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14 Attorneys for Respondents  
15 MASCO CORPORATION and ENERGYSSENSE, INC.

16  
17 **STATE OF CALIFORNIA**  
18  
19 **ENERGY RESOURCES CONSERVATION**  
20  
21 **AND DEVELOPMENT COMMISSION**

22 CALIFORNIA LIVING & ENERGY (a Docket Number 08-CRI-01  
23 division of William Lilly & Associates, Inc.)  
24 and DUCT TESTERS, INC.,

25 Complainants, **Affidavit of Mark Curry**

26 vs.

27 MASCO CORPORATION and  
28 ENERGYSSENSE, INC.,  
Respondents.

Being first duly sworn under oath, Mark Curry deposes and states as follows:

1. I was Manager of the Williams Consolidated I, Ltd. d/b/a Energy Sense  
Systems ("Williams") located in Houston, Texas, a position I have held since February  
2008. I have personal knowledge of the facts set forth below.

2. In my capacity as Manager, I was responsible for the content and  
maintenance of the www.energysense.org website, including the material attached hereto  
as Exhibit 1 (a copy of which was produced by the Complainants at Tab 30, pages GA

**DOCKET**

**08-CRI-01**

DATE MAR 24 2009

RECD. MAR 27 2009

1 000242, GA 000247 and GA 000248, of the binder prepared by the Complainants for the  
2 March 17, 2009 hearing).

3 3. Williams is engaged in the business of energy inspections and testing, and  
4 conducts business only in the State of Texas; it does not have any operations in and has  
5 never conducted business in the State of California. The information contained on  
6 Exhibit 1 and on the www.energysense.org website relates to the business of Williams  
7 conducted under the assumed names of Energy Sense and Energy Sense Systems.

8 4. EnergySense, Inc., a wholly-owned subsidiary of Masco Corporation,  
9 operates and conducts business only in the States of California and Nevada.  
10 EnergySense, Inc. has had no involvement with the business or operations of Williams,  
11 including the website referenced in paragraph 2 above, and Williams has had no  
12 involvement with the business or operations of EnergySense, Inc.

13 I swear or affirm, under penalty of perjury under the laws of the State of the  
14 California, that all facts set forth herein are true and correct.

15 FURTHER AFFIANT SAYETH NOT.

16 Executed this 24<sup>th</sup> day of March, 2009.

17  
18   
19 Mark Curry

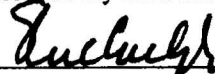
20 State of Texas ))

21 County of )

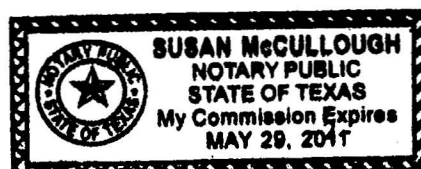
22 On March 24<sup>th</sup>, 2009 before me, Susan McCullough Notary Public, personally appeared Mark Curry, who  
23 provided to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to  
24 the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized  
25 capacity/ies, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
26 which the person(s) executed the instrument.

27 I certify under PENALTY OF PERJURY under the laws of the State of Texas that the foregoing is true and  
28 correct.

29 WITNESS my hand and official seal.

30  (Seal)

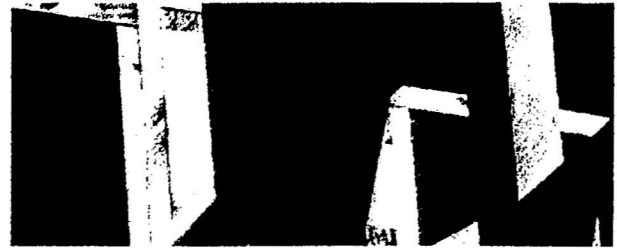
31 Notary Public



# **EXHIBIT 1**



Company  
Services  
Affiliations  
Resources  
Contact Us



## ONLINE RESOURCES

### MASCO Contractor Services

Web Site: <http://www.masco-csc.com>

### Environments for Living Program

Web Site: <http://www.eflhome.com>

### ENERGY STAR® Program


Energy Sense can assist your building company become an Energy Star program partner.


Main web site for the ENERGY STAR Program

Process and forms for becoming an Energy Star partner

### Energy Sense Forms

The following forms can be faxed or e-mailed to Energy Sense.

 [Energy Sense Builder Profile Form \(pdf\)](#)

 [Energy Sense Inspection Form \(pdf\)](#)

Get Adobe  
Reader

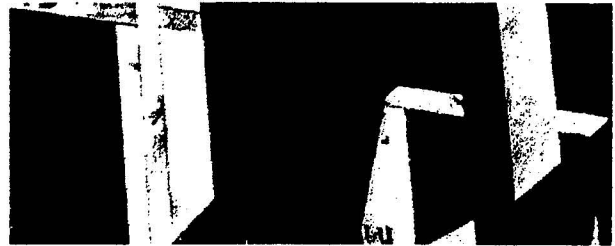


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GA 000247



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Services  
Affiliations  
Resources  
Contact Us



## CONTACT INFORMATION

### By Phone / In Person

You can contact us at our office Monday through Friday, 8:00am-5:00pm.

