

May 13, 2009

**Advice 3459-E**

(Pacific Gas and Electric Company ID U39 E)

Public Utilities Commission of the State of California

**Subject: Contracts for Procurement of Renewable Energy Resources  
Pursuant to Power Purchase Agreements 3 Through 7 Between  
PG&E and Subsidiaries of BrightSource Energy, Inc.**

**I. INTRODUCTION**

**A. Purpose and Overview**

Pacific Gas and Electric Company (“PG&E”) seeks California Public Utilities Commission (“Commission” or “CPUC”) authorization to procure electricity generated by eligible renewable energy resources using concentrating solar thermal technology developed by BrightSource Energy, Inc. (“BrightSource”) to meet PG&E’s Renewables Portfolio Standard (“RPS”) goals. PG&E has entered into seven separate power purchase agreements (“PPAs”), each with a different BrightSource subsidiary, for the development and operation of each eligible renewable energy facility (hereinafter, a “Project”).<sup>1</sup> This advice letter presents Projects 3 through 7 for Commission approval. Regulatory approval, development, and operation of Projects 3 through 7 are entirely independent of Projects 1 and 2.<sup>2</sup>

Projects 3 through 7 consist of five new solar thermal resources, each with 200 megawatt (“MW”) of capacity. Projects 3 and 4 will be located in Coyote Springs, Nevada. Projects 5, 6, and 7 will be located at Broadwell Dry Lake, California,

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<sup>1</sup> Five subsidiaries of BrightSource, Solar Partners XII, LLC, Solar Partners XIV, LLC, Solar Partners XV, LLC, Solar Partners XXII, LLC, and Solar Partners XXIII, LLC, will develop, own and operate the Projects related to PPAs 3, 4, 5, 6, and 7, respectively, which are the subject of this advice letter. However, for the sake of simplicity, the developers will be referred to collectively as “BrightSource”.

<sup>2</sup> Projects 1 and 2 are the subject of a separate concurrently filed advice letter.

unless this site is designated or determined to be a preserved area under Federal law.

Generation from each Project will be purchased through a corresponding PPA (“PPA 3”, “PPA 4”, etc.). In addition, PG&E has entered into a Royalty Agreement with BrightSource Industries (Israel) Ltd. (“BS II”), a wholly-owned subsidiary of BrightSource, and a Royalty Agreement Guaranty with BrightSource, which guarantees BS II’s obligations under the Royalty Agreement. PPAs 3 through 7, the Royalty Agreement and the Royalty Agreement Guaranty are collectively referred to as the “Agreements”. Approval of the Agreements will authorize PG&E to (1) procure up to a total of 2,865 gigawatt hours per year (“GWh/yr”) of as-available power for 25-year delivery terms, and (2) potentially receive certain payments under the Royalty Agreement.<sup>3</sup>

Initial deliveries from Project 3 are scheduled to commence in July 2014 and those of each successive Project are scheduled to begin a year later.<sup>4</sup> PG&E intends to use generation from the Projects to meet its RPS goals by earmarking deliveries to its RPS obligations.

Projects 3, 4, and 5 are three of the five projects originally proposed by BrightSource, albeit at a different location, in bilateral negotiations with PG&E. The five resultant PPAs were submitted for Commission approval via PG&E Advice Letter 3243-E on April 1, 2008. These five original PPAs have been renegotiated and Advice Letter 3243-E is being withdrawn concurrent with the submission of this and a companion advice letter representing a total of seven new agreements. The Agreements presented by this Advice Letter should be reviewed by the Commission as bilateral transactions.

## 1. Project Background

PG&E commenced negotiations with BrightSource in 2006. The original set of agreements with BrightSource consisted of five PPAs, a Development and Program Agreement (“Program Agreement”), a Royalty Agreement and a Royalty Agreement Guaranty. The comprehensive nature of this package was better considered outside the annual solicitation process. Under the 2008 Transaction,

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<sup>3</sup> These royalty payments will be recorded to PG&E’s Energy Resource Recovery Account (ERRA) for the benefit of PG&E’s customers.

<sup>4</sup> An exception is Project 6, which is scheduled to commence deliveries 18 months after Project 5.

PG&E would have procured output from five solar thermal projects having a total capacity of 900 MW.

In late 2008, BrightSource alerted PG&E that, as a result of research done at its test facility in Israel, the BrightSource engineers had gained a deeper understanding of the technology and some of the parameters of the projects had changed. This prompted BrightSource to seek modification of the 2008 Transaction. PG&E asked the Energy Division to suspend its review of Advice Letter 3243-E until the transaction could be renegotiated. Today, PG&E simultaneously withdraws Advice Letter 3243-E with the filing of this Advice Letter, 3459-E.

Renegotiation has resulted in seven Projects and corresponding PPAs in place of the original five. Five of the projects, Projects 3 through 7, are the subject of this advice letter. The remaining two projects are the subject of a concurrently filed, separate advice letter.<sup>5</sup>

Under the revised Agreements, the price of power will not exceed the 2008 MPR. The 25-year MPR from Resolution E-4118, issued December 18, 2008, was used to determine the relationship of the negotiated prices to the MPR.

In addition, project viability has been improved, the Program Agreement has been eliminated, and the Royalty Agreement and Royalty Agreement Guaranty have been amended. These changes and other terms of the resultant Agreements are detailed in Confidential Appendix D.

## **2. PG&E Proposes to Help Pioneer A New Form of Utility Scale Solar Technology.**

In furtherance of the state's renewables energy policy, PG&E employs a portfolio approach to procure a technologically diverse portfolio of successful and cost competitive projects for its customers. To this end, PG&E has encouraged the development of projects utilizing multiple solar electric generation technologies.

The BrightSource Projects will further PG&E's strategy of diversifying its renewable energy resource portfolio by contributing a new solar thermal technology to the supply. Although concentrating solar power has been used successfully by BrightSource's predecessor, Luz Industries, at the 354 MW Solar Electric

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<sup>5</sup> Projects 3 and 4 will be sited at Coyote Springs, Nevada. Projects 5, 6, and 7 are planned to be sited in the Southern California desert region. Each Project's development is independent of the development of any other Project. Therefore, the two advice letters should not be linked for purposes of regulatory review.

Generating Stations (“SEGS”) facilities in the Mojave Desert, the Luz Power Tower (“LPT”) technology to be used by the Projects is a “next generation” advancement in concentrating solar thermal technology.

