

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. California Pacific Electric Company, LLC/U 933- E

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person: Peter Eichler

Phone #: 905- 465- 4574

E- mail: Peter.Eichler@CaliforniaPacificElectric.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas
PLC = Pipeline HEAT = Heat WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 3- E

Subject of AL: Revision to Electric Rules 1, 6, 18, and New Sample Form No. 11- 0100

Keywords (choose from CPUC listing): _____

AL filing type: Monthly Quarterly Annual One-Time Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:

Ordering Paragraph 2 of D.10- 10- 032., (Executive Director Clanon granted an extension)

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL No

Summarize differences between the AL and the prior withdrawn or rejected AL¹: _____

Resolution Required? Yes No

Tier Designation: 1 2 3

Requested effective date: March 1, 2011

o. of tariff sheets: 6

Estimated system annual revenue effect (%): _____

Estimated system average rate effect (%): _____

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: See Advice Letter 3 Attachment 1

Service affected and changes proposed¹: _____

Pending advice letters that revise the same tariff sheets: N/A

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division

Attention: Tariff Unit

505 Van Ness Ave.,

San Francisco, CA 94102

ijnj@cpuc.ca.gov and mas@cpuc.ca.gov

Utility Info (including e- mail)

**California Pacific Electric Company,
LLC**

**Attention: Advice Letter Protests
933 Eloise Avenue**

South Lake Tahoe, CA 96150

Email:

Peter.Eichler@CaliforniaPacificElectric.com

¹ Discuss in AL if more space is needed.



California Pacific Electric Company, LLC
933 Eloise Avenue
South Lake Tahoe, CA 96150
Tel: 800-782-2506
Fax: 905-465-4514

VIA EMAIL AND HAND-DELIVERY

March 1, 2011

**Advice Letter 3-E
(U 933-E)**

Public Utilities Commission of the State of California
Attn: Energy Division, 4th Floor
505 Van Ness Avenue
San Francisco, CA 94102-3298

Subject: Revisions to Electric Rules 1, 6, 18, and New Sample Form No. 11-0100

California Pacific Electric Company, LLC (U 933-E) (“CalPeco”)¹ hereby submits for filing revisions to its electric tariffs. The enclosed Attachment 1 includes the affected tariff sheets.

Background

On May 6, 2010, the Commission issued an Order Instituting Rulemaking (“R.”) 10-05-005 (“OIR”) to consider revising energy utility tariff rules governing adjustments of customer bills due to meter and/or billing errors, and deposits affecting small business customers. On October 28, 2010, the Commission issued Decision (“D.”) 10-10-032 adopting revised tariff rules for small business customers. Ordering Paragraph No. 2 of D.10-10-032, requires energy utilities, including Sierra Pacific Power Company (“Sierra”), to file a **Tier 1** advice letter implementing the revised tariff rules within 60 days of the effective date of the order.

On October 28, 2010, the Commission issued D.10-10-017, which approved Sierra’s transfer to CalPeco of the California electric distribution facilities and the Kings Beach Generating Station that Sierra had owned and been operating. On December 8, 2010, CalPeco and Sierra jointly requested an extension of time to comply with the requirements of D.10-10-032 until March 1, 2011. To avoid duplication and potential customer confusion, CalPeco and Sierra believed it would be more efficient and effective to extend the time for filing the Advice Letter until after the transfer from Sierra to CalPeco was complete, thereby necessitating only this one Advice Letter filing and only one communication to qualifying customers about the small business self-certification option from their new utility, CalPeco. Executive Director Clanon granted the extension on January 6, 2011 and thus this Advice Letter is timely.

¹ CalPeco also does business in California as “Liberty Energy - California Pacific Electric Company.”

In accordance with D.10-10-017, CalPeco submitted a full and complete tariff book by Advice Letters 1-E and 2-E on November 15, 2010. Energy Division Director Julie Fitch approved the CalPeco tariff filings by letter on December 31, 2010. On January 1, 2011, the transfer from Sierra to CalPeco was completed and CalPeco then began operations as the utility with responsibility for serving the electric customers within Sierra's former California service territory.²

Purpose

In compliance with Ordering Paragraphs 1 and 3 of D.10-10-032, CalPeco is revising its tariffs for non-residential electric customers who: (i) have a maximum billing demand of 20 kW, or less, per meter for at least 9 billing periods during the most recent twelve-month period, or (ii) has an annual usage of 40,000 kWh, or less, during the most recent twelve-month period, or (iii) meets the definition of a "microbusiness" as defined in Government Code Section 14837 ("Small Business Customers"). The revisions to the tariffs are intended to:

- a) Reduce the back-billing period from three years to three months for undercharges resulting from billing and metering errors;
- b) Reduce the deposit requirements to twice the average monthly bill and permit CalPeco to offer alternative credit mechanisms in lieu of deposits if customers select this option;
- c) Establish that refund periods for overcharges resulting from metering and billing errors be a maximum of three years;
- d) Specify that reestablishment of service deposits shall not apply when failure to pay results from charges that are backbilled;
- e) Establish that a Small Business Customer, as specified above, shall receive a warning letter after the first late payment during any twelve-month period, which informs that a deposit to reestablish credit may be required if another late payment occurs within the same twelve-month period;
- f) Clearly define the small business customers which qualify for these tariff revisions; and
- g) Inform nonresidential customers subject to backbilling that they may self-certify as a micro-business under Government Code Section 14837.

² In accordance with Ordering Paragraph 8 of D.10-10-017, CalPeco and Sierra submitted written notification of this transfer to the Energy Division on January 18, 2011.

Tariff Revisions

In accordance with Ordering Paragraph 1 and 3 of D.10-10-032, CalPeco proposes the following tariff modifications:

Electric Rule 1 – Definitions

- Add a new definition for “Small Business Customer”

Electric Rule 6 – Establishment and Reestablishment of Credit

- Revise Section C.2 to ensure that a Small Business Customer (i) may not be required to reestablish credit if such bills are for retroactive charges resulting from a meter error or billing error; and (ii) will receive a warning letter after the first late payment during any twelve-month period informing the customer that a deposit to reestablish credit may be required if another late payment occurs within the same twelve-month period.

Electric Rule 18 – Meter Tests and Adjustment of Bills

- Revise Section B to (i) increase the maximum period for which CalPeco will refund overcharges resulting from meter or billing error from six months to three years; and (ii) decrease the maximum period for which CalPeco will bill a Small Business Customer for undercharges resulting from a meter or billing error from three years to three months; and (iii) clarify that a customer who has qualified as a Small Business Customer based upon annual usage during the period of the billing error would not become ineligible for the reduced back-billing period if the customer’s corrected usage caused the customer to exceed the annual usage limit.

Form No. 11-0100, Affidavit in Support of Customer Claim as Qualifying as a Small Business Customer Under Government Code Section 14837

- Add a new customer affidavit form enabling electric customers who do not otherwise qualify on the basis of annual electric usage or maximum billing demand to self-certify as a “Small Business Customer.” CalPeco requests the authority to update the qualifications in the form as necessary to align it with any future revisions to the code section and without further approval from the Commission.

This filing will not affect any other rates or charges, cause the withdrawal of service, or conflict with any other rate schedule or rule.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or by

email, any of which must be received no later than **March 21, 2011**, which is 20 days after the date of this filing. The protest shall set forth the grounds upon which it is based and shall be submitted expeditiously. There is no restriction on who may file a protest. Protests should be mailed to:

CPUC Energy Division
Attention: Tariff Unit, 4th Floor
505 Van Ness Avenue
San Francisco, CA 94102
Facsimile: (415) 703-2200
Email: mas@cpuc.ca.gov and jnj@cpuc.ca.gov

The protest also should be sent via email and U.S. Mail (and by facsimile, if possible) to CalPeco at the addresses show below on the same date it is mailed or delivered to the Commission.

California Pacific Electric Company, LLC
Attn.: Advice Letter Protests
933 Eloise Avenue
South Lake Tahoe, CA 96150
Fax: 905-465-4514
Email: Peter.Eichler@CaliforniaPacificElectric.com

With a copy to:
Steven F. Greenwald
Vidhya Prabhakaran
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111
Fax: 415-276-6599
Email: stevegreenwald@dwt.com

Effective Date

CalPeco requests that this advice filing become effective on **March 1, 2011**. This advice letter is submitted with a **Tier 1** designation.

Notice

In accordance with General Order 96-B, Section 4.3, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list.

Advice Letter 3-E

March 1, 2011

Page 5

If additional information is required, please contact Peter Eichler, Manager, Financial Planning & Analysis (Peter.Eichler@CaliforniaPacificElectric.com).

Sincerely,

A handwritten signature in black ink, appearing to read "P. Eichler", with a stylized flourish at the end.