14655 Northwest Freeway, Suite 102  
Houston, TX 77040  
E-mail: [EnergySense@mascoos.com](mailto:EnergySense@mascoos.com)  
Phone: (713) 462-5631  
Fax: (713) 462-7313

### By E-mail

Name:

E-mail:

Phone Number:

Company/Org:

Comments:

Send

Reset

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GA 000248

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30

# You've got the vision and the plans.

Now what you need is the best team to help you realize your goals.

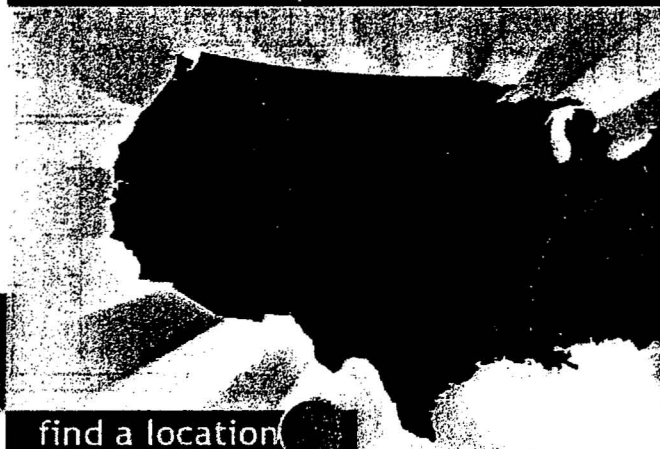
We're Masco Contractor Services, and we're dedicated to providing outstanding service for our builder-customers in every possible way. We offer a wide range of installation capabilities, logistical know-how and unique services - on a national level.

But more importantly, we see ourselves as being integral members of your team. We'll help fulfill your vision by providing services and expertise that can result in construction excellence.

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GA 000242

**PROOF OF SERVICE**

*California Living & Energy v. MASCO Corporation*  
Docket No. 08-CRI-01

I, Diane Donner, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court and at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Sonnenschein Nath & Rosenthal, 525 Market Street, 26<sup>th</sup> Floor, San Francisco, California 94105.

On March 27, 2009, I served the following documents, filed electronically with the State of California Energy Resources Conservation and Development Commission, and described as

1. **Affidavit of David Bell**
2. **Affidavit of Jim Brewer**
3. **Affidavit of Israel Calleros**
4. **Affidavit of Dan Calton**
5. **Affidavit of Mark Curry**
6. **Affidavit of Richard A. Davenport**
7. **Affidavit of Steven Heim**
8. **Affidavit of Jaime Padron**
9. **Affidavit of Richard Smith**
10. **Affidavit of Steve Weber**
11. **Affidavit of Sharon Werner**
12. **Affidavit of Timothy Williams**

on the interested parties in this action by placing a true copy thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Sonnenschein Nath & Rosenthal LLP, addressed as follows:

Brett L. Dickerson (via e-mail also)  
Gianelli & Associates PLC  
1014 16th Street  
P.O. Box 3212  
Modesto, CA 95353

Dave Hegarty  
Duct Testers, Inc.  
P.O. Box 266  
Ripon, CA 95366

Carol A. Davis  
CHEERS Legal Counsel  
3009 Palos Verdes Drive West  
Palos Verdes Estates, CA 90274

Galo LeBron, CEO  
Energy Inspectors  
1036 Commerce Street, Suite B  
San Marco, CA 93078

John Richau, HERS Rater  
Certified Energy Consulting  
4782 N. Fruit Avenue  
Fresno, CA 93705

Mike Hodgson  
ConSol  
7407 Tam O'Shanter Drive  
Stockton, CA 95210-3370

Mike Bachand  
California Certified Energy Rating &  
Testing Services (CalCERTS)  
31 Natoma Street, Suite 120  
Folsom, CA 95630

Randel Riedel  
California Building Performance  
Contractors Association (CBPCA)  
1000 Broadway, Suite 410  
Oakland, CA 94607

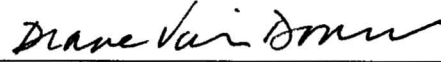
Robert Scott  
California Home Energy Efficiency  
Rating System (CHEERS)  
20422 Beach Boulevard  
Huntington Beach, CA 92648

Bill Lilly, President  
California Living & Energy  
3015 Dale Court  
Ceres, CA 95307

- ☒ U.S. MAIL: I am personally and readily familiar with the business practice of Sonnenschein Nath & Rosenthal for collection and processing of correspondence for mailing with the United States Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the United States Postal Service.
- ☐ FACSIMILE TRANSMISSION: I caused such document to be sent by facsimile transmission at the above-listed fax number for the party.
- ☐ FEDERAL EXPRESS: I served the within document in a sealed Federal Express envelope with delivery fees provided for and deposited in a facility regularly maintained by Federal Express.
- ☐ HAND DELIVERY: I caused such document to be served by hand delivery.



1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct, and that this declaration was executed on March 27, 2009, at  
3 San Francisco, California.  
4

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6 DIANE VIVIAN DONNER  
7

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