

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

Tel. No. (415) 703-1691



August 26, 2004

Advice Letter 2502-G/2502-G-A

Rose de la Torre
Pacific Gas & Electric
77 Beale Street, Room 1088
Mail Code B10C
San Francisco, CA 94105

Subject: El Paso settlement refund plan

Dear Ms Smith:

Advice Letter 2502-G/2502-G-A is effective August 11, 2004. A copy of the advice letter is returned herewith for your records.

Sincerely,

A handwritten signature in cursive script that reads "Paul Clanon".

Paul Clanon, Director
Energy Division



**Pacific Gas and
Electric Company**

Karen A. Tomcala
Vice President
Regulatory Relations

77 Beale Street, Room 1065
San Francisco, CA 94105

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Mail Code 810A
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December 3, 2003

Advice 2502-G
(Pacific Gas and Electric Company ID U 39 G)

Subject: El Paso Settlement Memorandum Account
(Core Aggregation Customers)

Public Utilities Commission of the State of California

Pacific Gas and Electric Company (PG&E) hereby submits for filing revisions to its gas tariffs. The affected tariff sheets are listed on the enclosed Attachment I.¹

Purpose

This filing complies in part with Ordering Paragraph (OP) 3 of Decision (D.) 03-10-087, issued October 30, 2003, in Rulemaking (R.) 03-07-008. In accordance with D. 03-10-087, PG&E submits new gas Preliminary Statement Part BE--*El Paso Settlement Memorandum Account (EPSMA)*, and other tariff changes, to record the core aggregation customers' proportional share of the consideration received by PG&E from the El Paso Natural Gas Company (El Paso) Settlement. Advice 2503-G and Advice 2504-G are being filed concurrent with this advice letter in full compliance with OP 3.

Background

As a result of numerous investigations, complaints and litigation regarding El Paso's alleged contribution to the extremely high natural gas and electric prices in California during the 2000-2001 California energy crisis, El Paso has agreed to provide to all Settlement parties an estimated \$1.5 billion (nominal value) in consideration for resolving all related litigation. Approximately \$1 billion of the consideration affects the rates of customers under the jurisdiction of the CPUC.

The CPUC instituted R. 03-07-008 to consider proposals for accounting and ratemaking mechanisms to equitably distribute the proceeds from the Settlement

¹ PG&E reserves all legal rights to challenge the decisions or statutes under which it has been required to make this advice filing, and nothing in this advice filing constitutes a waiver of such rights. Also, PG&E reserves any additional legal rights to challenge the requirement to make this advice filing by reason of its status as a debtor under Chapter 11 of the Bankruptcy Code, and nothing in this advice filing constitutes a waiver of such rights.



to entities under their jurisdiction. This advice letter addresses the core aggregation customers' share of the consideration for PG&E's core gas customers. The core aggregation customers' share will be based upon their share of PG&E's total system natural gas throughput, excluding noncore volumes, for the 12 months immediately prior to the time that PG&E first receives the consideration.

The consideration received by PG&E includes upfront cash (including proceeds from the sale of El Paso stock) upon finalization of the Settlement Agreement² and ongoing fixed semiannual cash payments for 20 years,³ beginning July 1, 2004. PG&E's estimated portion of the gas consideration to be received over the period is approximately \$80 million.⁴ However, this amount is subject to change based upon the final amount of proceeds received from sale of El Paso stock⁵ and any additional eligible parties⁶ ultimately included in the Settlement Agreement. The Settlement will become effective upon approval of the Federal Energy Regulatory Commission (FERC), the San Diego Superior Court, and the United States Bankruptcy Court.

Net Present Value Sensitivity Analysis

PG&E recommends using a 15-year payment stream for determining the net present value of the core aggregation customers' proportional share of the consideration. As ordered by the CPUC in D. 03-10-087, PG&E is including the following table showing the sensitivity of the net present value calculated over a 15- and 20-year payment stream to which is applied the same discount rate. The discount rate is PG&E's after-tax authorized rate of return for 2003 of 7.8 percent. These estimations are based on core aggregation volumes from August 2002 through July 2003.

² The El Paso Settlement Agreement is expected to be finalized between February 2004 and August 2004.

³ The 20-year period may be shortened to 15 years if El Paso Corporation achieves Investment Grade, and certain other conditions are met.

⁴ The Settlement proceeds do not reflect tax considerations because the proceeds are not expected to be taxed. PG&E expects no adverse tax effect from the El Paso consideration. In the event the proceeds are taxed, PG&E is entitled to propose:

- (a) adjustment of the consideration such that only the net revenues are credited to ratepayers,
- (b) allowing cost recovery of any tax liability in the next appropriate ratemaking proceeding, or
- (c) authority to create a memorandum account to track adverse tax implications until addressed in a ratemaking proceeding.