BrightSource owns the LPT technology and has constructed a test facility in Israel, nominally rated at 6 MW thermal. PPAs 3 through 7 will generate output comparable to that of utility-owned central generation facilities.

### **B. Detailed Description of the Projects**

The following table summarizes the primary features of PPAs 3 through 7:

<b>Generating Facility and Technology</b>	<b>Term (Years)</b>	<b>MW Capacity</b>	<b>Capacity Factor</b>	<b>Expected Annual Deliveries (GWh)</b>	<b>Expected Commercial Operating Date</b>	<b>Project Location</b>
PPA 3 LPT technology	25	200	32.7%	573	July 2014	Coyote Springs, NV
PPA 4 LPT technology	25	200	32.7%	573	July 2015	Coyote Springs, NV
PPA 5 LPT technology	25	200	32.7%	573	July 2015	Broadwell Dry Lake, CA
PPA 6 LPT technology	25	200	32.7%	573	December 2016	Broadwell Dry Lake, CA
PPA 7 LPT technology	25	200	32.7%	573	July 2017	Broadwell Dry Lake, CA

## **II. THE PPAs ARE CONSISTENT WITH THE COMMISSION’S RPS-RELATED DECISIONS**

**A. Consistency with PG&E's RPS Plan and Solicitation****1. Decision adopting 2008 RPS Plan**

On February 14, 2008, the Commission issued D.08-02-008, which conditionally approved PG&E's 2008 renewable procurement plan ("2008 Plan"). This advice letter is being submitted on the basis of PG&E's 2008. However, the BrightSource PPAs result from bilateral negotiations, not a bid into PG&E's 2008 RPS Solicitation, so the PPAs are not necessarily tied to the 2008 RPS Plan. It is very likely that PG&E's 2009 RPS Plan will be in effect when the Commission acts on this advice letter, so the analysis of consistency with PG&E's RPS Plan is based on the 2009 RPS Plan.<sup>6</sup> Regardless of which Plan is used to evaluate the PPAs for consistency with PG&E's RPS strategy, the same analysis of project consistency with RPS goals would be performed in either case because the 2009 goals are nearly identical to the 2008 goals. PG&E's Draft 2009 RPS Plan states, "In addition to current procurement efforts from its ongoing 2008 solicitation, PG&E plans to sign additional renewable contracts amounting to 1 to 2 percent of its retail sales in its upcoming 2009 solicitation. However, if additional, cost-effective renewable resources are available and meet PG&E's evaluation criteria, PG&E will then seek to contract for those additional renewable resources."<sup>7</sup>

**2. The Projects Meet the Resource Needs Identified in PG&E's 2009 RPS Plan.**

The goal of PG&E's 2009 Plan is to procure approximately one to two percent of PG&E's annual retail sales volume, or 800 to 1600 GWh per year, through competitive solicitation or bilateral negotiations. In addition to providing 2,865 GWh of new generation, Projects 3 through 7 are may be considered as incremental to the minimum authorized by the Plan because Projects 3 through 7 offer qualitative and quantitative benefits. The use of new concentrating solar methods increases the diversity of renewable technology at a price at or below the MPR, and the Projects further PG&E's goal of environmental stewardship by using air-cooled, not water-cooled, steam turbine technology.

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<sup>6</sup> PG&E filed its draft 2009 RPS Plan on September 15, 2008. A proposed decision approving PG&E's 2009 RPS Plan was issued on May 1, 2009. According to the proposed decision, Commission action on the 2009 Plan is expected on June 4, 2009. PG&E will then have 14 days to submit its final 2009 Plan in compliance with the decision and Energy Division will have 7 days to accept or reject the compliance documents. PG&E's 2009 RPS Plan will become effective no earlier than June 25, 2009.

<sup>7</sup> PG&E's Draft 2009 RPS Plan, p.1.

Projects 3 through 7 will also occupy an important niche identified by PG&E's 2009 RPS Plan. PG&E forecasts that in the long term, solar generation will provide about 70% of its renewable generation.<sup>8</sup> The 2009 Plan predicts that projects from the 2009 Solicitation will experience a 4 to 6 year lead time from the date of project solicitation, with potentially longer delay to resolve issues such as transmission constraints.<sup>9</sup> Projects 3 through 7 fall within this Plan category and are consistent with PG&E's 2009 Plan.

### **3. The Projects are Consistent with PG&E's Long Term Procurement Plan.**

PG&E vowed to aggressively pursue procurement of RPS eligible renewable resources in its 2006 long-term procurement plan ("LTPP"). The combined annual output of Projects 3 through 7 represent more than 3% of PG&E's 2008 annual retail sales and their solar-powered deliveries coincide with peak load periods. This transaction is a significant positive step toward fulfilling PG&E's renewables goals.

#### **B. Bilateral Contract Considerations**

D.03-06-071 allows a utility and a generator to enter into bilateral contracts outside of the competitive RPS solicitation process. In Resolution E-4161, the Commission determined that utilities' bilateral contracts could be approved based upon a showing of reasonableness even though an evaluation criteria for bilateral contracts had not been developed.<sup>10</sup> On May 5, 2009, a Proposed Decision in the RPS policy proceeding addressed the question of how to judge the reasonableness of bilateral RPS contracts.<sup>11</sup> It held that bilateral PPAs should be evaluated against the results of the most relevant RPS solicitation and could be as short as one month in duration. This affirms and does not change the treatment of bilateral RPS contracts provided in D. 06-10-019.<sup>12</sup>

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<sup>8</sup> Draft 2009 RPS Plan, p. 4.

<sup>9</sup> Draft 2009 RPS Plan, p. 5.

<sup>10</sup> Resolution E-4161 at 5.

<sup>11</sup> Proposed Decision of ALJ Simon, "Decision Establishing Price Benchmarks and Contract Review Processes for Short-Term and Bilateral Procurement Contracts for Compliance with the California Renewables Portfolio Standard", issued May 5, 2009 in R.08-08-009.

<sup>12</sup> "All RPS-obligated LSEs are also free to enter into bilateral contracts of any length with RPS-eligible generators, as long as the contracts are at least one month in duration, to enable the CEC to verify RPS procurement claims." (D.06-10-019 at 21) "For now, utilities' bilateral RPS contracts, of any length, must be submitted for approval by advice letter. Such contracts are not subject to the MPR, which applies to solicitations, but they must be reasonable. (Ibid at 31, citing

This advice letter demonstrates that the BrightSource PPAs are consistent with the results of PG&E's most recent RPS Solicitation, have delivery terms longer than one month in duration, and are reasonable. On this basis, the Commission should find that BrightSource PPAs comply with both existing and proposed Commission requirements for bilateral contracts.

