jim Boyle  
One Maynard Drive, P. O. Box 712  
Park Ridge, NJ 07656-0712

Navigant Consulting, Inc.  
Katie Elder  
katie\_elder@rmiinc.com

Office of Energy Assessments  
Bill Knox  
bill.knox@dgs.ca.gov

PG&E National Energy Group  
Eric Eisenman  
eric.eisenman@neg.pge.com

Pacific Gas & Electric Co.  
John Clarke  
Regulatory R77 Beale, B30A B10C  
San Francisco, CA 94105

Praxair Inc  
Rick Noger  
rick\_noger@praxair.com

Questar Southern Trails  
Lenard Wright  
lenardw@questar.com

Ramesh Ramchandani  
rxr@cpuc.ca.gov

Regulatory & Cogen Services, Inc.  
Donald W. Schoenbeck  
900 Washington Street, #780  
Vancouver, WA 98660

Richard Hairston & Co.  
Richard Hairston  
hairstonco@aol.com

Southern California Edison Co  
Fileroom Supervisor  
2244 Walnut Grove Ave., Room 290,  
GO1  
Rosemead, CA 91770

Southern California Edison Co  
Karyn Gansecki  
601 Van Ness Ave., #2040  
San Francisco, CA 94102

Southern California Edison Co.  
Colin E. Cushnie  
cushnice@sce.com

Southern California Edison Co.  
John Quinlan  
john.quinlan@sce.com

Southern California Edison Co.  
Kevin Cini  
cinikr@sce.com

Southern California Edison Company  
Martin Collette  
martin.collette@sce.com

Southwest Gas Corp.  
Edward Zub  
P. O. Box 98510  
Las Vegas, NV 89193-8510

Suburban Water System  
Bob Kelly  
1211 E. Center Court Drive  
Covina, CA 91724

Sutherland, Asbill & Brennan  
Keith McCrea  
kmccrea@sablaw.com

TURN  
Marcel Hawiger  
marcel@turn.org

TURN  
Mike Florio  
mflorio@turn.org

Transwestern Pipeline Co.  
Kelly Allen  
kelly.allen@enron.com

Vandenberg AFB  
Ken Padilla  
ken.padilla@vandenberg.af.mil

White & Case  
Regulatory Affairs  
regaffairs@sf.whitecase.com



CALIFORNIA ENERGY COMMISSION  
DAVID ABELSON  
1516 9TH STREET, MS-14  
SACRAMENTO, CA 95814

OCCIDENTAL ANALYTICAL GROUP  
A. Y. AHMED  
1313 N GRAND AVENUE, STE 392  
WALNUT, CA 91789

UNION OF CONCERNED SCIENTISTS  
DONALD W. AITKEN, PH.D.  
donaldaitken@earthlink.net

ALCANTAR & KAHL LLP  
MICHAEL ALCANTAR  
mpa@a-klaw.com

POWER VALUE INCORPORATED  
STANLEY I. ANDERSON  
sia2@pwrval.com

SACRAMENTO MUNICIPAL UTILITY  
DISTRICT  
DANA S. APPLING  
LEGAL DEPARTMENT MSB406  
PO BOX 15830  
SACRAMENTO, CA 95852-1830

ITRON, INC.  
CARL ROBERT ARON  
2818 N. SULLIVAN ROAD  
SPOKANE, WA 99216

LATINO ISSUES FORUM  
LUIS ARTEAGA  
785 MARKET ST., 3RD FL.  
SAN FRANCISCO, CA 94103

CALIF PUBLIC UTILITIES COMMISSION  
Peter V. Allen  
pva@cpuc.ca.gov

BARKOVICH AND YAP, INC.  
BARBARA R. BARKOVICH  
brbarkovich@earthlink.net

DAVIS ENERGY GROUP  
MARK J. BERMAN  
mjberm@davisenergy.com

THE GREENLINING INSTITUTE  
ITZEL BERRIO  
iberrio@greenlining.org

UC-CALIF. INST. FOR ENERGY  
EFFICIENCY  
CARL BLUMSTEIN  
blumstei@socrates.berkeley.edu