⁵ The El Paso Settlement Agreement authorized a specific number of stock shares to sell. The ultimate amount of proceeds received from the sale of stock will depend on the market value of the stock at time of sale.

⁶ Primarily municipalities.

**Net Present Value 15-year stream:**

Upfront Cash	\$ 579,130
Deferred Cash Payment Total	\$ 637,196
Net Present Value of Consideration	\$1,216,326

Net Present Value 20-year stream:

Upfront Cash	\$ 579,130
Deferred Cash Payment Total	\$ 548,518
Net Present Value of Consideration	\$1,127,648

Tariff Revisions

Pursuant to Section 3.2 in Attachment A of D. 03-10-087, PG&E is establishing a new interest bearing gas Preliminary Statement Part BE--*El Paso Settlement Memorandum Account* (EPSMA), to record the proportional share of the Settlement consideration attributable to the core aggregation customers. The EPSMA balance would then be used, at the next appropriate ratemaking proceeding (e.g., the next Biennial Cost Allocation Proceeding (BCAP) or Annual True-up), to partially offset the utility's allocated revenue requirement recoverable through the authorized core aggregation transportation rate as provided for in D. 03-10-087.⁷ The amount allocated to core aggregation customers shall be calculated based on a net present value calculation as discussed above.

This filing adds a description of the EPSMA to the transportation revenue requirement in Preliminary Statement, Part C--*Gas Accounting Terms and Definitions* (Part C.10.c). This filing also provides pro forma revisions of Core Preliminary Statement, Part B--*Default Tariff Rate Components*, and Schedule G-CT--*Core Gas Aggregation Service*, to add the El Paso Settlement Credit. These pro forma changes will be re-filed in final form in a supplemental advice filing(s) once the balance in the memorandum account is incorporated into core aggregation transportation rates.

⁷ The amount allocated to core aggregation customers shall be set aside from the initial (up front cash) payments by El Paso of the Settlement consideration, so that future deferred payments can be allocated 100% to core procurement customers. The core aggregation portion of the consideration will be incorporated into core aggregation customer transportation rates so that the transportation rates paid by core aggregation and core procurement customers can again be set equal within approximately 12 months.



Protests

Anyone wishing to protest this filing may do so by sending a letter by **December 23, 2003**, which is 20 days from the date of this filing. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. Protests should be mailed to:

IMC Branch Chief – Energy Division
California Public Utilities Commission
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: jjr@cpuc.ca.gov

Protests also should be sent by e-mail and facsimile to Mr. Jerry Royer, Energy Division, as shown above, and by U.S. mail to Mr. Royer at the above address.

The protest should be sent via both e-mail and facsimile to PG&E on the same date it is mailed or delivered to the Commission at the address shown below.

Pacific Gas and Electric Company
Attention: Brian K. Cherry
Director, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-7226
E-mail: RxDd@pge.com

Effective Date

PG&E requests that this advice filing become effective upon 40 days' regular notice, which is **January 12, 2004**.



Notice

In accordance with General Order 96-A, Section III, Paragraph G, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the service list for R. 03-07-008. Address changes should be directed to Sandra Ciach at (415) 973-7572. Advice letter filings can also be accessed electronically at:

<http://www.pge.com/tariffs>

Karen A. Jomcala/ss

Vice President - Regulatory Relations

Attachments

cc: Service List – R. 03-07-008

**ATTACHMENT I
ADVICE 2502-G**

Cal. P.U.C. Sheet No.	Title of Sheet	Canceling Cal P.U.C. Sheet No.
21964-G	Preliminary Statement Part C—Gas Terms and Definitions	21395-G
21965-G	Preliminary Statement Part BE—El Paso Settlement Memorandum Account (EPSMA)	New
21966-G	Table of Contents – Preliminary Statements (Cont'd)	21966-G
21967-G	Table of Contents – Preliminary Statements	21961-G
21968-G	Table of Contents	21926-G
DRAFT	Preliminary Statement Part B—Default Tariff Rate Components	21714-G
DRAFT	Schedule G-CT—Core Aggregation Gas Service	21368-G



PRELIMINARY STATEMENT

(Continued)

C. GAS ACCOUNTING TERMS AND DEFINITIONS (Cont'd.)

10. REVENUE REQUIREMENT (Cont'd.)

c. Transportation Revenue Requirement (Cont'd.)

