

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of 2008 Long-Term Request for Offer Results and for Adoption of Cost Recovery and Ratemaking Mechanisms (U39E).

A.09-09-021
(Filed September 30, 2009)

DECISION AWARDING INTERVENOR COMPENSATION TO CALIFORNIANS FOR RENEWABLE ENERGY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 10-07-045

Claimant: CALifornians for Renewable Energy, Inc. (CARE)	For contribution to Decision (D.) 10-07-045
Claimed: \$30,129.72	Awarded: \$26,993.50 (reduced 10%)
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Darwin E, Farrar

PART I: PROCEDURAL ISSUES

- A. Brief Description of Decision:** D.10-07-045 approved in part, the application of Pacific Gas and Electric Company (PG&E) for approval of its 2008 Long-Term Request for Offer (LTRFO) and adopts cost recovery and ratemaking mechanisms. The decision approved PG&E's Marsh Landing, Contra Costa 6 & 7, and Midway Sunset procurement agreements. The decision denies the Oakley Project at this time. A multi-party settlement agreement, partnered by TURN, was approved and provides for recovery of the costs associated with the procurements listed above. D.10-07-045 became final after the issuance of D.10-07-045, dismissing CARE's application for rehearing.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

Claimant	CPUC Verified	
Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):		
1. Date of Prehearing (PHC) Conference:	December 2, 2009	Correct
2. Other Specified Date for NOI:	N/A	

3. Date NOI Filed:	December 14, 2009	Correct
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.08-12-009	Correct
6. Date of ALJ ruling:	May 13, 2009	Correct
7. Based on another CPUC determination:	N/A	
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.08-12-009	Correct
10. Date of ALJ ruling:	May 13, 2009	Correct
11. Based on another CPUC determination:	N/A	
12. Has the claimant demonstrated significant financial hardship?		Yes
<i>A rebuttable presumption pursuant to §1804(b)(1) is applied to CARE’s participation here, as a substantive finding on significant financial hardship (referenced above) was issued within a year of the commencement of this proceeding.</i>		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.10-07-045	Correct
14. Date of Issuance of Final Decision:	August 4, 2010	Correct
15. File date of compensation request:	October 2, 2010	October 4, 2010
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s claimed contribution to the final decision:

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. CARE demonstrated that PG&E failed to comply with law and Commission policy by failing to adequately consider environmental issues.	2. PG&E’s conduct of the 2008 LTRFO was generally acceptable, but contained minor shortcomings and the some of the weights applied to the evaluation criteria were not	Yes

¹ The G-score was calculated by standardizing the score for each criterion by subtracting the mean and dividing by the spread. The individual standardized scores were then averaged with adaptive weights.

	<p>wholly consistent with Commission directives in D.07-12-052. [Decision Page 51 Finding of fact 2]</p> <p>PG&E made some decisions in the Request for Offer (RFO) process, for which it provided little or no explanation or rationale. [Finding of fact 6 Decision Page 51]</p> <p>7. Of the eight factors that PG&E weighted to compute its G-score¹, “environmental leadership” was given one of the lowest weights. [Finding of fact # 7 Page 51]</p> <p>[CARE protest Page 4 10-30-09]</p>	
<p>2. CARE was the first party to protest this application and filed its protest on 10-30-2010. CARE’s issue were:</p> <p>1) PG&E’s demand had fallen since D.07-12-052 was issued and procurement should be limited Protest Page 1, 2.</p> <p>2) PG&E was seeking authorization for more MW than D.07-12-052 authorized through the novations docket. Protest Page 2.</p> <p>3) Oakley is not just and reasonable and the PSA is not fairly valued. The project lacks flexibility and has Environmental Justice issues. PG&E did not follow Commission Direction in selecting the project. Protest Page 4.</p> <p>4) Marsh Landing Project is not just and reasonable and lacks flexibility</p>	<p>The Commission adopted many of CARE’s issues in the scoping order:</p> <p>(a) Is PG&E seeking authorization of any other projects or contracts, in any other proceeding, pursuant to the authorization granted in D.07-12-052?</p> <p>(b) How much of the 800 – 1,200 megawatts which D.07-12-052 authorized should PG&E be allowed to procure in this proceeding? What criteria should be used to determine when, if ever, it would be appropriate for PG&E to procure any remaining megawatts?</p> <p>(c) Which of the Purchase Power Agreements (PPAs) and Purchase and Sale Agreement (PSA) proposed by PG&E are</p>	<p>Yes</p>

