

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA



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ADMINISTRATIVE LAW JUDGES RAFAEL L. LIRAG and
ELAINE LAU, co-presiding

)	EVIDENTIARY
)	HEARING
)	
Application of Pacific Gas and)	
Electric Company for Authority,)	
Among Other Things, to Increase)	Application
Rates and Charges for Electric and)	18-12-009
Gas Service Effective on January 1,)	
2020. (U39M))	
)	

REPORTER'S TRANSCRIPT
San Francisco, California
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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I N D E X

WITNESSES:	PAGE
CLAYTON TANG	
Direct Examination By Ms. Shek	2600
Cross-Examination By Mr. Buchsbaum	2602
CARY HARBOR	
Direct Examination By Ms. Post	2616
Cross-Examination By Mr. Freedman	2619
Cross-Examination By Mr. Geesman	2627
Examination By ALJ Lau	2646
Mark Loy	
Direct Examination By Mr. Sher	2656
Cross-Examination By Ms. Zimney	2658
MARK LOY	
Cross-Examination By Ms. Slocum	2695

Exhibits:	Iden.	Evid.
248	2599	2613
249	2599	2613
250	2599	2613
251	2599	2613
225	2615	2650
253	2616	2651
254	2616	2651
255	2616	2651
197-C	2652	2654
256	2653	2654
257	2655	2739
258	2655	2739
259	2655	2739
260	2655	2739
261	2694	2740
262	2694	
263	2694	2740
264	2695	2740
265	2695	2740
266	2695	2740
267	2695	2740
268	2695	2740

1 SAN FRANCISCO, CALIFORNIA

2 OCTOBER 16, 2019 - 9:35 a.m.

3 * * * * *

4 ADMINISTRATIVE LAW JUDGE LAU: Okay.

5 Let's go on the record.

6 This is the continuation of the
7 Evidentiary Hearings for Pacific Gas and
8 Electric Company's 2020 General Rate Case
9 A.18-12-009. We have on the witness stand
10 Mr. Clayton Tang.

11 Mr. Tang, can you raise your right
12 hand?

13 CLAYTON TANG, called as a witness by
14 Cal Advocates, having been sworn,
testified as follows:

15 THE WITNESS: Yes.

16 ALJ LAU: Thank you. You may lower
17 your right hand. Please state for the record
18 your full name, spelling your last name, and
19 give us your business address.

20 THE WITNESS: My name is Clayton Tang.
21 Last name is spelled T-a-n-g. Business
22 address is 505 Van Ness Avenue, San
23 Francisco.

24 ALJ LAU: So we are going to identify a
25 couple exhibits first.

26 First, we have the -- we have two
27 exhibits which are testimony provided by
28 Mr. Tang on behalf of Cal Public Advocates

1 Office. First, is Exhibit 248. That is
2 Mr. Clayton Tang's testimony on Executive
3 Summary -- Executive Summary of Cal Advocates
4 Office testimony.

5 (Exhibit No. 248 was marked for
6 identification.)

7 ALJ LAU: Exhibit 249 is Mr. Tang's
8 testimony on Post-Test-Year Ratemaking on
9 behalf of Public Advocates Office.

10 (Exhibit No. 249 was marked for
11 identification.)

12 ALJ LAU: The next two exhibits are
13 cross-examination exhibits from Pacific Gas
14 and Electric Company.

15 Exhibit 250 is titled Post-Test Year
16 Ratemaking Authorities.

17 (Exhibit No. 250 was marked for
18 identification.)

19 ALJ LAU: Exhibit 251, also a
20 cross-examination from PG&E, is titled Cal
21 Advocates' Response PG&E Public Advocates
22 017.

23 (Exhibit No. 251 was marked for
24 identification.)

25 ALJ LAU: We also have two reference
26 documents that PG&E circulated. There is a
27 reference document of Post-Test Year
28 Ratemaking Authorities. A second document is

1 a reference document of The Utility General
2 Rate Case Manual provided by the CPUC Policy
3 and Planning Division.

4 All right. Ms. Shek, are you -- can
5 you please begin your direct?

6 MS. SHEK: Thank you, your Honor.

7 THE WITNESS: Actually, may we be off
8 the record?

9 ALJ LAU: Let's go off the record.

10 Off the record.

11 (Off the record.)

12 ALJ LAU: On the record.

13 MS. SHEK: Thank you, your Honor.

14 DIRECT EXAMINATION

15 BY MS. SHEK:

16 Q Good morning, Mr. Tang.

17 A Good morning.

18 Q Mr. Tang, did you prepare all of
19 exhibit numbers 248 and 249?

20 A Yes.

21 Q And can you go over any errata you
22 have --

23 A Yes.

24 Q -- in Exhibit Numbers 166.

25 A Okay. In Exhibit 166, the first
26 page of Exhibit 166 after the Table of
27 Contents pertains to the executive summary,
28 Exhibit 248, page 11 of that exhibit. The

1 errata is that the original testimony -- that
2 the table which shows the billing -- the
3 estimated billing increase -- there's a
4 column that says "2017 bill," but it should
5 actually be "2020 bill." So it's just a
6 typo.

7 Q Okay. Thank you.

8 A On the last page of Exhibit 166, it
9 pertains to page 2 of Appendix 1 in Exhibit
10 249. Basically, I would say that it would be
11 easier to replace the entire page. But the
12 error is actually all of the numbers on the
13 lower half of that table.

14 Q Thank you, Mr. Tang.

15 Are your qualifications contained
16 in the back of your reports?

17 A Yes, they are.

18 Q I --

19 A I do have one additional errata
20 that I would like to point out. In
21 Exhibit 249, page 17, line 5, I refer to the
22 year "2020," and it should be "2022."

23 Q Okay. Thank you, Mr. Tang.

24 Are those all the corrections you
25 have?

26 A Yes.

27 ALJ LIRAG: So, Ms. Shek, are we
28 getting a new page for one of the pages that

1 Mr. Tang is substituting, the table?

2 MS. SHEK: The -- it was in --
3 (Crosstalk.)

4 ALJ LIRAG: Oh, right. It's in the
5 errata --

6 MS. SHEK: -- the errata package of
7 Exhibit 166.

8 ALJ LIRAG: All right. Thank you.

9 BY MS. SHEK:

10 Q Are the facts in and opinions set
11 forth in your exhibits true and correct to
12 the best of your knowledge?

13 A Yes.

14 Q Thank you.

15 MS. SHEK: Your Honor, we have no
16 further direct for Mr. Tang. He is available
17 for cross-examination.

18 ALJ LAU: All right. I believe it's
19 Mr. Buchsbaum.

20 MR. BUCHSBAUM: Correct. Thank you,
21 your Honor.

22 ALJ LAU: Thank you.

23 CROSS-EXAMINATION

24 BY MR. BUCHSBAUM:

25 Q Good morning, Mr. Tang.

26 A Good morning.

27 Q Can we turn, first, to page 21 of
28 your testimony?

1 MS. SHEK: Mr. Buchsbaum, which exhibit
2 are you referring to? 248? Or --

3 BY MR. BUCHSBAUM: Oh, it would be 249;
4 right? 249, yes.

5 I'll be crossing today only on
6 post-test-year ratemaking. The first part of
7 cross will deal with the difference between
8 primary and alternate recommendations.

9 Q So, if you turn to page 21, you
10 describe that you would -- you have an
11 alternate recommendation, as well as a
12 primary recommendation; is that correct?

13 A Yes.

14 Q And the alternate recommendation,
15 as I understand it, is having -- it's similar
16 and derived from PG&E's recommendation; is
17 that correct?

18 A It's -- yes, it's similar to PG&E's
19 proposed methodology.

20 Q And -- and, correct me if I'm
21 wrong. But I believe the primary difference
22 between -- at least one of the primary
23 differences between PG&E's proposal and your
24 primary proposal is that your primary
25 proposal provides a fixed index applicable to
26 all aspects of PG&E's revenue requirement; is
27 that -- have I stated that correctly?

28 A Yes.

1 Q And PG&E's proposal separately
2 forecasts expense growth and capital growth?

3 A Yes.

4 Q Cost growth.

5 I can go through and not use my
6 authority's bind at all if you say yes to
7 this question.

8 Isn't it true that all decided
9 decisions after PG&E's 2014 GRC -- and I'll
10 be nice about this -- addressed whether to
11 use a single index or a two-part index, such
12 as -- similar to PG&E's proposal?

13 MS. SHEK: Mr. Buchsbaum, are you
14 referring to all Commission decisions made
15 after 2014?

16 MR. BUCHSBAUM: Well, PG&E had a 2014
17 GRC. And then there was a Sempra 2019 GRC.
18 There was a 2018 SCE GRC, a 2015 SCE GRC, and
19 then there was also a PG&E settlement. But,
20 I'm asking just about the decided decisions.

21 THE WITNESS: If you are referring to
22 the decisions that are part of the authority
23 package after the PG&E 2014 GRC --

24 BY MR. BUCHSBAUM:

25 Q Yeah. Including the '14 GRC.

26 A Including the is 2104 GRC.

27 Then, I think the answer to your
28 question is yes.

1 Q Okay. I'm going to move on,
2 because everybody has got limited time.
3 That's to -- one other question that I have
4 that does relate to the primary versus
5 alternate recommendation is whether or not --
6 because one of the things about your primary
7 recommendation is you looked at other
8 utilities and their results in California; is
9 that correct? -- for purposes of
10 determining your single index?

11 A Other large energy utilities, yes.

12 Q Right.

13 And I just wanted to ask you, would
14 the capital addition profile -- could the
15 capital addition profile of a utility
16 radically affect that -- I'll get an
17 objection, so I'll give a hypothetical.

18 But, could it affect the capital
19 component growth of attrition?

20 A I'm sorry. Can you please ask --

21 Q Okay. Let me repeat that.

22 A Okay.

23 Q Could the capital addition profile
24 of a utility significantly impact the revenue
25 requirement component of the capital aspect
26 of attrition?

27 A When you say "profile," do you mean
28 the utility's forecast of capital additions

1 during the test year? -- post-test year?

2 Q Well, whether it's a fore -- if the
3 Commission agreed with the utility's or with
4 -- well, let me get to a simpler -- let me go
5 to the hypothetical. Because I think it will
6 illustrate the issue more clearly.

7 Suppose you have a pipeline that
8 has a billion in assets and no capital
9 additions.

10 Are you with me on that?

11 A Okay.

12 Q What would be its capital growth on
13 the -- for purposes of ratemaking? -- during
14 the attrition period?

15 A Well, if there's no capital
16 addition, then there would be no capital
17 growth.

18 Q And so let's go to another --
19 Utility 2. Utility 2 has a billion in plant,
20 but has a hundred million in capital
21 additions.

22 Are you with me?

23 A Yes.

24 Q Wouldn't that create -- ignoring
25 depreciation -- a ten-percent increase in
26 capital revenue requirement in year two?

27 A Well, it would -- I think it would
28 result in a ten-percent increase in the plant

1 balance assuming its used and useful. But
2 depending on when the plant is actually
3 placed into service, that would be --

4 Q Assume January 1st.

5 A Okay. Yes.

6 Q So it would be ten percent?

7 A Yes.

8 Q Okay. Can we turn now -- we've
9 gone through the primary versus the alternate
10 part of your testimony. I would like to
11 move, now, to your alternate recommendations.
12 And if you could, turn to page 24 of your
13 testimony, lines 6 to 9.

14 A Okay. I'm there.

15 Q And there you recommend using a
16 forecast of the CPI equaling 2.4 percent for
17 2022; is that correct?

18 A For PG&E's labor escalation rate
19 for just that one year, yes.

20 Q And do you think -- let me ask you
21 this.

22 If PG&E put in evidence a
23 California-based --

24 MS. SHEK: Your Honor, objection. Mr.
25 Buchsbaum, again, is asking Mr. Tang to
26 speculate on something that's not in the
27 record.

28 MR. BUCHSBAUM: Well, it is in the

1 record, because it's in PG&E's rebuttal.

2 ALJ LIRAG: Let's have Mr. Buchsbaum
3 finish it first. We can't determine it at
4 this point, because we didn't hear the
5 complete thing.

6 BY MR. BUCHSBAUM:

7 Q So PG&E put in evidence a CPI
8 forecast for California, versus a national
9 forecast?

10 A Would you please point me to that
11 in the rebuttal?

12 Q It's in the escalation. It's going
13 to be in the escalation. Okay. I'll
14 withdraw the question.

15 Suppose, hypothetically, you could
16 look at a California CPI index apart from a
17 National CPI Index, and the Commission
18 decided, for some reason, to use the CPI as
19 an indicator.

20 Which one you would recommend they
21 use?

22 A I would recommend the one that I've
23 recommended here.

24 Q And if -- and, also, on the CPI,
25 continuing on this line, do -- you're aware
26 that there's -- that Global Insight publishes
27 wage indexes; right?

28 A Yes.

1 Q And you still believe -- and I
2 guess I'll ask you why you didn't use a wage
3 index rather than the CPI?

4 A Well, I was swayed by what the BLS
5 website said, which I've quoted in my
6 testimony. And that's why I refer to the CPI
7 -- or that's why I relied on the CPI.

8 Q And it says there that many
9 collective bargaining agreements also tie
10 wage increases to the CPI?

11 A Yes.

12 Q But that might be, obviously, a
13 situation where you agree to a significant
14 increase in year one, and then tie to the
15 CPI? I mean, we don't know the context of
16 this.

17 A I just relied on what was on the
18 PLS website.

19 Q And when it says the word "tie"
20 wage increases to the CPI, does that mean
21 that it's a fixed proportion? Or could it
22 mean, for example, the CPI plus ten percent
23 -- or plus ten percent of the CPI?

24 In other words, it's not saying
25 that the wage increases are fixed based on
26 the CPI, like it did with regard -- with
27 Social Security up above?

28 A Right. "Tie" could have -- you

1 could have different interpretation of "tie."

2 Q Okay. Last question about capital
3 additions. And I want to focus on your
4 proposal, which is the lower of -- and just
5 two -- one aspect of it. The lower of a
6 seven percent -- I'm sorry.

7 The lower of a seven-year average
8 to determine escalated plant versus a
9 test-year forecast?

10 MS. SHEK: Mr. Buchsbaum, can you refer
11 to a section in Mr. Tang's testimony that --

12 MR. BUCHSBAUM: Yes.

13 MS. SHEK: -- can be referenced.

14 BY MR. BUCHSBAUM:

15 Q Yes. So please turn to page 22,
16 line six.

17 A Okay.

18 Q And your proposal is the lesser of
19 PG&E's proposal, which is escalated adopted
20 -- I'm on lines 10 to 12.

21 A Okay.

22 Q Your proposal is PG&E's proposal,
23 which is escalated adopted 2020 net
24 additions. I'm not interested in the other
25 items. And number three is Cal Advocates'
26 escalated seven-year average proposal.

27 Are you with me on the distinction
28 between those two?

1 A Yes.

2 Q So -- and you're prosing the lower
3 of the two for each functional group; is that
4 correct?

5 A Well, not the lower of the two.
6 But, basically, the lower of what --

7 Q Well, of --
8 (Crosstalk.)

9 THE REPORTER: Hold on. One at a time,
10 please.

11 THE WITNESS: The lower of the four
12 options presented in my testimony here.

13 BY MR. BUCHSBAUM:

14 Q I agree there's two more options.
15 But I was just going to focus on these two.

16 A Okay.

17 Q Is that okay for purposes of this
18 cross?

19 A Sure.

20 Q And for purposes of this last
21 question, when I refer to "functional
22 groups," I'm referring to gas distribution,
23 electric distribution, and generation.

24 Are you with me on that?

25 A Yes.

26 Q Okay. So my question is
27 hypothetical. But if the Commission feels
28 that the test year is a better predictor of

1 post-test-year growth, or post-test-year
2 additions, than a seven-year average --
3 believing that the seven-year average would
4 under estimate PG&E's spending, is your
5 proposals -- would you adjust your proposal?

6 Do you have if question in mind?

7 A I think I'm having difficulty
8 following your question.

9 Q Okay. So in the hypothetical, the
10 Commission determines that the test-year
11 addition forecast reflects a better estimate
12 of attrition-year spending than a seven-year
13 average, which might be lower or
14 significantly lower. If they determine that,
15 what is your proposal for determining, under
16 your alternate, for -- under your alternate
17 proposal? Would you stand with your original
18 proposal?

19 A Well, I wouldn't change my
20 recommendation. And if the Commission
21 decides whatever it decides, then that's what
22 the Commission is going to do.

23 MR. BUCHSBAUM: Okay. I have no
24 further questions.

25 ALJ LIRAG: Ms. Shek, any redirect.

26 MS. SHEK: No, your Honor. Thank you.

27 ALJ LIRAG: Any questions?

28 ALJ LAU: No.

1 ALJ LIRAG: Exhibits.

2 ALJ LAU: Okay. Do you want me to do
3 it?

4 ALJ LIRAG: Yeah.

5 ALJ LAU: Is there a motion to move
6 Exhibit 248 and 249 into the record?

7 MS. SHEK: Yes, your Honor. Thank you.

8 ALJ LAU: Any objections.

9 MR. BUCHSBAUM: No.

10 ALJ LAU: Hearing none, Exhibits 248
11 and 249 are moved into the record.

12 (Exhibit No. 248 was received into
13 evidence.)

14 (Exhibit No. 249 was received into
15 evidence.)

16 ALJ LAU: Is there a motion to move 250
17 and 251 into the record?

18 MR. BUCHSBAUM: Yes.

19 ALJ LAU: Any objections?

20 (No response.)

21 ALJ LAU: Hearing none, Exhibits 250
22 and 251 are moved into the record.

23 (Exhibit No. 250 was received into
24 evidence.)

25 (Exhibit No. 251 was received into
26 evidence.)

26 ALJ LAU: All right. Mr. Tang, you're
27 excused.

28 THE WITNESS: Thank you.

1 ALJ LIRAG: I just want to address
2 today's schedule. So, next, we will have, I
3 think, Ms. Harbor -- Mr. Harbor. Sorry. It
4 looks like we might have a half day today,
5 but we wouldn't shoot for that. We might
6 need a semi-long break in the morning of
7 about 15 to 20 minutes to address the Friday
8 issue that we talked about off record, which
9 is the possibility of the Commission using
10 hearing room A for the Emergency Commission
11 Meeting scheduled on Friday.

12 So we'll try lightly to have the
13 hearing concluded by noon or a little bit
14 after. But we won't press the folks that are
15 doing cross to try and shoot for that. So we
16 might end early afternoon instead, just to
17 set people's expectations because of the
18 length of cross that's available. So we just
19 wanted to let you know that there is that
20 possible 20-minute break for the morning
21 break, instead of the 10 minutes that we
22 normally have. All right.

23 So let's have Mr. Harbor up next.

24 ALJ LIRAG: Off the record.

25 (Off the record.)

26 ALJ LAU: Let's go back on the record.

27 On the witness stand we have
28 Mr. Cary Harbor. Mr. Harbor, can you raise

1 your right hand?

2 CARY HARBOR, called as a witness by
3 Pacific Gas and Electric Company,
4 having been sworn, testified as
5 follows:

6 THE WITNESS: I do your Honor.

7 ALJ LAU: You may lower your right
8 hand. Please state for the record your full
9 name, spelling your last. And, also, give us
10 your business address.

11 THE WITNESS: Okay. My name is Cary
12 C-a-r-y, Harbor, H-a-r-b-o-r with Pacific Gas
13 and Electric. And my business address is
14 nine miles west of Avila Beach. And that is
15 in Avila Beach, California 9342 -- got my
16 card.

17 ALJ LIRAG: Off the record.

18 (Off the record.)

19 ALJ LAU: Back on the record.

20 THE WITNESS: 93424.

21 ALJ LAU: So we have several
22 cross-examination exhibits we would like to
23 identify first.

24 We're identifying Exhibit 225. That
25 is a TURN cross-examination exhibit titled
26 PG&E response to TURN Data Request 91.

27 (Exhibit No. 225 was marked for
28 identification.)

ALJ LAU: Exhibits 253 to 255 are

1 cross-examination exhibits by -- from A4NR.

2 And that is the Alliance for Nuclear

3 Responsibility.

4 Exhibit 253 is titled September 24,

5 2019, PG&E Data Response Question -- Data

6 Response 3, Question 2.

7 (Exhibit No. 253 was marked for
8 identification.)

9 ALJ LAU: Exhibit 254 is titled

10 September 23, 2019, PG&E Data Response 3,

11 Question 4.

12 (Exhibit No. 254 was marked for
13 identification.)

14 ALJ LAU: Exhibit 255 is titled

15 June 25, 2015, Major Project Business Case

16 Unit 2 Main Generator Stator Upgrade.

17 (Exhibit No. 255 was marked for
18 identification.)

19 ALJ LAU: PG&E, are you ready to

20 proceed with your direct?

21 MS. POST: Yes, your Honor. Thank you.

22 DIRECT EXAMINATION

23 BY MS. POST:

24 Q Good morning, Mr. Harbor.

25 A Good morning.

26 Q Mr. Harbor, I would like to confirm

27 the testimony you're sponsoring in this

28 proceeding. In what's been marked for

1 identification as Exhibit 146, formerly
2 PG&E-05, PG&E's Direct Testimony, are you
3 sponsoring all of Chapter 3 nuclear
4 operations costs, and the workpapers for
5 Chapter 3 presented in what's been marked as
6 Exhibit 147 and Exhibit 150-C?]

7 A Yes, I am.

8 Q And in what's been marked as
9 Exhibit-71, formerly Exhibit PG&E-19, PG&E's
10 Rebuttal Testimony, are you sponsoring all of
11 Chapter 3?

12 A Yes, I am.

13 Q And in what's been marked as
14 Exhibit-26, formerly Exhibit PG&E-14, PG&E's
15 Errata, are you sponsoring pages 14-218 to
16 14-225?

17 A Yes, I am.

18 Q And finally in Exhibit-51, are you
19 sponsoring your statement of qualifications?

20 A Yes, I am.

21 Q Were these materials prepared by
22 you or under your supervision?

23 A Yes, they were.

24 Q Do you have any changes,
25 corrections, or additions to make at this
26 time?

27 A Yes. In Exhibit 71, Chapter 3.

28 ALJ LAU: Let's go off the record for a

1 second.

2 (Off the record.)

3 ALJ LAU: Go back on the record.

4 Sorry.

5 BY MS. POST:

6 Q Do you have any changes,
7 corrections, or additions to make at this
8 time?

9 A Yes. In Exhibit-71, Chapter 3,
10 page 3 through 11, lines 10 through 19 should
11 be deleted.

12 ALJ LAU: Can you repeat that again,
13 Mr. Harbor? Chapter 3-11?

14 THE WITNESS: In Exhibit-71, Chapter 3,
15 page 3 through 11.

16 ALJ LAU: So the Question 30 and the
17 response is being deleted?

18 THE WITNESS: That's correct.

19 BY MS. POST:

20 Q And do you have any other changes?

21 A I have no other changes.

22 Q Are the facts contained in these
23 exhibits true and correct to the best of your
24 knowledge?

25 A Yes.

26 Q And do the opinions expressed
27 therein represent your best professional
28 judgment?

1 A Yes.

2 MS. POST: Thank you, your Honor.
3 Mr. Harbor is available for
4 cross-examination.

5 ALJ LAU: So is TURN going first?

6 MR. FREEDMAN: Yes, your Honor.

7 ALJ LAU: Mr. Freedman, do you want to
8 begin your cross?

9 MR. FREEDMAN: Yes, your Honor. Your
10 Honor, I would like to start by noting that
11 TURN has introduced Exhibit No. 252, which is
12 a data response from PG&E. It is sponsored
13 by PG&E Witness Stephanie Maggard. But it
14 pertains to issues that are in Mr. Harbor's
15 rebuttal testimony. Specifically, to the
16 section that Mr. Harbor just removed from his
17 rebuttal testimony Exhibit-71.

18 We will not be asking questions, but
19 ask this exhibit be moved into the record in
20 lieu of cross-examination on that topic.

21 ALJ LAU: Noted.

22 MR. FREEDMAN: Thank you.

23 CROSS-EXAMINATION

24 BY MR. FREEDMAN:

25 Q Good morning, Mr. Harbor.

26 A Good morning.

27 Q I'd like you to turn to Exhibit-71,
28 your rebuttal testimony, page 3-7.

1 A I am there.

2 Q Thank you. On line 5, answer 13
3 you state that the Commission instructed PG&E
4 to present -- I am sorry. Line 10 on
5 page 3-7. You state that:

6 The Commission instructed
7 PG&E to present scenarios
8 assuming the earlier
9 shutdown of Diablo Canyon
10 only if PG&E planned to
11 retire Diablo Canyon
12 earlier than 2024 and 2025.

13 Do you see that?

14 A I do.

15 Q Is it your understanding that the
16 Commission intended to allow PG&E to make the
17 decision about whether to retire Diablo
18 Canyon prior to those dates?

19 A I wouldn't want to speculate on the
20 Commission. But what I will say is during
21 the -- the Commission did have a decision
22 associated with the retirement of Diablo
23 Canyon. And in that decision, the CPUC did
24 find it reasonable to assume the operation of
25 Diablo Canyon Power Plant through the end of
26 its license life.

27 And specifically to ensure an
28 orderly transition in terms of power supplies

1 that would be needed. And also in the Senate
2 Bill 1090, which later became law. It also
3 had an assumption as it was approved that
4 Diablo Canyon would operate to the end of its
5 license life.

6 Q Thank you, Mr. Harbor. But in your
7 testimony, you refer to Decision 18-02-018.
8 That's a decision in Integrated Resources
9 Planning docket is it not?

10 A Yes.

11 Q And when the Commission in that
12 decision directed PG&E to present scenarios
13 assuming earlier shutdown only if PG&E
14 planned to retire the plant prior to 2024 and
15 2025, what is your understanding about
16 whether PG&E itself retains the discretion to
17 propose an earlier shutdown date?

18 A Again, I wouldn't want to speculate
19 on what the Commission was saying. I would
20 just say that was the instructions that were
21 provided.

22 Q And you don't -- you're not willing
23 to offer a view as to what those instructions
24 mean with respect to PG&E's planning process?

25 A I wouldn't want to speak for the
26 Commission. So I would be -- to be clear on
27 that. I would say that those were the
28 instructions that we were given as we

1 accordingly filed the scenarios.

2 Q What factors will PG&E use to
3 determine whether an early retirement of the
4 plant is appropriate?

5 A I wouldn't want to speculate on
6 that, you know, whether we would consider
7 that and why we would consider it. Of
8 course, I would just say that we intend to
9 run the plant to the end of its license life
10 and to adhere to what was approved in the
11 CPUC decision to make sure there's an orderly
12 transition.

13 Q Does that mean that PG&E does not
14 plan to perform an assessment of alternative
15 resource options that might be available
16 prior to 2024 and 2025?

17 MS. POST: Objection, your Honor.
18 Asked and answered.

19 MR. FREEDMAN: I don't believe so.

20 ALJ LAU: I'm going to allow it.

21 THE WITNESS: Could you repeat the
22 question please?

23 BY MR. FREEDMAN:

24 Q Does that mean that PG&E does not
25 plan to perform any assessment of alternative
26 resource options that might be available as a
27 substitute for Diablo Canyon prior to 2024
28 and 2025?

1 A I am not aware of plans to perform
2 an assessment.

3 Q Does PG&E -- has PG&E conducted any
4 cost effectiveness analysis of alternatives
5 to Diablo Canyon prior to the 2024 and 2025
6 shutdown dates?

7 A I'm not aware of any additional
8 analyses performed for cost effectiveness.

9 ALJ LAU: Mr. Freedman, just slow down
10 your questioning a little bit. We do have a
11 court reporter transcribing.

12 BY MR. FREEDMAN:

13 Q Yes.

14 To your knowledge, does the IRP
15 process evaluate the cost effectiveness of
16 Diablo Canyon in comparison to alternatives?

17 A I am not an expert on the IRP
18 process. But I would -- I would say that the
19 process isn't one that's just driving
20 specifically at a single resource. I would
21 not expect it to do that.

22 Q So you're not aware of any process
23 of the Commission that evaluates the cost
24 effectiveness of continuing to operate Diablo
25 Canyon through the end of the current
26 license?

27 A Well, the Integrated Resource
28 Process, as I understand it, would look at

1 portfolios of all of the power supplies. But
2 specifically looking at Diablo Canyon by
3 itself, I'm not aware of a proceeding that
4 does that.

5 Q Further down on page 3-7 of your
6 rebuttal testimony, you on line 24 explain
7 that all of the scenarios in the most recent
8 IRP assumed Diablo Canyon retirement in 2024
9 and 2025. Do you see that?

10 A I do.

11 Q And is the Commission using this
12 assumption for planning purposes as part of
13 that proceeding?

14 A I would assume that that would be
15 an input that would go into the analysis that
16 the CPUC would do.

17 Q And is the Commission making this
18 assumption to ensure that the State's
19 electric sector is on a trajectory to satisfy
20 the 2030 greenhouse gas emissions target even
21 after the retirement of Diablo Canyon?

22 A Can you repeat the question,
23 please?

24 Q Is the Commission making this
25 planning assumption to ensure that the
26 State's electric sector is on a trajectory to
27 satisfy the 2030 greenhouse gas emissions
28 target even with the retirement of Diablo

1 Canyon?

2 A Are you speaking to early
3 retirement, or are you speaking to retirement
4 at the license life -- at the end of the
5 license life?

6 Q At the end of the license life.

7 A So I would expect that it would
8 play a role as Diablo Canyon is -- does not
9 produce greenhouse gases.

10 Q Turning to page 3-12 of your
11 rebuttal testimony, at lines 16 and 17 you
12 state that:

13 PG&E does not plan to
14 retire Diablo Canyon
15 earlier than 2024 and 2025.

16 Is that correct?

17 A That is correct.

18 Q Are there any circumstances under
19 which PG&E would plan to retire Diablo Canyon
20 prior to those dates?

21 A I would imagine if there was some
22 reason where the plant wasn't -- couldn't
23 perform its function. But other than that, I
24 wouldn't want to speculate. I'm not aware of
25 any analyses that we would be planning to
26 move forward to make a motion to shut down
27 Diablo Canyon before the license.

28 Q Is PG&E asking the Commission for

1 the ability to recover all costs associated
2 with the operation of Diablo Canyon through
3 the end of its current license?

4 A So what we are talking to here is
5 the current GRC period. So I would speak to
6 the current GRC period that we filed for what
7 is planned for this period. And we are
8 asking for recovery of those costs.

9 Q In the event that unexpected new
10 investments are required to keep the plant
11 operating until the end of its current
12 license, would PG&E assess early retirement
13 as an option?

14 A I would expect that would be a
15 case-by-case basis type of review. But our
16 plan is to run it to the end of its license
17 life.

18 Q And would that plan change if there
19 was a very large new expenditure required?
20 Or is the commitment from PG&E to run the
21 plant regardless of the cost?

22 A Our commitment would be to run it
23 to the end of the license life of the plant.
24 However, we would analyze on a case-by-case
25 basis if there was something significant. I
26 would expect we would probably take a look at
27 that.

28 Q And how would that issue come

1 before the Commission?

