



# ADVICE LETTER SUMMARY

ENERGY UTILITY



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

Company name/CPUC Utility No.: San Diego Community Power

Utility type:

☒ ELC ☐ GAS ☐ WATER  
☐ PLC ☐ HEAT

Contact Person: Chasity Hendren

Phone #: 858-252-6255

E-mail: chasity@tosdalapc.com

E-mail Disposition Notice to: chasity@tosdalapc.com

EXPLANATION OF UTILITY TYPE

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

(Date Submitted / Received Stamp by CPUC)

February 15, 2023

Advice Letter (AL) #: 12-E

Tier Designation: 2

Subject of AL: Greenhouse Gas Emissions Performance Standard Attestation

Keywords (choose from CPUC listing):

AL Type: ☐ Monthly ☐ Quarterly ☒ Annual ☐ One-Time ☐ Other:

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

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL:

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? ☐ Yes ☒ No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? ☐ Yes ☒ No

Requested effective date: 3/15/23

No. of tariff sheets:

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:

Service affected and changes proposed<sup>1</sup>:

Pending advice letters that revise the same tariff sheets:

<sup>1</sup>Discuss in AL if more space is needed.

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

CPUC, Energy Division  
Attention: Tariff Unit  
505 Van Ness Avenue  
San Francisco, CA 94102  
Email: [EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)

Name: Laura Fernandez  
Title: Director of Regulatory and Legislative Affairs  
Utility Name: San Diego Community Power  
Address: 815 E Street, Suite 12716  
City: San Diego  
State: California ☐ Zip: 92112  
Telephone (xxx) xxx-xxxx: (619) 657-0406  
Facsimile (xxx) xxx-xxxx:  
Email: [lfernandez@sdcommunitypower.org](mailto:lfernandez@sdcommunitypower.org)

Name: Chasity Hendren  
Title: Regulatory Counsel  
Utility Name: San Diego Community Power  
Address: 845 15th Street, Suite 103  
City: San Diego  
State: California ☐ Zip: 92101  
Telephone (xxx) xxx-xxxx: (858) 252-6255  
Facsimile (xxx) xxx-xxxx:  
Email: [chasity@tosdalapc.com](mailto:chasity@tosdalapc.com)

Clear Form

## ENERGY Advice Letter Keywords

|                           |                                        |                                |
|---------------------------|----------------------------------------|--------------------------------|
| Affiliate                 | Direct Access                          | Preliminary Statement          |
| Agreements                | Disconnect Service                     | Procurement                    |
| Agriculture               | ECAC / Energy Cost Adjustment          | Qualifying Facility            |
| Avoided Cost              | EOR / Enhanced Oil Recovery            | Rebates                        |
| Balancing Account         | Energy Charge                          | Refunds                        |
| Baseline                  | Energy Efficiency                      | Reliability                    |
| Bilingual                 | Establish Service                      | Re-MAT/Bio-MAT                 |
| Billings                  | Expand Service Area                    | Revenue Allocation             |
| Bioenergy                 | Forms                                  | Rule 21                        |
| Brokerage Fees            | Franchise Fee / User Tax               | Rules                          |
| CARE                      | G.O. 131-D                             | Section 851                    |
| CPUC Reimbursement Fee    | GRC / General Rate Case                | Self Generation                |
| Capacity                  | Hazardous Waste                        | Service Area Map               |
| Cogeneration              | Increase Rates                         | Service Outage                 |
| Compliance                | Interruptible Service                  | Solar                          |
| Conditions of Service     | Interutility Transportation            | Standby Service                |
| Connection                | LIEE / Low-Income Energy Efficiency    | Storage                        |
| Conservation              | LIRA / Low-Income Ratepayer Assistance | Street Lights                  |
| Consolidate Tariffs       | Late Payment Charge                    | Surcharges                     |
| Contracts                 | Line Extensions                        | Tariffs                        |
| Core                      | Memorandum Account                     | Taxes                          |
| Credit                    | Metered Energy Efficiency              | Text Changes                   |
| Curtailable Service       | Metering                               | Transformer                    |
| Customer Charge           | Mobile Home Parks                      | Transition Cost                |
| Customer Owned Generation | Name Change                            | Transmission Lines             |
| Decrease Rates            | Non-Core                               | Transportation Electrification |
| Demand Charge             | Non-firm Service Contracts             | Transportation Rates           |
| Demand Side Fund          | Nuclear                                | Undergrounding                 |
| Demand Side Management    | Oil Pipelines                          | Voltage Discount               |
| Demand Side Response      | PBR / Performance Based Ratemaking     | Wind Power                     |
| Deposits                  | Portfolio                              | Withdrawal of Service          |
| Depreciation              | Power Lines                            |                                |