In addition, the BrightSource PPAs exemplify how a bilateral transaction can address PG&E's multi-year RPS obligations in a way that a contract from the bid solicitation could not. The bid solicitation PPA only provides for deliveries from a single project, while the BrightSource transaction encompasses seven Projects, five of which are being proposed in this advice letter. The annually-phased Projects should mitigate increased RPS procurement costs because each Project will come online sequentially through 2017, each will make a sizable contribution toward PG&E's RPS goals each year, and each is priced no higher than the 2008 MPR.

### **C. Consistency of Bid Evaluation Process with Least-Cost Best Fit Decision**

PG&E's execution of PPAs 3 through 7 is consistent with the Commission's direction to procure the "least-cost, best fit" ("LCBF") eligible renewable resources in accordance with the RPS statute.<sup>13</sup> Under the Commission's LCBF decision, projects ranked high in accordance with Commission criteria are placed on a "shortlist" for further consideration and potential negotiation.<sup>14</sup> Bilateral contracts are then evaluated in terms of their imputed position along the annual solicitation's bid supply curve. The renewables bid evaluation process focuses on four primary areas:

1. Determination of a bid's market value,
2. Calculation of transmission adders and integration costs,
3. Evaluation of portfolio fit, and
4. Consideration of non-price factors.

To demonstrate the reasonableness of procuring these Projects in view of PG&E's other options, the Projects were compared to the 2008 bids in terms of the above

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D.03-06-017, *mimeo.*, p. 59).

<sup>13</sup> Pub. Util. Code § 399.14(a)(2)(B).

<sup>14</sup> D.04-07-029.

criteria. As shown in the confidential appendices, the BrightSource PPAs are competitive with bids received and evaluated in the 2008 RPS Solicitation.

### 1. **Results, Bid Comparison, and Market Valuation**

The market valuation of Projects 3 through 7 compares favorably with the market valuation of bids received from the 2008 RPS Solicitation under a standard “mark-to-market analysis”. In a mark-to-market analysis, the present value of the bidder’s payment stream is compared with the present value of the product’s market value to determine the benefit (positive or negative) from the procurement of the resource, irrespective of the bid’s position relative to PG&E’s portfolio. Both the bid price and indirect costs, such as transmission and integration costs, are included in this analysis. PG&E’s analysis of the market value of the PPAs is provided in Confidential Appendix D.

### 2. **Portfolio Fit**

Projects 3 through 7 exhibit superior portfolio fit. As part of the portfolio fit assessment, PG&E differentiates offers by the firmness of their energy delivery and by their energy delivery patterns. A higher portfolio fit measure is assigned to a reliable source of generation that enables PG&E’s supply portfolio to better address the need for energy. Because deliveries under PPAs 3 through 7 will occur mainly during the daytime and largely coincide with PG&E’s peak demand, the PPAs provide a reasonable match to PG&E’s portfolio needs. In addition, because solar power is relatively predictable, the costs to integrate generation from the Projects, if any, will be less than those of other non-dispatchable technologies. PG&E further addresses portfolio fit in Confidential Appendix D.

### 3. **Consistency with the Transmission Ranking Cost Decision**

The transmission-adjusted costs of the Projects compare favorably with the adjusted cost of bids received in response to PG&E’s 2008 RPS Solicitation. Under the Transmission Ranking Cost Decision, the total cost of the Projects, including the cost of transmission upgrades necessary to allow project generation to reach customer load, must be considered to establish the value of each project when ranking solicitation results to create a cost curve. Because the Projects’ delivery points will be within the service territory of Southern California Edison Company (“SCE”), SCE’s “transmission ranking cost report (“TRCR”)” was consulted to determine whether there is a cost associated with connecting the Projects to the transmission grid. The details of this comparison are presented in Confidential Appendix D.

#### 4. Consistent Application of TODs

For purposes of analysis, the time-period specific Time of Delivery (“TOD”) factors adopted by the 2008 RPS Protocol were applied to PPAs 3 through 7 to reflect the value of Project power delivered during different time periods. The effect of TOD factors on Project prices is explained in Confidential Appendix D.

#### 5. Qualitative Factors

Projects 3 through 7 are desirable renewable generating resources because they impose fewer environmental impacts than most projects with a similar delivery profile. Under the rules applicable to RPS Solicitations, if two projects were ranked equally based upon other LCBF considerations, the project that promotes environmental stewardship, local reliability, resource diversity, or benefits to low income or minority communities would be ranked above the project that does not.<sup>15</sup> In this case, the presence of any of the identified qualitative factors does not improve the Projects’ position on the supply curvet because the Projects resulted from bilateral offers. Nonetheless, these factors contribute to the overall reasonableness of each Project.

The Luz Power Tower or “LPT” technology uses air rather than water, to cool its power plants, resulting in the significant conservation of scarce desert water. In addition, each heliostat will be mounted on a single pylon, and no concrete pads will be poured to support the solar tracking devices. The fact that the mirrors are adjustable in two planes also derives maximum efficiency from the seasonal position of the sun. These design features diversify PG&E’s portfolio of solar thermal generation with a technology that is less taxing on the environment.

#### D. PRG Participation and Feedback

The Procurement Review Group (“PRG”) for PG&E consists of the following: California Department of Water Resources (“DWR”), the Commission’s Energy Division and Division of Ratepayer Advocates, Union of Concerned Scientists (“UCS”), The Utility Reform Network (“TURN”), the California Utility Employees (“CUE”), and Jan Reid, as a PG&E ratepayer. PG&E informed its PRG of the transaction on March 23, 2009. PG&E addresses the PRG response in Confidential Appendix D.

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<sup>15</sup> See, D.04-07-029 and D.07-02-011.

### **E. RPS Goals**

California's RPS Program requires an electrical corporation to increase its deliveries from eligible renewable energy resources to 20 percent of total retail sales no later than December 31, 2017. The Legislature subsequently accelerated the RPS goal to reach 20 percent by the end of 2010. In addition, Governor Schwarzenegger's Executive Order issued in November 2008 describes a new target of 33 percent renewable energy by 2020. The California Legislature is actively considering legislation to increase the RPS target from 20 to 33 percent. Finally, the California Air Resource Board's Scoping Plan, adopted in December 2008, identifies an increase in the renewables target to 33 percent by 2020 as a key measure for reducing greenhouse gas emissions and meeting California's climate change goals.