2 A I do not know.

3 Q Okay.

4 MR. FREEDMAN: Thank you, Mr. Harbor.

5 Those are all of my questions.

6 ALJ LAU: Mr. Geesman, you can conduct
7 your cross.

8 CROSS-EXAMINATION

9 BY MR. GEESMAN:

10 Q Thank you, your Honor.

11 Hello, Mr. Harbor.

12 A Hello, Mr. Geesman.

13 Q I'd like to start with A4NR
14 Cross-Examination Exhibit-255. Do you have
15 that in front of you?

16 A Is that one of the items that were
17 just handed out?

18 Q Yes. And it's the one that's
19 identified as Major Project Business Case
20 with a date of June 25, 2015.

21 A I do have that in front of me.

22 Q The exhibit consists of a cover
23 page of what appears to be a 17-page document
24 and then page 4 of those 17 pages. And I
25 have highlighted in green the sentence on
26 page 4 that I'm going to ask you about.

27 But before I get to that, could you
28 explain what is a major project business case

1 within the PG&E financial control system?

2 A So a major project would be one
3 that would go to our Project Committee at the
4 corporate level. And I believe that the
5 dollar value for that would be about
6 \$25 million or so.

7 Q And this is also identified on the
8 cover page of the 17-page document as a Gate
9 1 authorization. What does Gate 1 mean?

10 A So when we have a project that we
11 want to implement that is a major project
12 such as the one you just mentioned, we would
13 have the option of using a gated approach.
14 So that would be you identify the project.

15 Gate 1 would basically be doing a
16 lot of the prep activities; Gate 2 would take
17 it to another level of preparation such as
18 design and materials; and Gate 3 as you move
19 forward on it, could find itself in
20 implementation.

21 So it's just basically a way of
22 being able to segregate the project so that
23 you can perform continuous reviews as you
24 move forward before you perform full
25 implementation.

26 Q And further down on that same cover
27 page, page 1 of the 17-page document, it
28 identifies Ed Halpin as the executive

1 sponsor. Who is Ed Halpin?

2 A Ed Halpin was our previous chief
3 nuclear officer.

4 Q What does chief nuclear officer
5 mean? What are those responsibilities?

6 A Those responsibilities on the
7 nuclear side is responsibility for all
8 nuclear operations within Pacific Gas &
9 Electric.

10 Q And was he a corporate officer of
11 Pacific Gas & Electric?

12 A He was.

13 Q Do you know what his title was as
14 an officer? Was he a senior vice president?

15 A He was a senior vice president.

16 Q Turning to page 4 of the 17-page
17 document, I'd like you to look at that
18 sentence that I have highlighted in green.
19 It's about two-thirds of the way down the
20 page, and it's preceded by the sentence
21 reading:

22 The team expects to enter
23 into a \$51.9 million of
24 contractual commitments by
25 the end of August 2015 to
26 award a contract to a
27 successful bidder
28 (Siemens).

1 It goes on to say:
2 A project offramp scheduled
3 for September of 2016 is
4 being negotiated into the
5 contract to allow the
6 project team to terminate
7 further cost and project
8 execution in the event that
9 a DCPD --

10 I believe DCPD stands for "Diablo
11 Canyon Power Plant."

12 -- licensing extension is
13 not pursued.

14 Do you see that sentence,
15 Mr. Harbor?

16 A I do.

17 Q Now, we both understand that in
18 June of 2016, PG&E announced that it would
19 not pursue re-licensing; is that correct?

20 A That is correct.

21 Q So did the company take this
22 offramp that was being negotiated into the
23 Siemens' contract?

24 A We did not.

25 Q Why not?

26 A So if we talk about the main
27 generator, and I would put it in perspective
28 for the judges as well. So the main

1 generator for Diablo Canyon is a very, very
2 large piece of equipment, major. And it's
3 about -- I'm going to say about half the size
4 of this room. And it is cooled by hydrogen
5 gas, which is very volatile. But it's
6 designed that way.

7 And if we look at the history of
8 the main generator, that main generator for
9 Unit 2 was basically in excess of its
10 operating life. So it's been operating for
11 30 years, which is the operating life. We
12 were about a 33-year point.

13 But in 2015, we were just prior to
14 that. And we had experienced a number of
15 technical issues with that generator. And
16 those included such issues as shorting in the
17 core, problems with the windings. They were
18 basically items that threatened the operation
19 of that generator.

20 Now, given the volatile nature of
21 the gas and that this machine with all of its
22 issues, it basically was a threat to -- for
23 safe operation of the power plant. So we got
24 a number of experts that assisted us in this.
25 And that included the manufacturer, other
26 organizations such as Siemens to analyze the
27 vulnerabilities.

28 And we had been doing a number of

1 items to try to make sure that we could keep
2 the generator operating safely. So we were
3 using those experts to assist us in doing
4 that.

5 If you recall the date on this
6 particular analysis was -- I believe it's
7 June 25th, 2015. Well, every refuelling
8 outage we would go through, and we would
9 analyze how well that machine was doing. And
10 we would go in and inspect it with those
11 specific vendors. And we did identify those
12 issues. And so we were constantly monitoring
13 to see if we were seeing degradation.

14 So that was also another item that
15 we would have used to decide if we could
16 forego a full project. Because none of us
17 really wanted to do a full project. Only if
18 it's absolutely necessary.

19 So subsequent to this date here, we
20 did do another inspection. We did find
21 continued degradation that this particular
22 generator was still having issues. And given
23 that the results of that showed us it was not
24 improving, and we did an analysis to
25 determine the vulnerability.

26 We decided to take it even a step
27 further. And in June 2016, as you're aware,
28 we decided not to pursue license extension on

1 Diablo Canyon. So we -- to help us and
2 deciding what else we needed to do with the
3 generator, we contracted with the Garrick
4 Risk Institute of UCLA. We gave them all the
5 information that we had. We asked them to do
6 a risk analysis based on the information that
7 was -- that we had with respect to the
8 generator. To, you know, give us a risk
9 analysis on the potential for failure in that
10 interval between that time and the end of the
11 license life. And based on that material
12 through their sense of evaluation, they
13 determined that there was about a 98 percent
14 probability of failure of the generator.

15 And I described the generator, but
16 to put you in the room here, that generator
17 is exposed to personnel. Personnel
18 frequently walk near that. It's on the way
19 to the control room. It is -- and that
20 particular generator if it were to fail like
21 so many have in the rest -- in various parts
22 of the industry, it could kill people. And
23 it could -- definitely it would be -- it
24 would be in our Nuclear Regulatory Commission
25 terms as an "initiating event." Which they
26 track for core damage potential.

27 So we felt that it was prudent to
28 -- with all of the information that we had to

1 continue to pursue the generator stator. As
2 we speak today, that project is occurring.
3 And I get daily updates on it. And I'm
4 present and there personally reviewing the
5 performance of the work.

6 We've disassembled that generator,
7 which included the core. And as we removed
8 that core, we have found what the experts
9 have projected, which was that there was
10 heating and shorts within the core. I have
11 some pictures of it. They're not in the --
12 on the record, but I have them on my phone
13 now if you want to look at them.

14 But we did identify those issues,
15 and so we were -- we know we made the right
16 decision to perform that work. To make sure
17 we protect the safety of our personnel and
18 the health and safety of the public.

19 Q You used the phrase "full project"
20 in that lengthy answer. I wonder if you
21 could describe what full project means?

22 A Sure. Full project so we saw a
23 couple of issues with the generator. One of
24 them was associated with the windings, and
25 that -- what that does really it's about
26 getting adequate cooling to the windings.

27 And the other area was around the
28 core, which is the real center part of the

1 stationary portion of the generator where we
2 expected that there would be some shortings
3 and shorts and problems within that core. So
4 the core and the windings are both being
5 replaced.

6 Q I wonder if I could get a better
7 feel from you as to the timing of the
8 company's decisionmaking process on this.
9 Looks like in June of 2015, you were planning
10 to build in a project offramp scheduled for
11 September of 2016. In June of 2016, you
12 announced that you would not be going forward
13 with re-licensing.

14 At some point after June of 2016,
15 did you not remove the request from the 2017
16 GRC revenue requirement?

17 A So in 2017, the generator stator
18 project was also included in the filing. We
19 had fully anticipated with what we knew then
20 of going after the generator stator based on
21 the history that I just described. And that
22 history had nothing to do with
23 decommissioning. It's just the machine and
24 its condition.

25 But what we did do is there are
26 always various things that we put in for off
27 ramps; right? There's inspection criteria
28 that we look at when we -- as I mentioned

1 before, after this June 25th date, we also
2 had another inspection that came in a
3 subsequent refuelling outage. We looked at
4 that and analyzed that. Should we have seen
5 something there that let us know that the
6 machine was in a better state than what we
7 expected, we would have looked at an
8 opportunity to offramp there as well.

9 So this speaks to one item. But
10 this whole project is all about the safe
11 operation of the facility. I mean, I know --
12 you know, we talk about the ability to
13 generate energy and that's all find and
14 dandy. But the safe operation of the
15 facility and what we owe the public is the
16 most primary consideration for the decision
17 we made mere.

18 Q Well, I don't doubt that. But my
19 question really goes to why did you then
20 remove the project from the 2017 GRC revenue
21 requirement, and when did you make that
22 choice?

23 A So in 2017 if I could recall, we
24 had the project there. And I think what we
25 ended up with was PG&E would continue to
26 pursue the project, and we would basically
27 review it or add it to the ratebase in this
28 one. That is my understanding of what we had

1 decided to do and what was built upon the --
2 because I think at that point in time, we had
3 a settlement agreement that included that.

4 And so here we are just as we
5 promised to come back and review this for
6 including it into the ratebase.

7 Q So now that you've repaired the
8 stator, what -- if you had in fact pursued
9 re-licensing, what would the expected useful
10 life of the stator be?

11 A So we're not completely done with
12 the stator repair. That's ongoing right now.
13 Disassembly is completed, and we're preparing
14 to reinstall the core. Once that is done,
15 then the useful life of that generator it
16 could be as much as 25 years or so. But the
17 plant is not going to be running to that.
18 Our plan is to secure Diablo Canyon at the
19 end of its license.

20 Q So when you describe a full
21 project, that was effectively creating a
22 capability to run another 25 years. Even
23 though you've only got five or six years left
24 on your license?

25 A Our objective was to ensure that
26 the generator would operate safely through
27 the license life and so that people and our
28 customers, our town, and our environment

1 wouldn't be affected by any problems with
2 that generator.

3 Q Now, getting back to the
4 Cross-Examination Exhibit-255, that same
5 paragraph that I've highlighted the one
6 sentence in green, the paragraph concludes
7 with the sentence:

8 If licensing extension is
9 not pursued, then DCPD
10 engineering will develop a
11 'bridging strategy' for
12 monitoring equipment health
13 for the remaining service
14 life of the main
15 generator."

16 Did I read that correctly?

17 A That's what is written.

18 Q So what was that bridging strategy?

19 A I'll go on to describe our bridging
20 strategy, and then I'll talk about that. So
21 any time that we have a particular equipment
22 challenge, we first assess it for safe
23 operation. And then we assess it for the
24 duration of that safe operation. And then
25 what we do is basically it describes that the
26 equipment in and of itself isn't -- I'll call
27 it perfect. It's not as it was before, but
28 it is capable of operating to a certain

1 period of time.

2 What we do because it is not
3 operating in an ideal situation is we will
4 put bridging strategies, which is alternate
5 methods for us to understand how that
6 equipment is performing. Is it crossing a
7 threshold where it moves way from our
8 assumptions of safe operation? And then we
9 use that information to help inform decisions
10 on which way to go with it.]

11 That bridging strategy was -- we
12 had in place during the period of time where
13 the generator was operating between even now
14 or previously, say subsequently when we did
15 this, to the actual repair. And that's to
16 ensure that, you know, the people will be
17 protected. So that bridging strategy -- and
18 I will turn to another document here. One
19 second

20 ALJ LAU: Lest go off the record.

21 (Off the record.)

22 ALJ LAU: Back on the record.

23 THE WITNESS: Okay. So the bridging
24 strategy. So, A4NR had a data request,
25 001-Q27, asking about the bridging strategy.
26 And that bridging strategy is referenced in
27 our workpaper 3-220. And it consists solely
28 of routine monitoring of generator health

1 during online operations.

2 So, the generator has several
3 components that we can monitor for health,
4 and that includes:

5 The bearings to make sure we don't
6 see high vibrations; we can monitor winding
7 temperatures to make sure that any particular
8 area doesn't go up in temperature, such that
9 it creates a greater hot spot than what was
10 identified; case expansion of the generator
11 to make sure that it isn't, you know,
12 deforming in any sort of way; rotor position,
13 such that we're not seeing any issues with
14 the rotor; hydrogen usage. So, hydrogen is
15 absolutely critical because it's volatile.
16 As I mentioned before, we want to make sure
17 that all the hydrogen is accounted for. So
18 it's not going anywhere that we don't expect
19 it to go, which could then put it in an area
20 where there's high energy, which could then
21 result in igniting an ignition source.

22 And then -- so those are the type of
23 items. There's more detail in this response
24 that we had. But those are the key things.
25 And that's just, basically, so that we have
26 assurance that it will operate for a limited
27 period of time. We marry that up with the
28 analysis for a long-term operation to help

1 inform when that window is that we have to
2 actually do that work.

3 Q Which sounds to me, from your
4 responses to my questions, that confronted
5 with a 5- or 6-year period between -- or to
6 the end of your existing licenses, you chose
7 an option that would potentially provide the
8 capability to operate another 25 years.

9 Would that be a safe summary of the decision
10 the company actually made?

11 A The bridging strategy, as I
12 mentioned before, would not be adequate to
13 run to the 20 -- to the end of our license
14 life. And that's, again, based on the
15 analysis that was done by UCLA, the analysis
16 that was done by the generator vendors, and
17 our own analysis working along with them.
18 So, therefore, the work had to occur.

19 Q What role did your
20 cost-effectiveness evaluation play in that
21 decision?

22 A We analyzed the cost of the repair.
23 And we -- and so that becomes a component of
24 understanding what's the most economical way
25 to do it.

26 Q Did you consider the economics of
27 the plant's operation, overall, in that
28 analysis?

1 A We did not perform an analysis
2 specifically on this particular item for an
3 overall plant operation.

4 Q So you didn't consider whether or
5 not it made economic sense to simply stop
6 operating that unit?

7 A We did not perform that specific
8 analysis. But what I can add to that,
9 though, is if this particular item marries up
10 with all the other capital items that we
11 have, in terms of the whole portfolio of
12 projects that we would do -- and on the
13 record in our testimony, we can see that our
14 capital overall projections are going down
15 from, I think it was in 2017, roughly around
16 190 million all the way down to about 16
17 million. So we analyze all of the capital
18 projects, again, with regard to safety,
19 regulatory compliance, reliability -- because
20 we want to keep a reliable station for our
21 customers. And so those prices, or those
22 costs, are coming down substantially.

23 Q I would like to turn to your direct
24 testimony -- and I'm afraid I'm going to have
25 to ask Ms. Post to indulge me. I'm not
26 certain what the exhibit number is. It used
27 to be PG&E-05.

28 MS. POST: I believe it's Exhibit 146.

1 BY MR. GEESMAN: Okay. That's what I have
2 written down. I didn't know how the number
3 had gotten that high, but...

4 Q Exhibit 146 and page 3-5.

5 Mr. Harbor, I'm at lines --

6 A I'm there.

7 Q -- 3 through 6, where you've got a
8 sentence that says:

9 Commission adoption of
10 PG&E's expense and capital
11 forecasts for operating and
12 maintaining Diablo Canyon,
13 if necessary, to enable
14 PG&E to continue providing
15 safe, reliable, affordable
16 and
17 environmentally-beneficial
18 source of electricity to
19 its customers from its
20 resource.

21 When you use the word "affordable,"
22 what do you mean?

23 A When we use the word "affordable,"
24 what we do is we look at, you know, the costs
25 that we have for generating. And so that
26 would include, like, our fuel costs, our
27 capital costs, and our expense costs. And we
28 use those parameters to be able to help us to

1 define affordability.

2 Q I wonder if you would turn to the
3 exhibit that's been marked A4NR
4 Cross-Examination Exhibit Number 254. This
5 is a data response that the company provided
6 to A4NR, in which I made available to the
7 company last night.

8 Do you have it in front of you?

9 A Is it the one -- Question 2?

10 Q It's A4NR 03, Question 4. It's got
11 a September 23, 2019 date on it.

12 A I have it here in front of me.

13 Q Do you agree that -- would you
14 agree that PG&E has lost a fair amount of its
15 bundled load in the last several years?

16 MS. POST: Objection, your Honor.

17 Mr. Harbor is not the witness or the expert
18 on PG&E's bundled load and amount of bundled
19 load that has migrated to direct access or
20 community choice aggregation.

21 ALJ LAU: Mr. Geesman, how about you
22 just direct Mr. Harbor to the answer -- maybe
23 even the first line of question -- first line
24 in the answer.

25 BY MR. GEESMAN: Thank you, your Honor.

26 Q Could you read that first line for
27 me, Mr. Harbor --

28 A Certainly.

1 Q In answer 04?

2 A The answer says:
3 The percentage of PG&E's
4 forecasted service
5 territory load for 2020
6 attributable to direct
7 access/community choice
8 aggregation is 57 percent.

9 Q Thank you.

10 Could we then turn to A4NR
11 Cross-Examination Exhibit 253?

12 A I am there.

13 Q And rather than ask you to go into
14 this particular answer, if Ms. Post would
15 stipulate to the admissibility of the this
16 cross-examination exhibit, I think we could
17 cut your questioning short.

18 ALJ LAU: Do you want to go off the
19 record?

20 MS. POST: No, your Honor.

21 PG&E will waive its objection to the
22 admission of this exhibit into the record.

23 ALJ LAU: Okay.

24 BY MR. GEESMAN:

25 Q Mr. Harbor, if I understand you're
26 testimony this morning and that which you've
27 submitted in writing, the company did not
28 consider either its loss of bundled load or

1 its -- the contribution of Diablo Canyon to
2 the power charge indifference adjustment in
3 making its decision to go forward with the
4 stator repair; did it?

5 A Can you repeat that question?

6 Q Did the company, in deciding to go
7 forward with the stator repair, take into
8 consideration PG&E's loss of bundled load or
9 Diablo Canyon's increasing contribution to
10 the power charge indifference adjustment?

11 A I'm not an expert there. And I
12 don't know.

13 Q Are you aware of any evaluation of
14 the cost of operating Diablo Canyon that
15 factored into your safety-related decision to
16 repair the stator?

17 A I'm not aware.

18 Q Thank you very much, Mr. Harbor.

19 MR. GEESMAN: Those are all my
20 questions, your Honor.

21 ALJ LAU: Judge Lirag, do you have any
22 questions?

23 ALJ LIRAG: No.

24 EXAMINATION

25 BY ALJ LAU:

26 Q I have a couple questions. So, in
27 this general rate case, the cost of the
28 Diablo Canyon decommissioning, is that

1 included in this application?

2 A Decommissioning is not included in
3 this. It's in a separate proceeding.

4 Q But the operation at Diablo Canyon
5 is included in this proceeding; is that
6 correct?

7 A The operation of Diablo Canyon is,
8 yes.

9 Q And so, can you give me a sense of
10 what's the dollar amount in terms of expense
11 in capital cost?

12 A Sure.

13 ALJ LAU: Let's go off the record.

14 (Off the record.)

15 ALJ LAU: Back on the record.

16 THE WITNESS: Okay. In my testimony on
17 pages three -- 3-6, it has the year-for-year
18 expense, which is -- I'll just summarize
19 here, because it's noted. It's about \$300
20 and -- so, \$45 million per year (sic) in the
21 expense area. And part of that includes a
22 number to amortize the two-outage year that
23 occurs in 2022.

24 And on the expense side, on
25 page 3-7, it is the total capital dollars.
26 Now, what I will point out there is, you can
27 see -- and you can really just see it here in
28 2017. But if you were to go back in time,

1 you would see similar dollar values for
2 capital that we would incur on an annual
3 basis around that \$190 million range. But as
4 we have made the decision to secure Diablo
5 Canyon at the end of its license, you can see
6 that the capital values -- 2018 was at \$143
7 million. This year is \$111 million,
8 predominantly major things like the generator
9 stator.

10 And you can see there is a
11 significant drop-off, which culminates about
12 \$16 million the end of the 2022 period. And
13 then the license goes to 2023 -- I mean,
14 through 2025. And so, the values will drop
15 off furtherer as well.

16 Q So if there is an early retirement
17 that PG&E decides to pursue in the attrition
18 years, or maybe throughout GRC cycle, 2020 to
19 2022, and the Commission did approve the
20 costs of the operation of Diablo Canyon, what
21 would PG&E propose to do with the costs that
22 the Commission approved?

23 A I wouldn't be able to speculate on
24 what that would look like. But I think there
25 would be a number of issues beyond just this.
26 There would also be the stranded cost set of
27 the asset, which San Onofre had to work
28 through.

1 So there's a lot of costs that
2 would be tied up into that that would, you
3 know, I would imagine be -- you know, it
4 would -- it would be complicated. Because we
5 would have the stranded costs of the asset,
6 we would have these additional costs, all of
7 those things would roll back at the same
8 time, we would not be generating power moving
9 forward. And we would have to get other
10 alternate sources of power. So it would --
11 yeah. It could be a challenge.

12 Q And so, Mr. Geesman was talking
13 about the generation stator. And I see that
14 there is this data request in the capital
15 expenditures.

16 Is that amortized over the
17 remaining cycle of the projected life span of
18 Diablo Canyon, which I would guess is five
19 years? Or is that amortized over, what you
20 said was, a 30-year useful life cycle?

21 A Yeah. It would -- the projection
22 would be to amortize it over the operational
23 life of Diablo Canyon and not beyond.

24 ALJ LIRAG: Okay. That's all the
25 questions I have.

26 Ms. Post, do you need a couple
27 minutes?

28 MS. POST: I don't, your Honor. I have

1 no redirect.

2 ALJ LAU: Oh, okay. All right. Sounds
3 good.

4 All right. Mr. Harbor, I think
5 you're excused.

6 THE WITNESS: Thank you very much, your
7 Honor.

8 ALJ LAU: Let's go off the record.

9 (Off the record.)

10 ALJ LAU: Let's go back on the record.

11 Is there a move to move Exhibit 252
12 into to record?

13 MR. FREEDMAN: Yes, your Honor. TURN
14 would move the admission of Exhibit 252.

15 ALJ LAU: Any objections?

16 MS. POST: No, your Honor.

17 ALJ LAU: Hearing none, Exhibit 225 is
18 moved into the record.

19 (Exhibit No. 225 was received into
20 evidence.)

21 ALJ LAU: Is there a motion to move
22 Exhibits 253 to 254 into the record?

23 MR. GEESMAN: Yes, your Honor.

24 A4NR moves the admission of 253,
25 254, and, I believe, 255.

26 ALJ LAU: 255. That's right.

27 Is there -- are there any objections
28 to moving 253 to 255 into the record?

1 MR. GEESMAN: 254 as well.

2 ALJ LAU: 254 -- 253, 254, and 255 into
3 the record.

4 MS. POST: No, your Honor.

5 ALJ LAU: Hearing none, Exhibits 253,
6 254, and 255 are moved into the record.

7 (Exhibit No. 253 was received into
8 evidence.)

9 (Exhibit No. 254 was received into
10 evidence.)

11 (Exhibit No. 255 was received into
12 evidence.)

13 ALJ LAU: Mr. Harbor, you are
14 excused.

15 THE WITNESS: Thank you very much, your
16 Honor.

17 ALJ LAU: Thank you. Let's go off the
18 record.

19 (Off the record.)

20 ALJ LIRAG: Let's go back on the
21 record. So let's take our morning break.
22 We'll take a 20-minute break and be back at
23 11:15. Apologies to any scheduling
24 inconveniences this may cause Mr. Loy.

25 All right. Off the record.

26 (Recess taken.)

27 ALJ LAU: Let's go on the record.

28 We're identifying exhibits -- first,
is Exhibit 197-C. That is the Prepared

1 Testimony -- or workpapers to the prepared
2 testimony of Stacy Hunter on Human Resources
3 on Behalf of Public Advocates Office. And
4 this is a confidential version.

5 (Exhibit No. 197-C was marked for
6 identification.)

7 ALJ LAU: Mr. Sher, can you explain the
8 confidential nature of this exhibit.

9 MR. SHER: Actually, I cannot.

10 ALJ LIRAG: All right. Let's have
11 Mr. Burns come up.

12 Let's go off the record.

13 (Off the record.)

14 ALJ LAU: On the record.

15 Mr. Burns?

16 MR. BURNS: Good morning, your Honor.

17 The confidential numbers in the workpapers
18 were claimed confidential by PG&E.

19 ALJ LAU: And PG&E, can you explain why
20 this is confidential?

21 MS. GANDESBERY: I cannot.

22 ALJ LAU: Let's go off the record.

23 (Off the record.)

24 ALJ LIRAG: Let's go back on the
25 record.

26 I think Mr. Burns is indicating that
27 the confidential information pertains to
28 confidential information coming off or

1 derived from testimony -- confidential
2 testimony of PG&E; is that correct,
3 Mr. Burns?

4 MR. BURNS: Yes, your Honor.

5 ALJ LIRAG: All right. And we had
6 already ruled that that information was
7 confidential, based on PG&E's confidential
8 exhibits. And so we accept the confidential
9 nature of Exhibit 197-C.

10 All right. ALJ Lau?

11 MS. GANDESBERY: Thank you, your Honor.

12 ALJ LAU: All right. So we are also
13 identifying Exhibit 256. That is the
14 prepared testimony of John Geesman on behalf
15 of the Alliance for Nuclear Responsibility.

16 (Exhibit No. 256 was marked for
17 identification.)

18 ALJ LAU: Is there a -- I'm going to
19 take a motion for -- to move Exhibit 197-C
20 into the record.

21 Mr. Sher, do you move that into the
22 record?

23 MR. SHER: Please, your Honor.

24 ALJ LAU: Any objections?

25 MS. GANDESBERY: No objection, your
26 Honor.

27 ALJ LIRAG: Hearing none, Exhibit 197-C
28 is moved into the record.

1 (Exhibit No. 197-C was received into
2 evidence.)

3 ALJ LAU: Is there a motion to move
4 Exhibit 256 into the record?

5 MR. GEESMAN: So moved, your Honor.

6 ALJ LAU: Any objections?

7 MS. GANDESBERY: No objection, your
8 Honor.

9 ALJ LAU: Hearing none, Exhibit 256 is
10 moved into the record.

11 (Exhibit No. 256 was received into
12 evidence.)

13 ALJ LAU: Let's go off the record.

14 (Off the record.)]

15 ALJ LAU: Let's go on the record.

16 We have on the witness stand
17 Mr. Mark Loy. Mr. Loy, can you raise your
18 right hand?

19 Mark Loy, called as a witness by
20 Public Advocates Office, having been
sworn, testified as follows:

21 THE WITNESS: Yes, I do.

22 ALJ LAU: You can lower your right hand
23 now. Mr. Loy, can you state for the record
24 your full name, spelling your last and give
25 us your business address?

26 THE WITNESS: My name is Mark R. Loy.
27 My last name is spelled L-o-y. I work at 505
28 Van Ness Avenue San Francisco, California

1 94102.

2 ALJ LAU: So we will first identify
3 exhibits. So we are going to identify
4 Exhibit 257 and 258.

5 Exhibit-257 is Testimony of Mark Loy
6 on Customer Care on Behalf of Public
7 Advocates Office.

8 (Exhibit No. 257 was marked for
9 identification.)

10 ALJ LAU: Exhibit-258 are Workpapers
11 Supporting the Testimony of Mr. Mark Loy on
12 Behalf Public Advocate Office in the Area of
13 Customer Care.

14 (Exhibit No. 258 was marked for
15 identification.)

16 ALJ LAU: So next we have a few
17 cross-examination exhibits by PG&E. We have
18 two. We have Exhibit-259. Again, a
19 cross-examination exhibit by PG&E which is
20 titled Economic Development Rate 2018 Report,
21 Letter, and Public Spreadsheet.

22 (Exhibit No. 259 was marked for
23 identification.)

24 ALJ LAU: Exhibit-260 also a
25 cross-examination exhibit by PG&E. This is
26 titled Advice Letter 5382-E.

27 (Exhibit No. 260 was marked for
28 identification.)

1 MR. SHER: Your Honor, I was wondering
2 can I get copies of those from PG&E?

3 ALJ LAU: Let's go off the record.
4 (Off the record.)

5 ALJ LAU: Back on the record.

6 PG&E also circulated a couple
7 reference documents. And the first document
8 is a motion of PG&E for adoption of EDR.

9 And the second settlement agreement
10 -- the second reference document are several
11 pages. Pages 331 to 332 from Decision
12 D. 14-08-032. The third reference is page 92
13 from D. 17-05-013. And the next one is
14 page 92 from D.17-05-013.

15 And the next one are pages 66 to 67
16 from D.18-08-013.

17 Off the record.

18 (Off the record.)

19 ALJ LAU: Let's go back on the record.

20 Mr. Sher, are you ready to begin
21 your direct?

22 MR. SHER: Yes, your Honor.

23 ALJ LAU: Thank you.

24 DIRECT EXAMINATION

25 BY MR. SHER:

26 Q Good morning, Mr. Loy.

27 A Good morning.

28 Q Do you have in front of you what's

1 been marked 257, your opening testimony and
2 your workpapers that have been marked 258?

3 A That's correct.

4 Q And were these prepared by you at
5 your direction?

6 A Yes, they were.

7 Q And do you have any corrections to
8 make?

9 A I have one correction to make to
10 Exhibit-257.

11 Q Could you point us to that?

12 A Yes. It's on page 6. And it's for
13 lines 12, 13, 14, and 15. And I'll just read
14 the corrected testimony into the record:

15 Cal Advocates recommends \$0
16 for the Economic
17 Development Rate Program.
18 Next sentence:
19 PG&E's showing does not
20 comply with the
21 Commission's explicit
22 prerequisites for rate
23 recovery of any Economic
24 Development Rate Program
25 costs.

26 Q So essentially you removed most of
27 lines 13, 14, and half of 15?

28 A That's correct.

1 Q Any further corrections to make?

2 A No. Not at this time.

3 Q With those corrections in mind, is
4 your testimony true and correct to the best
5 of your knowledge?

6 A Yes, it is.

7 Q And any opinions therein based upon
8 your professional expertise?

9 A Yes.

10 MR. SHER: Your Honor, the witness is
11 available for cross-examination.

12 ALJ LAU: Thank you.

13 PG&E, are you ready to begin your
14 cross?

15 MS. ZIMNEY: Yes.

16 ALJ LAU: You may proceed.

17 CROSS-EXAMINATION

18 BY MS. ZIMNEY:

19 Q Hello, Mr. Loy. As a preliminary
20 matter, I'll first be asking you some
21 questions about the Economic Development
22 Program and customer service offices. And
23 then my colleague, Ms. Slocum, will be asking
24 you some questions about the RRMA and calling
25 centers.

26 A Yes.

27 Q To start with the Economic
28 Development Program, I want to clarify the

1 correction that you just made on the record.
2 Are you withdrawing your recommendation that
3 the Economic Development Rate Program be
4 moved to GRC Phase 2?

