STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:		John M. Espindola, Chairman Robert M. Pickett John C. Springsteen
In the Matter of the Tariff Revisions Designated as TA544-8 Filed by Chugach Electric Association, Inc.	)	U-23-047
In the Matter of the Tariff Revisions Designated as TA422-121 Filed by Chugach Electric Association, Inc.	)	U-23-048

RENEWABLE ENERGY ALASKA PROJECT'S PETITION FOR RECONSIDERATION

Pursuant to 3 AAC 48.105, Renewable Energy Alaska Project (REAP) petitions for reconsideration of the Final Order in this Chugach Electric Association, Inc. (Chugach) rate case.[1] The Regulatory Commission of Alaska's (Commission's) Final Order was unreasonable, erroneous, unlawful, and otherwise defective for several reasons. As set out below, the Final Order mischaracterizes REAP's arguments, fails to consider applicable law, mistakenly exercises discretion by supplying post-hoc justifications that are not in the record, erroneously follows non-binding precedent, wholly omits ruling on certain issues, fails to weigh the evidence in the record related to the rulings it does make, fails to provide a sufficient factual basis for several of its rulings, leaves ambiguity as to what is required in the compliance filing for retail rates, and fails to specify if REAP contributed to any of its positions. Crucially, the Commission ignores the looming Cook Inlet gas crisis and its statutory duty to promote conservation. REAP respectfully urges the Commission to reconsider and correct these deficiencies.

[1] Order No. U-23-047(12)/U-23-048(12) (Sept. 25, 2024) (Final Order).

LEGAL STANDARD

Under 3 AAC 48.105, a petition for reconsideration must set forth "specifically the grounds upon which the petitioner believes the order is unreasonable, erroneous, unlawful, or otherwise defective." Grounds may include that orders are ambiguous[2] or that the Commission mistakenly exercised its discretion.[3]

The Alaska Supreme Court has provided examples of issues that render Commission decisions unreasonable. In *Municipality of Anchorage v. Regulatory Commission of Alaska*, the Court overturned a Commission rate case decision because it 1) erroneously followed non-binding precedent, 2) failed to consider the applicable law and evidence, and 3) failed to provide sufficient factual findings for the decision.[4] The Court found each of these failures unreasonable even under the "deferential 'reasonable basis' standard."[5] Here, similarly (and among other errors), the Commission has erroneously followed non-binding precedent, failed to consider applicable laws and evidence, and failed to support decisions with sufficient factual findings. Below are descriptions of key deficiencies that REAP asks the Commission to correct.

1. The Final Order fundamentally misrepresents and ignores REAP's arguments.

In its petition to intervene, REAP laid out its priorities and goals in this rate case:

> REAP is particularly concerned about the looming shortage of Cook Inlet natural gas and its potential to harm Chugach ratepayers and other citizens . . . REAP seeks to promote a rate design that incentivizes the conservation of Cook Inlet natural gas resources by

[2] *See* Order No. U-21-010(9)/U-21-011(9)/U-21-016(6)/U-22-002(4)/U-22-003(4) at 12 (Mar. 31, 2022) ("[W]e find that Ordering Paragraph Nos. 2, 3, 4, and 5 leave ambiguity and find it reasonable to grant the Petition for Reconsideration.").
[3] *See* Order No. U-06-134(24) at 8 (Sept. 16, 2008) ("We agree that we were mistaken in the exercise of our discretion in this instance . . .").
[4] 215 P.3d 327, 332 (Alaska 2009).
[5] *Id.* at 330.

> bolstering consumer incentives to pursue investments in energy efficiency and rooftop solar.[6]

The Commission granted REAP's petition, finding that "intervention by REAP is conducive to the ends of justice."[7] REAP, a non-profit organization, then expended extensive resources to meaningfully engage as an intervenor throughout the year-long rate case. REAP participated as outlined in its petition to intervene, highlighting the gas crisis and putting forward a rate design to incentivize conservation. But in its Final Order, the Commission both affirmatively misrepresented and ignored REAP's arguments and the evidence introduced by REAP. This treatment renders the Final Order unreasonable, defective, and contrary to the public interest.

