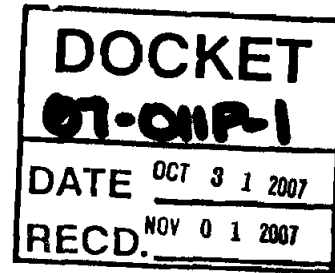


**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies))))	Rulemaking 06-04-009 (Filed April 13, 2006)
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**COMMENTS OF MORGAN STANLEY CAPITAL GROUP INC.
ON THE ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS
AND NOTICING WORKSHOP ON ALLOWANCE ALLOCATION ISSUES**

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October 31, 2007

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OF THE STATE OF CALIFORNIA**

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NOTICING WORKSHOP ON ALLOWANCE ALLOCATION ISSUES**

I. INTRODUCTION

Pursuant to the October 15, 2007 ruling of Administrative Law Judges Charlotte F. TerKeust and Jonathan Lakritz, Morgan Stanley Capital Group Inc. ("MSCG") respectfully submits its comments on issues related to the distribution of greenhouse gas ("GHG") emission allowances.¹

II. COMMENTS

MSCG prefaces these comments by reiterating its long-standing belief that California should auction GHG emission allowances rather than allocate allowances administratively.² Auctions are preferable because they would promote market liquidity and afford an opportunity to any party that needs an allowance to procure one. Moreover, auctions would avoid the administrative battles over

¹ Administrative Law Judge's Ruling Requesting Comments and Noticing Workshop on Allowance Allocation Issues, *Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies* (Docket No. R.06-04-009) (issued Oct. 10, 2007).

² See, e.g., Reply Comments of Morgan Stanley Capital Group Inc. on the Market Advisory Committee to the California Air Resources Board's Recommendations for Designing a Greenhouse Gas Cap-and-Trade System for California, *Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies* (Docket No. R.06-04-009) at 10-14, 21 (filed Aug. 15, 2007); Comments of Morgan Stanley Capital Group Inc. on the Market Advisory Committee to the California Air Resources Board's Recommendations for Designing a Greenhouse Gas Cap-and-Trade System for California, *Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies* (Docket No. R.06-04-009) at 21-22 (filed Aug. 6, 2007).

which entities will or will not receive free allowances. Finally, the experience under the European Union Emission Trading Scheme demonstrates that distributing allowances for free can lead entities to forego selling their unneeded allowances, creating an illiquid situation early on as excess allowances sit stagnant without corresponding benefits to end-users. To address such problems, Europe has turned to an auction-based approach.

Auctioning 100% of California's GHG emissions allowances also would be consistent with current state and federal climate change trends. For example, states participating in the Regional Greenhouse Gas Initiative have embraced allowance auctions. An overwhelming majority of the federal climate change bills pending in the U.S. Congress also have embraced the concept of allowance auctions expressly or implicitly.³ The only arguments supporting administrative allocation of allowances pertain to issues of "equity." However, California can address any perceived equity concerns through the assignment of auction revenue rights ("ARRs").

As explained below, MSCG's preference for auctions over administrative allocation does not differ based on whether California adopts a load-based or first-seller approach. Further, MSCG believes auctions would be equally efficacious for the electricity and natural gas markets.⁴

³ See, e.g., Climate Stewardship and Innovation Act of 2007 (S.280); Global Warming Pollution Reduction Act (S.309); Electric Utility Cap and Trade Act of 2007 (S.317); Global Warming Reduction Act of 2007 (S.485); Low Carbon Economy Act (S.1227), America's Climate Security Act of 2007 (S.2191); all introduced in the 110th Congress.

⁴ See, e.g., Reply Comments of Morgan Stanley Capital Group Inc. on the Market Advisory Committee to the California Air Resources Board's Recommendations for Designing a Greenhouse Gas Cap-and-Trade System for California, *Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies* (Docket No. R.06-04-009) at 3 (filed Aug. 15, 2007) ("MSCG has stated repeatedly in its comments ... that a source-based emissions design is superior to load-based model.").

A. Evaluation Criteria

Q1. Please comment on each of the criteria listed by the MAC. Are these criteria consistent with AB 32? Should other criteria be added, such as criteria specific to the electricity and/or natural gas sectors? In making trade-offs among the criteria, which criteria should receive the most weight and which the least weight?