5 A I'm sorry. Repeat the question.

6 Q Are you withdrawing your
7 recommendation that PG&E's request for
8 funding for the Economic Development Rate
9 Program be put in Phase 2 of PG&E's GRCs?

10 A No. It would be -- it's no --
11 Phase 2 isn't relevant if there were no
12 dollars authorized.

13 Q Okay. My understanding from your
14 correction was that you were striking lines
15 12 through 15. And in that it states:

16 Cal Advocates recommends
17 removing Economic
18 Development Rate Program
19 from GRC Phase 1 and
20 placing it in Phase 2.

21 Is that remaining in your testimony?

22 A No.

23 Q So are you withdrawing that
24 recommendation that it be placed in Phase 2?

25 A If there are \$0, then there's no
26 need to reference a Phase 2.

27 Q Okay. Thank you for that
28 clarification. Okay. Now, on page 6 of your

1 testimony, which is Exhibit-256, lines 5 to
2 10 you state that:

3 The Commission should
4 follow precedent and order
5 PG&E to reduce its revenue
6 requirement --

7 As we discussed -- sorry. You just
8 said that you're recommending \$0 there.

9 So you also recommend that on page 6
10 that these -- this program should be recorded
11 -- the cost for this program should be
12 recorded below the line; correct?

13 A We're confusing two things. I
14 found confusing PG&E's testimony. So first
15 of all there are -- I mean, if you look on
16 page 5 the paragraph in the bottom of the
17 page, it explains there's some confusion
18 about involving PG&E conflating the --
19 retaining and growing customers with its
20 Economic Development Rate. So I had to cover
21 them both. So on one hand, I'm probably
22 pulling out the same number, but I'm only
23 doing it once. And I don't know whether to
24 identify it for the retaining growing
25 customers or the Economic Development Rate.
26 But however it goes, I'm removing 848 whether
27 it's for retaining the growing customers or
28 the Economic Development Rate, which I think

1 PG&E clarified in its rebuttal that it's the
2 Economic Development Rate.

3 That that -- yeah, that the 848 --
4 on these -- on page 5 and on page 6 is
5 referring to the Growing and Customer
6 Retention Program. But it also -- but PG&E
7 said that 848 was for the Economic
8 Development Rate.

9 Q So specifically I'm looking at
10 line 7 and -- 7 through 9 where you state
11 that:

12 Cal Advocates recommends
13 that the Commission follow
14 precedent.

15 And going to part B:

16 Record customer retention
17 costs below the line, and
18 modify the below-the-line
19 accounting standard
20 accordingly.

21 A Right. So that pertains to the
22 funding of the Customer Growth and Retention
23 Program.

24 Q Okay. And in that statement of
25 your testimony you cite to footnote 8, which
26 is Decision 14-08-032, pages 331 to 332;
27 correct?

28 A Yes.

1 Q Okay. And is it your understanding
2 that the discussion section on those pages is
3 referring to activities designed to block or
4 oppose municipal utility projects?

5 A I am sorry. Repeat the question.

6 Q Is it your understanding that that
7 section that you cite to on pages 31 to 32,
8 the discussion surrounding that by the
9 Commission is regarding activities that are
10 designed to block or oppose municipal utility
11 projects?

12 A I believe so.

13 Q Is it your understanding --

14 A I mean, that's part of it at least.
15 Yeah.

16 Q Is it your understanding that the
17 Commission stated there that the ratepayers
18 should not bear the cost of opposing or
19 blocking a municipal utility?

20 A Yes.

21 Q Is that the reason that you believe
22 PG&E should be recording this below the line?

23 A No. Because in their original
24 testimony, PG&E was conflating the Retaining
25 and Growing Customers with its Economic
26 Development Rate. And if you look at page 5,
27 footnote 7, I much more -- give a much more
28 detailed explanation of the confusion.

1 So what's your question again?

2 Q Well, it seems in that footnote I'm
3 -- is it your understanding that any of the
4 costs that are in PG&E's Major Work Category
5 FK, are they intended to be used to block or
6 oppose municipal utility projects?

7 A After reading PG&E's rebuttal
8 testimony, I think PG&E attempted to clarify
9 that the 848 was not the shareholder funding
10 of customer retention to grow. That instead
11 it was for Economic Development Program.

12 Q Okay. And in footnote 8 of your
13 testimony, you also cite to page 92 of
14 Decision 17-05-013. And that was the
15 decision for PG&E's 2017 Phase 1 GRC;
16 correct?

17 A I believe so.

18 Q Were you involved in that
19 proceeding?

20 A Not on this particular issue.

21 Q And that page 92 refers to a
22 settlement in that proceeding, which provides
23 a certain cost for retain and grow be
24 recorded below the line; correct?

25 A Yeah. The Commission decided it
26 should -- that growth and retention cost
27 should be born by the shareholders not the
28 customers.

1 Q And is it your understanding that
2 Cal Advocates was a party to that settlement?

3 A Yes.

4 Q And is it your understanding that
5 in that settlement, the parties ultimately
6 agreed to a revenue requirement of \$900,000
7 to retain and grow customers?

8 A That I don't recall the exact
9 amount.

10 Q But is it your understanding that
11 they did agree to fund at least a portion of
12 that?

13 A It is my understanding that they
14 did not fund any of the Customer Retention
15 and Growth Program, but that was the
16 agreement.

17 Q Okay. And when you say "customer
18 retention," you're referring to Retain and
19 Grow? Or are you referring to activities to
20 block -- oppose municipal utility projects?

21 A I'm referring to funding of
22 customer retention and growth programs
23 pursuant to the citations that I provide in
24 my testimony on page 6.

25 Q And you would -- okay. So is it
26 your recommendation that -- I think we've
27 already discussed the Phase 2 issue. I
28 apologize.

1 On page 6 of your testimony on
2 line 15 you state that:

3 PG&E's showing does not
4 comply with the
5 Commission's prerequisites
6 for rate recovery of any
7 Economic Development Rate
8 Program cost.

9 Is that correct?

10 A Yes.

11 Q And here you cited to Decision
12 18-08-013, pages 66 and 67?

13 A Yeah.

14 Q And that is the decision for PG&E's
15 27 (sic) GRC Phase 2?

16 A I believe so.

17 Q Were you involved in that
18 proceeding?

19 A Yes, I think so.

20 No? Okay. No, I was not.

21 Q And sections 6.4.1 of that
22 decision, which is on page 66, ordered PG&E
23 to define the EDR tariff sheet if -- excuse
24 me. To define in the EDR tariff sheet the
25 physical envelope in which aggregated EDR
26 meters must be located; correct?

27 A I don't appear to have that with me
28 right now.

1 ALJ LAU: Let's go off the record.

2 (Off the record.)

3 ALJ LAU: Let's go back on the record.

4 BY MS. ZIMNEY:

5 Q So on page 66 of D. 18-08-013.

6 A Okay.

7 Q So that is what you cited to in
8 your testimony; correct?

9 A Yes.

10 Q And that page ordered -- page 66
11 ordered PG&E to define the EDR tariff
12 sheet -- excuse me. I did it again. Define
13 in the EDR tariff sheet the physical envelope
14 in which aggregated EDR meters must be
15 located; is that correct?

16 A That's one of them, yeah.

17 Q And it also required PG&E to modify
18 the EDR tariff to provide clarifications
19 about the Economic Development Rate cap?

20 A Yes.

21 Q And do you have a copy of advice
22 letter 5382-E, which was marked as Hearing
23 Room Exhibit-260? If not I can provide one.

24 ALJ LAU: Let's go off the record.

25 (Off the record.)

26 ALJ LAU: Back on the record.

27 BY MS. ZIMNEY:

28 Q Are you familiar with this

1 document?

2 A Yes.

3 Q In that advice letter, did PG&E
4 submit a final tariff that incorporated these
5 two clarifications that was required by the
6 Commission?

7 A Yes.

8 Q And on page 67 of that same
9 decision, the Commission ordered PG&E to
10 continue to file an annual EDR Program
11 Performance Report; correct?

12 A Yes.

13 Q And do you have a copy of that
14 that's been marked Hearing Exhibit-259?

15 A I believe so.

16 Q It's the Economic Development Rate
17 2018 Report.

18 ALJ LAU: Go off the record.

19 (Off the record.)

20 ALJ LAU: Go back on the record.

21 THE WITNESS: Okay.

22 BY MS. ZIMNEY:

23 Q And -- sorry. Can you describe --
24 are you familiar with this document?

25 A Yes.

26 Q Can you describe what it is for me?

27 A It's an advice letter. The purpose
28 of which is to come into compliance with a

1 certain -- with a certain ordering paragraph
2 and a certain decision from PG&E's 2017 GRC.

3 Q Do you mind reading the subject
4 line of the letter?

5 A "Revisions to Electric Schedule EDR
6 Economic Development Rate and sample
7 Form 79-1154. Agreement for Economic
8 Development Rate on electric service in
9 compliance with Decision 18-08-013."

10 Q I think we might be looking at two
11 different exhibits. I think that's
12 Exhibit-260. I'm looking at 259, which is
13 the Economic Development Rate Report.

14 ALJ LAU: Let's go off the record.

15 (Off the record.)

16 ALJ LAU: Back on the record.

17 THE WITNESS: Okay.

18 BY MS. ZIMNEY:

19 Q Are you familiar with this
20 document?

21 A Yes.

22 Q And could you describe what it is?

23 A It's a letter to Edward Randolph,
24 the director of the Energy Division of the
25 California Public Utilities Commission
26 regarding PG&E's Economic Development Rate
27 and Annual Report.

28 Q And is it dated March 1st, 2019?

1 A Yes.

2 Q So can you please clarify what
3 prerequisites from Decision 18-03-013 that
4 PG&E has not yet complied with?

5 A Yes. It's the final prerequisite
6 on page 67. And I'll just read it:

7 Finally ordered to
8 facilitate future review of
9 this program. We direct
10 PG&E to continue to file
11 the annual EDR Program
12 Performance Reports adopted
13 in Decision 13-10-019 and
14 they must now include
15 reporting on third-party
16 auditing outcomes described
17 in the EDR settlement.

18 Q And do you have a copy of that
19 settlement with you? Or maybe you may not
20 need one I can --

21 A Let's see. Yeah. Why don't you
22 give me one.

23 ALJ LAU: Let's go off the record.
24 (Off the record.)

25 ALJ LAU: Go back on the record.

26 MS. ZIMNEY:

27 Q So on page 11 of that motion -- I
28 believe it's also the same wording on page 12

1 of the actual attached settlement -- there's
2 a heading called "Third-Party Verification."
3 Is that the verification that you're
4 referring to?

5 A I'm sorry. Where are you now?

6 Q On page 11 of the motion. Also on
7 page 12 of the attached settlement. They're
8 both titled, "Third-party Verification."

9 A Okay.

10 Q And under Third-Party Verification,
11 the heading says -- excuse me. The first
12 sentences says:

13 The settling parties agree
14 that EDR customers were
15 projected to receive over
16 \$100,000 of savings per
17 year from the EDR are
18 subject to an annual
19 third-party after-the-fact
20 EDR audit.

21 Is that correct?

22 A Yes.

23 Q And then it states that:

24 A third-party economics
25 analysis firm would conduct
26 such a study at a
27 reasonable cost to PG&E no
28 sooner than one year after

1 the customers' EDR discount
2 starts.

3 Is that correct?

4 A So where are you now?

5 Q I believe it's about five lines
6 down from the heading.

7 A Okay.

8 Q So is that correct that it says
9 that the analysis would not be conducted any
10 sooner than one year after the customers' EDR
11 discount starts?

12 A Yes.

13 Q And do you know when PG&E's EDR
14 became effective?

15 A No.

16 Q Do you know if it's been more than
17 a year since it's become effective?

18 A Yes.

19 Q Has it been more than one year
20 since it became effective?

21 A Well, you've got -- you filed
22 annual reports. I believe you filed annual
23 reports for 2018.

24 Q But was that annual report filed
25 more than a year since the EDR rate was made
26 effective?

27 ALJ LAU: The line of questioning is it
28 effective for over a year?

1 MS. ZIMNEY: Can I assume it's been
2 effective for over a year? No.

3 Q Would it -- would you -- is it
4 contrary to your understanding that the rate
5 has been effective for -- excuse me -- since
6 October 14th of 2018?

7 A Yes.

8 Q All right. Did you do any -- can
9 you tell me the basis for that?

10 A The basis for what?

11 Q For your understanding that it
12 would have to -- that it would have to have
13 gone into effect before October 14th of 2018?

14 A It says on the form letter for the
15 advice letter.

16 Q But was that the effective date for
17 the --

18 A That's the effective date for this
19 particular tariff.

20 Q For the 2018 -- the 18-08-013 rate,
21 which was issued on August 17th, 2018?

22 A I am sorry. Could you ask that
23 again?

24 Q So is it your testimony that the
25 rate that was prescribed in D. 18-08-013,
26 which was issued on August 17th, 2018, is it
27 your testimony that the rate from that
28 decision went into effect before October 14th

1 of 2018? Which was two months after the
2 decision was issued?]

3 ALJ LAU: Ms. Zimney, where are you
4 going with the line of questions.

5 MS. ZIMNEY: I'm just trying to confirm
6 whether PG&E has -- whether he has evidence
7 to show that PG&E has not complied with this
8 requirement, given that the requirement
9 dictates that PG&E file the audit no more
10 than a year after the rate has been in place.

11 ALJ LAU: Okay.

12 MS. ZIMNEY: I can go on to the next
13 question.

14 ALJ LAU: Please.

15 BY MS. ZIMNEY:

16 Q Okay. Mr. Loy, did you investigate
17 whether any of PG&E's customers are projected
18 to receive more than a hundred thousand
19 dollars per year of savings from the EDR?

20 A No, I did not.

21 Q Okay. And how would you describe
22 the difference between the economic
23 development rate program funding and the
24 broader economic development program funding?

25 A I don't know what you're referring
26 to.

27 Q So your recommendation was for --
28 if I can just pull out your testimony.

1 I believe your testimony -- I don't
2 have the exact words that you revised at the
3 beginning. But on page 6 you stated that you
4 recommended removing the economic development
5 rate program and recommended \$0 in funding
6 for that. And I'm wondering if you can draw
7 the distinction between the economic
8 development rate program and just the general
9 economic development program under major work
10 category FK?

11 A I don't know what you're referring
12 to.

13 Q So, is it your understanding that
14 major work category FK, to retain and grow,
15 that PG&E testified that that's for the
16 Economic Development Program?

17 A I'm sorry. What's your question?

18 Q Is it your understanding that
19 PG&E's forecast for major work category FK is
20 for the economic development -- its Economic
21 Development Program?

22 A Yes.

23 Q And your recommendation on page 6
24 states that you recommend removing the
25 Economic Development Rate Program; is that
26 correct?

27 A That is correct.

28 Q And could you describe to me the

1 distinction between the rate program and the
2 overall program?

3 A I still don't know what you mean by
4 the "overall program."

5 Q Just the Economic Development Rate
6 Program and the Economic Development Program?

7 A I don't know what you're referring
8 to.

9 Q Okay.

10 ALJ LAU: Counsel, I don't think that's
11 what -- that's the distinction that Mr. Loy
12 is referring to.

13 MS. ZIMNEY: I'm not asking for in
14 references. I'm just asking his general
15 understanding about the program and how PG&E
16 has allocated its budget within that program.

17 ALJ LAU: And, also, we're coming to
18 the lunch hour.

19 MS. ZIMNEY: Okay.

20 ALJ LAU: Would you want to just break
21 for lunch and then continue your line of
22 questions?

23 MS. ZIMNEY: Yeah. I'm happy to do
24 that. I just have one more question on
25 economic development. And then I have
26 another issue that we can go on to after
27 lunch.

28 ALJ LAU: Okay.

1 MS. ZIMNEY: Actually, I have no
2 further questions. Thank you.

3 ALJ LIRAG: Hang on. Before --
4 (Crosstalk.)

5 MS. SLOCUM: We'll break for lunch
6 before we end the economic development.
7 (Crosstalk.)

8 MS. ZIMNEY: I apologize.

9 ALJ LAU: Yeah. We're still on -- so,
10 Mr. Loy, when we come back, I want you to
11 check if page 1, bullet point 3 of Section 2
12 also needs a correction.

13 ALJ LAU: Okay.

14 THE WITNESS: Okay.

15 ALJ LAU: We will break for lunch
16 recess. We will be back at 1:15.

17 Off the record.]

18 (Whereupon, at the hour of 11:59
19 a.m., a recess was taken until 1:15
p.m.)

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1 AFTERNOON SESSION - 1:15 P.M.

2 * * * * *

3 ALJ LAU: Let's go back on the record.

4 We are back from our lunch recess. We're
5 resuming the cross-examination by PG&E of
6 Witness Mr. Mark Loy from Cal Advocates.

7 Ms. Zimney.

8 ALJ LIRAG: Let's go off the record.
9 (Off the record.)

10 ALJ LAU: Back on the record.

11 Ms. Zimney.

12 MS. ZIMNEY: Thank you.

13 MARK LOY,
14 resumed the stand and testified further as
15 follows:

16 BY MS. ZIMNEY:

17 Q Before the break, we were talking
18 about the Economic Development Program versus
19 the Economic Development Rate.

20 If we go to your testimony, page 5,
21 Footnote 7, which you referenced earlier
22 today, in, approximately, the direct middle,
23 it says that PG- -- you stated that PG&E is
24 wrapping 848,000 to retain and grow customers
25 in its Economic Development Rate proposal;
26 correct?

27 A Yes.

28 Q And, then, looking at PG&E's

1 Rebuttal Testimony, starting on page 210.

2 A Yes.

3 Q I'm looking at line 11.

4 A Yes.

5 Q It says: "Major Work Category FK
6 for Customer Engagement supports PG&E's
7 Economic Development Program, which
8 collaborates with the Governor's Office of
9 Business Development and Economic Development
10 Organizations to attract businesses to PG&E's
11 service area and retain existing businesses
12 that are considering moving out of its
13 service area"; correct?

14 A Yes. That's what it says.

15 Q Yes. And then on page 21(sic), it
16 says: "The Economic Development Program also
17 administers PG&E's long-standing Economic
18 Development Rate, which was most recently
19 approved by the Commission in D.18013(sic)";
20 correct?

21 A That's what it says.

22 Q So is it your understanding that
23 the Economic Development Rate is one part of
24 the Economic Development Program based on
25 that testimony?

26 A I don't know how this relates to
27 the Commission, other than the Economic
28 Development Rate is cited to a Commission

1 decision, but the other parts, I don't know
2 how they fit in. There's no citation or
3 reference to anything done by the Commission
4 or at the Commission.

5 Q I guess, I'm not asking about the
6 Commission's activity. I'm asking if PG&E's
7 proposal is that the Economic Development
8 Rate, one portion of the Economic Development
9 Program, is to implement the Economic
10 Development Rate based on this testimony on
11 page 210(sic).

12 A I'm sorry. What's your question
13 again?

14 Q If the Economic Development Rate,
15 which is discussed starting on line 21, if
16 that's described as being one part of the
17 Economic Development Program, which is more
18 broadly described starting on line 11.

19 A Well, PG&E's testimony, it is what
20 it is.

21 Q Is that what -- do you agree that
22 is what that testimony states?

23 A I don't. I actually don't. I
24 don't know. If it's not part of a Commission
25 filing. I just wouldn't know.

26 Q So you aren't familiar with PG&E's
27 testimony that you responded to on this
28 issue?

1 A I am familiar with it, and I
2 reviewed it. Yeah.

3 Q So are you -- is it your
4 understanding that the Economic Development
5 Program incorporates the implementation of
6 the Economic Development Rate as well as
7 other activities that attract businesses to
8 the state of California?

9 A I don't know -- outside of what's
10 filed in the Commission, I don't know how
11 PG&E defines or administers its Economic
12 Development Program.

13 Q Thank you.

14 And I'd like to go back just
15 briefly to the compliance issue that we
16 discussed regarding the third party
17 verification, and we were looking at Advice
18 Letter 5382. I don't have this version
19 marked with an exhibit number. I apologize.

20 ALJ LAU: Exhibit 260.

21 MS. ZIMNEY: Thank you.

22 Q Is it your understanding that this
23 Advice Letter provides the Economic
24 Development Rates Tariff, pursuant to
25 D.18-08-013?

26 A Yes.

27 Q And looking at this letter on the
28 cover -- or on the front page of that from Ed

1 Randolph.

2 A Yes.

3 Q This rate was made effective on
4 October 14, 2018; correct?

5 A Yes.

6 Q And so to confirm what we discussed
7 before, the settlement requires PG&E to
8 comply with a third party verification no
9 more than one year after the discount under
10 that rate starts; correct?

11 A I'm sorry. What page was that
12 again?

13 Q It was on the Settlement, I
14 believe, page 11.

15 A So the study is to be conducted no
16 sooner than one year after the customer's EDR
17 discount starts.

18 Q Right. And this rate was effective
19 on October 14, 2018.

20 A The tariff was, but the discount
21 for the customer, since there are no new
22 customers, the discount starts when they sign
23 the contract. So if you look further down
24 the page, you'll see: "During the third
25 year, after the customer's EDR contract
26 became effective."

27 Q Okay.

28 A So I don't think it's -- if it was

1 the start of the tariff, they would have said
2 it was when the tariff starts, but they
3 didn't.

4 Q And -- and did you -- and this
5 applies to customers who've received \$100,000
6 per year of savings from the EDR; correct?

7 A Yes. And there were two of them
8 that were identified in the 2018 Annual
9 Report on the EDR.

10 Q Could you point to where those are.

11 A Sure. Well, it's actually
12 confidential information. So how do you want
13 me to --

14 Q Oh, I apologize. Yes.

15 A Because it is redacted from your
16 exhibit.

17 Q Yes.

18 A But I can show this to you.

19 ALJ LAU: Let's go off the record.

20 (Off the record.)

21 ALJ LAU: Let's go back on the record.

22 BY MS. ZIMNEY:

23 Q So the requirement for this
24 auditing, is this -- is this required for
25 customers under a new contract under the new
26 rate that was approved in 18 -- in the 2018
27 decision?

28 A Okay. So what part of my testimony

1 and what documents are you referring to now?

2 Q I'm not referring to any testimony
3 in general. I'm asking if the third party
4 requirement is imposed on contracts that
5 predated this tariff and this decision that
6 was imposed. Are you arguing that it's
7 retroactive to contracts prior to the
8 issuance of this decision?

9 A The study or the audit would apply
10 to customers already in the program.

11 Q To -- to --

12 A It's the reporting requirements
13 that start after this tariff was approved.

14 Q So you're saying that this would
15 apply to contracts that were signed before
16 the issuance of the -- of the decision?

17 A Right. And so -- and one of the
18 reasons I'm saying that is, if you go down to
19 just past the middle of that paragraph:
20 "PG&E will conduct an audit of the customer's
21 energy uses measures" - and there's parens -
22 and then it continues again, "during the
23 third year after the customer's EDR contract
24 became effective."

25 Q I'm not under- --

26 A So when they talk about cus- -- and
27 so I'm -- I'm interpreting that -- I mean,
28 the customer's EDR discount starts within the

1 same context of this EDR contract became
2 effective because that's when the discount
3 started.

4 Q I'm not seeing -- can you explain
5 to me how that would require PG&E to apply
6 this to contracts that predate the decision
7 that set out this requirement?

8 A Because I read that there are no
9 new customers. So I don't know how they
10 would sign new contracts.

11 Q Where did you see that there are no
12 new customers?

13 A That's a good question. I think
14 it's just looking at the -- yeah, I can't
15 find that.

16 Q I think we can move on to another
17 question. Does Decision 18-08-013 state that
18 funding for the whole Economic Development
19 Program is dependent on compliance with these
20 orders?

21 A (No response.)

22 Q I guess stated another way, is it
23 your recommendation that the Commission
24 disallow all of PG&E's Economic Development
25 Program because of your assertion that PG&E
26 did not comply with specific Economic
27 Development Rate orders?

28 A I'm sorry. So what's your question

1 again?

2 Q Is it your recommendation that the
3 Commission provide no funding for PG&E's
4 Economic Development Program because of your
5 assertion that PG&E did not comply with
6 specific orders related to the Economic
7 Development Rate, which we've established as
8 one portion -- well, retract that last
9 portion.

10 A And I'm sorry. So what's the
11 question again?

12 Q Is it your assertion that PG- --
13 that the Commission should not approve the
14 overall funding for PG&E's Economic
15 Development Program because you assert that
16 PG&E has not complied with records related to
17 the Economic Development Rate?

18 A No. I'm saying that PG&E should
19 not get funding for its Economic Development
20 Rate because it did not include reporting on
21 the third party auditing.

22 Q But it's your recommendation that
23 PG&E receive zero dollars for its Economic
24 Development Program?

25 A I don't know what that is, other
26 than the EDR program.

27 Q And looking at PG&E's testimony on
28 page 210, line 11, which states that Major

1 Work Category F case supports the Economic
2 Development Program doesn't -- and then goes
3 on to describe it. Does that provide any
4 clarification for you?

5 A I'm sorry. So we're going back to
6 the rebuttal?

7 Q Yes. The portion that I had
8 pointed to earlier regarding the Economic
9 Development Program.

10 A Okay. So what's your question?

11 Q I believe it was whether you are
12 stating that PG&E should be provided with
13 zero funding for this Economic Development
14 Program, which is described on that page.

15 A I don't know what it is.

16 Q Okay.

17 A I just -- the only thing that I saw
18 in PG&E's testimony that involved some --
19 that involved a rate change was the Economic
20 Development Rate program --

21 Q So are you --

22 A -- which is referred to in the
23 Decision that you referenced, 18-08-013. I
24 don't see -- I don't see another Economic
25 Development Program other than the rate
26 program.

27 Q All right. We can move on to
28 Customer Service Offices, and in your

1 recommendation regarding PG&E's request to
2 close 17 of its Customer Service Offices or
3 CFOs -- CSOs -- I would like to first talk
4 about your Statement of Qualifications on
5 page 25. It says that your primary areas of
6 responsibility with the CPUC have been in
7 areas of cross-benefit analysis, financial
8 analysis, capital additions and expense,
9 forecasting, labor inflation, nonlabor
10 inflation, economic forecasting, and pensions
11 and benefits, decommissioning and expenses,
12 finances, sales and revenues, and information
13 technology; correct?

14 A It includes all of those, yes.

15 Q Okay. Have you done work for the
16 CPUC regarding customer care/customer
17 service?

18 A No.

19 Q On page 15 of your testimony, which
20 is Hearing Exhibit 257, line 19, you stated
21 that "If CSOs with high concentrations of low
22 income and disabled customers are shuttered,
23 then vulnerable customers may be subjected to
24 sudden cutoff of an essential service and
25 risk nonpayment due to lack of access to a
26 CSO"; is that correct?

27 A Yes.

28 Q Are you familiar with the bill

1 payment process at Neighborhood Payment
2 Centers or NPCs?

3 A Somewhat.

4 Q Is it your understanding that
5 customers can pay their bill at an NPC and
6 then be reconnected?

7 A Yes.

8 Q So would you agree that an NPC can
9 provide in-person bill-pay service as
10 effectively as a CS0?

11 A I'm sorry. Would you ask the
12 question again, please.

13 Q Would you agree that an NPC can
14 provide in-person bill-pay service in the
15 same manner as a CS0?

16 A Yes.

17 Q Is it your understanding that there
18 are NPCs located in shopping centers?

19 A Not specifically.

20 Q Are you familiar with the locations
21 of --

22 A Yes.

23 Q -- NPCs.

24 A But not whether it's -- maybe not
25 in terms of what's located around the
26 particular...

27 Q Is it your understanding that some
28 NPCs are open in the evening and weekends?

1 A Yes.

2 Q So would you agree that some
3 customers may find paying at the NPC more
4 convenient than a CSO because of hours and
5 location?

6 A Sure. Some may find it more
7 convenient. Why not?

8 Q And page 15 of your testimony,
9 lines 12 to 13, you said that "PG&E focuses
10 on the fact that alternative technologies are
11 available and whether survey respondents are
12 aware of that fact"; correct?

13 A Yes.

14 Q And on line 16, you said that "PG&E
15 failed to incorporate metrics for low income
16 into its closure criteria"; correct?

17 A Yes.

18 Q And do you have a copy of PG&E's
19 direct testimony?

20 A No, not their direct testimony.

21 Q I believe I handed one to you.

22 A Oh, right. I'm sorry.

23 Q So page 5-2.

24 A Yes.

25 Q And that's Hearing Exhibit 91,
26 Footnote 9. It says: "See Workpapers, 5-52
27 to 5-68 for an overview of factors considered
28 to determine which CSOs may be appropriate

1 for closure"; correct?

2 A Yes.

3 Q Okay. And if you look at those
4 workpapers on page 52 and that's Exhibit 92.

5 A Yes.

6 Q There's a chart there; correct?

7 A Yes.

8 Q And in that top row, the heading of
9 the chart, there's a number of factors
10 listed; correct?

11 A Yes.

12 Q And "percentage of CARE CSO
13 payments" is one of those factors; isn't it?

14 A It's a metric.

15 Q And "CARE CSO, cash-only payments"
16 is listed in there as well?

17 A Yes. It's listed there.

18 Q Okay. On page 17 of your
19 testimony, starting at line 14, you stated
20 the following: "Secondary criteria should be
21 used. At least three neighborhood payment
22 centers within three miles"; correct?

23 A Yes.

24 Q It's your understanding that PG&E's
25 criteria was two NPCs within three miles;
26 right?

27 A I believe so, yeah.

28 Q Have you done any studies why three

1 NPCs are necessary to support customer needs
2 as opposed to two?

3 A I can't remember.

4 Q Has the -- do you know if the
5 Commission has historically required that
6 there be three alternative N-Payment Service
7 Centers within three miles of a Customer
8 Office closure?

9 A I don't know.

10 Q And on that same page, page 17,
11 line 16, you stated, as another secondary
12 criteria, the availability in terms of
13 frequency and trip time to public transit; is
14 that correct?

15 A Yes.

16 Q Is your testimony that PG&E did not
17 consider this in their analysis of the CSOs?

18 A I don't think my testimony here
19 addresses PG&E's testimony.

20 Q I wanted to confirm if that was a
21 statement about PG&E's testimony or not. So
22 I think that answers that. Thank you.

23 On page 17, lines 5 to 7, you
24 state: "Cal Advocates recommends that a
25 pilot program be authorized and established
26 that sets forth reduced hours of operations
27 at CSOs, and monitors and reports on customer
28 impacts to the Commission before the closures

1 are proposed"; is that correct?

2 A Yes.

3 Q To your knowledge has the
4 Commission historically required monitoring
5 and reporting prior to an Investor-Owned
6 Utility submitting a request to close any
7 Customer Payment Offices or Customer Service
8 Offices?

9 A I don't recall.

10 Q And are you aware that Southern
11 California Edison recently received
12 Commission Approval to close its last
13 remaining Customer Payment Offices?

14 A Yes.

15 MS. ZIMNEY: I don't have any further
16 questions on these matters, but I believe my
17 co-counsel does on other issues.

18 ALJ LAU: Let's go off the record.

19 (Off the record.)

20 ALJ LIRAG: Let's go back on the
21 record. First, let's take care of that
22 correction on page 1 of Exhibit 257, on line
23 22. That's third bullet point.

