BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

Order Instituting Rulemaking To Continue
Implementation and Administration, and
Consider Further Development, of California
Renewables Portfolio Standard Program.

R.18-07-003
(Filed July 12, 2018)

JOINT REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY
(U 338-E), SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E), AND PACIFIC GAS
AND ELECTRIC COMPANY (U-39 E) ON ADMINISTRATIVE LAW JUDGE'S
RULING REQUESTING COMMENT ON SENATE BILL 100 IMPLEMENTATION
RELATING TO RENEWABLES PORTFOLIO STANDARD PROCUREMENT

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Dated: March 11, 2019
JOINT REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E), SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E), AND PACIFIC GAS AND ELECTRIC COMPANY (U-39 E ON ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENT ON SENATE BILL 100 IMPLEMENTATION RELATING TO RENEWABLES PORTFOLIO STANDARD PROCUREMENT

Pursuant to the Administrative Law Judge’s Ruling Requesting Comments on Implementation of Elements of Senate Bill 100 Relating to Procurement under the California Renewables Portfolio Standard, dated February 11, 2019 (“ALJ’s Ruling”), Southern California Edison Company (“SCE”), San Diego Gas & Electric Company (“SDG&E”), and Pacific Gas and Electric Company (“PG&E”) (hereinafter referred to as “Joint IOUs”) hereby submit their joint reply comments on the ALJ’s Ruling by providing responses to the questions listed in the Ruling.†

These joint reply comments primarily focus on recommendations of IEP and SBUA to increase RPS targets above levels that would be set utilizing the “straight-line” methodology to calculate the procurement quantity requirement for RPS-eligible resources initially adopted in Decision (“D.”) 11-12-020. As discussed in more detail below, any increase in the RPS procurement quantity requirement above those levels that would be established by adoption of the “straight-line” methodology is not justified.

† The nine parties submitting opening comments were: (1) SCE and SDG&E filing jointly; (2) The Utility Reform Network (“TURN”); (3) PG&E; (4) Independent Energy Producers Association (“IEP”); (5) Small Business Utility Advocates (“SBUA”); (6) Green Power Institute (“GPI”); (7) Defenders of Wildlife; (8) Joint CCA Parties; and (9) California Association of Small and Multi-Jurisdictional Utilities (“CASMU”).
I.

IEP’S RECOMMENDATION TO INCREASE RPS TARGETS FALLS OUTSIDE THE
SCOPE OF PERMISSIBLE COMMENTS AND IS CONTRARY TO RECENTLY
ISSUED DIRECTIVES IN D.19-02-007

The Joint IOUs oppose the recommendation in IEP’s Comments to increase the RPS procurement quantity requirement beyond the levels set very recently by statute and the Commission in D.19-02-007, for several reasons.

First, the scope of the ALJ’s Ruling elicited comments specifically on the narrow question of “implementing changes to RPS procurement quantity requirements mandated by amendments to Section 399.15(2)(B)” and invited comments on two questions. The ALJ’s Ruling did not provide an opportunity for commenting parties to opine on policy matters outside of the narrow objectives. However, IEP devoted several pages of comments to do just that, arguing for the Commission to increase the RPS procurement quantity in excess of the statutory minimums. The ALJ’s Ruling did not elicit discussion on that topic, and that topic is not germane to the incremental changes set forth in SB 100. In short, IEP’s comments fall outside the permissible scope of comments in this regard.

Second, D.19-02-007, issued less than two weeks ago, considered and rejected this same recommendation from IEP. D.19-02-007 reviewed and accepted each IOU’s draft 2018 Renewables Portfolio Standard Procurement Plan and determined that none of the three IOUs was required to hold a solicitation for additional renewable resources in 2019 because, among other things, they were “long” on their renewables procurement. IEP’s comments at best disregard this very clear and recent holding, and at worst are an improper attempt to re-litigate or seek rehearing of those decided issues.