The BrightSource PPAs represent a total 3,666 GWh of annual renewable energy; Projects 3 through 7 contribute 2,865 GWh of this amount and will make major contributions toward California's RPS goals. As shown in the above table, deliveries from PPAs 3 through 7 are scheduled to begin in July 2014 and continue through July 2017, respectively. PG&E intends to earmark deliveries received from these PPAs toward meeting its future years' RPS obligations, as needed. Deliveries from these Projects that occur within three calendar years of 2011 will be earmarked to 2011 (e.g., Project 3); deliveries within three calendar years of 2012 will be earmarked to 2012, (e.g., Projects 3 and 4), etc.

### **F. Consistency with Adopted Standard Terms and Conditions**

Standard terms and conditions to be incorporated into contracts for the RPS-eligible have evolved over the course of several Commission decisions, i.e. D.04-06-014, D.07-02-011 as modified by D.07-05-057, and D.07-11-025 and Appendix A of D.08-04-009, as modified by D.08-08-028. These terms and conditions were compiled and published by D.08-04-009. Additionally, the non-modifiable term related to Green Attributes was finalized in D.08-08-028.

The non-modifiable terms in the BrightSource PPAs conform exactly to the current version of non-modifiable terms. Modifications have been made to terms in the PPAs designated as modifiable in based upon mutual agreement reached during negotiations. Each provision in the PPAs is essential to the negotiated agreement between the Parties. The Commission should consider the PPAs as a whole, in terms of its ultimate effect on utility customers, and should not analyze any specific PPA term in isolation. PG&E submits that the PPAs protect the interests of its

customers while achieving the Commission's goal of increasing procurement from eligible renewable resources. The Commission should, therefore, refrain from making any modifications to any of the provisions.

A comparison of the modifiable terms in the PPAs against the modifiable terms in PG&E's 2009 RPS draft form PPA in the Solicitation Protocol issued on September 15, 2008 is provided in Confidential Appendix H.

### **G. Consistency with Minimum Quantity Decision**

PPAs 3 through 7 have a 25-year delivery term, making these PPAs long-term contracts. The minimum quantity decision does not affect the eligibility of long-term contracts to count toward PG&E's RPS obligation.

In D.07-05-028, the Commission determined that in order to count energy deliveries from short-term contracts with existing facilities toward RPS goals, RPS-obligated load-serving entities must contract for deliveries equal to at least 0.25 percent of their prior year's retail sales through long-term contracts or through short-term contracts with new facilities. Because PPAs 3 through 7 represent more than 3.0 percent of 2008 retail sales, PG&E's minimum quantity requirement for the year 2009 will have been met once these PPAs have been approved.

### **H. Interim Emissions Performance Standard**

The Commission adopted an Emissions Performance Standard ("EPS") that covers procurement for baseload generation with a delivery term of five or more years with an annualized plant capacity factor of at least 60 percent.<sup>16</sup> PPAs 3 through 7 represent "covered procurement" subject to the EPS because they are new contracts with a baseload generating facility. However, they are exempt from the EPS under D.07-01-039 because the facilities use solar power.<sup>17</sup> Notification of compliance with D.07-01-039 is provided through this Advice Letter, which has been served on the service list in the RPS rulemaking, R.08-08-009.

### **I. MPR and AMFs**

The price of procurement under Projects 3 through 7 is equal to or less than the applicable 2008 MPR. Accordingly, none of these Projects is eligible to draw on the AMF (above-market funds) pursuant to Resolution E-4199. PG&E has

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<sup>16</sup> D.07-01-039.

<sup>17</sup> D.07-01-039, Appendix 7.

provided the Energy Division with the requested AMF information in Confidential Appendix D.

### **III. PROJECT DEVELOPMENT STATUS**

#### **A. Site Control**

Project siting and the developer's control over the Coyote Springs and Broadwell sites are discussed in Confidential Appendix D.

#### **B. Resource and/or Availability of Fuel**

The primary fuel for Projects 3 through 7 is sunlight. Natural gas will be used as a supplementary fuel for Project operation during plant start-up and during temporary cloud cover. Natural gas will be obtained by the construction of a new distribution pipeline from an existing transmission pipeline

#### **C. Transmission**

The site for Projects 3 and 4 is Coyote Springs in Lincoln County, Nevada. The point of delivery is the El Dorado Substation.

The site for Projects 5, 6, and 7 is Broadwell Dry Lake, California, so long as Broadwell Dry Lake is not designated or determined to be a preserved area under Federal law. The Delivery Point for the Broadwell Projects will be the Projects' Interconnection Point, which shall connect to the CAISO Grid. For the Broadwell site, the Interconnection Point is the SCE Pisgah 230kV substation.

#### **D. Technology Type and Level of Technology Maturity**

BrightSource's decision to use a power tower design stems from its engineering team's experience designing and building the nine Solar Electric Generating Stations ("SEGS") in California. While built to be durable, the SEGS plants' trough technology has efficiency and cost limitations. PPAs 3 through 7 feature a new, promising Luz Power Tower ("LPT") technology that offers the following design benefits:

- More efficient production of steam from solar radiation due to two-axis tracking
- More efficient generation of electricity from steam due to higher temperature steam production

- Less ‘parasitic’ energy usage for plant operation due to reduced movement of thermal mass
- Higher capacity factor – more megawatt hours produced per megawatt of installed power equipment
- Lower capital costs due to commodity-based inputs, no concrete foundations, and fewer pipes and cabling
- Less water usage

The result is a large-scale solar thermal energy system that delivers solar energy at a cost that is competitive with fossil fueled generation. The LPT technology has been tested successfully at demonstration scale but has never been employed at the scale provided under the PPAs. Commercial scale development is not expected to present any issues that have not been successfully resolved during the demonstration phase.

### E. Permitting

Permit and Lease Table Coyote Springs			
Name of Permit or lease required	Public or Private?	Agency	Description of Permit or Lease
Clean Water Act Section 401 Permit	Private	NDEP	Required for delegated state approval of discharges into navigable waters that are waters of the state.
Clean Water Act Section 404 Permit	Private	ACE	Required for dredging or filling navigable waters.
Section 10a1B Incidental Take Permit and Multiple Species Habitat Conservation Plan (MSHCP)	Public	USFWS	Existing Section 10 Permit requires payment of a mitigation fee.
Section 106 Compliance with National Historic Preservation Act	Private	SHPO	Section 106 of the NHPA requires all federal agencies to "take into account" potential effects of their undertakings on historic properties
Utility Environmental Protection Act Permit (UEPA)	Public	PUC of Nevada	Required for electric generating plants and their facilities.
Bureau of Water Pollution Control - NPDES Construction Stormwater	Public	NDEP	Required for projects that will disturb more than one acre.