815 E Street, Suite 12716  
San Diego, CA 92112  
sdcommunitypower.org

February 15, 2023

California Public Utilities Commission  
Energy Division  
Attention: Tariff Unit  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102-3298

## **San Diego Community Power Advice Letter 12-E**

### **Re: GHG Environmental Performance Standard (EPS) Compliance Filing 2022**

Pursuant to Ordering Paragraph No. 4 of Decision (“D.”) 07-01-039, issued in Rulemaking (“R.”) 06-04-009 on January 25, 2007, San Diego Community Power (“SDCP”) submits this annual Attestation Letter affirming that the financial commitments SDCP has entered into for generation during the prior calendar year are in compliance with the greenhouse gas (“GHG”) emissions performance standard (“EPS”). Specifically, SDCP is in compliance with the EPS. Documentation supporting that compliance is provided below.

**Effective Date:** March 15, 2023 - 30 days after filing

**Tier Designation:** Tier 2 Designation

### **Purpose**

This Attestation Letter provides information and documentation required by D. 07-01-039 for load-serving entities (“LSEs”) (electrical corporation, electric service provider, or community choice aggregator) with new long-term financial commitments (defined on Page 3 in Attachment 7 of D. 07-01-039). This Attestation Letter demonstrates that for **2022** all financial commitments entered into by SDCP are compliant with the EPS.

### **Background**

D. 07-01-039 requires all LSEs to file annual Attestation Letters, due February 15<sup>th</sup> of each year, attesting to the Commission that the financial commitments entered into for generation during the prior calendar year are in compliance with the EPS. D. 07-01-039 requires LSEs to file Attestation Letters as an advice letter and serve the Attestation Letter on the service list in R. 06-04-009. This Attestation Letter is filed pursuant to that process.

D. 07-01-039 requires LSEs to list long-term financial commitments of five years or longer that they have entered into during the prior year. Note that long-term financial commitments can be compliant if any of the following apply:

- 1) not in a baseload powerplant;

- 2) generation using pre-approved renewable resource technology;
- 3) existing combined-cycle combustion turbine (in operation/or permitted to operate as of 6/30/07) with an increase in rated capacity less than 50 megawatts (“MW”);
- 4) net emission rate of each baseload facility underlying a covered procurement does not exceed 1,100 lbs of carbon dioxide (“CO<sub>2</sub>”) per megawatt hour (“MWh”);
- 5) Exemption related to: reliability exemption, extraordinary circumstances or financial harm, and CO<sub>2</sub> sequestration through injection in geological formations.

D. 07-01-039 requires all LSEs to disclose the investment amount and type of alteration to retained generation, by generation facility and unit. D. 07-01-039 also advises LSEs to present documentation regarding the design and intended use of the powerplant(s) underlying their new long-term financial commitments utilizing the sources of information listed in California Public Utilities Code § 8341(b)(4), as well as any other sources of documentation that they believe will be relevant to this determination.

D. 07-01-039 emphasizes that the key concept is to establish the design and intended use of the powerplant. Accordingly, documentation of the annualized plant capacity factor for the powerplant should include historical annual averages in order to help determine whether the plant is “designed and intended” to be used for baseload generation. D. 07-01-039 requires LSEs to provide documentation of capacity factors, heat rates and corresponding emissions rates that reflect the actual, expected operations of the plant.

This Attestation Letter comports with the requirements outlined above.

### **Protests**

This compliance filing is not subject to protest pursuant to General Order 96-B, Energy Industry Rule 9.

### **Correspondence**

Any correspondence regarding this compliance filing should be sent by email to the attention of:

Chasity Hendren  
Regulatory Counsel for SDCP  
Tosdal, APC  
845 15<sup>th</sup> Street, Suite 103  
San Diego, CA 92101  
[chasity@tosdalapc.com](mailto:chasity@tosdalapc.com)

### **Compliance Documentation**

The following table provides detailed and specific information regarding SDCP contracts and long-term financial commitments that are subject to the EPS requirements. The compliance documentation must match the compliance category outlined previously. For

example, the information provided must demonstrate that the net emissions rate of each baseload facility underlying a covered procurement is no higher than 1,100 lbs of CO<sub>2</sub> per MWh.