- 9) California Alternate Rates for Energy (CAREA) Balance: This is the forecast revision-date balance in the CAREA, described in Preliminary Statement, Part V, based on the latest recorded data available.
- 10) Natural Gas Vehicle Balancing Account (NGVBA) Balance: This is the forecast revision-date balance in the NGVBA, described in Preliminary Statement, Part X, based on the latest recorded data available.
- 11) Hazardous Substance Mechanism (HSM): This is the forecast revision-date balance in the HSM, as described in Preliminary Statement, Part AN, based on the latest recorded data available.
- 12) Customer Energy Efficiency Incentive Account (CEEIA): This is the forecast revision-date balance in the CEEIA, as described in Preliminary Statement, Part Y, based on the latest recorded data available.
- 13) Core Pipeline Demand Charge (CSPDC) Account: This is the forecast revision-date balance in the PG&E GT-NW Credit Subaccount and the Core Transport Interstate Transition Subaccount of the CPDCA, as described in Preliminary Statement, Part AE, based on the latest recorded data available.
- 14) Core Brokerage Fee Balancing Account (CBFA): This is the forecast revision-date balance in the CBFA described in Preliminary Statement, Part U, based on the latest recorded data available.
- 15) Cogeneration Distribution Shortfall Account (CDSA): This is the forecast revision-date balance in the CDSA described in Preliminary Statement, Part W based on the latest recorded data available.
- 16) El Paso Turned-Back Capacity Balancing Account (EPTCBA) Balance: This is the forecast revision-date balance in the EPTCBA described in Preliminary Statement, Part AZ, based on the latest recorded data available.
- 17) Franchise Fees and Uncollectible Accounts Expense (F&U): The amount to be added for F&U shall be determined by multiplying the sum of Sections C.10.a. through C.10.c.16, above, by the applicable F&U factor.
- 18) El Paso Settlement Memorandum Account (EPSMA): This is the forecast revision-date balance in the EPSMA described in Preliminary Statement, Part BE, based on the latest recorded data available. (N)
I
(N)

(Continued)



PRELIMINARY STATEMENT

(Continued)

BE. EL PASO SETTLEMENT MEMORANDUM ACCOUNT (EPSMA)

1. **PURPOSE:** The purpose of the EPSMA is to record the proportional share of the El Paso Settlement consideration attributable to core aggregation customers, as authorized in Commission Decision 03-10-087, dated October 30, 2003. The core aggregation customers' share will be based upon their share of PG&E's total system natural gas throughput, excluding noncore volumes, for the 12 months immediately prior to the time that PG&E first receives the consideration. The amount for core aggregation customers will be set aside from the upfront cash payment based on a net present value calculation. The EPSMA balance will be used to partially offset the utility's allocated core aggregation transportation revenue requirement recoverable in the authorized tariff rate in the next appropriate ratemaking proceeding (e.g., the next Cost Allocation Proceeding or Annual True-up of Balancing Accounts). (N)
2. Descriptions of the terms and definitions used in this section are found in Preliminary Statement, Part C or in Rule 1.
3. **APPLICABILITY:** The EPSMA balance applies to all rate schedules and contracts subject to the jurisdiction of the CPUC, except for those schedules and contracts specifically excluded by the CPUC.
4. **REVISION DATE:** The revision date applicable to the EPSMA rate shall coincide with the revision date of the Cost Allocation Proceeding or at other times, as ordered by the CPUC.
5. **FORECAST PERIOD:** The forecast test period will be as specified in the current Cost Allocation Proceeding.
6. **EPSMA RATES:** EPSMA rates are included in the effective rates set forth in each rate schedule (see Preliminary Statement Part B), as applicable.
7. **ACCOUNTING PROCEDURE:** PG&E shall make the following entries to the EPSMA at the end of each month or when applicable:
 - a. A credit entry equal to the revenue from the El Paso Settlement Credit rate component designed to amortize the balance in this account, excluding the allowance for Franchise Fees and Uncollectible Accounts Expense;
 - b. A one-time debit entry equal to the core aggregation customers' proportional share of the Settlement consideration based upon the class' share of PG&E's total system natural gas throughput, excluding noncore volumes, for the 12 months immediately prior to the time that PG&E first receives the consideration; and
 - c. An entry equal to the interest on the average of the balance in the account at the beginning of the month and the balance in the account after entries BE.7.a through BE.7.b, above, at a rate equal to one-twelfth the interest rate on three-month Commercial Paper for the previous month, as reported in the Federal Reserve Statistical Release, H.13, or its successor. (N)