Peter Eichler
Manager, Financial Planning & Analysis

Attachments

cc: CalPeco Advice Letter Service List
Service Lists for R.10-05-005, A.08-08-004, A.09-10-028, A.10-04-032
Joe Como, Division of Ratepayer Advocates
Mark Pocta, Division of Ratepayer Advocates
Tamera Godfrey, Division of Ratepayer Advocates
Dao Phan, Division of Ratepayer Advocates

Attachment 1

TABLE OF CONTENTS

STANDARD FORMS

| <u>FORM NO.</u> | <u>APPLICATION AND AGREEMENTS</u> | <u>CAL. P.U.C. SHEET NO.</u> |
|--------------------------|---|-------------------------------------|
| 98-0267 | Deferred Payment Agreement | 431 |
| 98-0289 | Residential Service Authorization | 432 |
| 98-0290 | Authorization for Non-Residential (Commercial) Utility Service(s) and Credit Application | 433,434 |
| 98-0303 | Emergency Turn-On Service Order Request | 435 |
| 98-1701 | Bill for Service | 436,437 |
| 98-0275 | Notice - Service has been Terminated | 438 |
| 98-1370 | 48 - Hour Notice - Termination of Service | 439,440 |
| 98-0249 | Certificate of Deposit | 441 |
| 98-2763 | Utility Facility Agreement | 442-446 |
| 98-1045 | Outdoor Lighting Agreement (Schedule No. OL-1) | 447,448 |
| | Contract for Schedule PA Electric Service | 449-452 |
| | Application for CalPeco's California Alternative Rates for Energy (CARE) | 453 |
| | Application for CalPeco's California Alternative Rates for Energy Expanded CARE for Group-Living Facilities | 454,455 |
| 98-3290 | Proposal to Purchase and Agreement for Transfer of Ownership of Distribution Systems | 456-471 |
| 11-0100 | Affidavit in Support of Customer Claim as Qualifying as a Small Business Customer Under Government Code Section 14837 | 472 |
| Future Use | | |
| Intentionally Left Blank | | 473-480 |

(T)

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Advice Letter No. 3-E

Issued by
Bob Dodds

Date Filed March 1, 2011

(T)

Decision No. 10-10-032

Name
President and CEO
 Title

Effective March 1, 2011

(T)

Resolution No. _____

Rule 1

DEFINITIONS

(continued)

Service Territory: The territory in which the Utility has the responsibility to supply or make available electric service.

Service Wires or Connection: The overhead and underground primary or secondary facilities extending from the point of connection at the Distribution Line to the Service Delivery Point. When an underground Service Lateral is supplied from a Utility-designated overhead pole, the beginning point of connection to the Utility's Distribution Line shall be where the Service Lateral is connected to the Utility's overhead Distribution Line conductors.

Settlement Day: A day beginning at midnight and consisting of twenty-four (24) consecutive settlement periods for all transmission and PX transactions which use a period beginning at the start of an hour, and ending at the end of an hour.

Single-family Dwelling: A group of rooms, such as a house, a flat, or an apartment, which provides complete family living facilities in which the occupant(s) normally cooks meals, eats, sleeps, and carries on the household operations incidental to domestic life. Also referred to as Domestic Dwelling Unit.

Small Business Customer: A non-residential Customer who: (1) has a maximum billing demand of 20 kW, or less, per meter for at least 9 billing periods during the most recent 12 month period, or (2) has an annual usage of 40,000 kWh, or less, during the most recent 12 month period, or (3) meets the definition of a "microbusiness" under California Government Code 14837. This definition does not include non-residential Customers who are on a fixed usage or unmetered usage rate schedule.

Small Customer: Customers on demand-metered schedules with less than 20 kilowatts maximum billing demand per meter for at least nine billing periods during the most recent 12 month period; or (2) any customer on a non-demand metered schedule with demand estimated to be less than 20 kilowatts maximum billing demand per meter for at least nine billing periods during the most recent 12 month period, or (3) any domestic service customer.

Statistical Load Profile: The result of a statistical sampling technique which estimates a group of customers' (usually by customer class) hourly energy consumption calculated over a given period of time and allows such customers with load variances to be represented by a single measurement. Load profiles will be used to measure hourly energy consumption of residential, small and medium size commercial and agricultural customers, and other customers who engage in Direct Access transactions, consume a maximum demand of less than 50 kW and who have cumulative monthly metering instead of hourly metering.