1. Include a complete and detailed listing of the new long-term financial commitments of five years or longer they have entered into during the prior year with documentation to demonstrate:
  - a) Documentation demonstrating that such procurements are EPS compliant, including any contracts with a term of five years or longer that include provisions for substitute energy purchases.
  - b) For any requested reliability-based exemptions that have been pre-approved by the Commission, reference to the application and Commission decision number.
2. The complete listing of new long-term financial commitments of five years or longer must include “linked” contracts whose combined term is five years or longer.
3. Disclosure of LSE investments in retained generation, including “deemed-compliant” combined cycle gas turbines (“CCGTs”). All LSEs are to disclose the investment amount and a breakdown of alterations or refurbishments to retained generation, by generation facility and unit.
4. Present documentation regarding the designed and intended use of the powerplant(s) underlying their new long-term financial commitments utilizing the sources of information listed in § 8341 (b)(4), as well as any other sources of documentation relevant to the determination.
5. Provide documentation of capacity factors (for definition of capacity factor see Section 5.6 of D. 07-01-039.), heat rates and corresponding emissions rates that reflect the actual, expected operation of the plant (not full load heat rate). Documentation of the annualized plant capacity factor for the power plant should include historical annual averages in order to determine whether the plant is “designed and intended” to be used for baseload generation at an annualized plant capacity factor of at least 60 percent.

As detailed in the following table, SDCP entered into four long-term financial commitments during calendar year 2022. Each of these commitments is detailed in the following table. All four commitments are fully EPS compliant as all four commitments are considered either pre-approved technology and/or non-baseload resources.

**Table – EPS Compliance Contracts**

| <b>Contract</b> | <b>Execution Date</b> | <b>Renewable Resource</b>       | <b>EPS Compliance</b> | <b>Compliance Category</b>            | <b>Term Length</b> |
|-----------------|-----------------------|---------------------------------|-----------------------|---------------------------------------|--------------------|
| SDG&E VAMO      | 12/01/2022            | Various Renewable               | Yes                   | Pre-approved technology; non-baseload | 10 years           |
| PG&E Renewable  | 09/30/2022            | Biomass                         | Yes                   | Pre-approved technology               | 5 years            |
| SDG&E MCAM      | 07/8/2022             | Battery Storage and Natural Gas | Yes                   | Non-baseload                          | 20 years           |
| Duran Mesa      | 1/27/2022             | Wind                            | Yes                   | Non-baseload                          | 10 years           |

**Certification**

- (1) I have reviewed, or have caused to be reviewed, this compliance submittal.
- (2) Based on my knowledge, information, or belief, this compliance submittal does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements true.
- (3) Based on my knowledge, information, or belief, this compliance submittal contains all of the information required to be provided by Commission orders, rules, and regulations.

Dated: February 15, 2023

By,

*/s/ Laura Fernandez*

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Laura Fernandez  
Director of Legislative and Regulatory Affairs  
San Diego Community Power  
815 E Street, Suite 12716  
San Diego, CA 92112  
[lfernandez@sdcommunitypower.org](mailto:lfernandez@sdcommunitypower.org)