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² ALJ’s Ruling at 2.
³ D.19-02-007 at 105, 107.
⁴ Id., at Conclusions of Law 2, 3; Ordering Paragraphs 8, 9, 10.
Third, in response to the ALJ Ruling’s first question requesting information on whether the “straight-line” method should be utilized to implement the incremental changes required by SB 100, IEP again frames its comments by stating that “the level at which the [Minimum Procurement Quantity] is set is more important to program success than the trajectory of the line (e.g., straight-line, step-function).”\(^5\) As noted above, the IOUs’ respective procurement quantity requirements have been dictated by D.19-02-007. The Commission’s RPS program has indeed been successful and has achieved its many and broad objectives without needing to prescribe procurement levels above the minimum. To achieve the required procurement levels, IEP appears not to object to the straight-line method but goes on to describe a possible alternative “step-function” that would “achieve the same results.”\(^6\) The Joint IOUs submit that, given no objection by IEP to the established “straight-line” method, the Commission should continue its use in implementing the mandates of SB 100.

For these reasons, the Joint IOUs respectfully urge the Commission to reject IEP’s recommendations.

II.
SBUA’S RECOMMENDATION CONCERNING THE PROCUREMENT QUANTITY REQUIREMENT IS INCONSISTENT WITH STATUTE, VAGUE AND NOT EFFECTIVELY SUPPORTED

In its Opening Comments, SBUA states that the Commission should continue to use the straight-line method to determine targets for the compliance periods between 2020-2030.\(^7\) SBUA then presents modifications to the method to determine a retail seller’s RPS compliance, stating that: (1) “the minimum for each interim year should be the requirement from the previous period”, and (2) “the minimum for the last year of the compliance period should be the

\(^5\) IEP Opening Comments at 7.
\(^6\) Id. at 7-8.
\(^7\) SBUA Opening Comments at 1.
unweighted average in the period.”8 SBUA appears to recommend a straight-line target, combined with an annual compliance demonstration of a minimum quantity.9

The Commission should reject SBUA’s pre-2030 proposal because it is in clear conflict with statutory directives that do not allow for enforcement of intervening year target quantities. SB 100 did not modify PU Code Section 399.15 (c) concerning intervening year targets, stating that “retail sellers shall not be required to demonstrate a specific quantity of procurement for any individual intervening year.”10 SBUA’s recommendation of a minimum procurement demonstration in intervening years conflicts with statute and should be rejected on this basis.

The Commission should reject SBUA’s proposal on the basis that it is vague and contrary to statutory directives for multi-year compliance periods. Further, SBUA’s recommendation introduces administrative complexity for both retail sellers and the Commission that is not necessary to achieve the objectives of the RPS program. SBUA offers limited support for its proposal, stating that the proposal would avoid back-sliding from the previous period.11 Notwithstanding the fact that SB 100 would prevent the Commission from enforcing any intervening year minimum, SBUA presents no evidence that “back-sliding” is a legitimate concern that must be addressed through modifications to renewable targets.

Post 2030, SBUA recommends RPS targets increase by eight percent every three years from 68 percent in 2033 to 100 percent in 2045. The Commission should likewise reject SBUA’s post-2030 recommendation because it is inconsistent with SB 100. SB 100 does not require a 100 percent RPS target in 2045.12 SBUA’s proposal ignores that zero-carbon resources

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8 Id. at 2.
9 Id. (describing interim years as minimum and supporting rules “would require that sellers both meet the Commission’s existing method for each multi-year period” and “avoid back-sliding from the previous period.”)
10 Compare prior Public Utilities Code 399.15 (b)(2)(C) with current Section 399.15 (b)(2)(C) (stating “Retail sellers shall be obligated to procure no less than the quantities associated with all intervening years by the end of each compliance period. Retail sellers shall not be required to demonstrate a specific quantity of procurement for any individual intervening year.”)
11 SBUA Opening Comments at 3.
12 SB 100 adds Section 454.53 to the Public Utilities Code establishing a policy goal that “eligible renewable resources and zero carbon resources supply 100 percent of all retail sales of electricity to end-use customers” by 2045.
that are not RPS-eligible contribute to the policy goals espoused by SB 100. Finally, SBUA’s post-2030 recommendations are thinly supported by an observation that “each of the last two three-year periods for which SB 100 establishes RPS targets have goals eight percentage points higher than the prior period.” ¹³ This observation alone does not substantiate SBUA’s proposal and the Commission should ignore it.

III.
CONCLUSION

For the reasons set forth above, Joint Utilities respectfully request that the Commission reject the opening comments of IEP and SBUA and continue to adopt the methodology for calculating the procurement quantity requirement for RPS-eligible resources adopted in previous Commission decisions, including D.11-12-020 and D.16-12-040.