24 THE WITNESS: Yes.

25 ALJ LIRAG: Is that something you want
26 to change to "zero dollars"?

27 THE WITNESS: Zero dollars for PG&E's
28 Economic Development Rate.

1 ALJ LIRAG: Program?

2 It doesn't matter?

3 THE WITNESS: Doesn't matter.

4 ALJ LIRAG: It will now read: "Zero
5 dollars for PG&E's Economic Development
6 Rate," and then strike everything else at
7 that bullet point.

8 THE WITNESS: Yes.

9 ALJ LIRAG: Thank you.

10 And then we shall take a break
11 until -- let's try for 1:50 off that clock,
12 and then Mr. Sher can request for additional
13 time, and this is so Mr. Sher can look over
14 the cross exhibit that apparently might not
15 have been e-mailed to him. So let's go off
16 the record.

17 (Recess taken.)

18 ALJ LAU: Let's go back on the record.

19 So we still have Mr. Loy on the
20 witness stand. While we were off the record,
21 there were several cross-examination exhibits
22 that were distributed by PG&E, and now we
23 will identify them.

24 Exhibit 261, again, a
25 cross-examination exhibit by PG&E. This is
26 titled: "Excerpts from D.17-12-009 Cooling
27 Centers."

28 Exhibit 262 is titled: "Pricing

1 Products and Low Income Programs, 2020 GRC
2 Phase 1, RRMA and Cooling Centers."

3 Exhibit 263 is titled: "Excerpts
4 from D.16-03-029, DSM, SW Marketing."

5 Exhibit 264 is titled: "Decision on
6 Phase 2 Issues, Statewide Marketing Education
7 and Outreach Plans for 2014 to 2015,
8 D.13-12-038."

9 Exhibit 265 is titled: "Excerpts
10 from D.17-12-023, Rate Reform, Statewide
11 Marketing."

12 Exhibit 266 is titled: "Excerpts
13 from D.13-04-021, DSM, SW Marketing."

14 Let's go off the record.

15 (Off the record.)

16 ALJ LAU: Back on the record.

17 Exhibit 267 is titled: "Application
18 of PG&E for Approval of 2013 to 2014
19 Statewide Marketing, Education and Outreach
20 Program and Budget."

21 Exhibit 268 is titled: "Excerpts
22 from A.11-05-017, PG&E Annual Cooling Program
23 Report, 12-19-18."

24 (Exhibit No. 261 was marked for
25 identification.)

26 (Exhibit No. 262 was marked for
27 identification.)

28 (Exhibit No. 263 was marked for
identification.)

1 (Exhibit No. 264 was marked for
2 identification.)

3 (Exhibit No. 265 was marked for
4 identification.)

5 (Exhibit No. 266 was marked for
6 identification.)

7 (Exhibit No. 267 was marked for
8 identification.)

9 (Exhibit No. 268 was marked for
10 identification.)

11 ALJ LAU: So now we have counsel from
12 PG&E and that is Ms. Slocum. Would you like
13 to begin your cross?

14 MS. SLOCUM: Yes, I would, your Honor.

15 CROSS-EXAMINATION

16 BY MS. SLOCUM:

17 Q Good afternoon, Mr. Loy. I'm Gail
18 Slocum for PG&E. In your testimony, Exhibit
19 257, please turn to page 25, your Witness
20 Qualifications, at the very last page.

21 A Yes.

22 Q In looking at your responsibilities
23 at the CPUC, you noted that you've sponsored
24 testimony on information technology in PG&E's
25 2017 GRC and Sempra's 2019 GRC; is that
26 correct?

27 A Yes.

28 Q And have you sponsored testimony in
any prior IOU GRC Phase 1 proceedings other
than these two that you mentioned here?

1 A Of course.

2 Q I heard you state earlier today,
3 during cross by Ms. Zimney, that you haven't
4 prepared or sponsored testimony in a prior
5 GRC Phase 1 proceeding on customer care
6 issues; correct?

7 A Right. As far as I can recall.

8 Q And so am I correct to also assume
9 you haven't -- you have not prepared
10 testimony on Marketing, Education, and
11 Outreach plans before this GRC?

12 A Not that I can recall.

13 Q I see you studied economics as an
14 undergraduate at U.C. Santa Cruz, and after
15 graduation, briefly worked as a private CPA
16 before joining the CPUC in 1982; correct?

17 A Yes.

18 Q What was your concentration of
19 studies in your economics degree?

20 A Mathematical Methods of Economics.

21 Q Did you take any courses on
22 marketing or customer outreach?

23 A No.

24 Q So I assume from your work
25 experience that you, yourself, have never
26 prepared a marketing or customer outreach
27 plan; correct?

28 A That's correct.

1 Q And that you've never prepared
2 yourself a marketing or customer outreach
3 budget - correct - for a plan?

4 A Right. So not prior to this rate
5 case, no.

6 Q Okay. I don't see any reference
7 here to you having been involved for the
8 Public Advocates Office or its predecessors,
9 ORA or DRA, in the CPUC's low income CARE
10 proceedings, which evaluate the large
11 Investigator-Owned Utilities applications for
12 CARE and Energy Savings Assistance programs;
13 correct?

14 A Many years ago, I was --

15 Q First, I'm asking you --

16 A I'm sorry.

17 Q -- you didn't state anything about
18 those -- that in here?

19 A I did not state it in here.

20 Q So, now, if you'd like to explain,
21 have you been involved in that proceeding,
22 the large Investor-Owned Utilities, CARE and
23 ESA program applications?

24 A CARE and what again?

25 Q Energy Savings Assistance programs?

26 A No, not those two programs, no.

27 Q Okay. Now, until this PG&E 2020
28 GRC, isn't it true that the CPUC considered

1 funding for PG&E's Cooling Center program in
2 the low income CARE proceeding that I just
3 mentioned?

4 A I believe so, yes.

5 Q So since you've just indicated you
6 were never involved in those proceedings
7 before, I assume you haven't been involved in
8 the past with approvals of PG&E's Cooling
9 Center expenses; correct?

10 A That's correct.

11 Q Okay. Look at what's been marked
12 as cross Exhibit 261, please.

13 A What's the title of that one?

14 Q "Excerpts from D.17-12-009." Do
15 you have that?

16 A Yes.

17 Q And turning to page 330, which is
18 the back of the second page of the handout,
19 page 330. Are you there? It's two-sided
20 printing.

21 A Yeah. I have it. Sorry. Go
22 ahead.

23 Q Is it your understanding that the
24 CPUC ordered Cooling Center revenue
25 requirements to shift over to being part of
26 GRCs starting with PG&E's 2020 GRC here;
27 correct?

28 A Yeah.

1 Q Now, finally, with regard to your
2 qualifications, there's no mention about
3 involvement with the CPUC's Residential Rate
4 Reform OIR itself or the 2018 Rate Design
5 window proceedings that followed it; is
6 there?

7 A That's correct.

8 Q And since I was involved in all
9 those proceedings over the last seven years,
10 I don't recall seeing your name as a witness
11 in any of those proceedings or involved in
12 those proceedings; am I correct?

13 A I don't know.

14 Q Were you involved in the
15 Residential Default Time of Use proceeding?

16 A No.

17 Q Please turn to page 10.

18 A Of?

19 Q Exhibit 257, your opening
20 testimony.

21 A Yes.

22 Q Starting at line 3 of page 10.

23 A Yes.

24 Q There you present your argument
25 against what you believe is PG&E's proposal
26 to replace the Residential Rate Reform
27 Memorandum Account, which I'll call the
28 RRRMA - and I think you might even call it

1 that too - with a two-way balancing account;
2 do you see that?

3 A Yes.

4 Q Did you review what's now been
5 marked as Exhibit 93, PG&E's Rebuttal
6 Testimony, on this subject shortly after it
7 was submitted on September 4th?

8 A Yes.

9 Q And looking at -- do you have
10 Exhibit 93, the Rebuttal Testimony?

11 A Yes.

12 Q Looking at page 3-10.

13 A Yes.

14 Q Line 15 through page 3-12, you
15 reviewed that material previously; correct?

16 A Yes.

17 Q Do you now understand that PG&E is
18 not proposing to replace RRRMA with a two-way
19 balancing account for recovery of all of
20 Residential Rate Reform costs during the 2020
21 GRC cycle, but just the Statewide Marketing
22 costs?

23 A My testimony only relates to --
24 only relates to the items that PG&E submitted
25 in the GRC. It doesn't refer to any other
26 components that were not part of PG&E's
27 testimony in this proceeding.

28 Q Let me put it differently. Are you

1 now aware that PG&E in this proceeding
2 requested two types of treatment for two
3 types of rate reform activities from which
4 costs are currently reported in the RRRMA;
5 the first being Statewide ME&O, or Marketing,
6 Education, and Outreach, for a statewide mass
7 media campaign being managed by the CPUC; and
8 the second being a non-statewide set of ME&O
9 costs related to the full rollout of Default
10 TOU and other rate reform matters that are
11 being managed by PG&E?

12 A I'm sorry. So what's your
13 question?

14 Q Is it your understanding that
15 there's two types of rate reform activities
16 for which PG&E makes proposals in this
17 proceeding: One being the Statewide
18 Marketing that's overseen by the CPUC, and
19 the other being the non-Statewide Marketing
20 for Residential Rate Reform that is being
21 administered by PG&E?

22 A So, yeah, in the rebuttal; that's
23 correct.

24 Q Okay. Now, do you have PG&E's
25 Opening Workpapers with you, Exhibit 92.

26 ALJ LAU: Let's go off the record.

27 (Off the record.)

28 ALJ LAU: Back on the record.

1 BY MS. SLOCUM:

2 Q So do you have before you what's
3 been marked as 93, the Opening Workpapers?

4 A Yes.

5 ALJ LAU: 92.

6 MS. SLOCUM: I'm sorry. 92. Thank
7 you, your Honor.

8 Q Do you have before you Workpaper,
9 page 3-34, Table 3-24. Just let me know when
10 you're there.

11 A 34?

12 Q 3-34 is the page number. It says
13 "WP 3-34."

14 A Yes.

15 Q And at the top, once you turn it to
16 landscape, it says at the top "Table 3-24";
17 do you see that?

18 A Yes.

19 Q And this details PG&E's Statewide
20 ME&O Forecast, and looking at the middle of
21 that table, the "2020 Forecast" column, do
22 you see that?

23 A No. Come again. I'm sorry.

24 Q Look in the middle of the table.
25 There's a column. It's entitled, "2020
26 Forecast."

27 A Yes.

28 Q Follow that all the way to the

1 bottom; okay.

2 A Yes.

3 Q And do you see that PG&E's 2020
4 Forecast for the Statewide ME&O effort is \$20
5 million for 2020?

6 A Yes.

7 Q And looking back at PG&E's Rebuttal
8 Testimony, Exhibit 93, at page 3-11, line 7
9 through 12.

10 A Okay. What are the pages again?
11 I'm sorry.

12 Q 3-11.

13 A Yes.

14 Q It's just on that page, lines 7
15 through 12.

16 A Yes.

17 Q And do you now understand that PG&E
18 is not proposing than its entire revenue
19 requirement for Residential Rate Reform
20 implementation be handled through a two-way
21 balancing account?

22 A Right. It's split into two
23 different parts now.

24 Q Okay. So I want to focus on the
25 part that's the Statewide Marketing because
26 that's the part that PG&E's proposing a
27 two-way balancing account for; correct?

28 A Yes.

1 Q Please look at your opening
2 testimony again.

3 A Yes.

4 Q In Exhibit 257 at page 10.

5 A Yes.

6 Q So is the reason that Cal Advocates
7 recommends that PG&E record Statewide ME&O
8 for rate reform costs into the RRRMA so that
9 it provides decision makers with additional
10 after-the-fact scrutiny of those costs?

11 And I'm there looking at lines 16
12 through 18: "Cal Advocates recommends
13 retaining the existing RRRMA as it will
14 provide decision makers with the additional
15 after-the-fact scrutiny from which to set out
16 findings, conclusions, and orders before
17 setting rates."

18 Is that the reason you recommend
19 using the RRRMA and not the balancing
20 account?

21 A That and the additional scrutiny
22 that the Commissioner ordered when it
23 authorized the RRRMA in the first place.

24 Q Okay.

25 A And then also in more recent
26 decisions on this, on the RRRMA, they've also
27 reaffirmed the use of a memorandum account.

28 Q So you conclude in the middle of

1 that page, at lines 13 through 15, that using
2 a balancing account for tracking -- or for
3 recovery of these Statewide ME&O costs,
4 undermines the CPUC's purpose of holding
5 utilities accountable when ratesetting;
6 therefore, it's not in accord with the CPUC's
7 original order; correct?

8 A Correct.

9 Q Is it your understanding that under
10 the RRRMA, the after-the-fact review of costs
11 recorded to it can't be recovered if they are
12 validated after the fact as being -- if they
13 cannot be validated after the fact as being
14 incremental, verifiable, and reasonable?

15 A That's fair. Yeah.

16 Q Shortly after you submitted your
17 July 26th testimony, didn't PG&E Witness
18 Emily Bartman arrange for herself and Case
19 Manager Chris Kato to meet with you on August
20 7th to answer questions and to discuss and
21 clarify certain facts? And if you would like
22 to refer to Exhibit 262. Does that refresh
23 your recollection?

24 ALJ LAU: Let's go off the record.

25 (Off the record.)

26 ALJ LAU: Back on the record.

27 BY MS. SLOCUM:

28 Q Mr. Loy --

1 A I just don't recall that it was
2 Emily Bartman and Chris Kato.

3 Q They physically came to meet with
4 you at the Commission; correct?

5 A Right.

6 Q Two people came to visit with you
7 at the Commission; correct?

8 A That, I just don't remember.

9 Q All right. Well, through that
10 meeting as well as through PG&E's Rebuttal
11 Testimony, are you now --

12 MR. SHER: Objection, your Honor. He
13 doesn't remember there being a meeting.

14 MS. SLOCUM: I'm not asking about that
15 meeting.

16 MR. SHER: If you could refer to the
17 document, that would work fine.

18 ALJ LAU: How about you refer to the
19 document, and why don't you ask the question.

20 MS. SLOCUM: Sure.

21 Q So looking at what's been marked as
22 cross Exhibit 262. Turn to page 4 of that
23 exhibit.

24 A What's on the top of that?

25 Q Need for Statewide ME&O, Two-Way
26 Balancing Account, and it has a little
27 "No. 4" in the bottom right.

28 A Right. Okay.

1 Q Look under the third black bullet,
2 and the first sub-bullet. Do you recall PG&E
3 discussing with you the fact that the Rate
4 Reform Statewide ME&O is an amendment to
5 existing Energy Upgrade California Contract
6 for energy efficiency already recovered in
7 two-way balancing account?

8 A I'm sorry. What is your question?

9 Q Does this refresh your recollection
10 that PG&E met with you and discussed this
11 slide deck with you including this bullet
12 point?

13 A Not -- I don't recall, but it's --
14 so this sub-bullet point is kind of confusing
15 because it's conflating the Energy Upgrade
16 California Contract with the ME&O Rate
17 Reform. In the most recent decision that
18 I've read on the rulemaking for the
19 Residential Rate Reform, it did approve, as I
20 recall, the Statewide ME&O as an amendment to
21 the existing contract of the consultant
22 that's doing the Energy Upgrade California,
23 but they reaffirmed the use of the ME&O
24 account.

25 Q So let me back up and just
26 understand. Are you now aware that the
27 Statewide ME&O activities related to the full
28 rollout of Residential Default TOU are being

1 handled by a consultant called "DDB" who was
2 chosen by the CPUC?

3 A Yes.

4 Q And are you aware that the Energy
5 Upgrade California program is also a
6 statewide mass media program that happens to
7 also now be carried out by that same
8 consultant, DDB, under the supervision of the
9 CPUC?

10 A I'm sorry. What's your question
11 again?

12 Q Are you aware that Energy Upgrade
13 California program is also a statewide mass
14 media program that is supervised by the CPUC
15 and carried out by the consultant DDB?

16 A Yes.

17 Q I would like to get your
18 understanding about who makes the decisions
19 regarding scope of work. So could you,
20 please, look at what's been marked as Exhibit
21 263.

22 A What's on the front of that?

23 Q That's called "Excerpt from
24 D.16-03-029 DSM Statewide Marketing."

25 Do you have that?

26 A Yes.

27 Q Okay. Please turn to page 50 in
28 this excerpt, and look at the table.

1 A Yes.

2 Q Look at Row 2 of that table.

3 A Yes.

4 Q This table is discussing the ME&O
5 program and who is responsible, accountable,
6 supportive, consulted, or informed, which is
7 sometimes called the "RASCI Governance
8 Model." Do you recognize that concept,
9 looking at the bottom of page 49?

10 A Oh.

11 Q In designating the Statewide
12 Administrator at that time called Center For
13 Sustainable Energy, the original contractor.

14 A I see that. Yes.

15 Q The Commission endorsed a proposal
16 to use this RASCI model to define the roles
17 and responsibilities. And so I'm looking at
18 that table again --

19 A Yes.

20 Q -- that kind of summarizes the
21 overall model.

22 A Yes.

23 Q And look at Row 2 under
24 "Accountable."

25 A Uh-huh.

26 Q Isn't the Commission, listed on
27 line 2, as being charged with the authority
28 to assign and approve the deliverable of the

1 consultant responsible for the work for
2 Energy Upgrade California?

3 A Yes.

4 Q In other words -- never mind.

5 Now, please, look at cross Exhibit
6 264. That one is titled: "Decision on
7 Phase 2 issues: Statewide Marketing,
8 Education, and Outreach Plans for 2014-2015."

9 A Yes.

10 Q There, in Decision 13-12-038, the
11 Commission adopted PG&E's Statewide Marketing
12 and Outreach Plans for 2014 and 2015 for
13 Energy Upgrade California; correct?

14 A (No response.)

15 Q Perhaps, I'll just move us through
16 this quickly. At page 90 of that document --

17 A Okay.

18 Q -- Conclusion of Law, 27(i), in the
19 middle of the page --

20 A Yes.

21 Q -- it says, The CPUC is the owner
22 of the EUC, or Energy Upgrade California
23 brand, and has overriding authority on all
24 decisions in consultation with the CEC; do
25 you see that?

26 A Yes.

27 Q And look at Conclusion of Law 26,
28 right above that. Same page.

1 A Yes.

2 Q Which states, Commission retains
3 oversight control over CCSE - that's the
4 consultant - proposed governance structure
5 because there's a binding contract between
6 that consultant and PG&E; do you see that?

7 A Yeah. This is kind of getting...

8 MS. SLOCUM: Your Honor, I'm laying a
9 foundation for something.

10 ALJ LAU: Right.

11 BY MS. SLOCUM:

12 Q Could you look at page 98 of that
13 exhibit as well, ordering paragraph 18.

14 A Yes.

15 Q And it states that PG&E's role is
16 to serve as the fiscal manager of the
17 contract without exercising control over
18 design of or modifications to the EUC
19 Statewide ME&O and Outreach program; correct?

20 A Yes.

21 Q So these approvals are the purview
22 of the Commission and not PG&E; right?

23 A I don't know.

24 Q Before you prepared your testimony
25 in this proceeding, were you aware of this
26 decision and Energy Upgrade California
27 Statewide Marketing program?

28 A Let's see. At the time I wrote my

1 testimony, I don't believe I was aware of
2 this particular one. What I relied on was
3 the Rulemaking 12-06-013 and Decision
4 17-12-023 dated December 14th, 2017, where
5 they -- where the Commission orders that the
6 IOU shall track expenditures for Statewide
7 Residential Rate Reform and ME&O and in
8 respective Residential Rate Reform Memorandum
9 Account.

10 Q Very well, so --

11 A So I didn't really think that the
12 governance trumped that or in any way made
13 that order invalid.

14 Q Well, you were just saying you
15 weren't familiar with the Energy Upgrade
16 California.

17 A When I wrote my testimony.

18 Q Okay. Yeah. Right.

19 Now, for the Statewide ME&O
20 contracts for the Residential Rate Reform
21 that's at issue here, isn't it also true that
22 PG&E's role is solely to be income manager?

23 A What part of my testimony are you
24 referring to?

25 Q I'm not referring to a statement in
26 your testimony per se. I'm laying a
27 foundation with regard to your conclusion
28 about whether balancing account treatment is

1 appropriate. And I'm asking you, you don't
2 dispute that PG&E's role regarding Statewide
3 ME&O contracts for the Residential Rate
4 Reform is similar to the EUC because PG&E is,
5 again, just the fiscal manager, just pays the
6 bills?

7 A I'm sorry. What is your question
8 again?

9 Q What was your understanding, when
10 you wrote this testimony on July 26th, served
11 this testimony, about what PG&E's role is
12 regarding the Statewide ME&O for Residential
13 Rate Reform?

14 Was your understanding that PG&E is
15 solely the fiscal manager for that?

16 A I didn't -- I didn't -- let's see.
17 I did not consider their role. I was simply
18 trying to see what the Commission ordered
19 PG&E to do in regards to the Memorandum
20 Account.

21 Q Okay. With regard to being a
22 fiscal manager, let's just assume that PG&E
23 is the fiscal manager for Statewide Marketing
24 for Residential Rate Reform just as it is for
25 Energy Upgrade California.

26 Is it your understanding that that
27 would mean PG&E just pays for its share of
28 the costs incurred by the CPUC's consultant

1 under the CPUC's direction?

2 A I don't know that that's relevant.

3 Q I'm just asking if that --

4 A I'm sorry.

5 Q -- would be true?

6 A If what would be true?

7 Q If PG&E were the fiscal agent for
8 the Statewide Residential Rate Reform, just
9 as it is for the Energy Upgrade California,
10 that would mean that PG&E just pays for its
11 share of the costs that are incurred for the
12 marketing efforts that are under the CPUC's
13 direction; correct?

14 A And they're to record the expenses
15 in a Memorandum Account.

16 Q Right. Was that a "yes" answer?

17 A Yes.

18 Q Please turn to PG&E's Rebuttal,
19 Exhibit 93, page 3-14.

20 ALJ LIRAG: Off the record.

21 (Off the record.)

22 ALJ LIRAG: Back on the record.

23 THE WITNESS: Where are we?

24 BY MS. SLOCUM:

25 Q Page 3-14, Footnote 30.

26 ALJ LAU: Off the record.

27 (Off the record.)

28 ALJ LAU: Let's go back on the record.

1 BY MS. SLOCUM:

2 Q Look at Footnote 30 on page 3-14.

3 A Yes.

4 Q So when you viewed this rebuttal,
5 did you look at any of the cited decisions
6 referenced in this footnote that we just
7 pointed out?

8 A Yes.

9 Q And these are same ones that we've
10 just provided excerpts for as cross exhibits;
11 correct?

12 A Yes.

13 Q Please look at cross Exhibit 265,
14 which is entitled: "Excerpts from Decision
15 17-12-023, Rate Reform Statewide Marketing."

16 A Sorry. What was the decision
17 number again?

18 Q 17-12-023. It's a two-page cross
19 exhibit.

20 A Okay. Hang on.

21 ALJ LAU: Let's go off the record.
22 (Off the record.)

23 ALJ LAU: Back on the record.

24 BY MS. SLOCUM:

25 Q If you could look at page 60,
26 Conclusion of Law 7, which states that the
27 governance structure for Energy Upgrade
28 California should apply to the Statewide

1 Residential Rate Reform ME&O work by DDB.

2 Do you see that?

3 A Yes, I do, but then I also see on
4 page 62, Item No. 8, that it says,
5 Expenditures for Statewide Residential
6 Reform, Marketing, Education Outreach program
7 shall being allocated in this way, and the
8 Investor-Owned Utilities are authorized to
9 track expenditures for the statewide campaign
10 and their respective Residential Rate Reform
11 Memorandum Accounts.

12 Q Okay.

13 A So I don't know that the governance
14 issue -- it's not clear how it impacts the
15 accounting.

16 Q Let me just walk you through.

17 So isn't it true that for DDB's
18 work on Statewide ME&O for both Energy
19 Upgrade California and the Residential Rate
20 Reform mass media campaign, PG&E doesn't have
21 control over the scope or the amount spent on
22 the Statewide ME&O. That's up to the CPUC
23 governance; correct?]

24 A I actually don't know.

25 Q What do you think the conclusion of
26 Law 7 means?

27 Do you think it means that some
28 other form of governance structure should

1 apply to the reform ME&O? Because we just
2 talked about what the EUC one is.

3 A Right. The governance structure
4 applies to the ME&O work.

5 Q All right. So both of them have
6 the same --

7 A That's the governance structure.

8 Q Okay. I know. But that's all I'm
9 asking you about.

10 A Yes.

11 Q It's true that the governance
12 structure under both, PG&E does not have
13 control over the scope or over the amount
14 spent on statewide ME&O? That's up to the
15 CPUC; correct?

16 A Ultimately, yes.

17 Q Okay. Where do you present, in
18 your testimony, reliance on 15-07-001,
19 originally requiring PG&E to record
20 residential rate reform costs in a memo
21 account as supporting continued use of the
22 RRRMA?

23 A I'm sorry. So where are we now?

24 Q In your testimony.

25 A On what page are --

26 Q Well, let me just to it this way.

27 Would you accept that your
28 testimony nowhere states that you were

1 relying on Decision 15-07-001 to require PG&E
2 to keep recording residential rate reform
3 costs in the RMA and not in a memorandum
4 account? Oh, I'm sorry -- in the RMA, which
5 is a memorandum account?

6 A Okay. So what's your question
7 again?

8 Q Let me try this in a different way.
9 Are you familiar with when the CPUC
10 adopted its statewide marketing plan for the
11 residential rate reform? Was it in 17-12-023
12 that we just looked at?

13 A I'm sorry. What's your question?

14 Q Didn't the Commission adopt the
15 statewide marketing plan in 17-12-023 for
16 residential rate reform after Decision
17 15-07-001?

18 A Decision 17-12-023 came after.

19 Q Mm-hm.

20 A On Decision 15 --

21 Q Yes.

22 A Anyway, it came afterwards.

23 Q All right. So --

24 A It was issued after.

25 Q So the Decision 17-12-023 was
26 issued in December of 2017; correct?

27 A Yes.

28 Q Okay. And so this is the first

1 PG&E GRC Phase 1 that's been filed since that
2 decision came out; correct?

3 A I believe this was a generic
4 decision that is -- it's a rulemaking, so
5 it's not a PG&E decision.

6 Q No, I'm actually asking you --

7 A I'm sorry.

8 Q Since December 2017 -- we put a pin
9 in that date. That's when the statewide
10 marketing campaign got adopted by the
11 Commission for residential rate reform;
12 right?

13 A I don't know.

14 Q Okay. I think you just said that
15 earlier.

16 Assume with me that the statewide
17 marketing plan for DDB to run the residential
18 rate reform statewide mass-media marketing
19 was adopted in 17-12-023.

20 Wouldn't it then be true that the
21 first PG&E GRC filing that has happened since
22 that time is this 2020 Test Year GRC?

23 ALJ LAU: Counsel, why don't you make
24 the assumption. Let's just assume that that
25 is correct.

26 MS. SLOCUM: Okay. Thank you, your
27 Honor.

28 If you -- okay.

1 THE WITNESS: I'm sorry. So what was
2 your question again?

3 BY MS. SLOCUM:

4 Q This GRC Phase 1 was filed in
5 December of 2018; correct?

6 A Yes.

7 Q All right. And that was the first
8 GRC since the Commission adopted the
9 statewide marketing plan in Decision
10 17-12-023 for PG&E?

11 A Yeah.

12 Q Okay. Is it your argument that
13 PG&E -- well, do you understand that PG&E may
14 propose a different mechanism in its GRC
15 Phase 1 proceeding, if it finds it warranted
16 and shows that it's warranted?

17 A Of course it can. But there's a
18 generic rulemaking where PG&E -- would seem
19 to me, what PG&E's proposing really falls
20 within the scope of that. So the rulemaking
21 is still open, PG&E got a September 12th,
22 2019 Decision on PG&E's cost recovery
23 proposal --

24 Q Thank you.

25 A For the RRRMA.

26 So -- I'm sorry. What's your
27 question?

28 Q My question is to move on that your

1 proposal -- if your proposal to keep using
2 the RRRMA for statewide ME&O, for default TOU
3 rollout were adopted?

4 A Yes.

5 Q What reasonableness review does the
6 Public Advisors Office envision for these
7 statewide costs, given that the CPUC has
8 oversight of those activities and not PG&E?

9 A I'm just --

10 MR. SHER: Counsel, sorry. Do you mean
11 Public Advocates Office?

12 MS. SLOCUM: I am so sorry. Yes, I
13 did.

14 THE WITNESS: I'm sorry what's the
15 question?

16 BY MS. SLOCUM:

17 Q Okay. If your proposal to use the
18 RRRMA for statewide ME&O default TOU rollout
19 were adopted; okay? Do you got that in mind
20 as a hypothetical?

21 A Yes.

22 Q I'm sure that makes you happy.

23 If your proposal were adopted, what
24 reasonableness review does the Public
25 Advocates Office envision for those costs,
26 given that the CPUC has oversight of those
27 activities and not PG&E?

28 A I just defer to the Commission.

1 They ordered the memorandum account. They
2 didn't -- nobody -- you know, after extensive
3 workshops and decisions and hearings, the
4 Commission has had plenty of time to consider
5 -- to reconsider the memorandum account.
6 Other participants in the proceeding had
7 plenty of time and opportunity to file
8 alternatives to the memorandum account --

9 Q Right. I'm just talking about a
10 hypothetical in the future where your
11 proposal is adopted here. And I'm just
12 trying to understand, once there was a
13 filing of the costs in this, how does the
14 Public Advocates Office propose to do
15 reasonableness review for those costs, given
16 that the CPUC itself has oversight of those
17 activities and not PG&E?

18 A I don't know. I just defer to the
19 prior decisions by the Commission as recently
20 as September 12th, 2019.

21 Q Okay. Look at Cross Exhibit 20 --
22 266, please. This one is entitled "Excerpts
23 from D.13-04-021."

24 Do you have that?

25 A These are the Phase 1 issues?

26 Q Yes. This would be looking at
27 page 18, under "Cost recovery."

28 A Yes.

1 Q Okay. And there the Commission
2 adopts PG&E's proposal for cost recovery;
3 correct?

4 A Cost recovery for what?

5 Q For the Energy Upgrade California
6 program.

7 A So what part of my testimony does
8 this relate to?

9 Q This has to do with PG&E's cross of
10 you, with regard to the appropriateness of a
11 balancing account and your arguments against
12 the appropriateness of a balancing account
13 using an analogy to a similar program.

14 A Ah.

15 Q And I'm asking you, is it your
16 understanding that the Energy Upgrade
17 California program's statewide ME&O costs are
18 and always have been recovered through a
19 balancing account?