<p>and has Environmental Justice issues. Protest Page 7.</p> <p>5) PG&E failed in applying the Commissions directives by failing to follow its environmental leadership protocol. Protest 4-5.</p>	<p>reasonable and in the best interest of PG&E’s customers and thus, should be approved by the Commission?</p> <p>(d) Should PG&E be authorized to recover costs incurred pursuant to the PPAs in the Energy Revenue Recovery Account (ERRA) and to recover any stranded costs associated with the agreements?</p> <p>(e) Should PG&E have an approved estimated initial annual revenue requirement of \$223.9 million for the Contra Costa Project?</p> <p>(f) Should PG&E be authorized to recover costs incurred pursuant to the PSA, and if so, through what mechanism?</p> <p>(g) Was PG&E’s conduct of the 2008 LTRFO reasonable and consistent with Commission directives?</p>	
<p>3. CARE demonstrated that PG&E’s demand had fallen since D.07-12-052 was issued and procurement should be limited to the lower range of need.</p>	<p>CARE’s Protest at 1-2.</p> <p>D.10-07-045 at 33.</p> <p>“On balance, given our concurrence with CARE, DRA, TURN, and PE in Sections 3.4.1, 3.4.2, 3.4.3, and 3.4.4 above, we believe it is most appropriate to only allow PG&E to procure resources at the lower end of the range established in D.07-12-052.”</p>	<p>Yes</p>
<p>4. CARE provided testimony and briefing that PG&E was seeking additional MW outside the Long Term Procurement Plan (LTPP) in the novations docket and testified</p>	<p>3. The GWF Tracy and Los Esteros Critical Energy Facility Upgrades (now being addressed in A.09-10-022 and A.09-10-034) were submitted</p>	<p>Yes</p>

<p>that “both the GWF Tracy and Los Esteros Critical Energy Facility Upgrades were submitted and evaluated in PG&E’s 2008 RFO.”</p>	<p>and evaluated in PG&E’s 2008 RFO. [Finding of Fact #3 Decision page 51]</p> <p>Conclusions of Law 5. D.07-12-052 provided the only legal authority that PG&E had to solicit new resources in 2008 and that authority was based on Public Utilities Code Section 454.5.</p> <p>Conclusions of Law 6. The Department of Water Resources (DWR) novations decisions (D.08-11-056) did not create an exception to approved procurement plans.</p> <p>CARE (Opening Brief) OB at 4. CARE Protest Page 3 CARE Confidential Reply Brief Page 2</p>	
<p>5. CARE provided evidence that PG&E’s need has fallen and that the Commission should limit PG&E’s procurement to the lower limits. The decision limits PG&E’s procurement to the 950-1000 MW Range.</p>	<p>CARE and Pacific Environment (PE) go on to identify two reports that they assert reinforce their conclusion that there is no risk of a supply shortage. [Decision Page 24]</p> <p>However, we also acknowledge that the California Energy Commission’s (CEC’s) report reflects less need than previously determined. [Decision page 25]</p> <p>CARE notes that “[a]ccording to the California Independent System Operator (CAL-ISO) 2009 Summer Assessment PG&E currently enjoys a 30.6% Planning Reserve Margin,”⁵⁶ and that this Commission addressed resource</p>	<p>Yes</p>

	<p>uncertainty in D.07-12-052 when it established PG&E’s procurement range [Decision page 24]</p> <p>12. Given reporting errors and changes in demand in its service territory, PG&E only needs to procure 950 - 1000 of its previously approved MW allotment. [Finding of Fact 12 Decision Page 52]</p> <p>CARE, DRA, TURN and PE present ample evidence that our prior range was based on faulty data in support of the position that procurement should only be allowed at the lower end of the range established in D.07-12-052. [Decision page 33]</p> <p>On balance, given our concurrence with CARE, DRA, TURN, and PE in Sections 3.4.1, 3.4.2, 3.4.3, and 3.4.4 above, we believe it is most appropriate to only allow PG&E to procure resources at the lower end of the range established in D.07-12-052. [Decision page 33]</p> <p>CARE Protest Page 2, 3. 10-30-09 CARE Reply Brief Page 3-7.</p>	
<p>6. CARE pointed to evidence in its briefs that demonstrated that the 2009 California Energy Demand (CED) had reduced PG&E’s demand and that by PG&E’s own calculations of demand reduction from the 2009 CED forecast</p>	<p>Both CARE and TURN note that in its reply testimony, PG&E calculates that the 2009 CED forecast MW reduces PG&E need in its service territory by 300 MW by 2015.66 CARE OB at 6 (asserting that PG&E</p>	<p>Yes</p>