LAW OFFICES OF WILLIAM H. BOOTH  
WILLIAM H. BOOTH  
wbooth@booth-law.com

SOUTHWEST GAS CORPORATION  
DEBRA BOSIEY  
PO BOX 98510  
LAS VEGAS, NV 89193-8510

LATINO ISSUES FORUM  
SUSAN E. BROWN  
lifcentral@lif.org

BRUBAKER & ASSOCIATES, INC.  
MAURICE BRUBAKER  
mbrubaker@consultbai.com

INSULATION CONTRACTORS  
ASSOCIATION  
ROBERT E. BURT  
bburt@macnexus.org

CALIF PUBLIC UTILITIES COMMISSION  
Valerie Beck  
vjb@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Daniel M Berman  
dmb@cpuc.ca.gov

NATURAL RESOURCES DEFENSE  
COUNCIL  
SHERYL CARTER  
scarter@nrdc.org

CALIFORNIA ENERGY COMMISSION  
BRUCE CENICEROS  
1516 9TH STREET, MS-42  
SACRAMENTO, CA 95814-5512

SOUTHERN CALIFORNIAA EDISON  
COMPANY  
JANET COMBS  
Janet.Combs@sce.com

THE UTILITY REFORM NETWORK  
REGINA COSTA  
rcosta@turn.org

RAY CZA HAR  
rczahar@aol.com

WEST COAST GAS CO., INC.  
RAYMOND J. CZA HAR  
9203 BEATTY DR.  
SACRAMENTO, CA 95826-9702

CALIF PUBLIC UTILITIES COMMISSION  
Robert C. Cagen  
rcc@cpuc.ca.gov

**CALIF PUBLIC UTILITIES COMMISSION**  
Roderick A Campbell  
rax@cpuc.ca.gov

**NAVY RATE INTERVENTION**  
KAY DAVOODI  
DavoodiKR@efaches.navfac.navy.mil

**DEPT. OF COMMUNITY SERVICES  
AND DEV.**  
TIMOTHY M. DAYONOT  
700 NORTH TENTH STREET RM 258  
SACRAMENTO, CA 95814-0338