<b>Discharge Permit</b>			
<b>Bureau of Water Pollution Control - NPDES Stormwater Discharge Permit</b>	Public	NDEP	Required if activity falls into one of the eleven categories defined in federal regulations 40 CFR 122.26(b)(14)(i)-(xi).
<b>Right-of-Way</b>	Private	NDOT	Required for crossing any state roads or federal highways
<b>Special Use Permit, building permit, grading permit, business license, right-of-way</b>	Public	Lincoln County	Required for developments within Lincoln County meeting certain requirements such as buildings over 180 square feet, buildings exceeding height requirements, and special uses.
<b>Bureau of Water Pollution Control - Permit for Working in Waterways (formerly Rolling Stock Permit)</b>	Public	NDEP	If dry washes are in areas of construction
<b>Bureau of Air Pollution Control (BAPC) Surface Area Disturbance (SAD) permit</b>	Public	NDEP	Required for construction due to disturbance of 5 acres or more of surface area not related to agriculture.

<b>Permit and Lease Table Ivanpah and Broadwell<sup>18</sup></b>			
<b>Name of Permit or lease required</b>	<b>Public or Private?</b>	<b>Agency</b>	<b>Description of Permit or Lease</b>
<b>BLM Right-of-Way/Record of Decision</b>	Private	BLM	Land use approval required for the commercial use of public land under BLM jurisdiction, including the construction and operation of commercial solar thermal power generation facility and related facilities. Usually granted for a period of 30 years.
<b>CEC AFC</b>	Private	CEC	Permits the construction and operation of solar thermal power generation facilities above 50 MW.
<b>Air Quality Management District Final Determination of</b>	Public (Ivanpah Projects)	Mojave AQMD	Regulates air emissions

<sup>18</sup> The Permit and Lease Table for Ivanpah and Broadwell have been combined because both sites are owned by the BLM, and are located in San Bernadino County, have substantially the same resources, and as such, are subject to the same permitting and land conditions.

<b>Compliance (Required for CEC approval of AFC)</b>	Private (others)		
<b>Biological Opinion, Endangered Species Act Section 7</b>	Private	FWS	Required to implement federal agency consultation process for major construction that may adversely affect listed species or designated critical habitat.
<b>Clean Water Act Section 401 Permit</b>	Private	RWQCB	Required for delegated state approval of discharges into navigable waters that are waters of the state.
<b>Clean Water Act Section 404 Permit</b>	Private	ACE	Required for dredging or filling navigable waters.
<b>Incidental Take Permit, California Endangered Species Act of 1984 (Fish and Game Code Section 2081)</b>	Private	DFG	Required for take of California listed or candidate species.

#### **F. Developer Experience**

Each of the Sellers under PPAs 3 through 7 is a special purpose limited liability company formed by BrightSource. BrightSource was founded as Luz II, Inc. in 2004 by the CEO of Luz International Ltd. (“Luz International”). Luz International was the solar technology company that successfully designed, financed, and built nine solar energy plants in Southern California between 1984 and 1991. The resultant 350 MW Solar Electricity Generating Stations (“SEGS”) projects in the Mojave Desert are still in operation today. Fifteen of the key members of the Luz International engineering and commercial team that built those SEGS are now key members of the BrightSource team. In 2006, the name of the company was changed from Luz II, Inc. to BrightSource Energy, Inc.

#### **G. Financing Plan**

BrightSource is a privately held company. Further details are included in Confidential Appendix D.

#### **H. Production Tax Credit/Investment Tax Credit**

1. 2009 Stimulus Act – Successor to the Production Tax Credit/Investment Tax Credit

The American Recovery and Reinvestment Act of 2009 (the “Stimulus Act”), which was signed into law by President Obama on February 17, 2009, provides developers of renewable energy with a fleeting opportunity to obtain federal funds to assist with the financing of their projects. For example, the Stimulus Act includes a new program of cash grants meant to be equal to the Investment Tax Credit (“ITC”). To qualify for a cash grant in lieu of the ITC, a solar generating project must begin construction by December 31, 2010.

The Stimulus Act also extends the Production Tax Credit, which is an essential funding tool for wind developers. To qualify for the Production Tax Credit, the wind project must be placed in service by December 31, 2012.

Another time-sensitive benefit of the Stimulus Act is the expansion of the Federal Loan Guarantee Program, which authorizes approximately \$60 billion in U.S. Department of Energy loans to renewable energy and transmission projects. To qualify for a Loan Guarantee, however, renewable projects must go through a rigorous application process and begin construction by September 30, 2011.

2. Availability of Federal Energy Stimulus Programs for BrightSource

The Projects to be developed under PPAs 3 through 7 are eligible for a cash grant in lieu of the ITC, if construction begins prior to December 31, 2010. If construction does not begin by that date, the Projects are eligible for the 30% ITC. In addition, these Projects will be eligible for a DOE Loan Guarantee, pending approval of an application, if construction begins by September 30, 2011.

#### **IV. CONTINGENCIES AND PROJECT MILESTONES**

The PPAs include certain performance criteria and milestones based on PG&E’s filed form of RPS PPA. These and other contingencies and milestones constitute sensitive commercial information and are accordingly addressed in Confidential Appendix D.

#### **V. REGULATORY PROCESS**

##### **A. Requested Effective Date**

PG&E requests that the Commission issue a resolution approving this advice filing no later than **September 24, 2009** to support cost-effective development of the Projects.

### **B. Earmarking**

As discussed above, PG&E proposes to earmark deliveries received from these phased PPAs as needed to meet its future years' RPS obligations and goals. Deliveries from these Projects that occur within three calendar years of 2009 will be earmarked to 2009 (e.g., Project 1); deliveries that occur within three calendar years of 2010 will be earmarked to 2010 (e.g., Projects 1-3); deliveries that occur within three calendar years of 2011 will be earmarked to 2011 (e.g., Projects 1-4), etc.

### **C. RPS-Eligibility Certification**

The PPAs include the non-modifiable representation and warranty that during the delivery period the respective Project will constitute an eligible renewable energy resource certified by the California Energy Commission ("CEC"). BrightSource will file an application for pre-certification of each Project with the CEC no later than the Construction Start Date for that Project.

