Pursuant to the relevant sections of the California Code of Regulations, Complainants CALIFORNIA LIVING AND ENERGY and DUCTTESTERS, INC. hereby respectfully request that the California Energy Commission (hereinafter “the Commission”) issue subpoenas for the attendance of the following individuals at the Hearing set for March 17 to March 19, 2009.

I. COMMISSIONS AUTHORITY TO ISSUE SUBPOENAS

The Commission’s power to issue the requested subpoenas is reposed within Title 20, section 1203 of the California Code of Regulations. This section provides that the chairman or presiding member of the Commission may “[I]ssue subpoenas and subpoenas duces tecum at the direction of the Commission, on his motion or upon application of any party.”

II. IDENTIFICATION OF INDIVIDUALS TO WHOM COMPLAINANTS REQUEST THE COMMISSION TO ISSUE WITNESS SUBPOENAS AND THE REASON THEIR ATTENDANCE IS REQUESTED.

Complainants requests that the Commission issue subpoenas to the following persons requiring their attendance at the Hearing currently scheduled for March 17 – 19, 2009:

1. William Pennington - California Energy Commission, 1516 Ninth Street, Sacramento, CA 95814: Mr. Pennington has been actively involved in the investigation into alleged conflicts of interest regarding Masco and other Masco-
related entities and can provide important information regarding these investigations previously carried out by the Commission.

2. William Staack – California Energy Commission, Sacramento, 1516 Ninth Street, Sacramento, CA 95814: Mr. Staack was also involved in the previous investigations carried out into the alleged conflicts of interests regarding Masco and Energy Sense and can provide information regarding several issues, including, but not limited to, written communications with David Bell of Respondent Energy Sense.

3. Tav Commins – California Energy Commission, 1516 Ninth Street, Sacramento, CA 95814: Mr. Commins, like William Pennington, has been actively involved in the investigation into alleged conflicts of interest regarding Masco and other Masco-related entities for many years and can also provide important information regarding these investigations.

4. David Bell; Respondent Energy Sense, Inc.: Mr. Bell occupies a position of authority with Respondent Energy Sense and will have relevant information concerning Energy Sense’s structure and operation.

5. Doug Beaman, 608 13th Street, Modesto, CA 95354. Complainants are informed and believe that Mr. Beamon has been actively involved in any investigations carried out by CHEERS into the alleged conflicts of interest and can provide relevant testimony as to these issues.

6. Kirk Dall – All Star Home Inspection Services, P.O. Box 1591, Manteca, California, 95356: Mr. Dall is a home inspector performing Title 24 inspection services within the Central San Joaquin Valley and can provide relevant evidence as to both past and present practices of Energy Sense, Inc. and other Masco related entities regarding Title 24 HERS inspections.

Dated: March 10, 2009

GIANELLI & ASSOCIATES, A Professional Law Corporation

By: BRETT L. DICKERSON
Attorneys for Complainants
PROOF OF SERVICE

I, NIVES GUTHRIE, declare:

I am a citizen of the United States and a resident of the County of Stanislaus, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1014 – 16th Street, Modesto, California 95354.

I am readily familiar with the business practice for collection and processing of correspondence, and on March 10, 2009 I served:

PETITIONERS APPLICATION FOR WITNESS SUBPOENAS

in the following manner and addressed as set forth below;

**Via United States Postal Service:** Such correspondence was enclosed in a sealed envelope with postage thereon fully prepaid, addressed as stated below. I caused such envelope to be deposited in the U.S. Mail at Modesto, California through the firm's ordinary course of business.

xx

PLEASE SEE ATTACHMENT

**Via Federal Express.** Such correspondence was enclosed in a sealed envelope with delivery charges thereon fully prepaid, addressed as stated below. I caused such envelope to be presented to Federal Express at my business address at or about 3:00 p.m. through the firm's ordinary course of business.

Dockets Unit
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and if called could truthfully testify thereto.

Dated: March 10, 2009 at Modesto, California.

NIVES GUTHRIE
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San Francisco, CA 94105-2708

Carol A. Davis
CHEERS Legal Counsel
3009 Palos Verdes Drive West
Palos Verde Estates, CA 90274

Certified Energy Consulting
Attn: John Richau, HERS Rater
4782 N. Fruit Avenue
Fresno, CA 93705

California Certified Energy Rating &
Testing Services (CalCERTS)
Attn: Mike Bachand
31 Natoma Street, Suite 120
Folsom, CA 95630

California Building Performance
Contractors Association (CBPCA)
Attn: Randel Riedel
1000 Broadway, Suite 410
Oakland, CA 94607

California Home Energy Efficiency
Rating System (CHEERS)
Attn: Robert Scott
20422 Beach Blvd.
Huntington Beach, CA 92648

Duct Testers, Inc.
Attn: Dave Hegarty
P.O. Box 266
Ripon, CA 95366

Energy Inspectors
Attn: Galo LeBron, CEO
1036 Commerce Street, Suite B
San Marcos, CA 92078

ConSol
Attn: Mike Hodgson
7407 Tam O'Shanter Drive
Stockton, CA 95310-3370
Dennis L. Beck  
Senior Staff Counsel  
California Energy Commission  
1516 Ninth Street, MS-14  
Sacramento, CA 95814