(N)
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(N)

Advice Letter No. 3-E

Issued by
Bob Dodds

Date Filed March 1, 2011

(T)

Decision No. 10-10-032

Name
President and CEO
Title

Effective March 1, 2011

(T)

Resolution No. _____

Rule No. 6

ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT

(Continued)

C. Re-Establishment of Credit – All Classes of Service.

1. An Applicant who previously has been a Customer of the Utility and whose electric service has been terminated by the Utility during the last twelve months of that prior service because of nonpayment of bills, may be required to re-establish credit by depositing the amount prescribed in Rule No. 7 for that purpose, and by paying electric bills regularly due; except, an Applicant for domestic service will not be denied service for failure to pay such bills for other classes of service.

2. A customer who fails to pay bills before they become past due as defined in Rule 11-A, and who further fails to pay such bills within five days after presentation of a discontinuance of service notice for nonpayment of bills, may be required to pay said bills and reestablish credit by depositing the amount prescribed in Rule 7; except, a Small Business Customer, as defined in Rule 1, may not be required to reestablish credit if such bills are for retroactive charges resulting from a meter error or billing error as prescribed in Rule 18. In addition, a customer who has been identified by CalPeco as a Small Business Customer, as defined in Rule 1, will receive a warning letter after the first late payment during any twelve-month period informing the customer that a deposit to reestablish credit may be required if another late payment occurs within the same twelve-month period. This rule will apply regardless of whether or not service has been discontinued for such nonpayment.

3. A Customer using other than domestic service may be required to re-establish his credit in accordance with Rule No. 6-B in case the conditions of service or basis on which credit was originally established have, in the opinion of the Utility, materially changed.

(N)

(N)



Advice Letter No. 1-E

Issued by

Bob Dodds

Date Filed March 1, 2011

(T)

Name

Decision No. 10-10-017

President and CEO

Effective March 1, 2011

(T)

Title

Resolution No. _____

Rule No. 18

METER TESTS AND ADJUSTMENTS OF BILLS FOR METER ERROR

A. Tests

1. Prior to Installation – Every meter will be tested at or prior to the time of installation, and no meter will be placed in service if found to register more than 1% fast or 1% slow.
2. On Customer Request – A Customer may, on notice of not less than one week, require the Utility to test the meter for his service.

No charge will be made for such a test, but, should a Customer demand a test within six months after installation or more often than once in six months, he will be required to deposit \$5.00 to pay, in part, the cost of the test. This deposit will be returned if the meter is found to register more than 2% fast or 2% slow.

A Customer shall have the right to require the Utility to conduct the test in his presence or in the presence of an expert or other representative appointed by him. The results of the test will be furnished to the Customer within a reasonable time after completion of the test.

B. Adjustment of Bills for Meter Error

Where, as a result of a meter test, a meter is found to be nonregistering or incorrectly registering, the Utility may render an adjusted bill to the Customer for the amount of the undercharge, and shall issue a refund or credit to the Customer for the amount of the overcharge in accordance with the following:

1. Fast Meter – If a meter is found to be registering more than 2% fast, the Utility will refund to the Customer the amount of the overcharge based on the corrected meter readings or the Utility’s estimate of the energy usage either for the known period of the meter error or, if the period of error is not known, for the period during which the meter was in use, not to exceed three years.
2. Slow Meter – If a meter for domestic service is found to be registering more than 25% slow, or meter for other class of service is found to be registering more than 2% slow, the Utility may bill the Customer for the amount of the undercharge based on corrected meter readings or the Utility’s estimate of the energy usage either for the known period of meter error or, if the period of meter error is not known for the period the meter was in use, not exceeding three months in the case of residential service or nonresidential service to Small Business Customer and three years for all other nonresidential service.

(Continued)

Advice Letter No. 3-E

Issued by
Bob Dodds
Name

Date Filed March 1, 2011

(T)

Decision No. 10-10-032

President and CEO
Title

Effective March 1, 2011

(T)

Resolution No. _____

Rule No. 18

METER TESTS AND ADJUSTMENTS OF BILLS FOR METER ERROR

(Continued)

B. Adjustment of Bills for Meter Error (Continued)

A Customer who qualified as a Small Business Customer based upon annual usage under Rule 1 during the period of the billing error, but exceeds the annual maximum usage as a result of applying the three-month back-billing to calculate annual usage shall be treated as a Small Business Customer under this section for any undercharges.