On June 30, 2007, the Market Advisory Committee (“MAC”) issued a report offering its recommendations on the best design options for a mandatory GHG cap-and-trade system in California.⁵ With respect to allowance distribution, the MAC suggested an “approach in which some share of allowances is allocated free of charge initially, while the remaining allowances are auctioned. The percentage of allowances auctioned should then increase over time.”⁶ To achieve this, the MAC “strongly recommend[ed]” that California distribute allowances in a manner that advances eight principles.⁷ MSCG offers comments on the following recommended principles.⁸

- Principle c: Promotes investment in low-GHG technologies and fuels (including energy efficiency).

A primary benefit of a cap-and-trade program, as recognized by AB 32 and the MAC Report, is that it would allow for the use of a market-based system to meet California’s goal of

⁵ *Recommendations for Designing a Greenhouse Gas Cap-and-Trade System for California: Recommendations of the Market Advisory Committee to the California Air Resources Board* (issued June 30, 2007) (“MAC Report”).

⁶ MAC Report at iv (emphasis omitted).

⁷ MAC Report at 55. The MAC suggests that allowances be distributed in a manner that: (a) reduces the cost of the program to consumers, especially low-income consumers; (b) avoids windfall profits where such profits could occur; (c) promotes investment in low-GHG technologies and fuels (including energy efficiency); (d) advances the state’s broader environmental goals by ensuring that environmental benefits accrue to overburdened communities; (e) mitigates economic dislocation caused by competition from firms in uncapped jurisdictions; (f) avoids perverse incentives that discourage or penalize investments in low-GHG technologies and fuels (including energy efficiency); (g) provides transition assistance to displaced workers; and (h) helps to ensure market liquidity. *Id.*

⁸ MSCG takes no position concerning the consistency of MAC’s recommended principles with AB 32.

low-cost emissions reduction.⁹ MSCG expects that low-GHG emitting technologies and fuels, including energy efficiency, will likely be the most significant contributors to California's effort to reduce GHG emissions. However, the reason for choosing a market-based cap-and-trade approach is that the market will reflect the best collective thinking on how to achieve low-cost emissions reduction. Promoting investment in low-GHG technologies (or any other particular technology, for that matter) would contradict two other key principles governing allowance distribution.

First, promoting investment in one technology over others conflicts with the MAC's recommended "principle f" as amended by MSCG below – avoiding perverse incentives – because any preference inherently is just such an incentive. Second, promoting a particular technology rather than allowing the market to decide what is best would be antithetical to "principle a" (*i.e.*, reducing the cost of the GHG program to consumers, especially low-income consumers). If California encourages investment in any particular technology or technologies, and those choices are different than those the market would have made, then those choices will result in incremental costs that provide no incremental reduction in GHG emissions. Furthermore, those incremental costs will accrue to end users (including low-income consumers), who almost certainly will pay more than they would have if the market had selected the technologies in which to invest.

- Principle f: Avoids perverse incentives that discourage or penalize investments in low-GHG technologies and fuels (including energy efficiency).

MSCG strongly supports the principle of avoiding perverse incentives of any kind, not solely concerning investments in low-GHG technologies. Accordingly, MSCG recommends

⁹ MAC Report at iii (AB 32 "recognizes that a market-based system can be used ... to meet an economy-wide emissions reduction target."); AB 32 at § 38562(b)(1) (ordering CARB to "design the regulations, including distribution of emissions allowances where appropriate in a manner that ... seeks to minimize costs...."); AB 32 at § 38562(b)(5) (requiring CARB to consider the cost-effectiveness of its regulations).

truncating this criterion after the third word such that the principle becomes “Avoids perverse incentives.”

- Principle h: Helps to ensure market liquidity.

Market liquidity is crucial to smooth functioning of a cap-and-trade system, regardless of whether the cap-and-trade system is source-based or delivery-based. Thus, MSCG strongly supports adoption of this principle.

B. Basic Options

Q2. Broadly speaking, should emission allowances be auctioned or allocated administratively, or some combination?

MSCG strongly supports auctioning 100% of California’s GHG emissions allowances, but believes the State should assign ARRs to end-users (*i.e.*, those most likely to feel the greatest impact of any increase in electric prices resulting from emissions reduction compliance).