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Part AO	Not Being Used	
Part AP	Not Being Used	
Part AQ	Pipeline Expansion Balancing Account	16519 to 16521-G
Part AR	Demand-Side Management Tax Change Memorandum Account	16502-G
Part AS	Not Being Used	
Part AT	Not Being Used	
Part AU	Allocation of Residual Costs Memorandum Account.....	19933,19934-G
Part AV	Capital Audit Consultant Cost Memorandum Account.....	20432-G
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Part I	Noncore Brokerage Fee Balancing Account.....	18061-G
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Part K	Enhanced Oil Recovery Account	17360-G
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Part M	Core Subscription Phase-Out Account.....	18456-G
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Part AD	Not Being Used	
Part AE	Core Pipeline Demand Charge Account.....	21361,21362,18978-G
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Part AG	Core Firm Storage Account	20031-G
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Part AI	Applicant Installation Trench Inspection Deferred Account	19533-G
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RATE SCHEDULES

RESIDENTIAL

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G-CP	Gas Procurement Service to Core End-Use Customers	21812-G
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G-BAL	Gas Balancing Service for Intrastate Transportation Customers	21534,21549,20034 to 20045-G



PRELIMINARY STATEMENT
(Continued)

B. DEFAULT TARIFF RATE COMPONENTS (\$/THERM) (Cont'd.)

CORE p. 6

	G-CT (CORE TRANSPORT)				
	SMALL COMMERCIAL				
	Summer		Winter		
	First 4,000 Therms	Excess	First 4,000 Therms	Excess	
CORE FIXED COST ACCOUNT (1)*	0.19994 (R)	0.10824 (R)	0.26296	0.14915	
DSM	0.01073	0.01073	0.01073	0.01073	
LOCAL TRANSMISSION	0.02872	0.02872	0.02872	0.02872	
CARE	0.01477	0.01477	0.01477	0.01477	
CPUC FEE**	0.00202	0.00202	0.00202	0.00202	
EOR	0.00006	0.00006	0.00006	0.00006	
CEE	0.00016	0.00016	0.00016	0.00016	
CORE TRANSPORT TRANSITION SUBACCOUNT	(0.00112)	(0.00112)	(0.00112)	(0.00112)	
EL PASO SETTLEMENT CREDIT	0.XXXXXX	0.XXXXXX	0.XXXXXX	0.XXXXXX	(N) (N)
EL PASO CAPACITY CHARGE	0.00616	0.00616	0.00616	0.00616	
TOTAL RATE	0.26144	0.16974	0.32446	0.21065	

* Refer to footnotes at end of Core Default Tariff Rate Components.

** The CPUC Fee includes \$.001988 per therm as approved by the CPUC, plus an allowance for Franchise Fees and Uncollectible Expense (F&U).

(Continued)



SCHEDULE G-CT—CORE GAS AGGREGATION SERVICE

APPLICABILITY: This schedule applies to transportation of natural gas for Core End-Use Customers (as defined in Rule 1*) ("Customer") who aggregate their gas volumes and who obtain natural gas supply service from parties other than PG&E. The provisions of Schedule G-CT apply to Core End-Use Customers and to the party who supplies them with natural gas and provides or obtains services necessary to deliver such gas to PG&E's Distribution System. Rule 23 also sets forth terms and conditions applicable to Core Gas Aggregation Service.

A group of Core End-Use Customers who aggregate their gas volumes shall comprise a Core Transport Group (Group). The minimum aggregate gas volume for a Group is 12,000 decatherms per year. The Customer must designate a Core Transport Agent (CTA), who is responsible for providing gas aggregation services to Customers in the Group as described herein and in Rule 23. Aggregation of multiple loads at a single facility or aggregation of loads at multiple facilities shall not change the otherwise-applicable rate schedule for a specific facility. Customers electing service under this schedule must request such service for one hundred (100) percent of the core load served by the meter. Schedule G-CT must be taken in conjunction with a core rate schedule.

Core volumes are eligible for service under this schedule, whether or not noncore volumes are also delivered to the same premises. However, core volumes cannot be aggregated with noncore volumes in order to meet the minimum therm requirement for noncore service. Service to core volumes associated with noncore volumes under this schedule applies to all core volumes on the noncore premises.

CTAs, on behalf of a Group, may receive service on PG&E's Backbone Transmission System by utilizing Schedules G-AFT, G-SFT, G-AA, G-NFT, or G-NAA.

TERRITORY: This schedule applies everywhere PG&E provides natural gas service.

