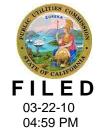
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA



Application of Pacific Gas and Electric Company for Approval and Recovery of Costs Associated With its Fuel Cell Project. (U 39 E)

Application Of Southern California Edison Company (U 338-E) for Authority to Implement and Recover in Rates the Cost of its Proposed Fuel Cell Installation Program for State Universities.

A.09-02-013 (Filed February 20, 2009)

A.09-04-018 (Filed April 27, 2009)

COMMENTS OF THE CALIFORNIA ENERGY STORAGE ALLIANCE ON THE PROPOSED DECISION OF ALJ DUDA AND THE ALTERNATE PROPOSED DECISION OF PRESIDENT PEEVEY

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Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, the California Energy Storage Alliance ("CESA")¹ hereby submits these comments regarding the Proposed Decision of Administrative Law Judge ("ALJ") Dorothy Duda ("PD") and the Alternate Proposed Decision of President Peevey ("Alternate"), both of which were issued on March 2, 2010, concerning consolidated Application of Pacific Gas & Electric Company ("PG&E Application") filed on February 20, 2009, and the Application of Southern California Edison Company ("SCE Application") on April 27, 2009 (together, the "Applications").

Both the PD and Alternate leave intact Commission policy expressly prohibiting utilities from using Self generation Incentive Program ("SGIP") to fund utility projects. Since the PD rejects the Applications entirely, it determines that SCE's request to use uncommitted SGIP

¹ The California Energy Storage Alliance consists of A123 Systems, Altairnano, Beacon Power, Chevron Energy Solutions, Debenham Energy, Deeya Energy, Enersys, Enervault, Fluidic Energy, Ice Energy, Powergetis, Prudent Energy, PVT Solar, Suntech, and Xtreme Power. The views expressed in these comments are those of CESA, and do not necessarily reflect the views of all of the individual CESA member companies.

funds for its own account is moot.² The Alternate approves the Applications, but expressly declines to depart from Commission policy prohibiting utilities from receiving SGIP funds for their own projects.³ The Alternate accordingly contains Conclusion of Law Number 14: "PG&E and SCE should not use SGIP funds for the Fuel Cell Project." CESA fully supports both the PD and the Alternate as they relate to the SGIP.

Respectfully submitted,

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CALIFORNIA ENERGY STORAGE ALLIANCE

March 22, 2010

² PD, pp. 20-21.

³ Alternate, pp. 28-29.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of *Comments of the California Energy Storage Alliance on the Proposed Decision of ALJ Duda and the Alternate Proposed Decision of President Peevey* on all parties of record in proceedings *A.09-02-013* and *A.09-04-018* by serving an electronic copy on their email addresses of record and by mailing a properly addressed copy by first-class mail with postage prepaid to each party for whom an email address is not available.

Executed on March 26, 2010, at Woodland Hills, California.

Michelle Dangott

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