Q3. If you recommend partial auctioning, what proportion should be auctioned? Should the percentage of auctioning change over time? If so, what factors should be used to design the transition toward more auctioning?

No response provided.

Q4. How should new market entrants, such as energy service providers, community choice aggregators, or (deliverer/first seller system only) new importers, obtain emission allowances, *i.e.*, through auctioning, administrative allocation, or some combination?

Auctions are preferable to administrative allocation because auctions ensure that those ultimately responsible for surrendering allowances in California have easy market access to them. With auctions, California also could avoid administrative battles over who receives allocations and how many allowances each recipient receives.

Auctions would be especially preferable for protecting the needs and interests of new market entrants. New entrants likely would enter the market after California holds its allowance

determination proceedings. Consequently, new entrants may miss their window of opportunity to receive a free allowance allocation that they otherwise would have been eligible for under the allocation criteria.

If California adopts an administrative allocation paradigm, it would have to consider whether to reserve any allowances for new market entrants. This, in turn, raises the question of what to do with any reserved allowances that go unclaimed. In addition, while the secondary market should make initially-allocated allowances available to new entrants, they would face an equity issue relative to their competitors, who presumably received free allocations. Auctioning 100% of allowances would eliminate these administrative problems.

C. Auctioning GHG Emissions Allowances – General Questions

Q5. What are the important policy considerations in the design of an auction?

California's auction oversight agency should strive to ensure that market participants view its auctions as timely, equitable, and predictable. To do so, California should consider the following when designing an emissions auction.

- Holding auctions at regularly scheduled intervals.
- Publishing an auction schedule that indicates future auction dates several years in advance and updating the schedule on a rolling basis.
- Publishing the quantity of allowances that will be available at each auction when it publishes the auction schedule.
- Auctioning level quantities of allowances in each auction, while also ensuring compliance with the decreasing emissions cap over time.¹⁰

¹⁰ For example, if California elects to hold an allowance auction every quarter, a level auction would be achieved by auctioning 25% of the allowances each time as compared to allocating 20% first quarter, 40% second quarter, 10% third quarter, and 30% fourth quarter.

MSCG's proposed principles will help promote confidence in California's auction irrespective of whether the State auctions 100% of allowances.

Q6. How often should emission allowances be auctioned? How does the timing and frequency of auctions relate to the determination of a mandatory compliance period, if at all?

California should hold auctions no more frequently than quarterly and no less frequently than annually. Regular, smaller auctions will ensure that participation is manageable for capital-constrained entities. As compared to larger, irregular auctions, auctions held on a regular basis and for smaller allowance amounts also should increase the likelihood that market participants purchase all the allowances that California offers in a particular auction.

Q7. How should market power concerns be addressed in auction design? If emission allowances are auctioned, how would the administrators of such a program ensure that all market participants are participating in the program and acting in good faith?

First, it is not clear that there are any market power concerns. However, if market power is a risk, the very nature of an open, repeating auction diminishes such risk. California could consider limiting the volume of allowances available to any single participant if market power becomes a real concern.

Q8. What criteria should be used to designate the types of expenditures that could be made with auction revenues (including use to reduce end user rates), and the distribution of money within those categories?

California should direct the benefits of allowances, whether allocated or monetized as ARRs, to consumers rather than to load serving entities ("LSEs"), distribution utilities, or generators. This would provide rate relief to those most burdened by the costs of GHG reduction, instead of ending up as subsidies to incumbents or favored new technology ventures.

Q9. What type of administrative structure should be used for the auction? Should the auction be run by the State or some other independent entity, such as the nonprofit organization being established by the Regional Greenhouse Gas Initiative?

No response provided.

D. Electricity Sector

1. *Administrative Allocation of Emission Allowances*

Q10. If some or all allowances are allocated administratively, which of the above method or methods should be used for the initial allocations? If you prefer an option other than one of those listed above, describe your preferred method in detail. In addition to your recommendation, comment on the pros and cons of each method listed above, especially regarding the impact on market performance, prices, costs to customers, distributional consequences, and effect on new entrants.