## R.06-04-009 Service List

abb@eslawfirm.com; addisyn.ulbrich@directenergy.com; AEG@cpuc.ca.gov;  
agrimaldi@mckennalong.com; alex.kang@itron.com; amber@ethree.com;  
andy.vanhorn@vhcenergy.com; anita.hart@swgas.com; annabelle.malins@britishconsulatesf.gov.uk;  
[Antonia@ocpower.org](mailto:Antonia@ocpower.org); APak@sempraglobal.com; ATrial@SempraUtilities.com;  
ATrowbridge@DayCarterMurphy.com; Barbara@BarkovichAndYap.com; bbc@cpuc.ca.gov;  
bbeebe@smud.org; BCragg@GoodinMacBride.com; bdicapo@caiso.com;  
BDombrowski@calretailers.com; Benjamin.Bodell@bbklaw.com; Berlin@SusieBerlinLaw.com;  
bernardo@braunlegal.com; beth@beth411.com; Betty.Seto@kema.com; bill.schrand@swgas.com;  
bjl@bry.com; bjones@mjbbradley.com; Bob.lucas@calobby.com; bobgex@dwt.com; bpotts@foley.com;  
bprobolsky@ocpower.org; bpurewal@water.ca.gov; brabe@umich.edu; [brian@ocpower.org](mailto:brian@ocpower.org);  
[Brian@pacificea.com](mailto:Brian@pacificea.com); bsb@eslawfirm.com; bwallerstein@aqmd.gov; C\_Marnay@lbl.gov;  
CaliforniaDockets@PacifiCorp.com; carla.peterman@gmail.com; Carol.SchmidFrazee@sce.com;  
case.admin@sce.com; cassandra.sweet@dowjones.com; cbarry@iwpnews.com;  
cbaskette@enernoc.com; cem@newsdata.com; cgardner@psrec.coop;  
CHakstian@SonomaCleanPower.org; [charles.grinstead@svcleanenergy.org](mailto:charles.grinstead@svcleanenergy.org); christa.lim@shell.com;  
Christian\_Lenci@praxair.com; [Christopher.Porras@sce.com](mailto:Christopher.Porras@sce.com); christy.berger@swgas.com;  
CJW5@pge.com; [ckeys@peninsulacleanenergy.com](mailto:ckeys@peninsulacleanenergy.com); clarence.binninger@doj.ca.gov;  
clyde.murley@comcast.net; cmkehrrein@ems-ca.com; compliance@mceCleanEnergy.org;  
[CPACC@calpine.com](mailto:CPACC@calpine.com); cpe@cpuc.ca.gov; CPUCdockets@eq-research.com;  
cpucdockets@keyesandfox.com; cswoollums@midamerican.com; Cynthia.Clark@ucop.edu;  
Cynthiakmitchell@gmail.com; DAKing@SempraGeneration.com; dansvec@hdo.net; dave@ppallc.com;  
david.reynolds@ncpa.com; david.zonana@doj.ca.gov; david@branchcomb.com; dbp@cpuc.ca.gov;  
dbrooks@nvenenergy.com; dcarroll@downeybrand.com; deborah.slone@doj.ca.gov; dehling@kling.com;  
[demerson@sonomacleanpower.org](mailto:demerson@sonomacleanpower.org); dennis.walls@ladwp.com; DHecht@sempratrading.com;  
DHuard@manatt.com28; dil@cpuc.ca.gov; djw@eslawfirm.com; dmacmull@water.ca.gov;  
DMAughan@vea.coop; dmetz@energy.state.ca.us; DNg@semprautilities.com;  
dniehaus@semprautilities.com; [Dona@pacificea.com](mailto:Dona@pacificea.com); douglass@energyattorney.com;  
dschlosberg@brightsourceenergy.com; dschwyze@energy.state.ca.us; dseperas@calpine.com;  
dsoyars@sppc.com; dtibbs@aes4u.com; dwood8@cox.net; dws@r-c-s-inc.com;  
dwtcpucdockets@dwt.com; echiang@elementmarkets.com; edm@cpuc.ca.gov;  
Edwin.Dearman@GexaEnergy.com; egw@a-klaw.com; ehadley@reupower.com; ej\_wright@oxy.com;  
ek@a-klaw.com; ekgrubaugh@iid.com; elvine@lbl.gov; emello@sppc.com; emulberg@sflower.org;  
epoelsterl@sunpowercorp.com; e-recipient@caiso.com; eric.chung@pacificorp.com;  
eric.pendergraft@aes.com; etiedemann@kmtg.com; EWolfe@Resero.com; fiji.george@elpaso.com;  
filings@a-klaw.com; francesca.ciliberti@elpaso.com; Francisco\_Tarin@kindermorgan.com;  
fred.wellington@navigantconsulting.com; fwmonier@tid.org; gbass@noblesolutions.com;  
gcollord@arb.ca.gov; gknapp@libertypowercorp.com; GloriaB@anzaelectric.org; GMorris@emf.net;  
gohara@calplg.com; gperidas@nrdc.org; gpickering@navigantconsulting.com;  
[greg.bass@calpinesolutions.com](mailto:greg.bass@calpinesolutions.com); Griffiths@BraunLegal.com; grosenblum@caiso.com;  
gsmith@adamsbroadwell.com; Harry.Singh@RBSSempra.com; hayley@turn.org;