RATES: Customers taking service under Schedule G-CT will receive and pay for service under their otherwise-applicable core rate schedule in addition to the rate shown below; except that Customers who procure their own gas supply will not pay the Procurement Charge specified on their otherwise-applicable core rate schedule. (T)

El Paso Settlement Credit Per Therm (N)
(\$.XXXXX) (N)

Pursuant to Schedule G-SUR, Customers will be subject to a franchise fee surcharge for gas volumes purchased from parties other than PG&E and transported by PG&E. Customers will also be responsible for any applicable costs, taxes and/or fees incurred by PG&E in receiving gas to be delivered to such Customers.

See Preliminary Statement Part B for the Default Tariff Rate Components.

* The rules referred to in this schedule are part of PG&E's gas tariffs. Copies are available at local offices.

(Continued)

**PGE Gas Advice Filing
List
General Order 96-A, Section III(G)**

ABAG Power Pool
Accent Energy
Aglert Consumer Alliance
Agnews Developmental Center
Ahmed, Ali
Aicantar & Elsesser
Applied Power Technologies
Arter & Hadden LLP
Avista Corp
Barkovich & Yap, Inc.
BART
Blue Ridge Gas
BP Energy Company
Braun & Associates
C & H Sugar Co.
CA Bldg Industry Association
CA Cotton Ginners & Growers Assoc.
CA League of Food Processors
CA Water Service Group
California Energy Commission
California Farm Bureau Federation
California Gas Acquisition Svcs
California ISO
Calpine
Calpine Corp
Calpine Gilroy Cogen
Cambridge Energy Research Assoc
Cameron McKenna
Cardinal Cogen
Chevron USA Production Co.
Childress, David A.
City of Glendale
City of Palo Alto
City of Redding
CLECA Law Office
Constellation New Energy
CPUC
Creative Technology
Cross Border Inc
Crossborder Inc
CSC Energy Services
Davis, Wright Tremaine LLP
Davis, Wright, Tremaine, LLP
Defense Fuel Support Center
Department of the Army
Department of Water & Power City
DGS Natural Gas Services
DMM Customer Services
Downey, Brand, Seymour & Rohwer
Duke Energy
Duke Energy North America
Duncan, Virgil E.
Dutcher, John
Dynegy Inc.
Ellison Schneider
Energy Law Group LLP
Enron Energy Services

Exelon Energy Ohio, Inc
Exeter Associates
Foster Farms
Foster, Wheeler, Martinez
Franciscan Mobilehome
Future Resources Associates, Inc
G. A. Krause & Assoc
GLJ Energy Publications
Goodin, MacBride, Squeri, Schlotz &
Grueneich Resource Advocates
Hanna & Morton
Heeg, Peggy A.
Hogan Manufacturing, Inc
House, Lon
Integrated Utility Consulting Group
International Power Technology
Interstate Gas Services, Inc.
J. R. Wood, Inc
JTM, Inc
Kaiser Cement Corp
Korea Elec Power Corp
Luce, Forward, Hamilton & Scripps
Marcus, David
Masonite Corporation
Matthew V. Brady & Associates
Maynor, Donald H.
McKenzie & Assoc
McKenzie & Associates
Meek, Daniel W.
Meyer, Joseph
Mirant California, LLC
Modesto Irrigation Dist
Morrison & Foerster
Morse Richard Weisenmiller & Assoc.
Navigant Consulting
New United Motor Mfg, Inc
Norris & Wong Associates
Northern California Power Agency
Office of Energy Assessments
Palo Alto Muni Utilities
PG&E National Energy Group
Pinnacle CNG Company
PITCO
Plurimi, Inc.
PPL EnergyPlus, LLC
Price, Roy
Product Development Dept
Provost Pritchard
R. M. Hairston & Company
R. W. Beck & Associates
Recon Research
Regional Cogeneration Service
RMC Lonestar
Sacramento Municipal Utility District
SCD Energy Solutions
Seattle City Light
Sempra

Sempra Energy
Sequoia Union HS Dist
SESCO
Sierra Pacific Power Company
Silicon Valley Power
Simpson Paper Company
Smurfit Stone Container Corp
Southern California Edison
SPURR
St. Paul Assoc
Stanford University
Sutherland, Asbill & Brennan
Tabors Caramanis & Associates
Tansev and Associates
Tecogen, Inc
TFS Energy
TJ Cross Engineers
Transwestern Pipeline Co
U S Borax, Inc
United Cogen Inc.
URM Groups
Utility Cost Management LLC
Utility Resource Network
Wellhead Electric Company
Western Hub Properties, LLC
White & Case
WMA