**CALIFORNIA ENERGY COMMISSION**  
FERNANDO DE LEON  
fdeleon@energy.state.ca.us

**MOUNTAIN UTILITIES**  
GARY DERCK  
PO BOX 1  
KIRKWOOD, CA 95646

**RESIDENTIAL ENERGY EFFICIENCY**  
DENNIS DOBKOWSKI  
19896 FELICIA DRIVE  
YORBA LINDA, CA 92886

**LAW OFFICES OF DANIEL W.  
DOUGLASS**  
DANIEL W. DOUGLASS  
douglass@energyattorney.com

**AVISTA UTILITIES**  
THOMAS D. DUKICH  
EAST 1411 MISSION, PO BOX 3727  
SPOKANE, WA 99202-2600

**CALIF PUBLIC UTILITIES COMMISSION**  
Christopher Danforth  
ctd@cpuc.ca.gov

**SESCO, INC.**  
RICHARD ESTEVES  
sesco@optonline.net

**CALIF PUBLIC UTILITIES COMMISSION**  
Gilbert Escamilla  
gil@cpuc.ca.gov

**RICHARD HEATH AND ASSOCIATES,  
INC.**  
ROXANNE FIGUEROA  
rfigueroa@rhainc.com

**DEPARTMENT OF THE NAVY**  
NORMAN J. FURUTA  
FurutaNJ@efawest.navfac.navy.mil

**CALIF PUBLIC UTILITIES COMMISSION**  
Darwin Farrar  
edf@cpuc.ca.gov

**CALIF PUBLIC UTILITIES COMMISSION**  
Anthony Fest  
adf@cpuc.ca.gov

**CALIF PUBLIC UTILITIES COMMISSION**  
Julie A Fitch  
jf2@cpuc.ca.gov

**DUKE ENERGY NORTH AMERICA**  
MELANIE GILLETTE  
mlgillette@duke-energy.com

**MEG GOTTSTEIN**  
gottstein@volcano.net

**OFFICE OF ENERGY ASSESSMENTS**  
DOUG GRANDY  
717 K STREET, SUITE 409  
SACRAMENTO, CA 95814

**RENEE H. GUILD**  
guildrenee@aol.com

**CALIF PUBLIC UTILITIES COMMISSION**  
John Galloway  
jhg@cpuc.ca.gov

**CALIF PUBLIC UTILITIES COMMISSION**  
Meg Gottstein  
meg@cpuc.ca.gov

**SOUTHERN CALIFORNIA EDISON  
COMPANY**  
JENNIFER R. HASBROUCK  
jennifer.hasbrouck@sce.com

**THE UTILITY REFORM NETWORK**  
MARCEL HAWIGER  
marcel@turn.org

**CALIFORNIA PUBLIC UTILITIES  
COMMISSION**  
JESSICA HECHT  
jhe@cpuc.ca.gov

**JAMES HODGES**  
hodgesjl@pacbell.net

**CALIFORNIA ENERGY COMMISSION**  
DAVID HUNGERFORD  
dhungerf@energy.state.ca.us

**ALCANTAR & KAHL, LLP**  
EVELYN KAHL  
ek@a-klaw.com

**ENVIRONMENTAL DEFENSE FUND**  
DAN KIRSHNER  
dank@edf.org

**COUNTY OF LOS ANGELES**  
HENRY KNAWLS  
hknawls@co.la.ca.us

ADVOCATES FOR THE PUBLIC  
INTEREST (API)  
RON KNECHT  
ronknecht@aol.com

CALPINE CORPORATION  
EILEEN A. KOCH  
50 W. SAN FERNANDO ST.  
SAN JOSE, CA 95113

TIM KRAUSE  
PO BOX 519  
CYPRESS, CA 90630

PACIFIC GAS AND ELECTRIC  
COMPANY  
EVELYN C. LEE  
ecl8@pge.com

CALIFORNIA FARM BUREAU  
FEDERATION  
RONALD LIEBERT  
rliebert@cfbf.com

SEMPRA ENERGY  
ALESSANDRA M. LONG  
amlong@sempra.com

COUDERT BROTHERS  
EDWARD B. LOZOWICKI  
elozowicki@coudert.com

AARP  
ROBERT F. MANIFOLD  
manifold@pobox.com

SUTHERLAND, ASBILL & BRENNAN  
KEITH MCCREA  
kmccrea@sablaw.com

RESCUE  
DANIEL W. MEEK  
dan@mEEK.net

CALIFORNIA ENERGY COMMISSION  
MICHAEL MESSENGER  
mmesseng@energy.state.ca.us

CALIFORNIA FARM BUREAU  
FEDERATION  
KAREN MILLS  
kmills@cfbf.com

SOUTHERN CALIFORNIA WATER CO.  
RONALD MOORE  
630 EAST FOOTHILL BOULEVARD  
SAN DIMAS, CA 91773

ROBERT MOWRIS & ASSOCIATES  
ROBERT MOWRIS  
rmowris@earthlink.net

SARA STECK MYERS  
ssmyers@att.net

CALIF PUBLIC UTILITIES COMMISSION  
Lynn A. Maack  
lam@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Barbara A. Morton  
bam@cpuc.ca.gov