### **D. Request for Confidential Treatment**

In support of this Advice Letter, PG&E is providing Energy Division with confidential information that more specifically describes the rights and obligations of the parties under PPAs 3 through 7. This information is provided through the "Confidential Attachments" listed below.

PG&E submits its confidential information in the manner required by D.08-04-023 and the August 22, 2006 Administrative Law Judge's Ruling Clarifying Interim Procedures for Complying with D.06-06-066. A separate Declaration Seeking Confidential Treatment is being filed concurrently with this Advice Letter.

#### Confidential Attachments:

- Appendix A – Overview of 2004 – 2008 Solicitation Bids
- Appendix B – 2008 Bid Evaluations
- Appendix C – Intentionally Omitted
- Appendix D – Contract Terms and Conditions Explained
- Appendix E – Project Viability

Appendix F – Project’s Contribution Toward RPS Goals  
Appendix G – Power Purchase Agreements, Royalty Agreement, Royalty Agreement Guaranty, Right of First Refusal Offer Letter  
Appendix H – Standard Terms and Conditions Comparison – Modifiables

## **VI. REQUEST FOR COMMISSION APPROVAL**

The continued effectiveness of the PPAs is conditioned on the occurrence of “CPUC Approval,” as that term is defined in the PPAs. Time is of the essence in the Commission’s consideration and approval of this Advice Letter.

Therefore, PG&E requests that the Commission issue a resolution no later than **September 24, 2009** that:

1. Approves the PPAs in their entirety, including payments to be made by PG&E pursuant to the PPAs, subject to the Commission’s review of PG&E’s administration of the PPAs.
2. Finds that any procurement pursuant to the PPAs is procurement from an eligible renewable energy resource for purposes of determining PG&E’s compliance with any obligation that it may have to procure eligible renewable energy resources pursuant to the California Renewables Portfolio Standard (Public Utilities Code Section 399.11 et seq.) (“RPS”), Decision (“D.”) 03-06-071 and D.06-10-050, or other applicable law.
3. Finds that all procurement and administrative costs, as provided by Public Utilities Code section 399.14(g), associated with the PPAs shall be recovered in rates.
4. Adopts the following finding of fact and conclusion of law in support of CPUC Approval:
  - a. The PPAs are consistent with PG&E’s 2009 RPS procurement plan.
  - b. The terms of the PPAs, including the price of delivered energy, are reasonable.
5. Adopts the following finding of fact and conclusion of law in support of cost recovery for the PPAs:

- a. The utility's costs under the PPAs shall be recovered through PG&E's Energy Resource Recovery Account.
  - b. Any stranded costs that may arise from the PPAs are subject to the provisions of D.04-12-048 that authorize recovery of stranded renewables procurement costs over the life of the contract. The implementation of the D.04-12-048 stranded cost recovery mechanism is addressed in D.08-09-012.
6. Adopts the following findings with respect to resource compliance with the Emissions Performance Standard ("EPS") adopted in R.06-04-009:
- a. The PPAs are a covered procurement subject to the EPS because each is a new contract commitment with a baseload generating facility. However, because these Projects would not generate power through the combustion of fossil fuels and would not produce any greenhouse gas as a direct byproduct of their conversion of solar energy into grid-ready renewable electricity, these Projects meet the EPS.
  - b. PG&E has provided the notice of procurement required by D.06-01-038 in its Advice Letter filing.

**Protests:**

Anyone wishing to protest this filing may do so by sending a letter by **June 2, 2009**, 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:

CPUC Energy Division  
Attention: Tariff Unit, 4<sup>th</sup> Floor  
505 Van Ness Avenue  
San Francisco, California 94102

Facsimile: (415) 703-2200  
E-mail: mas@cpuc.ca.gov and jnj@cpuc.ca.gov

Copies should also be mailed to the attention of the Director, Energy Division, Room 4005 and Honesto Gatchalian, Energy Division, at the address shown above.

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to PG&E at the address shown below on the same date it is mailed or delivered to the Commission.

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

Facsimile: (415) 973-7226  
E-Mail: PGETariffs@pge.com

**Effective Date:**

PG&E requests that the Commission issue a resolution approving this advice filing **no later than September 24, 2009.**

**Notice:**

In accordance with General Order 96-B, Section IV, a copy of this Advice Letter excluding the confidential appendices is being sent electronically and via U.S. mail to parties shown on the attached list and the service list for R.08-08-009. Non-market participants who are members of PG&E's Procurement Review Group and have signed appropriate Non-Disclosure Certificates will also receive the Advice Letter and accompanying confidential attachments by overnight mail. Address changes should be directed to Rose De La Torre (415) 973-4716. Advice letter filings can also be accessed electronically at <http://www.pge.com/tariffs>.

A handwritten signature in cursive script that reads "Brian Cherry / mt".

Brian K. Cherry  
Vice President - Regulatory Relations

cc: Service List for R.08-08-009  
Service List for R.08-02-007  
Paul Douglas - Energy Division  
Sean Simon – Energy Division

Attachments

**Limited Access to Confidential Attachments:**

The portions of this Advice Letter marked Confidential Protected Material are submitted under Section 583 and are protected from public disclosure under the confidentiality protections of Public Utilities Code section 454.5(g), D.06-06-066 and D.08-04-023, and / or General Order 66-C. A separate Declaration Seeking Confidential Treatment explains the application of these protections to each document.

**Confidential Protected Material:**

**Appendix A – Overview of 2004 – 2008 Solicitation Bids**

**Appendix B – 2008 Bid Evaluations**

**Appendix C – Intentionally Omitted**

**Appendix D – Contract Terms and Conditions Explained**

**Appendix E – Project Viability**

**Appendix F – Project’s Contribution Toward RPS Goals**

**Appendix G – Power Purchase Agreements, Royalty Agreement, Royalty Agreement Guaranty, Right of First Refusal Offer Letter**

**Appendix H – Standard Terms and Conditions Comparison – Modifiables**

# 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. **Pacific Gas and Electric Company (ID U39 M)**

Utility type:

ELC       GAS  
 PLC       HEAT       WATER

Contact Person: David Poster

Phone #: (415) 973-1082

E-mail: DXPU@pge.com

EXPLANATION OF UTILITY TYPE

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

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: **3459-E**

**Tier: [3]**

Subject of AL: Contracts for Procurement of Renewable Energy Resources Pursuant to Power Purchase Agreements 3 through 7 Between PG&E and Subsidiaries of BrightSource Energy, Inc.