Throughout its engagement, REAP centered its argument around a particular statute: AS 42.05.141(c), which provides that in establishing electric rates, "the [C]omission shall promote the conservation of resources used in the generation of electric energy." REAP cited the statute in its petition to intervene,[8] multiple times in its closing argument brief,[9] and countless times throughout the hearing—including on slides devoted to the statute in both REAP's opening and closing statements, and as Exhibit H-104. AS 42.05.141(c) and its conservation mandate is the foundation of REAP's participation in this case.

Here is how the Commission summarizes REAP's argument on conservation in the Final Order: "REAP argues that we should consider conservation and cost causation."[10] This is a gross mischaracterization of REAP's position. REAP is not "arguing" that the Commission "should consider conservation"—rather, ***REAP is pointing out that the Commission must promote***

[6] *See* U-23-047/U-23-048, REAP's Petition to Intervene at 2-3 (Sep. 18, 2023) (REAP Petition).
[7] Order No. U-23-047(2)/U-23-048(2) at 15 (Nov. 8, 2023).
[8] REAP Petition at 8.
[9] U-23-047/U-23-048, REAP's Closing Argument at 3, 4, 9 (Aug. 2, 2024) (REAP Closing).
[10] Final Order at 44.

conservation under the law, and basing its arguments in support of particular proposals on that undisputed duty, which is specifically set out in AS 42.05.141(c).[11] The Commission's fundamental misstatement of REAP's argument is unreasonable and defective, but the problem does not stop there.

The Commission not only mispresents REAP's statutory basis for involvement; it wholly ignores the evidence offered by REAP regarding the Cook Inlet gas crisis.[12] That evidence undergirds REAP's argument for why AS 42.05.141(c) requires the Commission to take a novel approach in this rate case. Like the statute, the gas crisis was central to REAP's participation.

Throughout its filings and at hearing, REAP presented data and compelling arguments regarding the imminency of the shortfall and its likely effect on gas and electric prices.[13] Yet in summarizing REAP's position, the Commission again ignores this critical issue—***there is no mention of the gas shortage at all***.[14] In fact, in the entire Final Order, the "looming gas shortfall"[15] is mentioned only once, and not in relation to anything argued by REAP or any party. It appears only as a passing reference in the Commission's *sua sponte* decision to require Chugach to file an "equity management plan" in 12 months to "look further into the question of whether Chugach is engaging in prudent investment practices."[16] No party argued that merely requiring a later informational filing from Chugach was an effective avenue for dealing with the

[11] Moreover, the Commission's regulations provide that one objective in pricing electricity shall be that "the cost causer shall be the cost payer." 3 AAC 48.510(a)(1).
[12] *See Mun. of Anchorage,* 215 P.3d at 331-32 ("RCA did not address the factual evidence submitted by the parties.").
[13] *See, e.g.,* T-14, Joint Prefiled Responsive Testimony of E. Borden and P. Chernick at 9-17 (June 13, 2024) (T-14).
[14] The Commission only vaguely acknowledges REAP's call "not to ignore the factual landscape." *See* Final Order at 43-45; REAP Closing at 9.
[15] Final Order at 86.
[16] *Id*.

gas crisis, and the Commission does not assert that it will have any meaningful effect on the shortfall or conservation.

In addition to ignoring the law and evidence presented by REAP, the Final Order fails to engage with or make any findings regarding the solutions posited by REAP. As discussed further below, the Final Order mentions REAP's cost of service and rate design proposals in summary and then offers total silence in response.

For all of the reasons above, the Final Order is unreasonable, erroneous, unlawful and/or defective. In addition, REAP asserts that ***it is contrary to the public interest to treat intervenors in this way***. The economic and technical barriers to public participation at the Commission are already very high. By demonstrating that such participation will not even be heard or responded to, the Final Order will further dissuade public involvement.