O'ROUKE & COMPANY  
THOMAS J. O'ROURKE  
44 MONTGOMERY STREET, RM 1705  
SAN FRANCISCO, CA 94104

CALIFORNIA/NEVADA COMMUNITY  
JOY OMANIA  
225 30TH STREET, SUITE 200  
SACRAMENTO, CA 95816

BAY AREA POVERTY RESOURCE  
COUNCIL  
WILLIAM F. PARKER  
wparker@baprc.com

APS ENERGY SERVICES CO., INC.  
BILL PASCARELLA  
bill\_pascarella@apses.com

RANCHO VALLEY BUILDERS, INC.  
BRUCE PATTON  
patton@ranchovalley.com

HANNA AND MORTON LLP  
NORMAN A. PEDERSEN  
npedersen@hanmor.com

ANDERSON & POOLE  
EDWARD G. POOLE  
epoole@adplaw.com

VENTURA COUNTY COMMISSION ON  
LEE RIGGAN  
rigganl@earthlink.net

SCHOOL PROJECT UTILITY RATE  
REDUCTION  
MICHAEL ROCHMAN  
rochmanm@spurr.org

JOHN P. ROZSA  
STATE CAPITOL, ROOM 408  
SACRAMENTO, CA 95814

CALIFORNIA ENERGY COMMISSION  
MONICA RUDMAN  
mrudman@energy.state.ca.us

CALIF PUBLIC UTILITIES COMMISSION  
Stephen J. Rutledge  
sjr@cpuc.ca.gov

JEFF SCHLEGEL  
schlegelj@aol.com

NON-PROFIT HOUSING ASSO OF N.  
CALIFORNIA  
DOUGLAS SHOEMAKER  
doug@nonprofithousing.org

LAW OFFICE OF ANDREW J. SKAFF  
ANDREW SKAFF  
andy@skafflaw.com

LAW OFFICE OF ANDREW J. SKAFF  
ANDREW J. SKAFF  
andy@skafflaw.com

HOUSING CALIFORNIA  
JULIE SNYDER  
jsnyder@housingca.org

ONSITE ENERGY CORPORATION  
RICHARD SPERBERG  
rsperberg@onsitenergy.com

CALIF PUBLIC UTILITIES COMMISSION  
James E. Scarff  
jes@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Don Schultz  
dks@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Peter Skala  
ska@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Donald R Smith  
dsh@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Maria E. Stevens  
mer@cpuc.ca.gov

CALIFORNIA/NEVADA COMMUNITY  
CHRISTOPHER S. TAYLOR  
225 30TH STREET SUITE 200  
SACRAMENTO, CA 95816-3359

SOUTHERN CALIFORNIA TRIBAL  
CHAIRMEN  
DENIS TURNER  
sctca@inetworld.net

CALIFORNIA ENERGY COMMISSION  
TIM TUTT  
tutt@energy.state.ca.us

CALIF PUBLIC UTILITIES COMMISSION  
Terrie J. Tannehill  
tjt@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Thomas W. Thompson  
tth@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Jonathan P. Tom  
jpt@cpuc.ca.gov

PHILIP M. VERMEULEN  
3457 CASTLE CREEK CT.  
ROSEVILLE, CA 95661-7354

CALIF PUBLIC UTILITIES COMMISSION  
Ourania M. Vlahos  
omv@cpuc.ca.gov

SIERRA PACIFIC POWER COMPANY  
GENE WILLIAMS  
Gwilliams@SPPC.COM

UTILITY REFORM PROJECT  
LINDA WILLIAMS  
10266 S.W. LANCASTER ROAD  
PORTLAND, OR 97219

STATE OF CALIFORNIA  
JAYSON WIMBLEY  
700 NORTH 10TH ST., ROOM 258  
SACRAMENTO, CA 95814-0338

WINEGARD ENERGY  
WALLIS J. WINEGARD  
wallis@winegardenergy.com

PACIFICORP  
MATTHEW WRIGHT  
matthew.wright@Pacifcorp.com

CALIF PUBLIC UTILITIES COMMISSION  
Donna L. Wagoner  
dlw@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Ivy Walker  
imw@cpuc.ca.gov

CALIF PUBLIC UTILITIES COMMISSION  
Josie Webb  
wbb@cpuc.ca.gov

LOS ANGELES DEPARTMENT OF  
WATER & POWER  
MICHAEL YAMADA  
ROOM 1534 GOB  
111 NORTH HOPE STREET  
LOS ANGELES, CA 90012

CALIF PUBLIC UTILITIES COMMISSION  
Helen W. Yee  
yee@cpuc.ca.gov