For all the reasons discussed throughout these comments, California should not allocate allowances. However, should it elect to allocate allowances, then any administrative allocation methodology design should attempt to maximize incentives for initial allocation recipients to move unneeded GHG emission allowances into the secondary market as quickly as possible. The design also should be adaptable to changing market conditions. Finally, the design should not provide artificial incentives to keep high-emitting units operational when it makes no economic sense to do so. Applying the foregoing criteria, updating would be the best methodology, grandfathering the least, with benchmarking falling somewhere in between.¹¹

¹¹ MAC Report at 93 (defining “[g]randfathering” as “[a] method by which emission allowances are freely distributed to entities covered under an emissions trading program based on historic emissions”); at 90 (defining “[b]enchmarking” as “[a]n allowance allocation method in which allowances are distributed by setting a level of permitted emissions per unit of input or output”); and 96 (defining “[u]pdating” as “[a] form of allowance allocation in which allocations are reviewed and changed over time and/or awarded on the basis of changing circumstances (such as output) rather than historical data (such as emissions, input or output). For example, allowances might be distributed based on megawatt-hours generated or tons of a product manufactured”).

Updating is the least problematic way for California to allocate allowances because it would allow for review and change over time. It also would take into account the fact that the emissions market will be fluid, thereby providing California the flexibility to react as market and environmental circumstances change over the duration of California's decades-long attempt to reduce emissions. In other words, updating would be the best way to allocate administratively because it would be the least static.

Q11. Should the method for allocating emission allowances remain consistent from one year to the next, or should it change as the program is implemented?

California must strike a subtle balance between two important goals – certainty and flexibility over time. All market participants will want to be able to engage in reasoned business planning, avoid legal and franchise risks, and mitigate compliance costs without fear that material aspects of California's emissions reduction program will change. Thus, California must signal a commitment to its plan so that affected parties do not wait before taking serious and costly steps towards emissions reduction. Commitment to an approach will yield certainty and thus productive action.

On the other hand, emissions reduction is a 40-year effort and it is impossible to foresee with 100% accuracy what might happen in the future. Therefore, California needs some ability to change its allocation methodology to reflect changed circumstances.

Because of the importance of both of these goals, California should consider carefully whether any change to its emission allocation methodology is worth the sacrifice of certainty. If the answer is yes, then California should: (1) provide affected parties with adequate notice of the proposed change; (2) provide affected parties an opportunity to comment on the proposed change; and (3) implement any changes according to a predetermined schedule published well in advance of

the change. This approach will ensure that participants can plan based on a known program, thereby promoting certainty while accommodating necessary change.

Q12. If new market entrants receive emission allowance allocations, how would the proper level of allocations be determined for them?

No response provided.

Q13. If emission allowances are allocated based on load/sales, population, or other factors that change over time, how often should the allowance allocations be updated?

Fairness requires that California review and update the allocation factors for each allocation event. For example, if California allocates allowances once per year, then it would review the allocation factors once per year. The necessity of performing this task is another argument in favor of auctions, which would avoid the entire issue.

Q14. If emission allowances are allocated based on historical emissions (“grandfathering”) or benchmarking, what base year(s) should be used as the basis for those allocations?

California should use the most recent period for which data is available. This is consistent with MSCG’s view that California should strive for an allowance allocation system that is adaptable to changing circumstances, and that updating is the best method of administrative allocation.

Q15. If emission allowances are allocated based initially on historical emissions (“grandfathering”), should the importance of historical emissions in the calculation of allowances be reduced in subsequent years as providers respond to the need to reduce GHGs? If so, how should this be accomplished? By 2020, should all allocations be independent of pre-2012 historical emissions?

If California were to allocate emission allowances initially by grandfathering, MSCG would support phased-reductions with total independence of pre-2012 historical emissions by 2020. MSCG has no specific recommendation as to how the State should calculate the phase-down. However, MSCG strongly advises that California set the phase-down schedule at the beginning of the program and adhere to it without change. Adjusting the phase-down based on recent history

creates a perverse incentive for recipients to adjust their behavior in order to affect their allocations. For example, if California adjusts allocations based on recent energy consumption, parties may be motivated to increase energy consumption to obtain additional allowances. Linkage to behavior causes changes to that behavior. For this reason, if California adjusts allocations based on production, consumption, or sales volume, it must ensure it does not provide market participants with incentive to engage in perverse behavior.¹²

Q16. Should a two-track system be created, with different emission allowances for deliverers/ first sellers or retail providers with legacy coal-fueled power plants or legacy coal contracts? What are the factors and trade-offs in making this decision? How would the two tracks be determined, e.g., using an historical system emissions factor as the cut-off? How should the allocations differ between the tracks, both initially and over time? What would be the market impact and cost consequences to consumers if a two-track method were used?