Keywords (choose from CPUC listing): Contracts, Portfolio

AL filing type:  Monthly  Quarterly  Annual  One-Time  Other \_\_\_\_\_

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

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: AL 3243-E

Summarize differences between the AL and the prior withdrawn or rejected AL: Contracts have been renegotiated.

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: Yes. See the attached matrix that identifies all of the confidential information.

Confidential information will be made available to those who have executed a nondisclosure agreement: All members of PG&E's Procurement Review Group who have signed nondisclosure agreements will receive the confidential information.

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: Neha Patel (415) 973-6095

Resolution Required?  Yes  No

Requested effective date: **September 24, 2009**

No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

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: N/A

Service affected and changes proposed: N/A

Protests, dispositions, 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**  
**Tariff Files, Room 4005**  
**DMS Branch**  
**505 Van Ness Ave., San Francisco, CA 94102**  
**jnj@cpuc.ca.gov and mas@cpuc.ca.gov**

**Pacific Gas and Electric Company**  
**Attn: Brian K. Cherry, Vice President, Regulatory Relations**  
**77 Beale Street, Mail Code B10C**  
**P.O. Box 770000**  
**San Francisco, CA 94177**  
**E-mail: PGETariffs@pge.com**

**DECLARATION OF NEHA R. PATEL  
SEEKING CONFIDENTIAL TREATMENT  
FOR CERTAIN DATA AND INFORMATION  
CONTAINED IN ADVICE LETTER 3459-E  
(PACIFIC GAS AND ELECTRIC COMPANY - U 39 E)**

I, Neha R. Patel, declare:

1. I am presently employed by Pacific Gas and Electric Company (“PG&E”), and have been an employee at PG&E since 2008. My current title is Principal within PG&E’s Energy Procurement organization. In this position, my responsibilities include negotiating PG&E’s Renewable Portfolio Standard Program (“RPS”) power purchase agreements (“PPAs”) with counterparties in the business of producing electric energy. In carrying out these responsibilities, I have acquired knowledge of such sellers in general and, based on my experience in dealing with facility owners and operators, I am familiar with the types of data and information about their operations that such owners and operators consider confidential and proprietary.

2. Based on my knowledge and experience, and in accordance with Decision (“D.”) 08-04-023 and the August 22, 2006 “Administrative Law Judge’s Ruling Clarifying Interim Procedures for Complying with Decision 06-06-066,” I make this declaration seeking confidential treatment of Appendix A, B, D, E, F, G and H to Advice Letter 3459-E, submitted on May 13, 2009. By this Advice Letter, PG&E is seeking this Commission’s approval of five PPAs that PG&E has executed with subsidiaries of BrightSource Energy, Inc.

3. Attached to this declaration is a matrix identifying the data and information for which PG&E is seeking confidential treatment. The matrix specifies that the material PG&E is seeking to protect constitutes the particular type of data and information listed in Appendix 1 of D.06-06-066 and Appendix C of D.08-04-023 (the “IOU Matrix”), or constitutes information

that should be protected under General Order 66-C. The matrix also specifies the category or categories in the IOU Matrix to which the data and information corresponds, and why confidential protection is justified. Finally, the matrix specifies that: (1) PG&E is complying with the limitations specified in the IOU Matrix for that type of data or information; (2) the information is not already public; and (3) the data cannot be aggregated, redacted, summarized or otherwise protected in a way that allows partial disclosure. By this reference, I am incorporating into this declaration all of the explanatory text in the attached matrix that is pertinent to this filing.

I declare under penalty of perjury, under the laws of the State of California, that to the best of my knowledge the foregoing is true and correct. Executed on May 13, 2009 at San Francisco, California.



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Neha R. Patel

		PACIFIC GAS AND ELECTRIC COMPANY Advice Letter 3459-E May 13, 2008		IDENTIFICATION OF CONFIDENTIAL INFORMATION PER DECISION 06-06-066 AND DECISION 08-04-023			
Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (Y/N)	2) Which category or categories in the Matrix the data correspond to:	3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
1	Document: Advice Letter 3459-E						
2	Appendix A	Y	Item VIII A) Bid information and B) Specific quantitative analysis involved in scoring and evaluation of participating bids.	Y	Y	This Appendix contains bid information and bid evaluations from the 2004, 2005, 2006, 2007 and 2008 solicitations. This information would provide market sensitive information to competitors and is therefore considered confidential. Furthermore, contracts from the 2005, 2006, 2007, and 2008 solicitations are still under negotiation, further substantiating why releasing this information would be damaging to the negotiation process.	For information covered under Item VIII A), remain confidential until after final contracts submitted to CPUC for approval  For information covered under Item VIII B), remain confidential for three years after winning bidders selected
3	Appendix B	Y	Item VIII A) Bid information and B) Specific quantitative analysis involved in scoring and evaluation of participating bids.	Y	Y	These Appendices contain bid information and bid evaluations from the 2008 solicitation. This information would provide market sensitive information to competitors and is therefore considered confidential. Furthermore, contracts from the 2005, 2006, 2007, and 2008 solicitations are still under negotiation, further substantiating why releasing this information would be damaging to the negotiation process.	For information covered under Item VIII A), remain confidential until after final contracts submitted to CPUC for approval  For information covered under Item VIII B), remain confidential for three years after winning bidders selected
4	Appendix D	Y	Item VII (G) Renewable Resource Contracts under RPS program - Contracts without SEPs, Item VII (un-numbered category following VII G) Score sheets, analyses, evaluations of proposed RPS projects. General Order 66-C.	Y	Y	This Appendix contains information regarding the terms of the PPAs, and analyses and evaluations of the projects. Disclosure of this information would provide valuable market sensitive information to competitors. Since negotiations are still in progress with bidders from the 2005, 2006, 2007, and 2008 solicitations, this information should remain confidential. Release of this information would be damaging to negotiations. Furthermore, the counterparties to the PPAs have an expectation that the terms of the PPAs will remain confidential pursuant to confidentiality provisions in the PPA. I am informed and believe that General Order 66-C provides a basis for confidential treatment. General Order 66-C includes in its category of records not open to public inspection "information obtained in confidence from other than a business regulated by this Commission where the disclosure would be against the public interest." (Paragraph 2.8). It is in the public interest to treat such information as confidential because if such information were made public, it could have a damaging effect on current and future negotiations with other offers.	For information covered under Item VII G) and Item VII (un-numbered category following VII G), remain confidential for three years  For information covered by General Order 66-C, remain confidential