20 A That I don't know.

21 Q Did you look into it after you
22 received PG&E's rebuttal?

23 A Look into what, specifically,
24 again?

25 Q Energy Upgrade California's --

26 A No. Because it's a different
27 program and a different plan --

28 Q All right.

1 A And then it's --

2 Q Please look --

3 A The issues --

4 Q Excuse me.

5 A -- regarding the RMA are being
6 covered in a rulemaking 12-06-013. So even
7 though --

8 Q I'm very aware of that. So --

9 THE REPORTER: Hold on. One at a time,
10 please.

11 THE WITNESS: I'm sorry.

12 MS. SLOCUM: I don't think there's a
13 question pending.

14 ALJ LAU: Right. Ms. Slocum, you can
15 just --

16 BY MS. SLOCUM:

17 Q Thank you.

18 Please look at Cross Exhibit 267,
19 which is entitled "Application of PG&E for
20 approval" --

21 A Yes.

22 Q -- "of a Statewide Marketing,
23 Education, and Outreach Program and Budget."

24 And looking at page 9 --

25 A Yes.

26 Q -- under Roman V, the second --

27 A Yes.

28 Q -- sentence:

1 Revenue requirements will
2 be recovered through
3 existing energy efficiency
4 and demand response revenue
5 balancing accounts. PG&E
6 proposed to track actual
7 expenses through standalone
8 balancing account to ensure
9 that unspent and
10 uncommitted expenses are
11 returned to customers.

12 Is it now your understanding that
13 the Energy Upgrade California Program, as
14 discussed here, those costs are and always
15 have been recovered through a balancing
16 account?

17 A That I just don't know. But, I
18 mean, here they are being covered in a
19 balancing account.

20 Q Thank you.

21 Since the Energy Upgrade California
22 Program uses a balancing account for
23 statewide marketing, shouldn't the CPUC be
24 open to now considering using the same type
25 of cost recovery approach through a balancing
26 account for the rollout of default TOU
27 statewide marketing being performed by the
28 same consultant, under the same governance

1 structure, in which the Commission is
2 responsible, and not PG&E, for directing its
3 activities?

4 A It's not appropriate for the GRC.
5 But it would be appropriate for the
6 rulemaking.

7 Q All right. I would like to shift
8 to the topic of cooling centers. Turn to
9 your testimony at the bottom of page 8.

10 A Yes.

11 Q You recommend a complete
12 disallowance of the 150,000 that's required
13 for PG&E's 2020 operations of its cooling
14 centers; correct?

15 A Yes.

16 Q And you argue for this disallowance
17 by alleging that PG&E has not complied with
18 certain CPUC directives in Decision
19 17-12-009; correct?

20 A Yes.

21 Q And turn to Exhibit 261, please,
22 the cross -- the first one we talked about
23 today. It's entitled, "Excerpts from
24 D.17-12-009"?

25 A Yes.

26 Q That's the decision we just talked
27 about; correct?

28 A I don't know.

1 Q Okay.

2 A Yes.

3 Q All right.

4 And look at the second full page of
5 that document on the back page. It's
6 numbered page 330?

7 A Yes.

8 Q And you would please read out loud
9 the first paragraph under the heading
10 "Discussion"?

11 A Yes.

12 We note that the IOUs
13 requesting cooling center
14 budgets are closely aligned
15 with the amounts authorized
16 for 2015. This proceeding
17 has given us an opportunity
18 to consider the
19 reasonableness of these
20 proposals where they should
21 be funded by CARE or part
22 of the IOUs' GRC. In
23 addition, as we begin to
24 adapt to climate change,
25 which may increase the
26 frequency of heat waves and
27 outages due to extreme
28 weather, it is worth noting

1 the cooling centers provide
2 both a refuge from harsh
3 weather conditions that may
4 become life threatening and
5 basic services that are
6 relevant to more than just
7 the low-income population.
8 This begs the question as
9 to whether these services
10 should continue to be
11 funded via low-income
12 program dollars. As a
13 result, we direct the
14 utilities to include
15 cooling center costs in
16 their GRC proceedings going
17 forward. In the interim, we
18 will continue to utilize
19 CARE administrative dollars
20 for cooling center
21 activity, but only until
22 the utility's next GRC.

23 Q Thank you. So it is it your
24 understanding that the Commission required
25 PG&E to request funding for cooling centers
26 from now on starting in this GRC, rather than
27 through the low-income proceeding where it
28 used to be handled?

1 A There -- it directs them to include
2 the cooling center costs --

3 (Phone interruption.)

4 ALJ LIRAG: Sorry.

5 ALJ LAU: Let's go off the record.

6 (Off the record.)

7 ALJ LIRAG: We'll go back on the
8 record.

9 BY MS. SLOCUM:

10 Q All right.

11 And PG&E did so, if presented as
12 cooling center request, in Exhibit 91, PG&E's
13 opening testimony, at page 3-24 to 3-26;
14 correct?

15 A Yes.

16 Q And you've argued that PG&E's
17 cooling center funding proposal should be
18 rejected because we haven't complied with
19 certain Commission directives. And you list
20 five bullets at page 9 of your testimony --

21 A Yes.

22 Q -- of items that you believe PG&E's
23 not in compliance with?

24 A Yes.

25 Q And your footnote cites to Decision
26 17-12-009 Ordering Paragraphs 114 to 124;
27 correct?

28 A Yes.

1 Q So please look again at
2 Exhibit 261, excerpts from that Decision
3 17-12-009?

4 A Okay. Yes.

5 Q At page 330?

6 A Yes.

7 Q And look in the middle of the page,
8 the beginning of the second paragraph.
9 Doesn't the first line of that paragraph
10 state:

11 In doing so, we direct the
12 utilities during this
13 program cycle...

14 Do you see that phrase?

15 A Yes.

16 Q "During this program cycle"?

17 A Yes.

18 Q What is your understanding of
19 PG&E's current low-income proceeding program
20 cycle?

21 A I'm not aware of it.

22 Q Okay. If you would please turn to
23 page 1 of that exhibit?

24 A Page 1 of what exhibit?

25 Q 261, the same one we were just in.

26 A That's the excerpts?

27 Q Yes.

28 A Okay.

1 Q And it's got the caption at the
2 top. And toward the bottom it says that this
3 is directives for administration and
4 participation for the CARE programs and
5 Energy -- and ESA programs for 2017
6 through 2020.

7 Does this refresh your recollection
8 that the program cycle ranges from the
9 beginning of 2017 to the end of 2020?

10 A Yes.

11 Q So when the Commission is saying
12 there at page 330 that this applies during
13 the program cycle, isn't PG&E required to
14 achieve full compliance by the end of the
15 program cycle? -- the end of 2020?

16 A It says during this program cycle.

17 Q Correct.

18 A So, it says what it says.

19 Q Okay. I'm asking your
20 understanding of what it says. Is your
21 understanding --

22 A My understanding of what it says is
23 during this program cycle.

24 Q Okay.

25 ALJ LAU: Let's go off the record.

26 (Off the record.)

27 ALJ LAU: Back on the record.

28 BY MS. SLOCUM:

1 Q Mr. Loy, when PG&E filed its
2 request for the cooling centers in this GRC,
3 we were in the middle of that program cycle.
4 In other words, we filed in late 2018, and
5 the cycle doesn't end until 2020. So isn't
6 that in the middle of the program cycle?

7 A It's during the program cycle.

8 Q Okay. But there's two more years
9 after PG&E filed its testimony that are also
10 during the program cycling; correct?

11 A Yes.

12 Q Did you review PG&E's 2017 and 2018
13 annual cooling center program reports?

14 A Yes.

15 Q Look at Cross Exhibit 268, please.

16 A And what's on -- what does that
17 address?

18 Q It's called excerpts from
19 Application 11-05-017, PG&E Annual Cooling
20 Program Report 12/19/18?

21 ALJ LAU: Let's go off the record.

22 (Off the record.)

23 ALJ LAU: Let's go back on the record.

24 BY MS. SLOCUM:

25 Thank you, your Honor.

26 Q Do you have before you what's been
27 marked as Cross Exhibit 268?

28 A Yes.

1 Q Do you recognize this as an excerpt
2 from PG&E's 2018 Annual Cooling Center
3 Program Report?

4 A That's what I'm just trying to
5 confirm.

6 Q First, look at the front page.
7 It's entitled "PG&E's Annual Cooling Center
8 Program Report for the program year 2018";
9 correct?

10 A Right.

11 Q And it's dated December 19, 2018.
12 Do you see that?

13 A Yeah. It's just that I have a
14 complete copy here. So --

15 Q Ah, take your time.

16 ALJ LAU: Let go off the record.

17 (Off the record.)

18 ALJ LAU: Okay. Back on the record.

19 BY MS. SLOCUM:

20 Q All right. So I'm looking at
21 page 3 of that report?

22 A Yes.

23 Q Item 3. And it says:
24 Describe the energy (sic)
25 education and marketing
26 materials provided at each
27 cooling center facility.
28 Do you see that?

1 A Yes.

2 Q All right. And in PG&E's cross
3 exhibit, PG&E has added -- for convenience,
4 your Honor -- that this relates to Ordering
5 Paragraph 122 of the decision we were talking
6 about before, in terms of compliance.

7 Is that your understanding?

8 Yes, that one.

9 A Oh, I'm sorry. Yeah. Page 3.

10 ALJ LAU: Let's go off the record.

11 (Off the record.)

12 ALJ LAU: Let's go back on the record.

13 BY MS. SLOCUM:

14 Q Okay. So, comparing the discussion
15 -- looking at Exhibit 268, Item 3.

16 This is the annual report?

17 A Right.

18 Q If you look at the fourth bullet
19 down on Item 3?

20 ALJ LAU: Counsel, can you just read
21 the fourth bullet down?

22 BY MS. SLOCUM:

23 Yes, your Honor.

24 Cooling center information,
25 including a list and map of
26 locations is available on
27 PG&E's website at
28 www.PGE.com/coolingcenter.

1 Q So doesn't that report -- the
2 annual report show that PG&E has made
3 progress on the items that are included in
4 Ordering Paragraph 122?

5 A It shows that they've responded to
6 122.

7 Q Okay. And looking at page 4 of
8 that exhibit -- that same annual report --
9 Item 7, about halfway through the page.

10 A Yes.

11 Q Doesn't that show that PG&E has
12 made progress in complying with Ordering
13 Paragraph 115?

14 ALJ LAU: Counsel, do you want to read
15 that to us?

16 BY MS. SLOCUM:

17 Q Sure.
18 Shoulder seasons were
19 discussed with each county
20 prior to the cooling center
21 season. And each
22 temperature trigger is
23 determined by the City or
24 County's Office of
25 Emergency Services. Plans
26 included notifying
27 individuals through local
28 news, social media, of

1 early cooling center
2 openings on an as-needed
3 basis. In many cases, the
4 cooling center locations
5 were in community centers
6 or pools that were already
7 being utilized year-round.
8 So they were prepared to
9 open regardless of cooling
10 center season and
11 temperature trigger. Other
12 alternatives included
13 opening libraries as
14 cooling centers during the
15 shoulder season. In Kern
16 County, all cooling centers
17 were prepared to open 15
18 days prior to the normal
19 cooling center season.
20 However, none of these
21 cooling centers opened
22 during the shoulder season,
23 as the temperatures were
24 not high enough.

25 A Okay. So that addresses the line
26 regarding an increase in the availability and
27 accessibility of cooling centers; for
28 example, longer hours in more locations.

1 Q Yes. So you're saying this
2 addresses that?

3 A Yes.

4 Q And then the next Item B, below it.
5 It says:

6 The list of cooling center
7 locations and hours are
8 posted on the cooling
9 center website at
10 PG&E.com/coolingcenter. An
11 updated online map is also
12 on the website.

13 Does that also respond to the
14 requirement with online maps from Ordering
15 Paragraph 115? -- on the website?

16 A I don't think it addresses 115. I
17 think it addresses another Ordering
18 Paragraph, though, and directs us regarding
19 the website and maps.

20 Q Okay. And isn't it true that PG&E
21 will be filing two more annual reports on
22 cooling centers within the current low-income
23 program cycle that closes at the end of 2020,
24 in that PG&E's reports are filed in
25 approximately March of each year?

26 A Yes.

27 Q And PG&E will be making those two
28 annual reports on cooling centers still,

1 including reporting on compliance; won't it?

2 A I assume so.

3 Q Okay.

4 A I don't know if that will actually
5 occur, though.

6 Q It is required for PG&E to do, is
7 it not?

8 A Right.

9 MS. SLOCUM: Okay. Thank you.

10 Those are all my questions, your
11 Honor.

12 ALJ LAU: Mr. Sher, do you need a
13 couple minutes to -- do you have any
14 redirect?

15 MR. SHER: No redirect, your Honor.

16 ALJ LAU: Judge Lirag, do you have any
17 questions?

18 ALJ LIRAG: No.

19 ALJ LAU: Okay. Let's go off the
20 record.

21 (Off the record.)]

22 ALJ LIRAG: Let's go back on the
23 record.

24 Mr. Sher, is there a move to admit
25 Exhibits 257 and 258 into the record?

26 MR. SHER: Yes, your Honor.

27 ALJ LIRAG: any objections?

28 (No response.)

1 ALJ LIRAG: Hearing none, Exhibits 257
2 and 258 are received into the record.

3 (Exhibit No. 257 was received into
4 evidence.)

5 (Exhibit No. 258 was received into
6 evidence.)

7 ALJ LIRAG: This is for Ms. Zimney. A
8 move to admit Exhibits 259 and 260 into the
9 record?

10 MS. ZIMNEY: Yes.

11 ALJ LIRAG: Any objections, Mr. Sher?

12 MR. SHER: No, your Honor.

13 ALJ LIRAG: All right. Hearing none,
14 Exhibits 259 and 260 are received into the
15 record.

16 (Exhibit No. 259 was received into
17 evidence.)

18 (Exhibit No. 260 was received into
19 evidence.)

20 ALJ LIRAG: For Ms. Slocum. A move to
21 admit Exhibits 261 through 268 into the
22 record?

23 MS. SLOCUM: Yes, your Honor.

24 ALJ LIRAG: Any objections, Mr. Sher?

25 MR. SHER: Yes, your Honor. To an
26 exhibit that's been marked 262, which was
27 the, I think, a PowerPoint presentation where
28 Mr. Loy said he had no recollection of the
meeting or this presentation. Moreover it's
a multipage document, which he was only

1 questioned on one page.

2 ALJ LIRAG: All right. Let's set that
3 aside. Any objections to 261 and 263 to 268?

4 MR. SHER: No, your Honor.

5 ALJ LIRAG: All right. So hearing none
6 to those, Exhibits 261, 263, 264, 265, 266,
7 267, and 268 are received into the record.

8 (Exhibit No. 261 was received into
9 evidence.)

10 (Exhibit No. 263 was received into
11 evidence.)

12 (Exhibit No. 264 was received into
13 evidence.)

14 (Exhibit No. 265 was received into
15 evidence.)

16 (Exhibit No. 266 was received into
17 evidence.)

18 (Exhibit No. 267 was received into
19 evidence.)

20 (Exhibit No. 268 was received into
21 evidence.)

22 ALJ LIRAG: For Exhibit-262, any
23 response, Ms. Slocum, to the objection
24 presented by Mr. Sher?

25 MS. SLOCUM: PG&E would be amenable to
26 having this received not for the truth of the
27 matter asserted because obviously Mr. Loy was
28 not the creator of this document. However,
it does evidence a meeting that we think's
important for the Commission to know about.

MR. SHER: Your Honor, if you recall

1 Mr. Calvert, I tried to get an exhibit in.
2 Did not try to get it in for the truth of the
3 matter. It was a UCSD PowerPoint, and it was
4 denied. I don't see a difference.

5 ALJ LIRAG: We're treating this
6 separate from that. But I guess the
7 objection is if your only intent is to show
8 the meeting, you can state in briefs that
9 there was a meeting. And add, you know, more
10 details regarding that without needing this
11 exhibit to prove the existence of such a
12 meeting.

13 MS. SLOCUM: Very well, your Honor. We
14 would be fine with not receiving this with
15 that condition.

16 ALJ LIRAG: All right. So let's have
17 Exhibit 262 withdrawn.

18 MS. SLOCUM: Very well, your Honor.

19 ALJ LIRAG: Exhibit-262 is withdrawn.

20 Is that fine, Mr. Sher?

21 MR. SHER: Thank you, your Honor.

22 ALJ LIRAG: Let's turn it back to ALJ
23 Lau.

24 ALJ LAU: I think Mr. Loy, you are
25 excused.

26 Judge Lirag, do you have anything
27 you'd like to talk about?

28 ALJ LIRAG: Yes. Ms. Gandesbery wanted

1 to address something.

2 MS. GANDESBERY: I had one question
3 that I thought we moved into the record
4 Exhibit 66-C?

5 ALJ LIRAG: Correct.

6 MS. GANDESBERY: Okay. Thank you.

7 ALJ LIRAG: All right. So thank you,
8 Mr. Loy.

9 And so tomorrow we will continue
10 with Mr. Oh, Ms. Au, and Mr. Jones, and --

11 Regarding Mr. Borden. So this might
12 be a funny announcement. But I just got word
13 that they do not require Hearing Room A
14 anymore. They made other arrangements to use
15 the courtyard.

16 So I leave the option open of moving
17 back Mr. Borden and perhaps making the cross
18 95 minutes again instead of 45. But I'll
19 leave it to your discretion. I think you
20 sent -- Mr. Arnold usually sends an e-mail
21 about the next day's schedule. And so I'll
22 leave it to you to make arrangements with
23 TURN. And perhaps PG&E can decide whether
24 they want the longer cross on Friday.

25 So apologies for any inconvenience
26 that might have caused, and we appreciate
27 Mr. Arnold, Ms. Ramaiya, Ms. Gandesbery, to
28 make arrangements to have Mr. Borden move to

1 tomorrow to accommodate the supposed
2 schedule. But I guess the Commission makes
3 other plans without letting us know. So
4 that's where we are.

5 So anyway, we can keep that
6 schedule, or you can move up Mr. Borden to
7 Friday. Just let us know.

8 All right. With that --

9 MR. SHER: Your Honor?

10 ALJ LIRAG: Yes, Mr. Sher.

11 MR. SHER: If you recall, Mr. Roberts
12 and I had questions for Mr. Calvert that he
13 was not able to answer, and there was a
14 discussion potentially of PG&E bringing up a
15 new witness. In lieu of that -- I can do
16 this off the record with Ms. Gandesbery --
17 we have some data responses from PG&E that we
18 would like to stipulate getting into the
19 record.

20 ALJ LIRAG: All right. Why don't you
21 work that out with Ms. Gandesbery, and we can
22 handle whether or not to admit the
23 cross-exhibits first thing tomorrow.

24 MR. SHER: Thank you, your Honor.

25 ALJ LIRAG: Just remind me or have
26 Ms. Shek remind me if you're not around.
27 Although I think you're around because you're
28 responsible for Mr. Oh.

1 MR. SHER: That's correct.

2 ALJ LIRAG: All right. With that let's
3 end today's hearing, and we will adjourn
4 until tomorrow at 9:30. Thank you, everyone.

5 Let's go off the record.

6 (Off the record.)

7 (Whereupon, at the hour of 3:01 p.m.
8 this matter having been continued to
9 9:30 a.m. October 17, 2019 at
San Francisco, California, the
Commission then adjourned.)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING

I, JASON STACEY, CERTIFIED SHORTHAND REPORTER
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THIS MATTER ON OCTOBER 16, 2019.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.

EXECUTED THIS OCTOBER 22, 2019.

A handwritten signature in black ink, appearing to read 'JAS STACEY', written over a horizontal line.

JASON A. STACEY
CSR NO. 14092

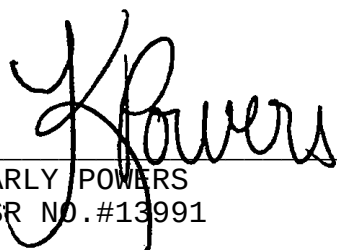
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KARLY POWERS
CSR NO. #13991

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\$	11:15 2651:22	2627:24 2687:2	2014 2604:9,15,16,23
	11:59 2676:18	2690:18 2691:10,23	2694:7,18 2710:12
\$0 2657:15 2659:25	12 2610:20 2657:13	17-05-013 2656:13	2014-2015 2710:8
2660:8 2674:5	2659:15 2669:28	2663:14	2015 2604:18 2616:15
\$100,000 2670:16	2670:7 2689:9 2703:9,	17-12-009 2726:19	2627:20 2629:25
2682:5	15	2729:26 2730:3	2631:13 2632:7 2635:9
\$111 2648:7	12-06-013 2712:3	17-12-023 2712:4	2694:7 2710:12
\$143 2648:6	2724:6	2715:15,18 2718:11,15,	2727:16
\$16 2648:12	12-19-18 2694:23	18,25 2719:19 2720:10	2016 2630:3,18 2632:27
\$190 2648:3	12/19/18 2732:20	17-page 2627:23	2635:11,14
\$20 2703:4	122 2734:5 2735:4,6	2628:8,27 2629:16	2017 2601:4 2635:15,17
\$25 2628:6	124 2729:26	17th 2672:21,26	2636:20,23 2642:15
\$300 2647:19	12th 2720:21 2722:20	18 2682:26 2704:12	2647:28 2663:15
\$45 2647:20	13 2620:2 2657:13,27	2711:13 2722:27	2668:2 2695:23 2712:4
\$51.9 2629:23	2689:9 2705:1	18-02-018 2621:7	2718:26 2719:8 2731:5,
\$900,000 2664:6	13-10-019 2669:13	18-03-013 2669:3	9 2732:12
	13-12-038 2710:10	18-08-013 2665:12	2018 2604:18 2648:6
0	14 2604:25 2657:13,27	2666:5 2668:9 2672:20,	2655:20 2667:17
	2681:4,19 2690:19	25 2684:17 2686:23	2671:23 2672:6,13,20,
017 2599:22	14-08-032 2656:12	19 2618:10 2687:20	21,26 2673:1 2681:4,19
03 2644:10	2661:26	2733:11	2682:8,26 2699:4
04 2645:1	14-218 2617:15	190 2642:16	2720:5 2732:4,12
	14-225 2617:16	197-C 2651:28 2652:5	2733:2,8,11
1	146 2617:1 2642:28	2653:9,19,27 2654:1	2019 2598:2 2604:17
	2643:4	1982 2696:16	2616:5,10 2644:11
1 2601:9 2628:9,15,27	147 2617:6	1:15 2676:16,18 2677:1	2668:28 2695:23
2659:19 2663:15	14th 2672:6,13,28	1:50 2693:11	2720:22 2722:20
2676:11 2692:22	2712:4	1st 2607:4 2668:28	2020 2598:8 2601:5,22
2694:2 2695:27 2696:5	15 2614:7 2657:13,27	2	2610:23 2645:5
2719:1 2720:4,15	2659:15 2665:2	2 2601:9 2606:19	2648:18 2694:1
2722:25 2730:23,24	2687:19 2689:8	2616:6,16 2628:16	2697:27 2698:26
10 2610:20 2614:21	2700:14 2705:1	2631:9 2644:9 2659:4,	2700:20 2702:21,25
2618:10 2620:4 2660:2	2718:20 2736:17	9,11,20,24,26 2664:27	2703:3,5 2719:22
2699:17,22 2704:4	15-07-001 2717:18	2665:15 2676:11	2726:13 2731:6,9,15
1090 2621:2	2718:1,17	2694:6 2709:2,23,27	2732:5 2737:23
11 2600:28 2618:10,15	150,000 2726:12	2710:7	2022 2601:22 2607:17
2669:27 2670:6 2678:3	150-C 2617:6	2.4 2607:16	2647:23 2648:12,19
2679:18 2681:14	16 2598:2 2625:11	20 2614:7 2641:13	2023 2648:13
2685:28	2642:16 2689:14	2722:21	2024 2620:12 2621:14
11-05-017 2732:19	2691:11 2704:11	20-minute 2614:20	2622:16,27 2623:5
114 2729:26	166 2600:24,25,26	2651:21	2624:8 2625:15
115 2735:13 2737:15,16	2601:8 2602:7	2013 2694:18	2025 2620:12 2621:15
	17 2601:21 2625:11		2622:16,28 2623:5
			2624:9 2625:15
			2648:14
			2030 2624:20,27
			21 2602:27 2603:9
			2679:15

21(sic) 2678:15	26 2710:27	3-6 2647:17	<hr/> 6 <hr/>
210 2678:1 2685:28	260 2655:27 2680:20 2739:7,13,16	3-7 2619:28 2620:5 2624:5 2647:25	6 2607:13 2643:7 2657:12 2659:28 2660:9 2661:4 2664:24 2665:1 2674:3,23
210(sic) 2679:11	261 2693:24 2694:24 2698:12 2726:21 2730:2,25 2739:19 2740:3,6,8	30 2618:16 2631:11 2714:25 2715:2	6-year 2641:5
2104 2604:26	262 2693:28 2694:25 2705:22 2706:22 2739:24 2741:17	30-year 2649:20	6.4.1 2665:21
22 2610:15 2692:23	263 2694:3,27 2708:21 2740:3,6,9	31 2662:7	60 2715:25
225 2615:23,26 2650:17,19	264 2694:5 2695:1 2710:6 2740:6,11	32 2662:7	62 2716:4
23 2616:10 2644:11	265 2694:9 2695:2 2715:13 2740:6,12	33-year 2631:12	66 2656:15 2665:12,22 2666:5,10
24 2607:12 2616:4 2624:6	266 2694:12 2695:4 2722:22 2740:6,14	330 2698:17,19 2727:6 2730:5 2731:12	66-C 2742:4
248 2599:1,5 2600:19, 28 2603:2 2613:6,10,12	267 2694:17 2695:5 2724:18 2740:7,15	331 2656:11 2661:26	67 2656:15 2665:12 2667:8 2669:6
249 2599:7,10 2600:19 2601:10,21 2603:3,4 2613:6,11,13	268 2694:21 2695:7 2732:15,27 2734:15 2739:19 2740:3,7,17	332 2656:11 2661:26	
25 2616:15 2627:20 2637:16,22 2641:8 2687:5 2695:17	26th 2705:17 2713:10	34 2702:11	<hr/> 7 <hr/>
250 2599:15,17 2613:16,21,23	27 2665:15	<hr/> 4 <hr/>	7 2661:10 2662:27 2677:21 2691:23 2703:8,14 2715:26 2716:26 2735:9
251 2599:19,23 2613:17,22,24	27(i) 2710:18	4 2616:11 2627:24,26 2629:16 2644:10 2706:22,27 2735:7	71 2617:27
252 2619:11 2650:11,14	<hr/> 3 <hr/>	45 2742:18	79-1154 2668:7
253 2615:28 2616:4,7 2645:11 2650:22,24,28 2651:2,5,7	27 2665:15	49 2709:9	7th 2705:20
254 2616:9,12 2644:4 2650:22,25 2651:1,2,6, 8	27th 2710:18	4th 2700:7	<hr/> 8 <hr/>
255 2615:28 2616:14,17 2650:25,26,28 2651:2, 6,10	3 2616:6,10 2617:3,5, 11,27 2618:9,10,14,15 2628:18 2643:7 2676:11 2699:22 2733:21,23 2734:9,15, 19	<hr/> 5 <hr/>	8 2661:25 2663:12 2716:4 2726:9
256 2653:13,16 2654:4, 9,11	3-10 2700:12	5 2601:21 2620:2 2660:1,16 2661:4 2662:26 2677:20 2691:23	848 2660:26 2661:3,7 2663:9
257 2655:4,8 2657:1 2687:20 2692:22 2695:17 2699:19 2704:4 2738:25 2739:1, 3	3-11 2618:13 2703:8,12	5-2 2689:23	848,000 2677:24
258 2655:4,14 2657:2 2738:25 2739:2,4	3-12 2625:10 2700:14	5-52 2689:26	<hr/> 9 <hr/>
259 2655:22 2668:12 2739:7,13,15	3-14 2714:19,25 2715:2	5-68 2689:27	9 2607:13 2661:10 2689:26 2724:24 2729:20
25th 2632:7 2636:1	3-220 2639:27	50 2708:27	90 2710:16
	3-24 2702:9,16 2729:13	505 2598:22 2654:27	91 2615:25 2689:25 2729:12
	3-26 2729:13	52 2690:4	92 2656:12,14 2663:13, 21 2690:4 2701:25 2702:5,6
	3-34 2702:9,12,13	5382 2680:18	
	3-5 2643:4	5382-E 2655:26 2666:22	
		57 2645:8	

93 2700:5,10 2702:3 2703:8 2714:19	achieve 2731:14	admission 2645:22 2650:14,24	2688:8,13 2689:2
9342 2615:14	activities 2628:16 2662:3,9 2664:19 2680:7 2701:3,15 2707:27 2721:8,27 2722:17 2726:3	admit 2738:24 2739:7, 19 2743:22	agreed 2606:3 2664:6
93424 2615:19		adopt 2718:14	agreement 2637:3 2656:9 2664:16 2668:7
94102 2655:1		adopted 2610:19,23 2669:12 2710:11 2718:10 2719:10,19 2720:8 2721:3,19,23 2722:11	agreements 2609:9
95 2742:18	activity 2679:6 2728:21	adoption 2643:9 2656:8	ahead 2698:22
98 2633:13 2711:12	actual 2639:15 2670:1 2725:6	adopts 2723:2	aligned 2727:14
9:35 2598:2	adapt 2727:24	advice 2655:26 2666:21 2667:3,27 2672:15 2680:17,23	ALJ 2598:16,24 2599:7, 12,19,25 2600:9,12 2601:27 2602:4,8,18,22 2608:2 2612:25,27,28 2613:1,2,4,5,8,10,16, 19,21,26 2614:1,24,26 2615:6,16,18,20,28 2616:9,14,19 2617:28 2618:3,12,16 2619:5,7, 21 2622:20 2623:9 2627:6 2639:20,22 2644:21 2645:18,23 2646:21,23,25 2647:13, 15 2649:24 2650:2,8, 10,15,17,21,26 2651:2, 5,12,16,19,26 2652:7, 10,14,19,22,24 2653:5, 10,12,18,24,27 2654:3, 6,9,12,15,22 2655:2,10, 16,24 2656:3,5,19,23 2658:12,16 2666:1,3, 24,26 2667:18,20 2668:14,16 2669:23,25 2671:27 2673:3,11,14 2675:10,17,20,28 2676:3,9,13,15 2677:3, 8,10 2680:20 2682:19, 21 2692:18,20,25 2693:1,4,9,18 2694:16 2695:9 2701:26,28 2702:5 2705:24,26 2706:18 2711:10 2714:20,22,26,28 2715:21,23 2719:23 2724:14 2729:4,5,7 2731:25,27 2732:21,23 2733:16,18 2734:10,12, 20 2735:14 2738:12,16, 18,19,22,27 2739:1,6, 10,12,18,22 2740:2,5, 19 2741:5,16,19,22,24, 28 2742:5,7 2743:10, 20,25
A	add 2636:27 2642:8 2741:9	Advocates 2598:13,28 2599:3,9,21 2652:3 2654:19 2655:7 2657:15 2659:16 2661:12 2664:2 2677:6 2691:24 2697:8 2704:6, 12 2721:11,25 2722:14	
A.11-05-o17 2694:22	added 2734:3	Advocates' 2599:21 2610:25	
A.18-12-009. 2598:9	addition 2605:14,15,23 2606:16 2612:11 2727:23	affect 2605:16,18	
a.m. 2598:2 2676:18	additional 2601:19 2623:7 2649:6 2693:12 2704:9,14,21	affected 2638:1	
A4nr 2616:1 2627:13 2639:24 2644:3,6,10 2645:10 2650:24	additions 2605:28 2606:9,21 2610:3,24 2612:2 2617:25 2618:7 2687:8	affordability 2644:1	
ability 2626:1 2636:12	address 2598:19,22 2614:1,7 2615:9,12 2654:25 2732:17 2742:1	affordable 2643:15,21, 23	
absolutely 2632:18 2640:15	addressed 2604:10	afraid 2642:24	
accept 2653:8 2717:27	addresses 2691:19 2736:25 2737:2,16,17	after-the-fact 2670:19 2704:10,15 2705:10	
access 2644:19 2687:25	adequate 2634:26 2641:12	afternoon 2614:16 2677:1 2695:15	
access/community 2645:7	adhere 2622:10	agent 2714:7	
accessibility 2736:27	adjust 2612:5	aggregated 2665:25 2666:14	
accommodate 2743:1	adjustment 2646:2,10	aggregation 2644:20 2645:8	
accord 2705:6	administered 2701:21	agree 2609:13 2611:14 2644:13,14 2664:11 2670:13 2679:21	
account 2699:27 2700:1,19 2703:21,27 2704:20,27 2705:2 2706:26 2707:7,24 2712:9,28 2713:20 2714:15 2717:21 2718:4,5 2722:1,5,8 2723:11,12,19 2725:8, 16,19,22,26	administers 2678:17 2680:11		
accountable 2705:5 2709:5,24	administration 2731:3		
accounted 2640:17	administrative 2598:4 2728:19		
accounting 2661:19 2716:15	Administrator 2709:12		
accounts 2716:11 2725:5	admissibility 2645:15		alleging 2726:17