If California caps aggregate GHG emissions, then it can expect that the heaviest GHG-emitters will bear the highest adjustment costs. The trade-offs of differing treatments are clear. Any effort to buffer artificially the costs of compliance for high GHG emitters will come at the expense of greater costs for low GHG emitters.

¹² A principle that market participants often espoused in the context of transmission rights may provide a guidepost here: Transmission rights belong to the customer; the load-serving entity is just the custodian. If a customer changes suppliers, transmission rights migrate with the customer to the new supplier. By analogy, it is probably better to think of allocation adjustments based on forward-looking customer migrations rather than on recent historical generation or sales volumes of a particular supplier. As with almost all allocation design questions, auctions avoid having to address this issue.

Q17. If emission allowances are allocated administratively to retail providers, should other adjustments be made to reflect a retail provider's unique circumstances? Comment on the following examples, and add others as appropriate:

- a. Climate zone weighting to account for higher energy use by customers in inclement climates, and**
- b. Increased emission allowances if there is a greater-than-average proportion of economically disadvantaged customers in a retail provider's area.**

No answer provided.

Q18. Should differing levels of regulatory mandates among retail providers (e.g., for renewable portfolio standards, energy efficiency investment, etc.) be taken into account in determining entity-specific emission allowance allocations going forward? For example, should emission allowance allocations be adjusted for retail providers with high historical investments in energy efficiency or renewables due to regulatory mandates? If those differential mandates persist in the future, should they continue to affect emission allowance allocations?

No answer provided.

Q19. How often should the allowance allocation process occur? How far in advance of the compliance period?

No answer provided.

Q20. What are the distributional consequences of your recommended emission allowance allocation approach? For example, how would your method affect customers of retail providers with widely differing average emission rates? Or differing rates of population growth?

No response provided.

2. *Emission Allowances with a Deliverer/First Seller Point of Regulation*

Q21. Would a deliverer/first seller point of regulation necessitate auctioning of emission allowances to the deliverers/first sellers?

It certainly is possible for California to develop an allocation scheme among deliverers.

However, doing so would convey relative competitive advantages to all allowance recipients and likely disadvantage those that had to pay for allowances in the secondary markets. Thus, trying to

create such an allocation system would prove administratively difficult and likely would lead to real inequities.

In fairness, MSCG would observe that the same general issues arise among LSEs in a load-based system, so the problem is not unique to a deliverer/first-seller approach. However, it may be more complicated to administer allocations for a deliverer/first-seller system. Auctioning, on the other hand, would eliminate these concerns because all entities that need allowances would have to secure them using the same methods – regularly scheduled auctions and the secondary market. This is true in either a load based or a deliverer/first-seller system.

Q22. Are there interstate commerce concerns if auction proceeds are obtained from all deliverers/first sellers and spent solely for the benefit of California ratepayers? If there are legal considerations, include a detailed analysis and appropriate legal citations.

No answer provided.

Q23. If you believe 100% auctioning to deliverers/ first sellers is not required, explain how emission allowances would be allocated to deliverers/first sellers. In doing so, answer the following:

- a. **How would the amount of emission allowances given to deliverers/first sellers be determined during any particular compliance period?**
- b. **How would importers that are marketers be treated, e.g., would they receive emission allowance allocations or be required to purchase all their needed emission allowances through auctions? If allocated, using what method?**
- c. **How would electric service providers be treated?**
- d. **How would new deliverers/first sellers obtain emission allowances?**
- e. **Would zero-carbon generators receive emission allowance allocations?**
- f. **What would be the impact on market performance, prices, and costs to customers of allocating emission allowances to deliverers/first sellers?**

- g. What would be the likelihood of windfall profits if some or all emission allowances are allocated to deliverers/first sellers?**
- h. How could such a system prevent windfall profits?**

MSCG would not argue that 100% auctioning is required, however, such a system would be far superior to any partial or total allocation. The mere fact that the Commission raises the concerns enumerated above supports MSCG's belief that 100% auctioning is preferable to an approach in which some share of allowances is allocated free of charge. An auction avoids having to come up with a scheme to address these concerns.