<p>PG&E’s need in its service territory is reduced by 330 MW by 2015.</p>	<p>calculations show a 330 MW reduction in demand); PG&E Reply Brief (RB) at 13; and Exh. 5 at 7.</p> <p>Even when viewed as a portion of peak demand, we do not believe 300 MW is insignificant. PG&E appears to agree with us on this point in as much as it (along with The Coalition of California Utility Employees (CUE) and Californian Unions for Reliable Energy (CURE) has consistently argued that 312 Megawatts (MW) should be added to the range set forth in D.07-12-052 due to the cancellation of previously approved projects.⁶⁷ Decision Page 27</p> <p>Finding of FACT #10. The CEC’s 2009 Integrated Energy Policy Report (IEPR) subsequently found the 2007 California Energy Demand forecasted need determination to be “markedly” higher. Decision Page 52.</p>	
<p>7. CARE provided testimony and introduced into evidence, the January 2010 CEC report on “The Incremental Impacts of Energy Policy Initiatives Relative to the 2009 Integrated Energy Policy Report.” The report and testimony provided evidence of PG&E’s reduced demand in its service territory which prevented the addition of additional megawatts that ere not needed saving ratepayers millions of dollars.</p>	<p>CARE notes that, in addition to the aforementioned report, in January of 2010 the CEC developed a report on The Incremental Impacts of Energy Policy Initiatives Relative to the 2009 Integrated Energy Policy Report. CARE contends that the latter report estimates that “the incremental impacts of prospective California Public Utilities Commission (CPUC) 2008 Energy Efficiency Goals. [Decision Page 29]</p>	<p>Yes</p>

	<p>“While PG&E makes a valid point, we do not agree that the full impact of the energy efficiency goals we have approved since D.07-12-052 are fully incorporated in the 2009 CEC forecast.”[Decision page 30]</p>	
<p>8. CARE demonstrated that the failure of the Russell city Project is speculative and supported the delay of retirement of aging generation as a hedge for project failure.</p>	<p>On April 15, 2010, parties submitted a proposal to modify the Russell City PPA primarily to extend the deadline for the project’s permit acquisition and construction. See CARE RB at 9. [Decision page 26]</p> <p>Additionally, CARE notes that “[a]ccording to the CAL-ISO 2009 Summer Assessment PG&E currently enjoys a 30.6% Planning Reserve Margin,”⁵⁶ and that this Commission addressed resource uncertainty in D.07-12-052 when it established PG&E’s procurement range [Decision Page 24]</p>	<p>Yes</p>
<p>CARE’s testimony and briefing demonstrated that PG&E’s confidential evaluation of the project demonstrated that the Oakley Project is limited to less than one start a day and does not comply with the directives in D.07-12-052 that the utilities “procure dispatchable ramping resources that can be adjusted for the morning and evening ramps created by the intermittent types of renewable resources.”</p>	<p>Combining the need determination, the outstanding concerns raised by both The Utility Reform Network (TURN) and CARE, it is appropriate, at this time, to deny the Oakley Project. Combined, the approved projects allow PG&E to procure a total of 719 MW of new capacity. [Decision page 39]</p> <p>[CARE Protest Page 4] [CARE RB at 14, citing D.07-12-052 at 277.] CARE RB at 15. [Decision page 38]</p>	<p>Yes</p>

	<p>Though PG&E presents the Oakley project as a flexible fast ramping facility, CARE presents a sound argument that PG&E’s confidential evaluation of the project actually shows otherwise. CARE further argues that because it is limited to less than one start a day, the Oakley project does not comply with our directive in D.07-12-052 that the utilities “procure dispatchable ramping resources that can be adjusted for the morning and evening ramps created by the intermittent types of renewable resources.”⁹⁴ CARE also notes an apparent discrepancy in the heat rate PG&E has claimed for the project and that problems have been identified with the location for the project.⁹⁵ [Draft Decision Page 36, 37]</p> <p>Though PG&E presents the Oakley Project as a flexible fast ramping facility, CARE pointed to information found in PG&E’s confidential evaluation of the project that called this assertion into question. CARE further argued that because it is limited to less than one start a day, the Oakley Project does not comply with the Commission directive in D.07-12-052 that the utilities “procure dispatchable ramping resources that can be adjusted for the morning and evening ramps created by the intermittent types of renewable resources.” [Decision Page 28] CARE RB at 14, citing D.07-12-052 at 277.</p>	
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	CARE RB at 15.	
9. CARE’s confidential testimony and briefing exposed areas where PG&E failed to reflect the Commissions priorities especially in environmental leadership.	<p>We therefore, conclude that PG&E’s criteria weighing was not balanced so as to best reflect the priorities we established in D.07-12-052. [Decision Page 20]</p> <p>PG&E could and should have provided greater transparency in the evaluation process and more accurately reflected the Commission’s stated priorities by giving greater weight to environmental factors and enhancing definitions related to environmental scoring. [Decision Page 20] CARE Confidential Reply Brief p. 12.</p> <p>7. Of the eight factors that PG&E weighted to compute its G-score, “environmental leadership” was given one of the lowest weights. Finding of Fact 7 Decision p. 52.</p>	Yes