2. The Final Order ignores applicable law.

As laid out above, the Final Order completely ignores REAP's invocation of AS 42.05.141(c). But not only does the Commission ignore REAP on this point—it ignores the statute altogether. ***AS 42.05.141(c) does not appear a single time in the Final Order.***

The omission of AS 42.05.141(c) is glaring, especially given the Commission's acknowledgement of other applicable laws. Indeed, the Commission cites various other statutory requirements for rate design from the same chapter.[17] The Commission's choice to selectively ignore AS 42.05.141(c) is unreasonable and unlawful. As in *Municipality of Anchorage*, the Commission here unlawfully fails to "acknowledg[e] the statutory requirements . . . and

[17] *See, e.g.* Final Order at 19-20 (citing in "Burden of Proof and Applicable Law" section AS 42.05.421(d), AS 42.05.381(a) and AS 42.05.391(a)).

address[] the merits of the . . . arguments in light of the current facts and circumstances[.]"[18] Additionally, as explained in REAP's closing argument, ignoring AS 42.05.141(c) is unlawful as it effectively declares that the statute is superfluous.[19]

Disregarding AS 42.05.141(c) is also out of step with Commission precedent. In an order just last year, the Commission cited the statute and stated that "our enabling statutes and agency regulations require the consideration of energy conservation when establishing electric service rates."[20] In 2015, the Commission requested responses to the following question:

> Considering our authority to "promote the conservation of resources used in the generation of electric energy" under AS 42.05.141(c) . . . and other statutory grants of authority, do we have the authority to order the Railbelt electric utilities to jointly and cooperatively manage their generation and transmission assets, or is our authority limited to matters within each utility's service territory?[21]

Chugach responded that it believed the Commission's "authority is not limited by a utility's service area."[22] Further, as REAP noted at hearing, in 1991 Commissioner Donald May opined that AS 42.05.141(c) charges the Commission with exercising "more than ordinary care in matters dealing with electric utilities' use of resources."[23] And in a 1983 proceeding to develop cost of service and rate design requirements, the Commission stated that "[i]n developing new rates, the Commission is also guided by certain provisions of AS 42.05" including, specifically,

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[18] 215 P.3d at 332.
[19] *See* REAP Closing at 4; *Kodiak Island Borough v. Exxon Corp.*, 991 P.2d 757, 761 (Alaska 1999) ("We must also presume 'that the legislature intended every word, sentence, or provision of a statute to have some purpose, force, and effect, and that no words or provisions are superfluous.'") (citing *Rydwell v. Anchorage Sch. Dist.,* 864 P.2d 526, 530-31 (Alaska 1993)).
[20] Order No. I-23-002(1) at 5 & n. 9 (Sept. 28, 2023).
[21] Order No. I-15-001(1) at 3 (Feb. 27, 2015).
[22] I-15-001, Chugach Electric Association, Inc.'s Response to Questions Posed in Order I-15-001(1) at 33 (Mar. 31, 2015).
[23] Order No. U-90-019(6)/U-90-020(5)/U-90-021(5), Separate Statement of Commissioner Donald F. May at 20 & n. 9 (Sept. 5, 1991).

AS 42.05.141(c).[24] These cases show that the Commission has not previously treated AS 42.05.141(c) as an invisible or superfluous requirement. The Final Order provides zero explanation for why it does so now, when the Railbelt faces a gas crisis and conservation is more important than ever.

Despite ignoring AS 42.05.141(c), the Commission does cite the *regulation* that establishes conservation as a "primary objective" of ratemaking, 3 AAC 48.510(a)(4).[25] Bewilderingly, however, it does so only in the context of deciding to eliminate demand ratchets—a non-contested issue for which no party raised conservation as a justification. Out of nowhere, the Commission finds Chugach "met its burden of proof" to show that elimination of ratchets is just and reasonable on the basis that it will promote energy conservation[26]—a justification that Chugach did not provide.[27] By post-hoc supplying an argument for Chugach that is not in the record, while fully ignoring arguments by intervenors that do appear in the record, the Commission unreasonably exercises its discretion.[28] And by only citing 3 AAC 48.510(a)(4) in this context, not in the areas in which it was actually invoked by parties, the Final Order is further unreasonable.

Because it ignores or selectively cites the applicable law and its own precedent, the Commission's order is unreasonable, erroneous, unlawful and/or otherwise defective.

[24] Order No. U-83-047(1) at 2 (June 1, 1983).
[25] Final Order at 69.
[26] *Id.*
[27] *See* T-07, Pre-filed Direct Testimony of C. R. Peterson, Ph.D. at 37-38 (Jul. 17, 2023) (stating that eliminating the demand ratchet will "simplify[] the demand charge" for large general service customers and be "more advantageous" for seasonal demand customers.)
[28] *See* Order No. U-06-134(24) at 8 (Sept. 16, 2008) ("We agree that we were mistaken in the exercise of our discretion in this instance . . .").