Alliance 2616:2 2653:15	answers 2691:22	arguing 2683:6	attributable 2645:6
allocated 2675:16 2716:7	anticipated 2635:19	argument 2699:24 2720:12	attrition 2605:19,26 2606:14 2648:17
alternate 2603:8,11,14 2605:5 2607:9,11 2612:16 2639:4 2649:10	anymore 2742:14	arguments 2723:11	attrition-year 2612:12
alternative 2622:14,25 2689:10 2691:6	apologies 2651:22 2742:25	Arnold 2742:20,27	Au 2742:10
alternatives 2623:4,16 2722:8 2736:12	apologize 2664:28 2676:8 2680:19 2682:14	arrange 2705:18	audit 2670:20 2673:9 2683:9,20
amenable 2740:22	apparently 2693:14	arrangements 2742:14,22,28	auditing 2669:16 2682:24 2685:21
amendment 2707:4,20	appears 2627:23	as-needed 2736:2	August 2629:25 2672:21,26 2705:19
amortize 2647:22 2649:22	Appendix 2601:9	aspect 2605:25 2610:5	Authorities 2599:16, 28
amortized 2649:16,19	applicable 2603:25	aspects 2603:26	authority 2604:22 2709:27 2710:23
amount 2644:14,18 2647:10 2664:9 2716:21 2717:13	application 2647:1 2694:17 2724:19 2732:19	assert 2685:15	authority's 2604:6
amounts 2727:15	applications 2697:11, 23	asserted 2740:24	authorization 2628:9
analogy 2723:13	applies 2682:5 2717:4 2731:12	assertion 2684:25 2685:5,12	authorized 2659:12 2691:25 2704:23 2716:8 2727:15
analyses 2623:8 2625:25	apply 2683:9,15 2684:5 2715:28 2717:1	assess 2626:12 2638:22,23	availability 2691:12 2736:26
analysis 2623:4 2624:15 2632:6,24 2633:6,9 2640:28 2641:15,17,28 2642:1,8 2670:25 2671:9 2687:7, 8 2691:17	approach 2628:13 2725:25	assessment 2622:14, 25 2623:2	Avenue 2598:22 2654:28
analyze 2626:24 2631:26 2632:9 2642:17	appropriateness 2723:10,12	asset 2648:27 2649:5	average 2610:7,26 2612:2,3,13
analyzed 2636:4 2641:22	approval 2692:12 2694:18 2724:20	assets 2606:8	Avila 2615:13,14
announced 2630:18 2635:12	approvals 2698:8 2711:21	assign 2709:28	award 2629:26
announcement 2742:12	approve 2648:19 2685:13 2707:19 2709:28	assist 2632:3	aware 2608:25 2623:1, 7,22 2624:3 2625:24 2632:27 2646:13,17 2689:12 2692:10 2701:1 2707:26 2708:4, 12 2711:25 2712:1 2724:8 2730:21
annual 2648:2 2667:10 2668:27 2669:11 2670:18 2671:22,24 2682:8 2694:22 2732:13,19 2733:2,7 2734:16 2735:2,8 2737:21,28	approved 2621:3 2622:10 2648:22 2678:19 2682:26 2683:13	Assistance 2697:12, 25	
	approximately 2677:22 2737:25	assisted 2631:24	B
	area 2634:27 2640:8,19 2647:21 2655:12 2678:11,13	assume 2607:4 2620:24 2624:14 2672:1 2696:8,24 2698:7 2713:22 2719:16,24 2738:2	back 2601:16 2614:26 2615:18 2618:3 2637:5 2638:3 2639:22 2647:15,28 2649:7 2650:10 2651:19,21 2652:24 2656:5,19 2666:3,26 2667:20 2668:16 2669:25
	areas 2687:5,7	assumed 2624:8	
	argue 2726:16	assuming 2607:1 2620:8 2621:13	
	argued 2729:16	assumption 2621:3 2624:12,18,25 2719:24	
		assumptions 2639:8	
		assurance 2640:26	
		attached 2670:1,7	
		attempted 2663:8	
		attract 2678:10 2680:7	

2676:10,16 2677:3,4,10 2680:14 2682:21 2686:5 2692:20 2693:18 2694:16 2698:18 2701:28 2703:7 2705:26 2707:25 2714:22,28 2715:23 2727:5 2729:7 2731:27 2732:23 2733:18 2734:12 2738:22 2741:22 2742:17	2661:18 benefits 2687:11 bidder 2629:27 bill 2601:4,5 2621:2 2687:28 2688:5 bill-pay 2688:9,14 billing 2601:2,3 billion 2606:8,19 bills 2713:6 bind 2604:6 binding 2711:5 bit 2614:13 2623:10 black 2707:1 block 2662:3,10 2663:5 2664:20 blocking 2662:19 BLS 2609:4 Borden 2742:11,17,28 2743:6 born 2663:27 bottom 2660:16 2703:1 2706:27 2709:9 2726:9 2731:2 brand 2710:23 break 2614:6,20,21 2651:20,21 2675:20 2676:5,15 2677:17 2693:10 bridging 2638:11,18, 19 2639:4,11,17,23,25, 26 2641:11 briefly 2680:15 2696:15 briefs 2741:8 bringing 2743:14 broad 2673:24 broadly 2679:18 Buchsbaum 2602:19, 20,24 2603:1,3 2604:13,16,24 2607:25, 28 2608:2,6 2610:10, 12,14 2611:13 2612:23 2613:9,18	budget 2675:16 2694:20 2697:3 2724:23 budgets 2727:14 build 2635:10 built 2637:1 bullet 2676:11 2692:23 2693:7 2707:1,11 2734:18,21 bullets 2729:20 bundled 2644:15,18 2645:28 2646:8 Burns 2652:11,15,16, 26 2653:3,4 business 2598:19,21 2615:9,12 2616:15 2627:19,28 2654:25 2678:9 businesses 2678:10, 11 2680:7	Calvert 2741:1 2743:12 campaign 2701:7 2716:9,20 2719:10 Canyon 2620:9,11,18, 23,25 2621:4 2622:27 2623:5,16,25 2624:2,8, 21 2625:1,8,14,19,27 2626:2 2630:11 2631:1 2633:1 2637:18 2643:12 2646:1,14,28 2647:4,7 2648:5,20 2649:18,23 Canyon's 2646:9 cap 2666:19 capability 2637:22 2641:8 capable 2638:28 capital 2604:2 2605:14, 15,18,23,25,28 2606:8, 12,15,16,20,26 2610:2 2642:10,14,17 2643:10, 27 2647:11,25 2648:2,6 2649:14 2687:8 caption 2731:1 card 2615:15 care 2655:6,13 2690:12,15 2692:21 2696:5 2697:9,12,22,24 2698:2 2727:21 2728:19 2731:4 care/customer 2687:16 carried 2708:7,15 Cary 2614:28 2615:2,10 case 2598:8 2600:2 2616:15 2627:19,28 2640:10 2646:27 2686:1 2697:5 2705:18 case-by-case 2626:15,24 cases 2736:3 cash-only 2690:15 category 2663:4 2674:10,14,19 2678:5 2686:1 caused 2742:26
<hr/>			
C			
<hr/>			
C-A-R-Y 2615:11			
Cal 2598:13,28 2599:3, 20 2610:25 2657:15 2659:16 2661:12 2664:2 2677:6 2691:24 2704:6,12 California 2598:1 2605:8 2608:8,16 2615:14 2654:28 2668:25 2680:8 2692:11 2707:5,16,22 2708:5,13 2710:2,13,22 2711:26 2712:16 2713:25 2714:9 2715:28 2716:19 2723:5,17 2725:13,21 California's 2723:25 California-based 2607:23 call 2638:26 2699:27,28 called 2598:13 2615:2 2654:19 2670:2 2708:1, 23 2709:7,12 2732:18 calling 2658:24			

CCSE 2711:3	City 2735:23	19 2723:1 2726:1	2696:18
CEC 2710:24	claimed 2652:18	2728:24 2729:19	concentrations
center 2634:28 2698:1, 9,24 2709:12 2727:13	clarification 2659:28	2731:11 2740:27	2687:21
2728:15,20 2729:2,12, 17 2732:13 2733:2,7,27	2686:4	2743:2	concept 2709:8
2734:24 2735:20	clarifications 2666:18	Commission's	conclude 2704:28
2736:1,4,10,19 2737:6, 9	2667:5	2657:21 2665:5 2679:6	concluded 2614:13
centers 2658:25	clarified 2661:1	Commissioner	concludes 2638:6
2688:2,18 2690:22	clarify 2658:28 2663:8	2704:22	conclusion 2710:18, 27 2712:27 2715:26
2691:7 2693:27 2694:2	2669:2 2705:21	commitment 2626:20, 22	2716:25
2726:8,14 2728:1,25	Clayton 2598:10,13,20	commitments	conclusions 2704:16
2732:2 2736:5,14,16, 21,27 2737:22,28	2599:2	2629:24	condition 2635:24 2741:15
CFOS 2687:3	clear 2621:26 2716:14	Committee 2628:3	conditions 2728:3
challenge 2638:22 2649:11	climate 2727:24	community 2644:20 2736:5	conduct 2627:6 2670:25 2683:20
change 2612:19	clock 2693:11	company 2599:14	conducted 2623:3 2671:9 2681:15
2626:18 2686:19	close 2687:2 2692:6,12	2615:2 2630:21	confidential 2652:4,8, 17,18,20,27,28 2653:1, 7,8 2682:12
2692:26 2727:24	closely 2727:14	2641:10 2644:5,7	confirm 2616:26 2673:5 2681:6 2691:20 2733:5
Chapter 2617:3,5,11, 27 2618:9,13,14	closes 2737:23	2645:27 2646:6	conflating 2660:18 2662:24 2707:15
charge 2646:2,10	closure 2689:16	company's 2598:8 2635:8	confronted 2641:4
charged 2709:27	2690:1 2691:8	comparing 2734:14	confusing 2660:13,14 2707:14
chart 2690:6,9	closures 2691:28	comparison 2623:16	confusion 2660:17 2662:28
check 2676:11	co-counsel 2692:17	complete 2608:5 2726:11 2733:14	consideration 2636:16 2646:8
chief 2629:2,4	collaborates 2678:8	completed 2637:13	considered 2689:27 2697:28
choice 2636:22 2644:20 2645:7	colleague 2658:23	completely 2637:11	consists 2627:22 2639:27
chose 2641:6	collective 2609:9	compliance 2642:19 2667:28 2668:9	constantly 2632:12
chosen 2708:2	column 2601:4 2702:21,25	2680:15 2684:19	consultant 2707:21 2708:1,8,15 2710:1 2711:4,6 2713:28 2725:28
Chris 2705:19 2706:2	Commission 2604:14	2729:23 2731:14	consultation 2710:24
circulated 2599:26 2656:6	2606:3 2608:17	2734:6 2738:1	
circumstances 2625:18	2611:27 2612:10,20,22	complicated 2649:4	
citation 2679:2	2614:9,10 2620:3,6,16, 20,21 2621:11,19,26	complied 2669:4 2673:7 2685:16 2726:17 2729:18	
citations 2664:23	2623:23 2624:11,17,24	comply 2657:20 2665:4 2681:8 2684:26 2685:5	
cite 2661:25 2662:7 2663:13	2625:28 2627:1	complying 2735:12	
cited 2665:11 2666:7 2678:28 2715:5	2633:24 2643:9	component 2605:19, 25 2641:23	
cites 2729:25	2648:19,22 2660:3	components 2640:3 2700:26	
	2661:13 2662:9,17	concentration	
	2663:25 2667:6,9		
	2668:25 2678:19,27,28		
	2679:3,4,24 2680:10		
	2684:23 2685:3,13		
	2691:5,28 2692:4,12		
	2706:4,7 2709:15,26		
	2710:11 2711:2,22		
	2712:5 2713:18		
	2718:14 2719:11		
	2720:8 2721:28 2722:4,		

consulted 2709:6 2618:22	27 2737:6,8,22,28	2660:11 2662:18 2663:23,26 2665:8 2670:27 2720:22 2722:27 2723:2,4 2725:25	2722:16 2725:23 2726:18
contained 2601:15	copies 2656:2		CPUC's 2697:9 2699:3 2705:4,6 2713:28 2714:1,12
Contents 2600:27	copy 2666:21 2667:13 2669:18 2689:18 2733:14	cost-effectiveness 2641:20	create 2606:24
context 2609:15 2684:1	core 2631:17 2633:26 2634:7,8,10,28 2635:3, 4 2637:14	costs 2617:4 2626:1,8 2642:22 2643:24,26,27 2648:20,21 2649:1,5,6 2657:25 2661:17 2663:4 2700:20,22 2701:4,9 2704:8,10 2705:3,10 2713:28 2714:11 2717:20 2718:3 2721:7,25 2722:13,15 2723:17 2725:14 2728:15 2729:2	creates 2640:9
continuation 2598:6	corporate 2628:4 2629:10	counsel 2675:10 2695:9 2719:23 2721:10 2734:20 2735:14	creating 2637:21
continue 2634:1 2636:25 2643:14 2667:10 2669:10 2675:21 2728:10,18 2742:9	correct 2602:11,20 2603:12,17,20 2605:9 2607:17 2611:4 2618:18,23 2625:16,17 2630:19,20 2647:6 2653:2 2657:3,28 2658:4 2660:12 2661:27 2663:16,24 2665:9,26 2666:8,15 2667:11 2670:21 2671:3,8 2674:26,27 2677:26 2678:13,20 2681:4,10 2682:6 2687:13,26 2689:12,16 2690:1,6,10,22 2691:14 2692:1 2695:24 2696:6, 8,16,27,28 2697:3,13 2698:9,10,27 2699:7,12 2700:15 2701:23 2703:27 2705:7,8 2706:4,7 2710:13 2711:19 2714:13 2715:11 2716:23 2717:15 2718:26 2719:2,25 2720:5 2723:3 2726:14,19,27 2729:14,27 2731:17 2732:10 2733:9 2742:5	county 2735:19 2736:16	creator 2740:25
continued 2632:21 2717:21	contracted 2633:3	County's 2735:24	criteria 2635:27 2689:16 2690:20,25 2691:12
continues 2683:22	contractor 2709:13	couple 2598:25 2634:23 2646:26 2649:26 2656:6 2738:13	critical 2640:15
continuing 2608:25 2623:24	contracts 2683:4,7,15 2684:6,10 2712:20 2713:3	courses 2696:21	cross 2603:7 2611:18 2614:15,18 2619:8 2627:7 2658:14 2693:14 2695:11 2696:3 2698:12 2706:22 2710:5 2715:10,13,18 2722:21 2723:9 2724:18 2726:22 2732:15,27 2734:2 2742:17,24
continuous 2628:23	contractual 2629:24	court 2623:11	cross-benefit 2687:7
contract 2629:26 2630:5,23 2681:23,25 2682:25 2683:23 2684:1 2707:5,16,21 2711:5,17	contrary 2672:4	courtyard 2742:15	cross-examination 2599:13,20 2602:17,23 2615:21,24 2616:1 2619:4,20,23 2627:8,14 2638:4 2644:4 2645:11, 16 2655:17,19,25 2658:11,17 2677:5 2693:21,25 2695:13
contracted 2633:3	contribution 2646:1,9	cover 2627:22 2628:8, 26 2660:20 2680:28	cross-exhibits 2743:23
contractor 2709:13	control 2628:1 2633:19 2711:3,17 2716:21 2717:13	covered 2724:6 2725:18	crossing 2603:5 2639:6
contracts 2683:4,7,15 2684:6,10 2712:20 2713:3	corrected 2657:14	CPA 2696:15	Crosstalk 2602:3 2611:8 2676:4,7
contractual 2629:24	correction 2657:9 2659:1,14 2676:12 2692:22	CPI 2607:16 2608:7,16, 17,18,24 2609:3,6,7,10, 15,20,22,23,26	Cruz 2696:14
contrary 2672:4	corrections 2601:24 2617:25 2618:7 2657:7 2658:1,3	CPUC 2600:2 2620:23 2622:11 2624:16 2687:6,16 2695:21 2696:16 2697:28 2698:24 2701:7,18 2708:2,9,14 2710:21 2716:22 2717:15 2718:9 2721:7,26	CSO 2687:26 2688:10, 15 2689:4 2690:12,15
contribution 2646:1,9	correctly 2603:27 2638:16		CSOS 2687:3,21 2689:28 2691:17,27
control 2628:1 2633:19 2711:3,17 2716:21 2717:13	cost 2604:4 2623:4,8, 15,23 2626:21 2630:7 2641:22 2646:14,27 2647:11 2648:26		culminates 2648:11
convenience 2734:3			current 2623:25 2626:3,5,6,11 2730:19 2737:22
convenient 2689:4,7			
cooled 2631:4			
cooling 2634:26 2693:26 2694:2,22 2698:1,8,24 2726:8,13 2727:13 2728:1,15,20, 25 2729:2,12,17 2732:2,13,19 2733:2,7, 27 2734:24 2735:20 2736:1,4,9,14,16,19,21,			

cus- 2683:26	damage 2633:26	2707:17 2710:6,10 2711:26 2712:3 2715:14,16 2718:1,16, 18,20,25 2719:2,4,5 2720:9,22 2726:18,26 2729:25 2730:2 2734:5	designating 2709:11
customer 2655:6,13 2658:22 2661:5,16,22 2663:10 2664:14,17,22 2678:6 2681:21 2686:28 2687:2,16 2691:1,7,27 2692:7,13 2696:5,22,26 2697:2	dandy 2636:14		designed 2631:6 2662:3,10
customer's 2681:16, 25 2683:20,23,28	data 2615:25 2616:5,10 2619:12 2639:24 2644:5 2649:14 2743:17		detail 2640:23
customers 2637:28 2642:21 2643:19 2660:19,25,27 2662:25 2663:28 2664:7 2670:14 2673:17 2677:24 2681:22 2682:5,25 2683:10 2684:9,12 2687:22,23 2688:5 2689:3 2725:11	date 2621:17 2627:20 2632:5,19 2636:1 2644:11 2672:16,18 2719:9	decisionmaking 2635:8	detailed 2662:28
customers' 2671:1,10	dated 2668:28 2712:4 2733:11	decisions 2604:9,14, 20,22 2639:9 2704:26 2708:18 2710:24 2715:5 2722:3,19	details 2702:19 2741:10
cut 2645:17	dates 2620:18 2623:6 2625:20	deck 2707:11	determine 2608:3 2610:8 2612:14 2622:3 2632:25 2689:28
cutoff 2687:24	day 2614:4	decommissioning 2635:23 2646:28 2647:2 2687:11	determined 2633:13 2735:23
cycle 2648:18 2649:17, 20 2700:21 2730:13,16, 20 2731:8,13,15,16,23 2732:3,5,6,7 2737:23	day's 2742:21	default 2699:15 2701:9 2707:28 2721:2,18 2725:26	determines 2612:10
cycling 2732:10	days 2736:18	define 2644:1 2665:23, 24 2666:11,12 2709:16	determining 2605:10 2612:15
	DCPP 2630:9,10 2638:9	defines 2680:11	develop 2638:10
	DDB 2708:1,8,15 2716:1 2719:17	defer 2721:28 2722:18	development 2655:20 2657:17,24 2658:21,28 2659:3,8,18 2660:20, 25,28 2661:2,8 2662:26 2663:11 2665:7 2666:19 2667:16 2668:6,8,13,26 2673:23,24 2674:4,8,9, 16,20,21,25 2675:5,6, 25 2676:6 2677:18,19, 25 2678:7,9,16,18,23, 24,28 2679:7,8,10,14, 17 2680:4,6,12,24 2684:18,24,27 2685:4, 7,15,17,19,24 2686:2,9, 13,20,25 2692:28 2693:5
	DDB's 2716:17	deforming 2640:12	Diablo 2620:9,11,17, 22,25 2621:4 2622:27 2623:5,16,24 2624:2,8, 21,28 2625:8,14,19,27 2626:2 2630:10 2631:1 2633:1 2637:18 2643:12 2646:1,9,14,28 2647:4,7 2648:4,20 2649:18,23
	deal 2603:7	degradation 2632:13, 21	dictates 2673:9
	December 2712:4 2718:26 2719:8 2720:5 2733:11	degree 2696:19	difference 2603:7,21 2673:22 2741:4
	decide 2632:15 2742:23	deleted 2618:11,17	differences 2603:23
D.13-04-021 2694:13	decided 2604:8,20 2608:18 2632:26,28 2637:1 2663:25	deliverable 2709:28	differently 2700:28
D.13-04-021. 2722:23	decides 2612:21 2648:17	demand 2725:4	
D.13-12-038. 2694:8	deciding 2633:2 2646:6	denied 2741:4	
D.16-03-029 2694:4 2708:24	decision 2620:17,21, 23 2621:7,8,12 2622:11 2634:16 2636:16 2641:9,21 2646:3,15 2648:4 2656:11 2661:26 2663:14,15 2665:11,14,22 2667:9 2668:2,9 2669:3,13 2672:28 2673:2 2679:1 2682:27 2683:5,8,16 2684:6,17 2686:23 2694:5 2704:9,14	dependent 2684:19	
D.17-05-013. 2656:14		depending 2607:2	
D.17-12-009 2693:26 2726:24		depreciation 2606:25	
D.17-12-009. 2698:14		derived 2603:16 2653:1	
D.17-12-023 2694:10		describe 2603:10 2634:21 2637:20 2638:19 2667:23,26 2668:22 2673:21 2674:28 2686:3 2733:24	
D.18-08-013 2680:25		describes 2638:25	
D.18-08-013. 2656:16		design 2628:18 2699:4 2711:18	
D.18013(sic) 2678:19			
daily 2634:3			

difficulty 2612:7	Division 2600:3 2668:24	2665:7 2666:19 2667:16 2668:6,7,13,26 2673:22,24 2674:4,7,9, 16,20,25 2675:5,6,25 2676:6 2677:18,19,25 2678:7,9,16,17,23,24, 27 2679:7,8,9,14,17 2680:4,6,11,23 2684:18,24,26 2685:4, 6,14,17,19,23 2686:1,8, 13,19,24 2687:10 2692:28 2693:5	electricity 2643:18 Emergency 2614:10 2735:25 Emily 2705:18 2706:2 emissions 2624:20,27 enable 2643:13 end 2614:16 2620:25 2621:4 2622:9 2623:25 2625:4,6 2626:3,11,16, 23 2629:25 2633:10 2637:19 2641:6,13 2648:5,12 2676:6 2731:9,14,15 2732:5 2737:23 ended 2636:25 endorsed 2709:15 energy 2605:11 2636:13 2640:20 2668:24 2683:21 2697:12,25 2707:5,6, 15,22 2708:4,12 2709:13 2710:2,13,22 2711:26 2712:15 2713:25 2714:9 2715:27 2716:18 2723:5,16,25 2725:3, 13,21 2731:5 2733:24 Engagement 2678:6 engineering 2638:10 ensure 2620:27 2624:18,25 2637:25 2639:16 2725:8 enter 2629:22 entire 2601:11 2703:18 entitled 2702:25 2715:14 2722:22 2724:19 2726:23 2733:7 envelope 2665:25 2666:13 environment 2637:28 environmentally- beneficial 2643:17 envision 2721:6,25 equaling 2607:16
direct 2600:5,14 2602:16 2616:20,22 2617:2 2642:23 2644:19,22 2645:6 2656:21,24 2669:9 2677:22 2689:19,20 2728:13 2730:11	docket 2621:9 document 2599:27,28 2600:1 2627:23 2628:8, 27 2629:17 2639:18 2656:7,10 2667:1,24 2668:20 2706:17,19 2710:16 2727:5 2739:28 2740:25 documents 2599:26 2656:7 2683:1 dollar 2628:5 2647:10 2648:1 dollars 2647:25 2659:12 2673:19 2685:23 2692:26,27 2693:5 2728:12,19 doubt 2636:18 DRA 2697:9 draw 2674:6 driving 2623:19 drop 2648:14 drop-off 2648:11 DSM 2694:4,13 2708:24 due 2687:25 2727:27 duration 2638:24	economical 2641:24 economics 2641:26 2670:24 2696:13,19,20 Ed 2628:28 2629:1,2 2680:28 Edison 2692:11 EDR 2656:8 2665:23, 24,25 2666:11,13,14,18 2667:10 2668:5 2669:11,17 2670:14,17, 20 2671:1,10,13,25 2673:19 2681:16,25 2682:6,9 2683:23,28 2684:1 2685:26 education 2694:6,19 2696:10 2701:6 2710:8 2716:6 2724:23 2733:25 Edward 2668:23 effect 2672:13,28 effective 2671:14,17, 20,26,28 2672:2,5,16, 18 2681:3,18,26 2683:24 2684:2 effectively 2637:21 2688:10 effectiveness 2623:4, 8,15,24 efficiency 2707:6 2725:3 effort 2703:4 efforts 2714:12 electric 2598:8 2599:14 2611:23 2615:2,12 2624:19,26 2629:9,11 2668:5,8	
directed 2621:12 directing 2726:2 direction 2657:5 2714:1,13 directives 2726:18 2729:19 2731:3 director 2668:24 directs 2729:1 2737:18 disabled 2687:22 disallow 2684:24 disallowance 2726:12, 16 Disassembly 2637:13 discount 2671:1,11 2681:9,17,20,22 2683:28 2684:2 discretion 2621:16 2742:19 discuss 2705:20 discussed 2660:7 2664:27 2679:15 2680:16 2681:6 2707:10 2725:14 2735:19 discussing 2707:3 2709:4 discussion 2662:2,8 2727:10 2734:14 2743:14 dispute 2713:2 dissembled 2634:6 distinction 2610:27 2674:7 2675:1,11 distributed 2693:22 distribution 2611:22, 23	disassembly 2637:13 discount 2671:1,11 2681:9,17,20,22 2683:28 2684:2 discretion 2621:16 2742:19 discuss 2705:20 discussed 2660:7 2664:27 2679:15 2680:16 2681:6 2707:10 2725:14 2735:19 discussing 2707:3 2709:4 discussion 2662:2,8 2727:10 2734:14 2743:14 dispute 2713:2 dissembled 2634:6 distinction 2610:27 2674:7 2675:1,11 distributed 2693:22 distribution 2611:22, 23		
<hr/>			
E			
<hr/>			
e-mail 2742:20 e-mailed 2693:15 earlier 2620:8,12 2621:13,17 2625:15 2677:21 2686:8 2696:2 2719:15 early 2614:16 2622:3 2625:2 2626:12 2648:16 2736:1 easier 2601:11 economic 2642:5 2655:20 2657:16,23 2658:21,27 2659:3,8,17 2660:20,25,28 2661:2,7 2662:25 2663:11	e-mail 2742:20 e-mailed 2693:15 earlier 2620:8,12 2621:13,17 2625:15 2677:21 2686:8 2696:2 2719:15 early 2614:16 2622:3 2625:2 2626:12 2648:16 2736:1 easier 2601:11 economic 2642:5 2655:20 2657:16,23 2658:21,27 2659:3,8,17 2660:20,25,28 2661:2,7 2662:25 2663:11		

equipment 2631:2 2638:12,21,26 2639:6	excess 2631:9	Exhibit-258 2655:10	expertise 2658:8
errata 2600:21 2601:1, 19 2602:5,6 2617:15	excuse 2665:23 2666:12 2670:11 2672:5 2724:4	Exhibit-259 2655:18 2667:14	experts 2631:24 2632:3 2634:8
error 2601:12	excused 2613:27 2650:5 2651:13 2741:25	Exhibit-26 2617:14	explain 2624:6 2627:28 2652:7,19 2684:4 2697:20
ESA 2697:23 2731:5	execution 2630:8	Exhibit-260 2655:24 2666:23 2668:12	explains 2660:17
escalated 2610:8,19, 23,26	executive 2599:2,3 2600:27 2628:28	Exhibit-262 2740:19 2741:19	explanation 2662:28
escalation 2607:18 2608:12,13	exercising 2711:17	Exhibit-51 2617:18	explicit 2657:21
essential 2687:24	exhibit 2599:1,5,7,10, 15,17,19,23 2600:19, 24,25,26,28 2601:8,9, 21 2602:7 2603:1 2613:6,12,13,23,24 2615:23,24,26 2616:4, 7,9,12,14,17 2617:1,6, 9,14,27 2619:11,19 2627:22 2642:26,28 2643:4 2644:3,4 2645:11,16,22 2650:11, 14,17,19 2651:7,8,10, 28 2652:5,8 2653:9,13, 16,19,27 2654:1,4,9,11 2655:4,8,14,19,22,25, 27 2680:19,20 2682:16 2687:20 2689:25 2690:4 2692:22 2693:14,24,25,28 2694:3,5,9,12,17,21,24, 25,27 2695:1,2,4,5,7,16 2698:12 2699:19 2700:5,10 2701:25 2703:8 2704:4 2705:22 2706:22,23 2708:20 2710:5 2711:13 2714:19 2715:13,19 2722:21 2724:18 2726:21 2729:12 2730:2,23,24 2732:15, 27 2734:3,15 2735:8 2739:3,4,15,16,24 2740:8,9,11,12,14,15, 17 2741:1,11,17 2742:4	Exhibit-71 2617:9 2618:9,14 2619:17,27	exposed 2633:17
essentially 2657:26		exhibits 2598:25,27 2599:12,13 2602:11 2613:1,10,21 2615:21, 28 2616:1 2618:23 2650:22 2651:5,27 2653:8 2655:3,17 2668:11 2693:21 2715:10 2738:25 2739:1,7,13,19 2740:6	expressed 2618:26
established 2685:7 2691:25		existence 2741:11	extension 2630:12 2632:28 2638:8
estimate 2612:4,11		existing 2641:6 2678:11 2704:13 2707:5,21 2725:3	extensive 2722:2
estimated 2601:3		expansion 2640:10	extreme 2727:27
EUC 2710:22 2711:18 2713:4 2717:2		expect 2623:21 2625:7 2626:14,26 2640:18	<hr/> F <hr/>
evaluate 2623:15 2697:10		expectations 2614:17	facilitate 2669:8
evaluates 2623:23		expected 2635:2 2636:7 2637:9	facility 2636:11,15 2733:27
evaluation 2633:12 2641:20 2646:13		expects 2629:22	fact 2637:8 2689:10,12 2705:12,13 2707:3
evening 2688:28		expenditure 2626:19	factored 2646:15
event 2626:9 2630:8 2633:25		expenditures 2649:15 2712:6 2716:5,9	factors 2622:2 2689:27 2690:9,13
evidence 2607:22 2608:7 2613:12,14,23, 25 2650:19 2651:7,9,10 2654:1,11 2673:6 2739:3,5,15,17 2740:8, 10,11,13,14,16,17,26		expense 2604:2 2643:10,27 2647:10,18, 21,24 2687:8	facts 2602:10 2618:22 2705:21
Evidentiary 2598:7		expenses 2687:11 2698:9 2714:14 2725:7, 10	fail 2633:20
exact 2664:8 2674:2	Exhibit-255 2627:14 2638:4	experience 2696:25	failed 2689:15
EXAMINATION 2600:14 2616:22 2646:24 2656:24	Exhibit-256 2660:1	experienced 2631:14	failure 2633:9,14
excerpt 2708:23,28 2733:1	Exhibit-257 2655:5 2657:10	expert 2623:17 2644:17 2646:11	fair 2644:14 2705:15
excerpts 2693:26 2694:3,9,12,21 2698:14 2715:10,14 2722:22 2726:23 2730:2,26 2732:18			falls 2720:19
			familiar 2666:28 2667:24 2668:19 2679:26 2680:1 2687:28 2688:20 2712:15 2718:9
			feel 2635:7
			feels 2611:27
			felt 2633:27
			file 2667:10 2669:10