B. Duplication of Effort:

	Claimant	CPUC Verified
a. Was Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Correct
b. Were there other parties to the proceeding?	Yes	Correct
<p>c. If so, provide name of other parties:</p> <p>Communities for a Better Environment (CBE), Pacific Environment (PE), CURE, The Utility Reform Network (TURN), Contra Costs Generating Station (CCGS) and Alliance for Retail Energy Markets (AREM).</p>		Correct
<p>d. Claimant’s description of how it coordinated with DRA and other parties to avoid duplication or how its participation supplemented, complemented, or contributed to that of another party:</p> <p>CARE, DRA, TURN, CBE and PE communicated with each other</p>		We agree that CARE took

<p>throughout the proceeding comparing evidence, positions and conclusions. CARE had numerous emails, phone calls and conversation with the parties who similarly supported the conclusion that PG&E’s need had fallen since the issuance of D.07-12-052.</p>	<p>reasonable steps to minimize duplication and combined efforts with other parties with similar positions. We make no reductions for duplication of effort.</p>
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>Claimant’s explanation of how the cost of claimant’s participation bore a reasonable relationship with benefits realized through participation</p>	<p>CPUC Verified</p>
<p>The cost of claimant’s participation bears a reasonable relationship with benefits realized through participation as demonstrated by contributions 1 to 9 listed in Part II.</p>	<p>After the reduction we make to CARE’s claim, the remaining hours and costs are reasonable and should be compensated.</p>

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Homec	2009	34.7	185	D.10-05-046	6,419.50	2009	28.93	185	5,352
Subtotal: \$6,419.50						Subtotal: \$5,352			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
B. Sarvey	2009 and 2010	126.75	155	D.10-05-046	19,646.25	2009 and 2010	123.4	155	19,127
Subtotal: \$19,646.25						Subtotal: \$19,127			

ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Boyd	2009 and 2010	23.25	135	D.10-05-046	3,138.75	2009 and 2010	15.2	135	2,052
Subtotal: \$3,138.75						Subtotal: \$2,052			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Homec	2009	5.00	92.50	D.10-05-046	462.50	2009	5.00	92.50	462.50
M. Boyd	2009 and 2010	4.00	67.50	D.10-05-046	270.00	2009 and 2010	0.00	67.50	-0-
Subtotal: \$732.50						Subtotal: \$462.50			
COSTS									
#	Item	Detail			Amount \$	Amount \$			
1	M. Homec	284 miles x \$0.44/mile- 77 Beale, SF			124.96	-0-			
2	M. Boyd	154 miles x \$0.44/mile- 77 Beale, SF			67.76	-0-			
Subtotal: \$192.72						Subtotal: \$-0-			
TOTAL REQUEST: \$30,129.72						TOTAL AWARD: \$26,993.50			

C. CPUC Disallowances:

Item#	Reason
2009 Hours related to the review of PG&E's application	CARE requests a total of 1 hr between 3 participants (.20 hr Sarvey, .20 hr Boyd and .20 hr Homec) for the review of PG&E's application. We reduce this time by 50%, equal to the same time logged by another intervenor in this proceeding for this same task. (Reduced .10 hr Sarvey, .10 hr Boyd and .10 hr Homec)
2009 Hours related to preparing CARE's PHC statement	We find CARE's request of 15.36 hrs (5.58 hrs Sarvey, 3.78 hrs Boyd and 6 hrs Homec) for reviewing and editing CARE's PHC statement (7 pgs) to be excessive and duplicative of each others efforts. In contrast, TURN requests 4.75 hrs to prepare its 5 page PHC statement. We approve a total of 7 hrs for CARE's completion of this document. To achieve this adjusted total, we approve 2.33 hrs for each of CARE's participants to accomplish this task. We find the adjusted hours to more reasonably reflect our standards on reasonableness of hours.
Homec's 2009 hours	Homec's timesheets indicate a double entry on 10-29 for "rereading D.07-12-052 and editing Sarvey and Boy's brief." We reduce 2 hrs from Homec's total hours