hgolub@nixonpeabody.com; hk1@cpuc.ca.gov; hoerner@redefiningprogress.org;  
hurlock@water.ca.gov; HYao@SempraUtilities.com; hym@cpuc.ca.gov; Info@calseia.org;  
[JA1P@pge.com](mailto:JA1P@pge.com); jaimeroose.gannon@cpuc.ca.gov; Jairam.gopal@sce.com; james.keating@bp.com;  
janill.richards@doj.ca.gov; janmcfar@sonic.net; JArmstrong@GoodinMacBride.com;  
Jason.Cox@edfenergyna.com; Jason.Dubchak@niskags.com; jbw@slwplc.com; jci@cpuc.ca.gov;  
jclark@3ce.org; JDF1@PGE.COM; jdh@eslawfirm.com; jdoll@arb.ca.gov; jeanne.sole@sfcityatty.org;  
jedwards@smartpower.org; jen@cnt.org; jennifer.green@energycenter.org; JerryL@abag.ca.gov;  
[Jesse.Adamski@Constellation.com](mailto:Jesse.Adamski@Constellation.com); jesus.arredondo@nrg.com; jf2@cpuc.ca.gov; JFarbstein@ces-  
ltd.com; jgreco@terra-genpower.com; jhahn@covantaenergy.com; jholtkamp@hollandhart.com;  
jimross@r-c-s-inc.com; jj.prucnal@swgas.com; jjg@eslawfirm.com; jkarp@winston.com;  
jluckhardt@daycartermurphy.com; jmctarnaghan@perkinscoie.com; john.leslie@dentons.com;  
[john@pacificea.com](mailto:john@pacificea.com); johnredding@earthlink.net; joldham@lgc.org; jose@ceert.org;  
josephhenri@hotmail.com; joyw@mid.org; jpacheco@water.ca.gov; [jpasquito@semprautilities.com](mailto:jpasquito@semprautilities.com);  
jrathke@capstoneturbine.com; jsanders@caiso.com; jscancarelli@crowell.com; jskromer@gmail.com;  
jsqueri@gmssr.com; jst@cpuc.ca.gov; jtp@cpuc.ca.gov; julie.martin@bp.com;  
jwmctarnaghan@duanemorris.com; jzr@cpuc.ca.gov; karen.griffin@energy.ca.gov; karen@klindh.com;  
karla.Dailey@CityofPaloAlto.org; Kathryn.Wig@nrg.com; kb@enercalusa.com; [kbarrows@cvag.org](mailto:kbarrows@cvag.org);  
kcolburn@symbioticstrategies.com; kdw@woodruff-expert-services.com; keith.layton@swgas.com;  
keith.mccrea@sablaw.com; kelly.barr@srpnet.com; ken.alex@doj.ca.gov;  
kenneth.swain@navigantconsulting.com; kerry.hattevik@nee.com; kgough@calpine.com;  
[kirby@pacificea.com](mailto:kirby@pacificea.com); kinnovation@earthlink.net; [klatt@energyattorney.com](mailto:klatt@energyattorney.com);  
klatt@energyattorney.com; kldavis@midamerican.com; KMelville@SempraUtilities.com;  
KMills@cbbf.com; kowalewska@calpine.com; krd@cpuc.ca.gov; ksmith@sunpowercorp.com;  
kyle\_boudreaux@fpl.com; [larry.chen@smud.org](mailto:larry.chen@smud.org); LCottle@Winston.com; ldecarlo@energy.state.ca.us;  
LeeWallach@SolelUS.com; leilani.johnson@ladwp.com; liddell@energyattorney.com;  
lisa\_weinzimer@platts.com; lmh@eslawfirm.com; LSchavrien@SempraUtilities.com;  
ltenhope@energy.state.ca.us; ltt@cpuc.ca.gov; lwhouse@innercite.com; lwisland@ucsusa.org;  
marcel@turn.org; [marcie.milner@shell.com](mailto:marcie.milner@shell.com); Mary.Wiencke@PacifiCorp.com;  
matt.hale@odoe.state.or.us; McCann@mcubed-econ.com; mclaughlin@braunlegal.com;  
mcmahon@solarmillennium.com; mcox@calplg.com; MDay@GoodinMacBride.com;  
mdjoseph@adamsbroadwell.com; mdorn@mwe.com; mgillette@enernoc.com; mhyams@sflower.org;  
michael.backstrom@sce.com; michael.yuffee@hoganlovells.com; mike.montoya@sce.com;  
Mike@AlpineNaturalGas.com; mmattes@nossaman.com; mmazur@3phasesrenewables.com;  
Monica.Schwebs@MorganLewis.com; mpa@a-klaw.com; mpryor@energy.state.ca.us;  
mrw@mrwassoc.com; mscheibl@arb.ca.gov; mserianz@mcecleanenergy.org; mtierney-  
lloyd@enernoc.com; [ndepasquale@3phasesrenewables.com](mailto:ndepasquale@3phasesrenewables.com); nenbar@energy-insights.com; nes@a-  
klaw.com; nlong@nrdc.org; norman.furuta@navy.mil; npedersen@hanmor.com; nrader@calwea.org;  
nsuetake@turn.org; nwhang@manatt.com; obartho@smud.org; PatrickFerguson@dwt.com;  
pduvair@energy.state.ca.us; phanschen@mofo.com; Philip.H.Carver@state.or.us;  
philm@scdenergy.com; pmaxwell@navigantconsulting.com; pperez@energy.state.ca.us;  
ppettingill@caiso.com; pssed@adelphia.net; pzs@cpuc.ca.gov; r.raushenbush@comcast.net;  
ram@cpuc.ca.gov; Randy.Howard@ladwp.com; rapcowart@aol.com;  
ray.welch@navigantconsulting.com; RegRelCPUCcases@pge.com; [regulatory@pilotpowergroup.com](mailto:regulatory@pilotpowergroup.com);  
regulatory\_affairs@recurrentenergy.com; rengel@redwoodenergy.org; rhelgeson@scppa.org;