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-05-066 and Appendix C to D.08-04-023 (Y/N)	2) Which category or categories in the Matrix the data correspond to:	3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
5	Appendix E	Y	Item VII (un-numbered category following VII G) Score sheets, analyses, evaluations of proposed RPS projects.	Y	Y	This Appendix contains information concerning and analyses and evaluations of project viability. If made public, this information could harm the counterparty and adversely affect project viability.	Remain confidential for three years
6	Appendix F	Y	Item VII (un-numbered category following VII G) Score sheets, analyses, evaluations of proposed RPS projects. Item VI B) Utility Bundled Net Open Position for Energy (MWh).	Y	Y	This Appendix contains information that, if disclosed, would provide valuable market sensitive information to competitors and allow them to see PG&E's remaining RPS net open energy position. Since negotiations are still in progress with bidders from the 2005, 2006, 2007, and 2008 solicitations, this information should remain confidential for three years.	Remain confidential for three years
7	Appendix G	Y	Item VII (G) Renewable Resource Contracts under RPS program - Contracts without SEPs.	Y	Y	This Appendix contains the PPAs, Royalty Agreement, Royalty Agreement, Guaranty and Right of First Refusal Letter. Disclosure of these documents would provide valuable market sensitive information to competitors. Since negotiations are still in progress with bidders from the 2005, 2006, 2007 and 2008 solicitations, this information should remain confidential for three years. Release of this information would be damaging to negotiations. Furthermore, the counterparty to the PPAs has an expectation that the terms of the PPAs will remain confidential pursuant to confidentiality provisions in the PPAs. I am informed and believe that General Order 66-C also provides a basis for confidential treatment. General Order 66-C includes in its category of records not open to public inspection "information obtained in confidence from other than a business regulated by this Commission where the disclosure would be against the public interest." (Paragraph 2.8). It is in the public interest to treat such information as confidential because if such information were made public, it could have a damaging effect on current and	Remain confidential for three years
8	Appendix H	Y	Item VII (G) Renewable Resource Contracts under RPS program - Contracts without SEPs.	Y	Y	This Appendix contains certain terms of the PPAs. Disclosure of certain terms of the PPAs would provide valuable market sensitive information to competitors. Since negotiations are still in progress with bidders from the 2005, 2006, 2007 and 2008 solicitations, this information should remain confidential for three years. Release of this information would be damaging to negotiations. Furthermore, the counterparties to the PPAs have an expectation that the terms of the PPAs will remain confidential pursuant to confidentiality provisions in the PPAs. I am informed and believe that General Order 66-C also provides a basis for confidential treatment. General Order 66-C includes in its category of records not open to public inspection "information obtained in confidence from other than a business regulated by this Commission where the disclosure would be against the public interest." (Paragraph 2.8). It is in the public interest to treat such information as confidential because if such information were made public, it could have a damaging effect on current and future negotiations with other offers.	Remain confidential for three years

**PG&E Gas and Electric  
Advice Filing List  
General Order 96-B, Section IV**

Aglet	Department of the Army	Northern California Power Association
Agnews Developmental Center	Dept of General Services	Occidental Energy Marketing, Inc.
Alcantar & Kahl	Division of Business Advisory Services	OnGrid Solar
Ancillary Services Coalition	Douglas & Liddell	PPL EnergyPlus, LLC
Anderson & Poole	Douglass & Liddell	Pinnacle CNG Company
Arizona Public Service Company	Downey & Brand	Praxair
BART	Duke Energy	R. W. Beck & Associates
BP Energy Company	Duncan, Virgil E.	RCS, Inc.
Barkovich & Yap, Inc.	Dutcher, John	RMC Lonestar
Bartle Wells Associates	Ellison Schneider & Harris LLP	Recon Research
Blue Ridge Gas	Energy Management Services, LLC	SCD Energy Solutions
Braun & Associates	FPL Energy Project Management, Inc.	SCE
C & H Sugar Co.	Foster Farms	SESCO
CA Bldg Industry Association	Foster, Wheeler, Martinez	SMUD
CAISO	Franciscan Mobilehome	SPURR
CLECA Law Office	G. A. Krause & Assoc.	Santa Fe Jets
CSC Energy Services	GLJ Publications	Seattle City Light
	Goodin, MacBride, Squeri, Schlotz & Ritchie	Sempra Utilities
California Cotton Ginners & Growers Assn	Green Power Institute	Sequoia Union HS Dist
California Energy Commission	Hanna & Morton	Sierra Pacific Power Company
California League of Food Processors	Heeg, Peggy A.	Silicon Valley Power
California Public Utilities Commission	Hitachi	Smurfit Stone Container Corp
Calpine	Hogan Manufacturing, Inc.	Southern California Edison Company
Cameron McKenna	Imperial Irrigation District	St. Paul Assoc.
Cardinal Cogen	Innercite	Sunshine Design
Casner, Steve	International Power Technology	Sutherland, Asbill & Brennan
Cerox	Intestate Gas Services, Inc.	TFS Energy
Chamberlain, Eric	J. R. Wood, Inc.	Tabors Caramanis & Associates
Chevron Company	JTM, Inc.	Tecogen, Inc.
Chris, King	Los Angeles Dept of Water & Power	Tiger Natural Gas, Inc.
City of Glendale	Luce, Forward, Hamilton & Scripps LLP	Tioga Energy
City of Palo Alto	MBMC, Inc.	TransCanada
City of San Jose	MRW & Associates	Turlock Irrigation District
Clean Energy Fuels	Manatt Phelps Phillips	U S Borax, Inc.
Coast Economic Consulting	Matthew V. Brady & Associates	United Cogen
Commerce Energy	McKenzie & Associates	Utility Cost Management
Commercial Energy	Meek, Daniel W.	Utility Resource Network
Constellation	Merced Irrigation District	Utility Specialists
Constellation New Energy	Mirant	Vandenberg Air Force
Consumer Federation of California	Modesto Irrigation District	Verizon
Crossborder Energy	Morgan Stanley	Wellhead Electric Company
Davis Wright Tremaine LLP	Morrison & Foerster	Western Manufactured Housing Communities Association (WMA)
		White & Case
Day Carter Murphy	New United Motor Mfg., Inc.	eMeter Corporation
Defense Energy Support Center	Norris & Wong Associates	
Department of Water Resources	North Coast SolarResources	