3. The Final Order is incomplete regarding cost of service and fails to articulate any reasonable basis for its cost of service conclusions.

Regarding cost of service, the Commission makes an incomplete set of unsupported decisions. In failing to consider the evidence, failing to support conclusions with sufficient factual findings, omitting issues altogether, and erroneously relying on non-binding precedent, these decisions are unreasonable, erroneous, unlawful and/or otherwise defective.[29]

A. Reverting to the previous coincident peak allocator with no evidentiary or factual support.

First, the Commission rejects Chugach's proposal to use a 1 CP allocator, and orders it instead to use the 3 CP allocator (as Chugach alleges it has done "traditionally.")[30] After summarizing the positions of the contesting parties, including REAP and AARP's proposals to use 12 CP, this is all the Commission provides: "We find that Chugach failed to meet its burden of proof to justify a change to a 1 CP allocator. We deny Chugach's request and require it to use a 3 CP allocator."[31]

The Commission merely states a bald-faced conclusion after reciting its selective summary of the parties' positions. It does no weighing of the evidence. It makes no attempt to support its conclusion with factual findings. ***There is no analysis at all***, and readers are left with no insight as to why the Commission decides the way it does. This utter lack of support renders the Commission's decision to order Chugach to revert to using 3 CP unreasonable, erroneous, unlawful and/or otherwise defective.[32]

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[29] *See Mun. of Anchorage,* 215 P.3d at 330-32.
[30] *See* Final Order at 55-56.
[31] *Id.* at 56.
[32] *See Mun. of Anchorage,* 215 P.3d at 331-32.

B. Approving the E-DEBT allocator with no evidentiary or factual support.

In the two short paragraphs it spends discussing E-DEBT, the Commission does not acknowledge REAP's argument that long term interest expense should be functionalized based on net plant.[33] The Commission summarizes Chugach's position in a few sentences and then offers ***one*** sentence of analysis before approving E-DEBT: "We find that Chugach's structure and circumstances has changed since Docket U-06-134."[34] There is no discussion as to how Chugach's "structure and circumstances" have changed in a way that supports the use of E-DEBT. ***Again, there is no weighing of the evidence and no adequate factual finding to support the Commission's conclusion***. This is unreasonable, erroneous, unlawful and/or otherwise defective.[35]

C. Omission of Primary Regulatory Asset functionalization issue.

Chugach proposed to functionalize the Primary Regulatory Asset associated with the acquisition of ML&P using labor ratios (G-LB01).[36] REAP proposed that it should be functionalized based on net plant (G-PL01).[37] Homer Electric Association argued that it should be functionalized based on net book value, which REAP stated it would also support.[38] As far as REAP is aware, the Final Order contains no ruling on this issue. This omission is unreasonable, erroneous, unlawful and/or otherwise defective.

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[33] *See* Final Order at 58; REAP Closing at 17-18.
[34] *Id.* at 58.
[35] *See Mun. of Anchorage,* 215 P.3d at 331-32.
[36] *See* REAP Closing at 19.
[37] *Id.*
[38] *Id.*

D. Requiring changes to conform to non-binding precedent with no additional support.

At hearing, the parties argued at length about proper approaches to cost classification.[39] There was robust disagreement about the proper approach and the parties advanced several proposals; the majority consensus was that there are a range of reasonable ways to perform a cost study.[40] In such an area, the Commission's role is to engage with the various positions and make a final decision based on reasoned analysis grounded in the law. ***Instead, in the Final Order, the Commission utterly fails to engage on these issues***. It ignores the parties like REAP that affirmatively put forward proposals for an adjusted classification study. It ignores the factual evidence offered by REAP showing that Chugach's system is overbuilt on capacity and the related argument that costs should be shifted to energy charges.[41] The Commission's only ruling in this area is to order Chugach to make the changes shown in H-97, which Chugach introduced during the hearing and alleged demonstrates how to align its current cost study with its previous cost study.[42] However, the cost of service study in the previous rate case, U-15-081, was accepted (with minor modifications) as part of a stipulation that the parties agreed could not be cited for any precedential value.[43]

In ordering Chugach to revert to the classification shown in H-97, the Commission doesn't address the fact that the prior cost study is explicitly a non-precedential document. Worse, the Commission again fails to engage with the evidence introduced by the parties and