- 3. Nonregistering Meter – If a meter is found to be nonregistering, the Utility may bill the Customer for the Utility’s estimate of the electric service used but not registered, not exceeding three months in the case of residential service and three years for nonresidential service.

C. Adjustment of Bills for Unauthorized Use

Where the Utility determines that there has been unauthorized use of electricity service, the Utility may bill the Customer for the Utility’s estimate of up to three years of such unauthorized use. However, nothing in this rule shall be interpreted as limiting the Utility’s rights in any provisions of any applicable law.

D. Adjustment of Bills for Billing Error

Where the Utility overcharges or undercharges a Customer as the result of a billing error, the Utility may render an adjusted bill for the amount of the undercharge, and shall issue a refund or credit to the Customer for the amount of the overcharge, for the same periods as for meter error.

E. General

Estimated Usage – When regular, accurate meter readings are not available or the electric usage has not been accurately measured, the Utility may estimate the Customer’s energy usage for billing purposes on the basis of information including but not limited to the physical condition of the metering equipment, available meter readings, records of historical use, and the general characteristics of the Customer’s load and operation.

(N)
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(N)

Advice Letter No. 3-E

Issued by
Bob Dodds
Name

Date Filed March 1, 2011

(T)

Decision No. 10-10-032

President and CEO
Title

Effective March 1, 2011

(T)

Resolution No. _____



Form No. 11-0100 – Affidavit in Support of Customer Claim as Qualifying as a Small Business Customer Under Government Code Section 14837.

Customer Declaration:

I, _____, state as follows:

1. I am authorized to make this declaration as the Customer ("Customer") or as an authorized representative of the Customer _____ and _____ and
2. I have personal knowledge of the matters set forth herein and if called upon as a witness could and would testify competently thereto.
3. Customer warrants it qualifies as a "small business" or "microbusiness" as defined under California Government Code Section 14837. A "small business" is defined as "an independently owned and operated business that is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 100 or fewer employees." A "microbusiness" is defined as "a small business which, together with affiliates, has average annual gross receipts of two million five hundred thousand dollars (\$2,500,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 25 or fewer employees." Subdivision (c) provides that a "manufacturer" is defined as a business that meets both of the following requirements: (1) it is primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products, and (2) it is classified between Codes 31 to 33, inclusive, of the North American Industry Classification System.¹

I declare under penalty of perjury under the laws of the State Of California that the foregoing is true and correct. Executed this _____ day of _____, _____ at _____, _____ [City, State]

Signature: _____

Customer or Authorized Representative of the Customer

Title: _____

II. Required Customer Information (Please Type or Print):

Name On Account: _____

Service Address: _____

City, State, Zip: _____

III. CalPeco Reply Information:

Please return the completed affidavit by United States Postal Service to:

California Pacific Electric Company, LLC
Attention: Billing
933 Eloise Avenue
South Lake Tahoe, CA 96150

¹ See North American Industry Classification System Website: <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=31&search=2007>

Advice Letter No. 3-E

Issued by Bob Dodds

Date Filed March 1, 2011

(T)

Decision No. 10-10-032

Name President and CEO

Effective March 1, 2011

(T)

Title

Resolution No. _____

↑
(N)
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CalPeco
Advice Letter Filing Service List
General Order 96-B, Section 4.3

R.10-05-005 Service List

nsuetake@turn.org
catherine.mazzeo@swgas.com
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Las Vegas, NV 89146

Pacific Gas and Electric Company
Tariff Department
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San Francisco, CA 94106
PGETariffs@pge.com

Manager of Regulatory Affairs
San Diego Gas & Electric Company
P.O. Box 1831 - Room 10-A
San Diego, CA 92112

A.08-08-004 Service List

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Director of Regulatory Affairs
Southwest Gas Corporation
P.O. Box 98510
Las Vegas, NV 89193-8510

Plumas Sierra Rural Electric
73233 State Route 70
Portola, CA 96122-7069

Southern California Edison Company
P.O. Box 800
Rosemead, CA 91770

Truckee-Donner Public Utility District
P.O. Box 308
Truckee, CA 95734

A.09-10-028 and A.10-04-032 Service List

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Maria Salinas
California Public Utilities Commission
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505 Van Ness Avenue
San Francisco, CA 94102-3298

California Public Utilities Commission
Room 4005
505 Van Ness Avenue
San Francisco, CA 94102-3298