rhwiser@lbl.gov; richards@mid.org; rita@ritanortonconsulting.com; RKMoore@GSwater.com;  
rmm@cpuc.ca.gov; rmorillo@ci.burbank.ca.us; robert.pettinato@ladwp.com; rogerv@mid.org;  
rrtaylor@srpnet.com; rsa@a-klaw.com; Ryan.Baron@bbklaw.com; [ryan@pacificea.com](mailto:ryan@pacificea.com);  
sachu.constantine@energycenter.org; saeed.farrokhpay@ferc.gov; Sandra.ely@state.nm.us;  
sasteriadis@apx.com; sb6@cpuc.ca.gov; scarter@nrdc.org; scott.tomashefsky@ncpa.com;  
sean.beatty@nrg.com; SEHC@pge.com; Sephra.Ninow@EnergyCenter.org; Seth.Hilton@Stoel.com;  
sgillette@capstoneturbine.com; slins@ci.glendale.ca.us; SmallLecs@cwclaw.com;  
smichel@westernresources.org; SNewsom@SempraUtilities.com; ssmyers@att.net;  
sswaroop@mceCleanEnergy.org; steven.huhman@morganstanley.com; steven@iepa.com;  
steven@lipmanconsulting.com; steven@sfpower.org; svn@cpuc.ca.gov; svolker@volkerlaw.com;  
tam@communityrenewables.biz; tciardella@nvenergy.com; tdarton@pilotpowergroup.com;  
tdelfino@earthlink.net; tdillard@sppc.com; tiffany.rau@hydrogenenergycalifornia.com;  
toconnor@edf.org; todil@mckennalong.com; Tom.Elgie@powerex.com;  
tomb@crossborderenergy.com; tomk@mid.org; [tony.zimmer@ncpa.com](mailto:tony.zimmer@ncpa.com); trdill@westernhubs.com;  
[ttardif@cleanpoweralliance.org](mailto:ttardif@cleanpoweralliance.org); ttutt@smud.org; Udi@HelmanAnalytics.com; vb@pointcarbon.com;  
vwelch@arb.ca.gov; westgas@aol.com; wmc@a-klaw.com; wtasat@arb.ca.gov; wwester@smud.org;  
wynne@braunlegal.com; xsh@cpuc.ca.gov;