2673:9 2722:7	forecast 2605:28 2607:16 2608:8,9 2610:9 2612:11 2674:19 2702:20,21,26 2703:4	funded 2727:21 2728:11	26 2638:2,15 2639:13, 28 2640:2,10 2641:16 2648:8
filed 2622:1 2626:6 2671:21,22,24 2680:10 2719:1 2720:4 2732:1, 4,9 2737:24	forecasted 2645:4	funding 2659:8 2661:22 2663:9 2664:21 2673:23,24 2674:5 2684:18 2685:3, 14,19 2686:13 2698:1 2728:25 2729:17	generic 2719:3 2720:18
filing 2635:18 2679:25 2719:21 2722:13 2737:21	forecasting 2687:9,10	funny 2742:12	give 2598:19 2605:17 2615:8 2633:8 2647:9 2654:24 2662:27 2669:22
final 2667:4 2669:5	forecasts 2604:2 2643:11	furtherer 2648:15	Global 2608:26
finally 2617:18 2669:7 2699:1	forego 2632:16	future 2669:8 2722:10	good 2600:16,17 2602:25,26 2616:24,25 2619:25,26 2650:3 2652:16 2656:26,27 2684:13 2695:15
finances 2687:12	form 2668:7 2672:14 2716:28	<hr/> G <hr/>	governance 2709:7 2711:4 2712:12 2715:27 2716:13,23,28 2717:3,7,11 2725:28
financial 2628:1 2687:7	forward 2625:26 2628:19,24 2635:12 2646:3,7 2649:9	Gail 2695:15	Governor's 2678:8
find 2620:24 2628:19 2632:20 2636:13 2684:15 2689:3,6	found 2634:8 2660:14	Gandesbery 2652:21 2653:11,25 2654:7 2741:28 2742:2,6,27 2743:16,21	graduation 2696:15
findings 2704:16	foundation 2711:9 2712:27	Garrick 2633:3	GRC 2604:9,17,18,23, 25,26 2626:5,6 2635:16 2636:20 2648:18 2659:4,19 2663:15 2665:15 2668:2 2694:1 2695:23,27 2696:5,11 2697:28 2698:26 2700:21,25 2719:1,21, 22 2720:4,8,14 2726:4 2727:22 2728:16,22,26 2732:2
finds 2720:15	fourth 2734:18,21	gas 2598:7 2599:13 2611:22 2615:2,11 2624:20,27 2629:8,11 2631:5,21	GRCS 2659:9 2698:26
fine 2706:17 2741:14, 20	Francisco 2598:1,23 2654:28	gases 2625:9	greater 2640:9
finish 2608:3	Freedman 2619:6,7,9, 22,24 2622:19,23 2623:9,12 2627:4 2650:13	Gate 2628:8,9,15,16,18	green 2627:25 2629:18 2638:6
firm 2670:25	frequency 2691:13 2727:26	gated 2628:13	greenhouse 2624:20, 27 2625:9
fiscal 2711:16 2713:5, 15,22,23 2714:7	frequently 2633:18	gave 2633:4	group 2611:3
fit 2679:2	Friday 2614:7,11 2742:24 2743:7	Geesman 2627:6,9,12 2643:1 2644:21,25 2645:24 2646:19 2649:12 2650:23 2651:1 2653:14 2654:5	groups 2611:22
fixed 2603:25 2609:21, 25	front 2627:15,21 2644:8,12 2656:28 2680:28 2708:22 2733:6	general 2598:8 2600:1 2646:27 2674:8 2675:14 2683:3	grow 2663:10,23 2664:7,19 2674:14 2677:24
FK 2663:5 2674:10,14, 19 2678:5	fuel 2643:26	generate 2636:13	growing 2660:19,24,27 2661:5 2662:25
focus 2610:3 2611:15 2703:24	full 2598:18 2615:7 2628:24 2632:16,17 2634:19,21,22 2637:20 2654:24 2701:9 2707:27 2727:4 2731:14	generating 2643:25 2649:8	growth 2604:2,4 2605:19 2606:12,17
focuses 2689:9	fully 2635:19	generation 2611:23 2649:13	
folks 2614:14	function 2625:23	generator 2616:16 2630:27 2631:1,8,15,19 2632:2,22 2633:3,8,14, 15,16,20 2634:1,6,23 2635:1,17,20 2637:15,	
follow 2660:4 2661:13 2702:28	functional 2611:3,21		
footnote 2661:25 2662:27 2663:2,12 2677:21 2689:26 2714:25 2715:2,6 2729:25	fund 2664:11,14		
ford 2728:17			
fore 2606:2			

2612:1 2661:22 2663:26 2664:15,22 guess 2609:2 2649:18 2679:5 2684:22 2741:6 2743:2	2666:22 2667:14 2687:20 2689:25 2739:1,12 2740:5 2742:13 hearings 2598:7 2722:3	hypothetical 2605:17 2606:5 2611:27 2612:9 2721:20 2722:10 hypothetically 2608:15	2728:14 2729:1 included 2631:16,25 2634:7 2635:18 2637:3 2647:1,2,5 2735:3,26 2736:12 includes 2640:4 2647:21 2687:14 including 2604:25,26 2637:6 2707:11 2734:25 2738:1 income 2687:22 2689:15 2694:1 2697:9 2698:2 2712:22 inconvenience 2742:25 inconveniences 2651:23 incorporate 2689:15 incorporated 2667:4 incorporates 2680:5 increase 2601:3 2606:25,28 2609:14 2727:25 2736:26 increases 2609:10,20, 25 increasing 2646:9 incremental 2705:14 incur 2648:2 incurred 2713:28 2714:11 index 2603:25 2604:11 2605:10 2608:16,17 2609:3 indexes 2608:27 indicating 2652:26 indicator 2608:19 indifference 2646:2,10 individuals 2735:27 indulge 2642:25 industry 2633:22 inflation 2687:9,10 inform 2639:9 2641:1
H	heat 2727:26 heating 2634:10 high 2640:6,20 2643:3 2687:21 2736:24 highlighted 2627:25 2629:18 2638:5 historically 2691:5 2692:4 history 2631:7 2635:21,22 Hold 2611:9 2724:9 holding 2705:4 Honor 2600:6,13 2602:15,21 2607:24 2612:26 2613:7 2615:5 2616:21 2619:2,6,9,10 2622:17 2627:10 2644:16,25 2645:20 2646:20 2649:28 2650:7,13,16,23 2651:4,15 2652:16 2653:4,11,23,26 2654:5,8 2656:1,22 2658:10 2695:12 2702:7 2706:12 2711:8 2719:27 2732:25 2734:4,23 2738:11,15, 26 2739:11,21,23 2740:4,28 2741:13,18, 21 2743:9,24 hot 2640:9 hour 2675:18 2676:18 hours 2689:4 2691:26 2736:28 2737:7 Human 2652:2 hundred 2606:20 2673:18 Hunter 2652:2 hydrogen 2631:4 2640:14,17	I	ideal 2639:3 identification 2599:5, 10,17,23 2615:26 2616:7,12,17 2617:1 2652:5 2653:16 2655:8, 14,22,27 2694:24,26,27 2695:1,3,4,6,7 identified 2627:19 2628:7 2640:10 2682:8 identifies 2628:28 identify 2598:24 2615:22 2628:14 2632:11 2634:14 2655:2,3 2660:24 2693:23 identifying 2615:23 2651:27 2653:13 igniting 2640:21 ignition 2640:21 ignoring 2606:24 illustrate 2606:6 imagine 2625:21 2649:3 impact 2605:24 impacts 2691:28 2716:14 implement 2628:11 2679:9 implementation 2628:20,25 2680:5 2703:20 important 2740:27 imposed 2683:4,6 improving 2632:24 in-person 2688:9,14 include 2643:26 2669:14 2685:20

information 2633:5,6, 28 2639:9 2652:27,28 2653:6 2682:12 2687:12 2695:22 2734:24	involving 2660:18	judgment 2618:28	2658:12,16 2666:1,3, 24,26 2667:18,20 2668:14,16 2669:23,25 2671:27 2673:3,11,14 2675:10,17,20,28 2676:9,13,15 2677:3,10 2680:20 2682:19,21 2692:18 2693:18 2694:16 2695:9 2701:26,28 2702:5 2705:24,26 2706:18 2711:10 2714:26,28 2715:21,23 2719:23 2724:14 2729:5 2731:25,27 2732:21,23 2733:16,18 2734:10,12, 20 2735:14 2738:12,16, 19 2741:23,24
informed 2709:6	IOU 2695:27 2712:6	July 2705:17 2713:10	
initiating 2633:25	IOUS 2727:12	June 2616:15 2627:20 2630:18 2632:7,27 2635:9,11,14 2636:1	
input 2624:15	IOUS' 2727:22		
Insight 2608:26	IRP 2623:14,17 2624:8	<hr/> K <hr/>	
inspect 2632:10	issuance 2683:8,16	Kato 2705:19 2706:2	
inspection 2632:20 2635:27 2636:2	issue 2606:6 2614:8 2626:28 2663:20 2664:27 2675:26 2679:28 2680:15 2712:21 2716:14	Kern 2736:15	
Institute 2633:4	issued 2672:21,26 2673:2 2718:24,26	key 2640:24	
instructed 2620:3,6	issues 2619:14 2631:15,16,22 2632:12, 22 2634:14,23 2640:13 2648:25 2692:17 2694:6 2696:6 2710:7 2722:25 2724:3	kill 2633:22	
instructions 2621:20, 23,28	item 2632:14 2636:9 2642:2,9 2716:4 2733:23 2734:15,19 2735:9 2737:4	kind 2707:14 2709:20 2711:7	
Integrated 2621:8 2623:27	items 2610:25 2627:16 2631:18 2632:1 2640:23 2642:10 2700:24 2729:22 2735:3	knew 2635:19	law 2598:4 2621:2 2710:18,27 2715:26 2716:26
intend 2622:8	it's 2601:5 2602:18 2603:15,18 2606:2 2608:1,12 2609:21,24 2640:18 2642:28 2644:10 2647:3,19 2717:11 2719:4,5 2723:26 2724:1 2726:4 2727:5 2732:7,18 2733:7,11,13	knowledge 2602:12 2618:24 2623:14 2658:5 2692:3	laying 2711:8 2712:26
intended 2620:16 2663:5		<hr/> L <hr/>	leave 2742:16,19,22
intent 2741:7		L-O-Y 2654:27	left 2637:23
interested 2610:24		labor 2607:18 2687:9	length 2614:18
interim 2728:17		lack 2687:25	lengthy 2634:20
interpretation 2610:1		landscape 2702:16	lesser 2610:18
interpreting 2683:27		large 2605:11 2626:19 2631:2 2697:10,22	letter 2655:21,26 2666:22 2667:3,27 2668:4,23 2672:14,15 2680:18,23,27
interruption 2729:3		late 2732:4	letting 2743:3
interval 2633:10		Lau 2598:4,16,24 2599:7,12,19,25 2600:9,12 2602:18,22 2612:28 2613:2,5,8,10, 16,19,21,26 2614:26 2615:6,18,20,28 2616:9,14,19 2617:28 2618:3,12,16 2619:5,7, 21 2622:20 2623:9 2627:6 2639:20,22 2644:21 2645:18,23 2646:21,25 2647:13,15 2650:2,8,10,15,17,21, 26 2651:2,5,12,16,26 2652:7,14,19,22 2653:10,12,18,24 2654:3,6,9,12,15,22 2655:2,10,16,24 2656:3,5,19,23	let's 2598:5 2606:18 2608:2 2614:23,26 2650:10 2651:19,20,26 2652:10 2732:23 2734:12
introduced 2619:11			level 2628:4,17
invalid 2712:13			libraries 2736:13
investigate 2673:16			license 2620:26 2621:5 2622:9 2623:26 2625:4, 5,6,27 2626:3,12,16,23 2632:28 2633:11 2637:19,24,27 2641:13 2648:5,13
Investigator-owned 2697:11	<hr/> J <hr/>		licenses 2641:6
investments 2626:10	January 2607:4		licensing 2630:12 2638:8
Investor-owned 2692:5 2697:22 2716:8	John 2653:14		
involved 2663:18 2665:17 2686:18,19 2697:7,21 2698:6,7 2699:8,11,14	joining 2696:16		
involvement 2699:3	Jones 2742:10		
	Judge 2598:4 2646:21 2738:16 2741:26		
	judges 2630:28		

lieu 2619:20 2743:15	looked 2605:7 2636:3,7 2718:12	2640:5,7,11,16 2657:8, 9 2658:1 2719:23 2742:22,28	2716:20
life 2620:26 2621:5 2622:9 2625:4,5,6 2626:17,23 2631:10,11 2633:11 2637:10,15,27 2638:14 2641:14 2649:17,20,23 2728:4	loss 2645:28 2646:8	makers 2704:9,14	mass-media 2719:18
lightly 2614:12	lost 2644:14	makes 2701:16 2708:18 2721:22 2743:2	material 2633:11 2700:15
limited 2605:2 2640:26	lot 2628:16 2649:1	making 2624:17,24 2646:3 2737:27 2742:17	materials 2617:21 2628:18 2733:26
lines 2607:13 2610:20 2618:10 2625:11 2643:5 2657:13,27 2659:14 2660:1 2671:5 2689:9 2691:23 2703:14 2704:11 2705:1	loud 2727:8	managed 2701:7,11	Mathematical 2696:20
Lirag 2601:27 2602:4,8 2608:2 2612:25,27 2613:1,4 2614:1,24 2615:16 2646:21,23 2649:24 2651:19 2652:10,24 2653:5,27 2676:3 2677:8 2692:20, 25 2693:1,4,9 2714:20, 22 2729:4,7 2738:16, 18,22,27 2739:1,6,10, 12,18,22 2740:2,5,19 2741:5,16,19,22,26,28 2742:5,7 2743:10,20,25	low 2687:21 2689:15 2694:1 2697:9 2698:2	manager 2705:19 2711:16 2712:22 2713:5,15,22,23	matter 2658:20 2693:2, 3 2740:24 2741:3
	low-income 2728:7, 11,27 2730:19 2737:22	manner 2688:15	matters 2692:16 2701:10
	lower 2598:16 2601:13 2610:4,5,7 2611:2,5,6, 11 2612:13,14 2615:6 2654:22	Manual 2600:2	ME&O 2701:5,8 2702:20 2703:4 2704:7 2705:3 2706:25 2707:4, 16,20,23,27 2709:4 2711:19 2712:7,19 2713:3,12 2716:1,18,22 2717:1,4,14 2721:2,18 2723:17
	Loy 2651:23 2654:17, 19,23,26 2655:5,11 2656:26 2658:19 2673:16 2675:11 2676:10 2677:6,13 2693:19 2695:15 2705:28 2732:1 2739:26 2740:24 2741:24 2742:8	manufacturer 2631:25	means 2634:21 2716:26,27
	lunch 2675:18,21,27 2676:5,15 2677:4	map 2734:25 2737:11	measures 2683:21
	<hr/> M <hr/>	maps 2737:14,19	mechanism 2720:14
list 2729:19 2734:25 2737:6	machine 2631:21 2632:9 2635:23 2636:6	March 2668:28 2737:25	media 2701:7 2708:6, 14 2716:20 2735:28
listed 2690:10,16,17 2709:26	made 2604:14 2634:15 2636:17 2641:10 2642:5 2644:6 2648:4 2659:1 2671:25 2681:3 2712:12 2735:2,12 2742:14	Mark 2654:17,19,26 2655:5,11 2677:6,13	meet 2705:19 2706:3
load 2644:15,18,19 2645:5,28 2646:8		marked 2599:5,10,17, 23 2615:26 2616:7,12, 17,28 2617:5,8,13 2644:3 2652:5 2653:16 2655:8,14,22,27 2657:1,2 2666:22 2667:14 2680:19 2694:24,25,27 2695:1, 2,4,5,7 2698:11 2700:5 2702:3 2706:21 2708:20 2732:27 2739:24	meeting 2614:11 2706:10,13,15 2739:27 2740:26 2741:8,9,12
local 2735:27	Maggard 2619:13	marketing 2694:4,6, 11,13,19 2696:10,22,26 2697:2 2700:21 2701:5, 18,19 2703:25 2708:24 2710:7,11 2711:27 2713:23 2714:12 2715:15 2716:6 2718:10,15 2719:10,17, 18 2720:9 2724:22 2725:23,27 2733:25	memo 2717:20
located 2665:26 2666:15 2688:18,25	main 2616:16 2630:26, 28 2631:8 2638:14	marries 2642:9	memorandum 2699:27 2704:27 2712:8 2713:19 2714:15 2716:11 2718:3,5 2722:1,5,8
location 2689:5	maintaining 2643:12	marry 2640:27	mention 2699:2
locations 2688:20 2734:26 2736:4,28 2737:7	major 2616:15 2627:19, 28 2628:2,11 2631:2 2648:8 2663:4 2674:9, 14,19 2678:5 2685:28	mass 2701:6 2708:6,13	mentioned 2628:12 2635:28 2640:16 2641:12 2695:28 2698:3
long-standing 2678:17	make 2617:25 2618:7 2620:16 2622:11 2625:26 2632:1 2634:16 2636:21		mere 2636:17
long-term 2640:28			met 2707:10
longer 2736:28 2742:24			meters 2665:26 2666:14
			methodology 2603:19

methods 2639:5 2696:20	2710:15 2720:28 2738:24 2739:7,18 2742:28 2743:6	2727:28	offramp 2630:2,22 2635:10 2636:8
metric 2690:14		NPC 2688:5,8,13 2689:3	OIR 2699:4
metrics 2689:15	moved 2613:11,22 2619:19 2650:18 2651:6 2653:28 2654:5, 10 2659:4 2742:3	NPCS 2688:2,18,23,28 2690:25 2691:1	ongoing 2637:12
middle 2677:22 2683:19 2702:20,24 2704:28 2710:19 2730:7 2732:3,6	moves 2639:7 2650:24	nuclear 2616:2 2617:3 2629:3,4,7,8 2633:24 2653:15	online 2640:1 2737:11, 14
migrated 2644:19	moving 2649:8 2650:28 2678:12 2742:16	number 2610:25 2631:14,24,28 2642:26 2643:2 2644:4 2647:22 2648:25 2660:22 2680:19 2690:9 2702:12 2715:17	Onofre 2648:27
miles 2615:13 2690:22, 25 2691:7	multipage 2739:28	numbered 2727:6	OO1-Q27 2639:25
million 2606:20 2628:6 2629:23 2642:16,17 2647:20 2648:3,7,12 2703:5	municipal 2662:4,10, 19 2663:6 2664:20	numbers 2600:19,24 2601:12 2652:17	open 2688:28 2720:21 2725:24 2736:9,17 2742:16
mind 2612:6 2658:3 2668:3 2710:4 2721:19	<hr/> N <hr/>		opened 2736:21
minutes 2614:7,21 2649:27 2738:13 2742:18	N-PAYMENT 2691:6		opening 2657:1 2699:19 2701:25 2702:3 2704:1 2729:13 2736:13
Mm-hm 2718:19	national 2608:8,17	<hr/> O <hr/>	openings 2736:2
model 2709:8,16,21	nature 2631:20 2652:8 2653:9	objection 2605:17 2607:24 2622:17 2644:16 2645:21 2653:25 2654:7 2706:12 2740:20 2741:7	operate 2621:4 2623:24 2637:26 2640:26 2641:8
modifications 2711:18	needed 2621:1 2633:2	objections 2613:8,19 2650:15,27 2653:24 2654:6 2738:27 2739:10,22 2740:3	operating 2626:11 2631:10,11 2632:2 2638:28 2639:3,13 2642:6 2643:11 2646:14
modify 2661:18 2666:17	needing 2741:10		operation 2620:24 2626:2 2631:18,23 2636:11,14 2638:23,24 2639:8 2640:28 2641:27 2642:3 2647:4, 7 2648:20
monitor 2640:3,6	negotiated 2630:4,22	occur 2641:18 2738:5	operational 2649:22
monitoring 2632:12 2638:12 2639:28 2692:4	neighborhood 2688:1 2690:21	occurring 2634:2	operations 2617:4 2629:8 2640:1 2691:26 2726:13
monitors 2691:27	Ness 2598:22 2654:28	objective 2637:25	opinions 2602:10 2618:26 2658:7
months 2673:1	net 2610:23	occurs 2647:23	opportunity 2636:8 2722:7 2727:17
morning 2600:16,17 2602:25,26 2614:6,20 2616:24,25 2619:25,26 2645:26 2651:20 2652:16 2656:26,27	news 2735:28	October 2598:2 2672:6,13,28 2681:4,19	oppose 2662:4,10 2663:6 2664:20
motion 2613:5,16 2625:26 2650:21 2653:19 2654:3 2656:8 2669:27 2670:6	nice 2604:10	offer 2621:23	opposed 2691:2
move 2605:1 2607:11 2613:5,16 2625:26 2628:18,24 2650:11,14, 21 2653:19,21 2654:3 2684:16 2686:27	night 2644:7	Office 2599:1,4,9 2652:3 2654:19 2655:7, 12 2678:8 2691:8 2697:8 2721:6,11,25 2722:14 2735:24	opposing 2662:18
	non-statewide 2701:8, 19	officer 2629:3,4,10,14	option 2626:13 2628:13 2641:7 2742:16
	nonlabor 2687:9	offices 2658:22 2686:28 2687:2 2692:7, 8,13	
	nonpayment 2687:25		
	noon 2614:13		
	normal 2736:18		
	note 2727:12		
	noted 2619:21 2647:19 2695:21		
	notifying 2735:26		
	noting 2619:10		

options 2611:12,14 2622:15,26	package 2602:6 2604:23	percent 2607:6,16 2609:22,23 2610:6 2633:13 2645:8	2694:18,22 2695:10,16 2697:27 2700:17,24 2701:1,11,16,21 2703:17 2704:7 2705:17 2707:2,10 2711:6,22 2713:4,14, 19,22,27 2714:7,10 2716:20 2717:12,19 2718:1 2719:1,5,21 2720:10,13,18,21 2721:8,27 2722:17 2724:19 2725:5 2726:2, 17 2728:25 2729:11 2731:13 2732:1,9,19 2734:3 2735:2,11 2737:20,27 2738:6 2740:22 2742:23 2743:14,17
ORA 2697:9	pages 2601:28 2617:15 2627:24 2647:17 2656:11,15 2661:26 2662:2,7 2665:12 2703:10	percentage 2645:3 2690:12	
order 2660:4 2705:7 2712:13	paragraph 2638:5,6 2660:16 2668:1 2683:19 2711:13 2727:9 2730:8,9 2734:5 2735:4,13 2737:15,18	perfect 2638:27	
ordered 2665:22 2666:10,11 2667:9 2669:7 2698:24 2704:22 2713:18 2722:1	Paragraphs 2729:26	perform 2622:14,25 2623:1 2625:23 2628:23,24 2634:16 2642:1,7	
ordering 2668:1 2711:13 2729:26 2734:4 2735:4,12 2737:14,17	parameters 2643:28	performance 2634:5 2667:11 2669:12	
orderly 2620:28 2622:11	parens 2683:21	performed 2623:8 2725:27	
orders 2684:20,27 2685:6 2704:16 2712:5	part 2603:6 2604:22 2607:10 2624:12 2634:28 2647:21 2661:15 2662:14 2678:23 2679:16,24 2682:28 2698:25 2700:26 2703:25,26 2712:23 2723:7 2727:21	performing 2639:6	
organizations 2631:26 2678:10	participants 2722:6	period 2606:14 2626:5, 6,7 2639:1,12 2640:27 2641:5 2648:12	PG&E's 2603:16,18,23, 26 2604:1,9,12 2607:18 2608:1 2610:19,22 2612:4 2617:2,9,14 2621:24 2643:10 2644:18 2645:3 2646:8 2653:7 2657:19 2659:7, 9 2660:14 2663:4,7,15 2665:3,14 2668:2,26 2671:13 2673:17 2674:19 2677:28 2678:6,10,17 2679:6, 19,26 2684:24 2685:3, 14,27 2686:18 2687:1 2689:18 2690:24 2691:19,21 2692:27 2693:5 2695:22 2698:1, 8,26 2699:25 2700:5,26 2701:24 2702:19 2703:3,7,26 2706:10 2710:11 2711:15 2712:22 2713:2,11 2714:18 2720:19,22 2723:2,9,22 2726:13 2729:12,16,22 2730:19 2732:12 2733:2,7 2734:2,27 2737:24
original 2601:1 2612:17 2662:23 2705:7 2709:13	participation 2731:4	personally 2634:4	
originally 2717:19	parties 2664:5 2670:13	personnel 2633:17 2634:17	
outage 2632:8 2636:3	parts 2633:21 2679:1 2703:23	perspective 2630:27	
outages 2727:27	party 2664:2 2680:16 2681:8 2683:3 2685:21	pertains 2600:27 2601:9 2619:14 2652:27 2661:21	
outcomes 2669:16	past 2683:19 2698:8	PG&E 2599:20,21,26 2604:16,19,23 2607:22 2608:7 2615:25 2616:5, 10,19 2619:12,13 2620:3,7,10,16 2621:12,13,16 2622:2, 13,24 2623:3 2625:13, 19,28 2626:12,20 2628:1 2630:18 2636:25 2643:14 2644:14 2645:21 2648:17,21 2652:18,19 2653:2 2655:17,19,25 2656:2,6,8 2658:13 2660:5,18 2661:1,6 2662:22,24 2663:8 2665:22 2666:11,17 2667:3,9 2669:4,10 2670:27 2673:6,7,9 2674:15 2675:15 2677:5,23 2680:11 2681:7 2683:20 2684:5, 25 2685:5,16,18,23 2686:12 2689:9,14 2691:16 2693:22,25	
outreach 2694:7,19 2696:11,22,26 2697:2 2701:6 2710:8,12 2711:19 2716:6 2724:23	pay 2688:5		
overriding 2710:23	paying 2689:3		
overseen 2701:18	payment 2688:1 2690:21 2692:7,13		
oversight 2711:3 2721:8,26 2722:16	payments 2690:13,15		
overview 2689:27	pays 2713:5,27 2714:10		
owe 2636:15	pending 2724:13		
owner 2710:21	pensions 2687:10		
<hr/> P <hr/>	people 2633:22 2637:27 2639:16 2706:6		
p.m. 2676:19 2677:1	people's 2614:17		
Pacific 2598:7 2599:13 2615:2,11 2629:8,11			PG&E-05 2617:2 2642:27 PG&E-14 2617:14 PG&E-19 2617:9 Pg&e.com/ coolingcenter. 2737:10