Q24. With a deliverer/first seller point of regulation, should administrative allocations of emission allowances be made to retail providers for subsequent auctioning to deliverers/first sellers? If so, using what allocation method? Refer to your answers in Section 3.4.1., as appropriate.

California should auction all allowances directly to the market. If California decides that certain entities should have a stake in the value of allowances, then the best way to satisfy that interest is to assign such entities ARR. MSCG recommends that the State assign ARRs to end-users (*i.e.*, those who are most likely to feel the greatest impact of any associated increase in electric prices). Billing credit methodologies for these types of distributions are common and, presumably, in wide use. Consequently, California should face relatively little incremental administrative expense to implement a methodology for assignment of ARRs to customers. Furthermore, such an approach largely preempts battles for ARRs that could parallel many of the problems outlined herein associated with determining who should be entitled to allowance allocations.

Q25. If you recommend allocation of emission allowances to retail providers followed by an auction to deliverers/first sellers, how would such an auction be administered? What kinds of issues would such a system raise? What would be the impact on market performance, prices, and costs to customers?

No answer provided.

E. Natural Gas Sector

Q26. Answer each of the questions in Section 3.4.1. except Q16, but for the natural gas sector and with reference to natural gas distribution companies (investor- or publicly-owned), interstate pipeline companies, or natural gas storage companies as appropriate. Explain if your answer differs among these types of natural gas entities. Explain any differences between your answers for the electricity sector and the natural gas sector.

MSCG does not see why there would be any differences regarding distribution of allowances in the natural gas or electricity sectors. California should auction allowances in both sectors so that parties required to surrender allowances have unencumbered access to them.

Q27. Are there any other factors unique to the natural gas sector that have not been captured in the questions above? If so, describe the issues and your recommendations.

No answer provided.

F. Overall Recommendation

Q28. Considering your responses above, summarize your primary recommendation for how the State should design a system whereby electricity and natural gas entities obtain emission allowances if a cap and trade system is adopted.

MSCG opposes the free allocation of emission allowances. To ensure that emissions trading works, it is essential that the firms ultimately responsible for surrendering allowances have easy market access to them. The best way for California to implement this is by adopting a system that auctions 100% of allowances. Auctions would ensure that allowances enter the market from the start, thus affording market participants the opportunity to discover the price that reflects the marginal cost of reducing emissions. Moreover, the State can set aside auction proceeds to compensate any entity that suffers a disproportionately negative impact by the GHG reduction program. Auctions also are preferable to allocations because they would avoid major administrative burdens of managing allowance distribution under allocations. This is true under either a load-

based or first-seller system, as well as for the electric and natural gas sectors. Finally, if California allocates allowances for free, it risks market illiquidity and an artificial upward price bias early on, due to lack of full participation, as was seen in the European Union during the first year of its Phase One program.

III. CONCLUSION

MSCG respectfully requests that the CPUC and CEC consider these comments in their recommendation to CARB on how to distribute GHG emissions allowances.

Respectfully submitted,

/s/

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October 31, 2007

Attorneys for Morgan Stanley Capital Group Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Comments of Morgan Stanley Capital Group Inc. on the Administrative Law Judge's Ruling Requesting Comments and Noticing Workshop on Allowance Allocation Issues on all of parties of record in R. 06-04-009 by electronic mail and by U.S. mail to those parties that have not provided an electronic address to the Commission. I also have sent hard copies by overnight mail to the assigned Commissioner, Michael R. Peevy, and the assigned Administrative Law Judges, Charlotte F. TerKeurst, Jonathan Lakritz, and Meg Gottstein.

Moreover, pursuant to the October 15, 2007 Administrative Law Judge's Ruling Requesting Comments and Noticing Workshop on Allowance Allocation Issues issued in R. 06-04-009, I have sent one hard copy of these comments by overnight mail to the California Energy Commission and also have sent electronic copies of these comments to doCKET@energy.state.ca.us and to kgriffin@energy.state.ca.us.

Dated at Washington, DC, this 31st day of October, 2007.

/s/

Adam J. Katz

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