	to correct this error.
Homec's 2009 hours	We disallow 2 hrs of Boyd's time on 11/19 for a settlement meeting with PG&E and 2 hrs on 11/30 for attendance at the PHC and discussions with other parties. These are duplicative of the same compensated efforts of Sarvey and Boyd also in attendance at these same meetings.
Boyd's 2009-2010 hours	Boyd's timesheets indicate numerous entries for the "submission" of CARE's documents. We disallow this task as being clerical in nature and subsumed in the fees paid to attorneys. For this reason, we disallow 3.5 hrs of Boyd's time. Where CARE has combined work on several issues on its timesheet ² , we have elected to approximate the amount of time spent on each individual issue by dividing the total time requested by the number of tasks listed.
Boyd's 2010 hours	CARE requests a total of 2 hrs for Boyd's time spent preparing CARE motion to late file comments and comments on the settlement agreement. This document is one page in length. We disallow for excessiveness, 1 hr of the requested time.
Costs	We disallow travel costs of \$192.72 for Homec and Boyd's travel to the Commission for a pre-hearing conference and to attend a PG&E settlement meeting. PG&E's office is located at 77 Beale Street in San Francisco. These expenses were incurred during "routine commuting" and are non-compensable. We consider a commute to be routine if the one way distance is 120 miles or less.
NOI and Compensation Preparation	
Homec 2009 hours	We disallow 4 hrs. of Homec's time on 12/10 and 12/13 spent preparing CARE's notice of intent. We have compensated Boyd for 1 hr for the same efforts. This compensated time is more reasonable given the scope of this task. In contrast, TURN, another intervenor in this proceeding, requested .25 hrs of compensation for completion of the same document.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?

No

B. Comment Period: Was the 30-day comment period waived?

Yes

FINDINGS OF FACT

1. Claimant has made a substantial contribution to Decision (D.) 10-07-045.

² This practice violates the provision of Rule 17.4 as well as the Commission's decision setting guidelines for intervenor compensation matters. See D.98-04-059, at 51.

2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$26,993.50.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$26,993.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 18, 2010, the 75th day after the filing of claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1007045	
Proceeding(s):	A0909021	
Author:	ALJ Darwin E. Farrar	
Payer(s):	Pacific Gas and Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
CALifornians for Renewable Energy	10-04-10	\$30,129.72	\$26,993.50	No	excessive hours; disallowance of clerical tasks; duplication of effort; and the disallowance of travel costs related to routine commuting.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Martin	Homec	Attorney	CALifornians for Renewable Energy	\$185	2009	\$185
Bob	Sarvey	Expert	CALifornians for Renewable Energy	\$155	2009/2010	\$155
Michael	Boyd	Advocate	CALifornians for Renewable Energy	\$135	2009/2010	\$135

(END OF APPENDIX)

DECLARATION OF SERVICE

I, Robert Sarvey declare that on January 21, 2011 I served copies of the following exhibits:

- Exhibit 403 Air quality Testimony of Robert Sarvey
- Exhibit 404 Alameda County MEP Cooperation Agreement
- Exhibit 405 Hazardous Materials Testimony of Robert Sarvey
- Exhibit 406 Alternatives Testimony of Bill Powers
- Exhibit 407 Worker Safety and fire Protection Testimony of Robert Sarvey
- Exhibit 408 Alternatives testimony of Robert Sarvey
- Exhibit 410 Compensation award in A. 09-09-021
- Exhibit 411 Mulqueeny Ranch Pump Storage FERC Application
- Exhibit 412 PSD Increment Consumption Status Report April 16, 2008 BAAQMD
- Exhibit 413 CPUC Proceeding PG&E data Response Page 0296
- Exhibit 414 East County Area Plan

The documents has been sent electronically to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;
 by personal delivery or by depositing in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:
CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Rotm

1-21-2011

b.buchynsky@dgc-us.com
Doug.Urry@CH2M.com
glw@eslawfirm.com
e-recipient@caiso.com
Sarveybob@aol.com
andy_psi@sbcglobal.net
dighe.raiesh@gmail.com
mgroover@sigov.org
jass.singh2000@gmail.com
jbyron@energy.state.ca.us
rweisenm@energy.state.ca.us
kcelli@energy.state.ca.us
kchew@energy.state.ca.us
choffman@energy.state.ca.us
kwillis@energy.state.ca.us
publicadviser@energy.state.ca.us