[39] *See id.* at 8-16.
[40] *See id.* at 9.
[41] *See, e.g.*, *id.* at 10-16.
[42] Final Order at 58-59.
[43] Order No. U-15-081(8) at 3-4 (May 2, 2016) ("The parties agree that acceptance of the stipulation, or any tariff provision that results from our acceptance of the stipulation, may not be cited by any witness, party or entity in any future filing or proceeding as precedent or as evidence or as support for any position regarding any proposed rate, term or condition in such filing or proceeding.").

makes no factual findings to support its conclusion that the cost study from U-15-081 was better justified for Chugach's present circumstances than Chugach's study in this case or various intervenors' alternative proposals.[44] It makes no reference to the guiding principles embedded in law and regulation, such as AS 42.05.141(c), that exist to help the Commission make regulatory determinations in this area. It simply states "[w]e direct Chugach to change the classifiers as identified by Peterson in H-97."[45]

By following non-binding precedent with no additional evidentiary or factual support and ignoring applicable law, the Commission acts unreasonably and unlawfully.[46] The deficiencies in the cost of service portion of the Final Order further render it unreasonable, erroneous, unlawful and/or otherwise defective.

4. The Final Order fails to make a complete ruling on retail rate design.

Regarding retail rate design, the Final Order approves several non-contested proposals by Chugach: shore power rates, discontinued rate schedules, elimination of the demand ratchet, and COPA cost elements.[47] Only ***one*** contested issue, unified rates, is addressed; ***all other required rulings on contested issues are omitted or, at best, implied***.

The parties argued over whether Chugach must fully unify the North and South Districts in this rate case, as dictated by the Acquisition Order.[48] In discussing this issue, the Commission

[44] *See Mun. of Anchorage,* 215 P.3d at 330 ("RCA's conclusion that the two 1989 APUC decisions were binding precedents requiring the denial of AWWU's rate increase request fails the deferential reasonable basis standard. Both decisions involved factual circumstances facially distinct from AWWU's current request.").
[45] Final Order at 59.
[46] *See Mun. of Anchorage,* 215 P.3d at 330-32.
[47] Final Order at 61-72.
[48] *See id.* at 59-61; REAP Closing at 21-22; Order No. U-18-102(44)/U-19-020(39)/U-19-021(39), (May 28, 2020) (Acquisition Order).

performs some analysis, in contrast to the decisions discussed above. It cites multiple statutes and the Acquisition Order, and includes several sentences of discussion.

However, the Commission stops there with rate design. The parties are left with ***no*** ruling regarding the residential class customer charge, ***no*** analysis of the load-ratio share requirement from the Acquisition Order,[49] and ***no*** affirmative finding that the rates presented by Chugach are just and reasonable with the Commission's adjustments. Additionally, the Commission makes ***no*** express ruling regarding Chugach's rate mitigation proposal.[50] Rather than giving Chugach clear instructions on what its compliance filing should contain, the Commission just states that the rates must be unified and leaves it there.

REAP put forward a comprehensive, unified inclining block rate structure for residential rates.[51] The Commission does not engage with it ***at all***. The Commission provides no explanation for why it does not adopt REAP's unified structure, which—in contrast to Chugach's proposed residential rate design—adheres to all applicable laws and the Acquisition Order requirements. By omitting important issues, failing to affirmatively rule that any rate structure is just and reasonable, and ignoring the arguments and evidence of intervenors, the Final Order is further unreasonable, erroneous, unlawful and/or otherwise defective.[52]

5. The Final Order fails to explain whether REAP contributed to its positions.

In its petition to intervene, REAP gave "notice under 3 AAC 48.115(b) of its intent to request compensation for participation in this proceeding in the event that it substantially

[49] *See* Final Order at 10.
[50] *Id.* at 36 ("Peterson believes that that warrants some mitigation and proposes that we limit the increase to any retail class's base rate revenue of no more than 1.5 times the total system average increase in base rate revenue, not including wholesale revenue.").
[51] *See* REAP Closing; T-14.
[52] *See Mun. of Anchorage,* 215 P.3d at 330-33; *see generally* Acquisition Order.

contributes to the acceptance of a position related to any of the standards contained in Title I, Subchapter II of the Public Utility Regulatory Policies Act of 1978, Pub. L. No. 95-617 (PURPA)."[53]