PG- 2677:23 2685:12	point 2601:20 2608:4, 10 2631:12 2635:14 2637:2 2647:26 2657:11 2676:11 2682:10 2692:23 2693:7 2707:12,14	predominantly 2648:8	proceed 2616:20 2658:16
Phase 2659:4,9,11,19, 20,24,26 2663:15 2664:27 2665:15 2694:2,6 2695:27 2696:5 2710:7 2719:1 2720:4,15 2722:25	pointed 2686:8 2715:7	preliminary 2658:19	proceeding 2616:28 2624:3,13 2647:3,5 2663:19,22 2665:18 2696:5 2697:21 2698:2 2699:15 2700:27 2701:1,17 2711:25 2720:15 2722:6 2727:16 2728:27 2730:19
phone 2634:12 2729:3	Policy 2600:2	prep 2628:16	proceedings 2695:27 2697:10 2698:6 2699:5, 9,11,12 2728:16
phrase 2634:19 2730:14	pools 2736:6	preparation 2628:17	process 2621:24 2623:15,18,19,22,28 2635:8 2688:1
physical 2665:25 2666:13	population 2728:7	prepare 2600:18	produce 2625:9
physically 2706:3	portfolio 2642:11	prepared 2617:21 2651:28 2652:1 2653:14 2657:4 2696:4, 9,26 2697:1 2711:24 2736:8,17	Products 2694:1
pictures 2634:11	portfolios 2624:1	preparing 2637:13	professional 2618:27 2658:8
piece 2631:2	portion 2635:1 2664:11 2679:8 2685:8,9 2686:7	prerequisite 2669:5	profile 2605:14,15,23, 27
pilot 2691:25	position 2640:12	prescribed 2672:25	program 2657:17,24 2658:22,28 2659:3,9,18 2660:10,11 2661:6,23 2663:11 2664:15 2665:8 2667:10 2669:9, 11 2673:23,24 2674:5, 8,9,16,21,25 2675:1,2, 4,6,15,16 2677:18 2678:7,16,24 2679:9,17 2680:5,12 2683:10 2684:19,25 2685:4,15, 24,26 2686:2,9,14,20, 25,26 2691:25 2693:1 2694:20,22 2697:23 2698:1 2708:5,6,13,14 2709:5 2711:19,27 2716:6 2723:6,13,27 2724:23 2725:13,22 2728:12 2730:13,16,19 2731:8,13,15,16,23 2732:3,6,7,10,13,20 2733:3,8 2737:23
pin 2719:8	possibility 2614:9	present 2620:4,7 2621:12 2634:4 2699:24 2717:17	progress 2735:3,12
pipeline 2606:7	Post 2616:21,23 2618:5,19 2619:2 2622:17 2642:25,28 2644:16 2645:14,20 2649:26,28 2650:16 2651:4	presentation 2739:25, 27	
place 2639:12 2673:10 2704:23	post-test 2599:15,27 2606:1	presented 2611:12 2617:5 2729:11 2740:21	
placing 2659:20	post-test-year 2599:8 2603:6 2612:1	president 2629:14,15	
plan 2622:14,25 2625:13,19 2626:16,18 2637:18 2696:27 2697:3 2718:10,15 2719:17 2720:9 2723:27	posted 2737:8	press 2614:14	
planned 2620:10 2621:14 2626:7	potential 2633:9,26	previous 2629:2	
planning 2600:3 2621:9,24 2624:12,25 2625:25 2635:9	potentially 2641:7 2743:14	previously 2639:14 2700:15	
plans 2623:1 2694:7 2696:11 2710:8,12 2735:25 2743:3	power 2620:25,28 2624:1 2630:11 2631:23 2646:2,10 2649:8,10	prices 2642:21	
plant 2606:19,28 2607:2 2610:8 2620:25 2621:14 2622:4,9 2625:22 2626:10,21,23 2630:11 2631:23 2637:17 2642:3	Powerpoint 2739:25 2741:3	Pricing 2693:28	
plant's 2641:27	preceded 2629:20	primary 2603:8,12,21, 22,24 2605:4,6 2607:9 2636:16 2687:5	
play 2625:8 2641:20	precedent 2660:4 2661:14	printing 2698:20	
plenty 2722:4,7	predate 2684:6	prior 2620:18 2621:14 2622:16,27 2623:5 2625:20 2631:13 2683:7 2692:5 2695:27 2696:4 2697:4 2722:19 2735:20 2736:18	
PLS 2609:18	predated 2683:5	private 2696:15	
	predecessors 2697:8	probability 2633:14	
	predictor 2611:28	problems 2631:17 2635:3 2638:1	

project 2616:15 2627:19,28 2628:2,3, 10,11,14,22 2630:2,6,7 2632:16,17 2634:2,19, 21,22 2635:10,18 2636:10,20,24,26 2637:21	providing 2643:14	13 2720:2,27,28 2721:15 2724:13 2728:8 2742:2	2715:15 2716:1,10,19 2717:20 2718:2,11,16 2719:11,18
projected 2634:9 2649:17 2670:15 2673:17	prudent 2633:27	questioned 2740:1	ratebase 2636:27 2637:6
projection 2649:21	public 2598:28 2599:9, 21 2634:18 2636:15 2652:3 2654:19 2655:6, 12,21 2668:25 2691:13 2697:8 2721:6,11,24 2722:14	questioning 2623:10 2645:17 2671:27	ratemaking 2599:8,16, 28 2603:6 2606:13
projections 2642:14	publishes 2608:26	questions 2612:24,27 2619:18 2627:5 2641:4 2646:20,22,26 2649:25 2658:21,24 2673:4 2675:22 2676:2 2692:16 2705:20 2738:10,17 2743:12	ratepayers 2662:17
projects 2642:12,18 2662:4,11 2663:6 2664:20	pull 2673:28	quickly 2710:16	rates 2680:24 2704:17
promised 2637:5	pulling 2660:22	quoted 2609:5	ratesetting 2705:5
proportion 2609:21	purpose 2667:27 2705:4	<hr/> R <hr/>	re-licensing 2630:19 2635:13 2637:9
proposal 2603:23,24, 25 2604:1,12 2610:4, 18,19,22,26 2612:5,15, 17,18 2677:25 2679:7 2699:25 2709:15 2720:23 2721:1,17,23 2722:11 2723:2 2729:17	purposes 2605:9 2606:13 2611:17,20 2624:12	radically 2605:16	read 2638:16 2644:26 2657:13 2669:6 2684:8 2693:4 2707:18 2727:8 2734:20 2735:14
proposals 2612:5 2701:16 2727:20	pursuant 2664:23 2680:24	raise 2598:11 2614:28 2654:17	reading 2629:21 2663:7 2668:3
propose 2621:17 2648:21 2720:14 2722:14	pursue 2630:19 2632:28 2634:1 2636:26 2648:17	Ramaiya 2742:27	ready 2616:19 2656:20 2658:13
proposed 2603:19 2692:1 2711:4 2725:6	pursued 2630:13 2637:8 2638:9	ramps 2635:27	reaffirmed 2704:27 2707:23
proposing 2700:18 2703:18,26 2720:19	purview 2711:21	Randolph 2668:23 2681:1	real 2634:28
prosing 2611:2	put 2607:22 2608:7 2630:27 2633:16 2635:26 2639:4 2640:19 2659:9 2700:28 2719:8	range 2648:3	reason 2608:18 2625:22 2662:21 2704:6,18
protect 2634:17	<hr/> Q <hr/>	ranges 2731:8	reasonable 2620:24 2670:27 2705:14
protected 2639:17	qualifications 2601:15 2617:19 2687:4 2695:18 2699:2	RASCI 2709:7,16	reasonableness 2721:5,24 2722:15 2727:19
prove 2741:11	question 2604:7,28 2605:3 2608:14 2610:2 2611:21,26 2612:6,8 2616:5,6,11 2618:16 2622:22 2624:22 2636:19 2644:9,10,23 2646:5 2659:5 2662:5 2663:1 2673:13 2674:17 2675:24 2679:12 2684:13,17,28 2685:11 2686:10 2688:12 2701:13 2706:19 2707:8 2708:10 2713:7 2718:6,	rate 2598:8 2600:2 2607:18 2646:27 2655:20 2657:17,22,24 2659:3,8,18 2660:20, 25,28 2661:2,8 2662:26 2665:6,7 2666:19 2667:16 2668:6,8,13,26 2671:25 2672:4,20,25, 27 2673:10,23 2674:5, 8,25 2675:1,5 2677:19, 25 2678:18,23,28 2679:8,10,14 2680:6 2681:3,10,18 2682:26 2684:27 2685:7,17,20 2686:19,20,25 2692:28 2693:6 2694:10 2697:4 2699:3,4,26 2700:20 2701:3,10,15,20 2703:19 2704:8 2707:3, 16,19 2712:7,8,20 2713:3,13,24 2714:8	reasons 2683:18
provide 2641:7 2664:23 2666:18,23 2685:3 2686:3 2688:9, 14 2704:14 2728:1			rebuttal 2608:1,11 2617:10 2619:15,17,28 2624:6 2625:11 2661:1 2663:7 2678:1 2686:6 2700:5,10 2701:22 2703:7 2706:10 2714:18 2715:4 2723:22
provided 2598:27 2600:2 2621:21 2644:5 2686:12 2715:10 2733:26			recall 2632:5 2636:23 2664:8 2692:9 2696:7, 12 2699:10 2706:1 2707:2,13,20 2740:28 2743:11
			receive 2670:15 2673:18 2685:23

received 2613:12,13, 23,24 2650:19 2651:7, 8,10 2654:1,11 2682:5 2692:11 2723:22 2739:2,3,4,13,15,16 2740:7,8,9,11,12,14,15, 17,23	2639:20,21,22 2642:13 2645:19,22 2647:13,14, 15 2650:8,9,10,12,18, 22,28 2651:3,6,17,18, 20,24,26 2652:12,13, 14,22,23,25 2653:20, 22,28 2654:4,10,12,13, 15,23 2656:3,4,5,17,18, 19 2657:14 2659:1 2661:16 2666:1,2,3,24, 25,26 2667:18,19,20 2668:14,15,16 2669:23, 24,25 2676:17 2677:3, 8,9,10 2682:19,20,21 2692:18,19,21 2693:16, 18,20 2694:14,15,16 2701:26,27,28 2704:7 2705:24,25,26 2714:14, 20,21,22,26,27,28 2715:21,22,23 2717:19 2729:5,6,8 2731:25,26, 27 2732:21,22,23 2733:16,17,18 2734:10, 11,12 2738:20,21,23,25 2739:2,8,14,20 2740:7 2742:3 2743:16,19	reference 2599:25,27 2600:1 2656:7,10,12 2659:26 2679:3 2697:6 referenced 2610:13 2639:26 2677:21 2686:23 2715:6 references 2675:14 referred 2686:22 referring 2603:2 2604:14,21 2611:22 2661:5 2662:3 2664:18, 19,21 2670:4 2673:25 2674:11 2675:7,12 2683:1,2 2712:24,25 refers 2663:21 reflects 2612:11 reform 2694:10 2699:4, 26 2700:20 2701:3,10, 15,20 2703:19 2704:8 2707:4,17,19 2712:7,8, 20 2713:4,13,24 2714:8 2715:15 2716:1,6,10,20 2717:1,20 2718:2,11,16 2719:11,18 refresh 2705:22 2707:9 2731:7 refuelling 2632:7 2636:3 refuge 2728:2 regard 2609:26 2642:18 2699:1 2712:27 2713:21 2723:10 regulatory 2633:24 2642:19 reinstall 2637:14 rejected 2729:18 relate 2605:4 2723:8 related 2685:6,16 2701:9 2707:27 relates 2678:26 2700:23,24 2734:4 relevant 2659:11 2714:2 2728:6 reliability 2642:19	reliable 2642:20 2643:15 reliance 2717:18 relied 2609:7,17 2712:2 relying 2718:1 remaining 2638:13 2649:17 2659:21 2692:13 remember 2691:3 2706:8,13 remind 2743:25,26 remove 2635:15 2636:20 removed 2619:16 2634:7 2657:26 removing 2659:17 2660:26 2674:4,24 repair 2637:12 2639:15 2641:22 2646:4,7,16 repaired 2637:7 repeat 2605:21 2618:12 2622:21 2624:22 2646:5 2659:5 2662:5 replace 2601:11 2699:26 2700:18 replaced 2635:5 report 2655:20 2667:11,17 2668:13,27 2671:24 2682:9 2694:23 2732:20 2733:3,8,21 2734:16 2735:1,2,8 reported 2701:4 reporter 2611:9 2623:11 2724:9 reporting 2669:15 2683:12 2685:20 2692:5 2738:1 reports 2601:16 2669:12 2671:22,23 2691:27 2732:13 2737:21,24,28 represent 2618:27 request 2615:25
receiving 2741:14 recent 2624:7 2704:25 2707:17 recently 2678:18 2692:11 2722:19 recess 2651:25 2676:16,18 2677:4 2693:17 recognize 2709:8 2733:1 recollection 2705:23 2707:9 2731:7 2739:26 recommend 2607:15 2608:20,22 2660:9 2674:24 2704:18 2726:11 recommendation 2603:11,12,14,16 2605:5,7 2612:20 2659:2,7,24 2664:26 2673:27 2674:23 2684:23 2685:2,22 2687:1 recommendations 2603:8 2607:11 recommended 2608:23 2674:4,5 recommending 2660:8 recommends 2657:15 2659:16 2661:12 2691:24 2704:7,12 reconnected 2688:6 reconsider 2722:5 record 2598:5,17 2600:8,9,10,11,12 2607:27 2608:1 2613:6, 11,17,22 2614:8,24,25, 26 2615:7,16,17,18 2617:28 2618:2,3 2619:19 2634:12	recorded 2660:10,12 2663:24 2705:11 recording 2662:22 2718:2 records 2685:16 recover 2626:1 recovered 2705:11 2707:6 2723:18 2725:2, 15 recovery 2626:8 2657:23 2665:6 2700:19 2705:3 2720:22 2722:27 2723:2,4 2725:25 redacted 2682:15 redirect 2612:25 2650:1 2738:14,15 reduce 2660:5 reduced 2691:26 refer 2601:21 2609:6 2610:10 2611:21 2621:7 2700:25 2705:22 2706:16,18		

2635:15 2639:24	2644:5 2684:21	24 2722:15 2732:12	14 2638:22,24 2639:8
2649:14 2659:7 2687:1	2710:14 2725:4	reviewed 2680:2	2641:9 2643:15
2692:6 2693:12	2738:28 2740:20	2700:15	safely 2632:2 2637:26
2728:25 2729:12	responses 2641:4	reviewing 2634:4	safety 2634:17,18
2732:2	2743:17	reviews 2628:23	2642:18
requested 2701:2	responsibilities	revised 2674:2	safety-related
requesting 2727:13	2629:5,6 2695:20	Revisions 2668:5	2646:15
require 2684:5 2718:1	2709:17	risk 2633:4,6,8 2687:25	sales 2687:12
2742:13	responsibility 2616:3	RMA 2718:3,4 2724:5	sample 2668:6
required 2626:10,19	2629:7 2653:15 2687:6	Roberts 2743:11	San 2598:1,22 2648:27
2666:17 2667:5	responsible 2709:5	role 2625:8 2641:19	2654:28
2682:24 2691:5 2692:4	2710:1 2726:2 2743:28	2711:15 2712:22	Santa 2696:14
2726:12 2728:24	rest 2633:21	2713:2,11,17	satisfy 2624:19,27
2731:13 2738:6	result 2606:28 2640:21	roles 2709:16	savings 2670:16
requirement 2603:26	2728:13	roll 2649:7	2673:19 2682:6
2605:25 2606:26	results 2605:8 2632:23	rollout 2701:9 2707:28	2697:12,25
2635:16 2636:21	resumed 2677:14	2721:3,18 2725:26	SCE 2604:18
2660:6 2664:6 2673:8	resuming 2677:5	Roman 2724:26	scenarios 2620:7
2682:23 2683:4 2684:7	retain 2663:23 2664:7,	room 2614:10 2631:4	2621:12 2622:1 2624:7
2703:19 2737:14	18 2674:14 2677:24	2633:16,19 2666:23	schedule 2614:2
requirements 2683:12	2678:11	2742:13	2668:5 2742:21 2743:2,
2698:25 2725:1	retaining 2660:19,24,	rotor 2640:12,14	6
requires 2681:7	27 2662:24 2704:13	roughly 2642:15	scheduled 2614:11
requiring 2717:19	retains 2621:16 2711:2	routine 2639:28	2630:2 2635:10
residential 2699:3,15,	retention 2661:6,16,22	row 2690:8 2709:2,23	scheduling 2651:22
26 2700:20 2701:20	2663:10,26 2664:14,18,	RRMA 2658:24 2694:2	scope 2708:19 2716:21
2703:19 2707:19,28	22	RRRMA 2699:28	2717:13 2720:20
2712:7,8,20 2713:3,12,	retire 2620:11,17	2700:18 2701:4 2704:8,	scrutiny 2704:10,15,21
24 2714:8 2716:1,5,10,	2621:14 2625:14,19	13,19,23,26 2705:10	season 2735:21
19 2717:20 2718:2,11,	retirement 2620:22	2717:22 2720:25	2736:10,15,19,22
16 2719:11,17	2622:3 2624:8,21,28	2721:2,18	seasons 2735:18
resource 2622:15,26	2625:3 2626:12	ruled 2653:6	secondary 2690:20
2623:20,27 2643:20	2648:16	rulemaking 2707:18	2691:11
Resources 2621:8	retract 2685:8	2712:3 2719:4 2720:18,	section 2610:11
2652:2	retroactive 2683:7	20 2724:6 2726:6	2619:16 2662:2,7
respect 2621:24	returned 2725:11	run 2622:9 2626:16,20,	2676:11
2633:7	revenue 2603:26	22 2637:22 2641:13	sections 2665:21
respective 2712:8	2605:24 2606:26	2719:17	sector 2624:19,26
2716:10	2635:16 2636:20	running 2637:17	secure 2637:18 2648:4
respond 2737:13	2660:5 2664:6 2698:24	<hr/>	Security 2609:27
responded 2679:27	2703:18 2725:1,4	S	segregate 2628:22
2735:5	revenues 2687:12	safe 2631:23 2636:10,	semi-long 2614:6
respondents 2689:11	review 2626:15		
response 2599:21	2636:27 2637:5 2669:8		
2613:20 2615:25	2700:4 2705:10 2721:5,		
2616:5,6,10 2618:17			
2619:12 2640:23			

Sempra 2604:17	shareholders 2663:27	sign 2681:22 2684:10	speaking 2625:2,3
Sempra's 2695:23	sheet 2665:23,24 2666:12,13	signed 2683:15	speaks 2636:9
Senate 2621:1	Shek 2600:4,6,13,15 2601:27 2602:2,6,9,15 2603:1 2604:13 2607:24 2610:10,13 2612:25,26 2613:7 2743:26	significant 2609:13 2626:25 2648:11	specific 2632:11 2642:7 2684:26 2685:6
sends 2742:20		significantly 2605:24 2612:14	specifically 2619:15 2620:27 2623:20 2624:2 2642:2 2661:9 2688:19 2723:23
senior 2629:14,15		similar 2603:15,18 2604:12 2648:1 2713:4 2723:13	speculate 2607:26 2620:19 2621:18 2622:5 2625:24 2648:23
sense 2633:12 2642:5 2647:9	Sher 2652:7,9 2653:21, 23 2656:1,20,22,25 2658:10 2693:12,13 2706:12,16 2721:10 2738:12,15,24,26 2739:10,11,22,23 2740:4,21,28 2741:20, 21 2743:9,10,11,24	simpler 2606:4	spelled 2598:21 2654:27
sentence 2627:25 2629:18,20 2630:14 2638:6,7 2643:8 2657:18 2724:28	shift 2698:25 2726:7	single 2604:11 2605:10 2623:20	spelling 2598:18 2615:8 2654:24
sentences 2670:12	shoot 2614:5,15	situation 2609:13 2639:3	spending 2612:4,12
separate 2647:3 2741:6	shopping 2688:18	size 2631:3	spent 2716:21 2717:14
separately 2604:1	short 2645:17	slide 2707:11	split 2703:22
September 2616:4,10 2630:3 2635:11 2644:11 2700:7 2720:21 2722:20	shorting 2631:16	Slocum 2658:23 2676:5 2695:10,12,14, 16 2702:1,6 2705:27 2706:14,20 2711:8,11 2714:24 2715:1,24 2719:26 2720:3 2721:12,16 2724:12,14, 16 2729:9 2731:28 2732:24 2733:19 2734:13,22 2735:16 2738:9 2739:18,21 2740:20,22 2741:13,18	sponsor 2629:1
serve 2711:16	shortings 2635:2	slow 2623:9	sponsored 2619:12 2695:21,26 2696:4
served 2713:10	shortly 2700:6 2705:16	social 2609:27 2735:28	sponsoring 2616:27 2617:3,10,15,19
service 2607:3 2638:13 2645:4 2658:22 2668:8 2678:11,13 2686:28 2687:2,17,24 2688:9,14 2691:6 2692:7	shorts 2634:10 2635:3	solely 2639:27 2712:22 2713:15	spot 2640:9
services 2728:5,9 2735:25	shoulder 2735:18 2736:15,22	sooner 2670:28 2671:10 2681:16	Spreadsheet 2655:21
SESSION 2677:1	show 2673:7 2682:18 2735:2,11 2741:7	sort 2640:12	Stacy 2652:2
set 2602:10 2614:17 2648:26 2684:7 2701:8 2704:15 2740:2	showed 2632:23	sound 2641:3 2650:2	stand 2598:9 2612:17 2614:27 2654:16 2677:14 2693:20
sets 2691:26	showing 2657:19 2665:3	source 2640:21 2643:18	standalone 2725:7
setting 2704:17	shows 2601:2 2720:16 2735:5	sources 2649:10	standard 2661:19
settlement 2604:19 2637:3 2656:9 2663:22 2664:2,5 2669:17,19 2670:1,7 2681:7,13	shut 2625:26	Southern 2692:10	stands 2630:10
settling 2670:13	shutdown 2620:9 2621:13,17 2623:6	span 2649:17	start 2619:10 2627:13 2658:27 2682:1 2683:13
seven-year 2610:7,26 2612:2,3,12	shuttered 2687:22	speak 2621:25 2626:5 2634:2	started 2684:3
share 2713:27 2714:11	sic 2647:20 2665:15 2733:24		starting 2678:1 2679:15,18 2690:19 2698:26 2699:22 2728:26
shareholder 2663:9	side 2629:7 2647:24		starts 2671:2,11 2681:10,17,22 2682:2 2683:28
	Siemens 2629:28 2631:26		
	Siemens' 2630:23		

state 2598:17 2615:7 2620:3,5 2625:12 2636:6 2654:23 2660:2 2661:10 2665:2 2680:8 2684:17 2691:24 2696:2 2697:17,19 2730:10 2741:8	strategy 2638:11,18,20 2639:11,17,24,25,26 2641:11	supportive 2709:6	technology 2687:13 2695:22
State's 2624:18,26	strike 2693:6	supports 2678:6 2686:1	temperature 2640:8 2735:22 2736:11
stated 2603:27 2662:17 2674:3 2677:23 2684:22 2687:20 2690:19 2691:11	striking 2659:14	Suppose 2606:7 2608:15	temperatures 2640:7 2736:23
statement 2617:19 2661:24 2687:4 2691:21 2712:25	structure 2711:4 2715:27 2716:28 2717:3,7,12 2726:1	supposed 2743:1	ten 2607:6 2609:22,23
states 2659:15 2670:23 2674:24 2679:22 2685:28 2711:2,15 2715:26 2717:28	studied 2696:13	surrounding 2662:8	ten-percent 2606:25, 28
statewide 2694:6,10, 19 2700:21 2701:5,6,17 2702:19 2703:4,25 2704:7 2705:3 2706:25 2707:4,20,27 2708:6, 13,24 2709:11 2710:7, 11 2711:19,27 2712:6, 19 2713:2,12,23 2714:8 2715:15,28 2716:5,9, 18,22 2717:14 2718:10, 15 2719:9,16,18 2720:9 2721:2,7,18 2723:17 2724:22 2725:23,27	studies 2690:28 2696:19	survey 2689:11	terminate 2630:6
stating 2686:12	study 2670:26 2681:15 2683:9	Sustainable 2709:13	terms 2620:28 2633:25 2642:11 2647:10 2688:25 2691:12 2734:6
station 2642:20	sub-bullet 2707:2,14	SW 2694:4,13	territory 2645:5
stationary 2635:1	subject 2668:3 2670:18 2700:6	swayed 2609:4	test 2606:1 2611:28 2719:22
stator 2616:16 2634:1 2635:17,20 2637:8,10, 12 2646:4,7,16 2648:9 2649:13	subjected 2687:23	sworn 2598:13 2615:3 2654:20	test-year 2610:9 2612:10
step 2632:26	submit 2667:4	system 2628:1	testified 2598:14 2615:3 2654:20 2674:15 2677:14
Stephanie 2619:13	submitted 2645:27 2700:7,24 2705:16	T	testimony 2598:27 2599:2,4,8 2601:1 2602:28 2607:10,13 2609:6 2610:11 2611:12 2616:27 2617:2,10 2619:15,17, 28 2621:7 2624:6 2625:11 2642:13,24 2645:26 2647:16 2652:1,2 2653:1,2,14 2655:5,11 2657:1,14 2658:4 2659:21 2660:1, 14 2661:25 2662:24 2663:8,13 2664:24 2665:1 2666:8 2672:24, 27 2673:28 2674:1 2677:20 2678:1,25 2679:10,19,22,27 2682:28 2683:2 2685:27 2686:18 2687:19 2689:8,19,20 2690:19 2691:16,18,19, 21 2695:16,22,26 2696:4,10 2699:20 2700:6,10,23,27 2703:8 2704:2 2705:17 2706:11 2711:24 2712:1,17,23,26
stipulate 2645:15 2743:18	submitting 2692:6	T-A-N-G 2598:21	
stop 2642:5	subsequent 2632:19 2636:3	table 2600:26 2601:2, 13 2602:1 2702:9,16, 21,24 2708:28 2709:2, 4,18	
stranded 2648:26 2649:5	subsequently 2639:14	talk 2630:26 2636:12 2638:20 2683:26 2687:3 2741:27	
strategies 2639:4	substantially 2642:22	talked 2614:8 2717:2 2726:22,26	
	substitute 2622:27	talking 2626:4 2649:12 2677:17 2722:9 2734:5	
	substituting 2602:1	Tang 2598:10,11,13,20, 28 2600:16,18 2601:14, 23 2602:1,16,25 2607:25 2613:26	
	successful 2629:27	Tang's 2599:2,7 2610:11	
	sudden 2687:24	target 2624:20,28	
	summarize 2647:18	tariff 2665:23,24 2666:11,13,18 2667:4 2672:19 2680:24 2681:20 2682:1,2 2683:5,13	
	summarizes 2709:20	team 2629:22 2630:6	
	summary 2599:3 2600:27 2641:9	technical 2631:15	
	supervised 2708:14	technologies 2689:10	
	supervision 2617:22 2708:8		
	supplies 2620:28 2624:1		
	support 2691:1		
	supporting 2655:11 2717:21		

2713:10,11 2717:18,24, 28 2723:7 2726:9 2729:13,20 2732:9	topic 2619:20 2726:8	two-thirds 2629:19	updated 2737:11
thing 2608:5 2686:17 2743:23	total 2647:25	two-way 2700:1,18 2703:20,27 2706:25 2707:7	updates 2634:3
things 2605:6 2635:26 2640:24 2648:8 2649:7 2660:13	TOU 2701:10 2707:28 2721:2,18 2725:26	type 2626:15 2640:22 2725:24	Upgrade 2616:16 2707:5,15,22 2708:5,12 2710:2,13,22 2711:26 2712:15 2713:25 2714:9 2715:27 2716:19 2723:5,16,25 2725:13,21
think's 2740:26	town 2637:28	types 2701:2,3,15	usage 2640:14
third-party 2669:15 2670:2,8,10,19,24	track 2633:26 2712:6 2716:9 2725:6	typo 2601:6	utilities 2605:8,11 2668:25 2697:11,22 2705:5 2716:8 2728:14 2730:12
thought 2742:3	tracking 2705:2	<hr/> U <hr/>	utility 2600:1 2605:15, 24 2606:19 2662:4,10, 19 2663:6 2664:20 2692:6
thousand 2673:18	trajectory 2624:19,26	U.C. 2696:14	utility's 2605:28 2606:3 2728:22
threat 2631:22	transcribing 2623:11	UCLA 2633:4 2641:15	utilize 2728:18
threatened 2631:18	transit 2691:13	UCSD 2741:3	utilized 2736:7
threatening 2728:4	transition 2620:28 2622:12	Uh-huh 2709:25	<hr/> V <hr/>
threshold 2639:7	treating 2741:5	ultimately 2664:5 2717:16	validated 2705:12,13
tie 2609:9,14,19,28 2610:1	treatment 2701:2 2712:28	uncommitted 2725:10	values 2648:1,6,14
tied 2649:2	trigger 2735:22 2736:11	under- 2683:25	Van 2598:22 2654:28
time 2605:2 2611:9 2617:26 2618:8 2633:10 2637:2 2638:21 2639:1,12 2640:27 2647:28 2649:8 2658:2 2691:13 2693:13 2699:15 2709:12 2711:28 2719:22 2722:4,7 2724:9 2733:15	trip 2691:13	undergraduate 2696:14	vendors 2632:11 2641:16
timing 2635:7	true 2602:11 2604:8 2618:23 2658:4 2697:28 2712:21 2714:5,6 2716:17 2717:11 2719:20 2737:20	undermines 2705:4	verifiable 2705:14
title 2629:13 2698:13	trumped 2712:12	understand 2603:15 2623:28 2630:17 2639:5 2645:25 2700:17 2703:17 2707:26 2720:13 2722:12	verification 2670:2,3, 8,10 2680:17 2681:8
titled 2599:15,20 2615:24 2616:4,9,14 2655:20,26 2670:8 2693:26,28 2694:3,5,9, 12,17,21 2710:6	truth 2740:23 2741:2	understanding 2620:15 2621:15 2636:28 2641:24 2659:13 2662:1,6,13,16 2663:3 2664:1,4,10,13 2672:4,11 2674:13,18 2675:15 2678:22 2680:4,22 2688:4,17,27 2690:24 2698:23 2701:14 2705:9 2708:18 2713:9,14,26 2723:16 2725:12 2728:24 2730:18 2731:20,21,22 2734:7	version 2652:4 2680:18
today 2603:5 2614:4 2634:2 2677:22 2696:2 2726:23	turn 2602:27 2603:9 2607:8,12 2610:15 2615:24,25 2619:5,11, 27 2639:18 2642:23 2644:2 2645:10 2650:13 2695:17 2699:17 2702:15 2706:22 2708:27 2714:18 2726:8,21 2730:22 2741:22 2742:23	unexpected 2626:9	versus 2605:4 2607:9 2608:8 2610:8 2677:18
today's 2614:2	turning 2625:10 2629:16 2698:17	unit 2616:16 2631:9 2642:6	vibrations 2640:6
tomorrow 2742:9 2743:1,23	two-outage 2647:22	unspent 2725:9	vice 2629:14,15
top 2690:8 2702:15,16 2706:24 2731:2	two-page 2715:18		view 2621:23
	two-part 2604:11		viewed 2715:4
	two-sided 2698:19		visit 2706:6
			volatile 2631:5,20 2640:15

vulnerabilities 2631:27	2696:24 2706:17 2708:19 2710:1 2716:1, 18 2717:4 2743:21	2666:4,27 2667:22 2668:18 2669:26 2672:1 2673:3,5,12,15 2675:13,19,23 2676:1,8 2677:7,11,12,16 2680:21 2682:22 2692:15 2696:3 2739:6, 9
vulnerability 2632:25	worked 2696:15	
vulnerable 2687:23	working 2641:17	
<hr/> W <hr/>	workpaper 2639:27 2702:8	
wage 2608:27 2609:2, 10,20,25	workpapers 2617:4 2652:1,17 2655:10 2657:2 2689:26 2690:4 2701:25 2702:3	
waive 2645:21	workshops 2722:3	
walk 2633:18 2716:16	worth 2727:28	
wanted 2605:13 2614:19 2632:17 2691:20 2741:28	WP 2702:13	
warranted 2720:15,16	wrapping 2677:24	
waves 2727:26	writing 2645:27	
weather 2727:28 2728:3	written 2638:17 2643:2	
website 2609:5,18 2734:27 2737:9,12,15, 19	wrong 2603:21	
weekends 2688:28	wrote 2711:28 2712:17 2713:10	
west 2615:13	www.pge.com/ coolingcenter. 2734:28	
who've 2682:5	<hr/> Y <hr/>	
winding 2640:6	year 2599:15,27 2601:22 2606:1,26 2607:19 2609:14 2611:28 2647:20,22 2648:7 2670:17,28 2671:10,17,19,25,28 2672:2 2673:10,19 2681:9,16,25 2682:6 2683:23 2719:22 2733:8 2737:25	
windings 2631:17 2634:24,26 2635:4	year-for-year 2647:17	
window 2641:1 2699:5	year-round 2736:7	
withdraw 2608:14	years 2631:11 2637:16, 22,23 2641:8 2644:15 2648:18 2649:19 2697:14 2699:9 2732:8	
withdrawing 2659:2,6, 23	<hr/> Z <hr/>	
withdrawn 2741:17,19	Zimney 2658:15,18	
wondering 2656:1 2674:6		
word 2609:19 2643:21, 23 2742:12		
wording 2669:28		
words 2609:24 2674:2 2710:4 2732:4		
work 2634:5,16 2641:2, 18 2648:27 2654:27 2663:4 2674:9,14,19 2678:5 2686:1 2687:15		