3 AAC 48.115(d)(1) requires the Commission to "name in its Final Order in the proceeding any electric consumer who substantially contributed to the approval by the [C]omission, in whole or in part, of the consumer's position." REAP hopes that the Commission will reconsider many of its conclusions and align more closely with REAP's proposals. However, even as currently composed, the Final Order approved REAP's positions regarding functionalization of PILT[54] and unified rates[55] – which both relate to cost of service issues under PURPA, 16 U.S.C. § 2621(d)(1). REAP requests that in reissuing its order, the Commission address whether REAP substantially contributed to the acceptance of any positions related to PURPA standards.

SPECIFIC REQUESTS FOR CORRECTION

In view of the numerous issues above that render the Final Order unreasonable, erroneous, unlawful, and otherwise defective, REAP requests that the Commission take the following actions on reconsideration:

- Correct the mischaracterizations of REAP's arguments; in particular, acknowledge that REAP's engagement in the rate case has centered around AS 42.05.141(c) and the looming Cook Inlet gas crisis;

[53] REAP Petition at 9 (citing 16 U.S.C. §§ 2621, 2623).
[54] *See* Final Order at 56-58.
[55] *See id.* at 59-61.

- Reconsider the effect of AS 42.05.141(c) and the gas shortfall; find that conservation is a key consideration in this rate case and that the factual circumstances dictate that rates must promote conservation to a greater extent than they have previously;
- Reconsider the coincident peak arguments; approve REAP's proposal to use 12 CP, and provide a reasonable basis[56] for the Commission's decision;
- Reconsider the E-DEBT functionalization issue and adopt REAP's proposal to disapprove the use of E-DEBT; provide a reasonable basis for the Commission's decision;
- Issue a ruling on the functionalization of the Primary Regulatory Asset; affirm REAP's position and include a reasonable basis for the Commission's decision;
- Reconsider all cost of service arguments; adopt REAP's cost of service proposals and provide a reasonable basis for the Commission's decision;
- Address how the Acquisition Order's load ratio share requirement factors into the Commission's rulings;
- Reconsider retail rate design arguments; adopt REAP's proposal for an inclining block rate residential design with an $8.00 monthly customer charge, and provide a reasonable basis for the Commission's decision, including that the proposed design is just and reasonable under AS 42.05.381(a) and comports with promoting conservation under AS 42.05.141(c);
- Regarding issues on which REAP and the Commission are in agreement, state whether REAP substantially contributed to the Commission's positions.

[56] *See Mun. of Anchorage,* 215 P.3d at 330 (describing "reasonable basis" review).

CONCLUSION

In this rate case, every other party's proposals fell short of meeting the relevant legal requirements and policy objectives. REAP was the only party to submit a set of proposals that 1) follows the policy directives and guidance embedded in Alaska laws, regulations, and Commission orders; 2) acknowledges the looming Cook Inlet gas shortage; and 3) considers the unique dynamics of Chugach's power system. REAP carefully crafted a set of proposals that does all of those things and also results in just and reasonable rates. Chugach and the other parties' proposals are deficient for a variety of factual and legal omissions and errors.

The Commission's Final Order is unreasonable, erroneous, unlawful, and otherwise defective under 3 AAC 48.105. It mischaracterizes REAP's positions, fails to consider applicable law, mistakenly exercises discretion by supplying post-hoc justifications that are not in the record, erroneously follows non-binding precedent, wholly omits ruling on certain issues, fails to weigh the evidence in the record related to the rulings it does make, fails to provide a sufficient factual basis for several of its rulings, leaves ambiguity as to what is required in the compliance filing for retail rates, and fails to specify if REAP contributed to any of its positions. The Commission's refusal to engage with the law, arguments and evidence that the parties presented over months of record-building is truly concerning. It amounts to an abdication of the Commission's duty and responsibilities under the law, and is contrary to the public interest. REAP respectfully urges the Commission to reconsider the Final Order as outlined above and issue a new decision that comports with applicable law and the public interest.

Respectfully submitted October 10, 2024,

s/ Hannah Payne Foster

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2024, a copy of the foregoing RENEWABLE ENERGY ALASKA PROJECT'S PETITION FOR RECONSIDERATION was served by electronic mail on the following:

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