Pursuant to Rule 1.8(d), SCE and PG&E have authorized SDG&E to file these comments on their behalf.

Respectfully submitted,

By:    /s/ Paul A. Szymanski
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March 11, 2019

¹³ SBUA Opening Comments at 3.
VERIFICATION

I am a Policy & Strategy Manager in the Energy Supply Organization of San Diego Gas & Electric and am authorized to make this verification on its behalf. I have read the foregoing JOINT REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) AND SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) ON ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENT ON SENATE BILL 100 IMPLEMENTATION RELATING TO RENEWABLES PORTFOLIO STANDARD PROCUREMENT. I am informed and believe that the matters stated in the foregoing pleading are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of March, 2019, at San Diego, California.

/s/ Jeff Deturi
By: Jeff Deturi
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To Continue
Implementation and Administration, and
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Renewables Portfolio Standard Program.

R.18-07-003
(Filed July 12, 2018)

CERTIFICATE OF SERVICE

I hereby certify that a copy of JOINT REPLY COMMENTS OF SOUTHERN
CALIFORNIA EDISON COMPANY (U 338 E), SAN DIEGO GAS & ELECTRIC
COMPANY (U 902 E), AND PACIFIC GAS AND ELECTRIC COMPANY (U-39 E) ON
ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENT ON SENATE
BILL 100 IMPLEMENTATION RELATING TO RENEWABLES PORTFOLIO
STANDARD PROCUREMENT has been electronically mailed to each party of record. A
copy was also sent via Overnight Mail to the Administrative Law Judge(s).

Executed March 11, 2019 at San Diego, California.

/s/ Darleen Evans
Darleen Evans
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FOR: CALIFORNIA UNIONS FOR RELIABLE ENERGY (CURE)

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FOR: CLEANPOWER SF

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FOR: NATURAL RESOURCES DEFENSE COUNCIL

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SAN FRANCISCO, CA  94104                  SAN FRANCISCO, CA  94105
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FOR: ENVIRONMENTAL DEFENSE FUND

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FOR: INDEPENDENT ENERGY PRODUCERS ASSOCIATION (IEPA)

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FOR: FOUNDATION WINDPOWER, LLC

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FOR: CALPINE POWERAMERICA-CA, LLC

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FOLSOM, CA  95630                         ROCKLIN, CA  95677
FOR: CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)

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SAN JACINTO AND RANCHO MIRAGE, CCA PARTIES (APPLE VALLEY CHOICE ENERGY,
COMMUNITY POWER AUTHORITY, PENINSULA CLEAN ENERGY AUTHORITY, PIONEER COMMUNITY ENERGY,
MARIN CLEAN ENERGY, MONTEREY BAY COMMUNITY ENERGY, REDWOOD COAST ENERGY AUTHORITY, SILICON VALLEY CLEAN ENERGY AUTHORITY, AND SONOMA CLEAN POWER AUTHORITY)

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FOR: CALIFORNIA FARM BUREAU FEDERATION

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BRAUN & BLAISING, P.C.
CAITLIN LIOTRIS
SENIOR CONSULTANT
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<tr>
<th>Name</th>
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<td>ENERGY STRATEGIES</td>
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<td>CHARLES R. MIDDLEKAUFF</td>
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<td>PACIFIC GAS AND ELECTRIC COMPANY</td>
<td>ASSISTANT GEN. COUNSEL</td>
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<td>DAMON FRANZ</td>
<td>DANIEL BARAD</td>
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<tr>
<td>DIRECTOR - POLICY &amp; ELECTRICITY MARKETS</td>
<td>SIERRA CLUB CALIFORNIA</td>
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<td>DANIELLE CHUPA</td>
<td>DAVID B. PECK</td>
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<td>CORDOBA CORPORATION</td>
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<td>DAVID BROWNLEE, JR.</td>
<td>DAVID THAI</td>
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<td>DAVIS WRIGHT TREMAINE LLP</td>
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<td>EVELYN KAHL</td>
<td>FRED LYNN</td>
<td>EMAIL ONLY, CA 00000</td>
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<tr>
<td>COUNSEL</td>
<td>RANCHO CUCAMONGA MUNICIPAL UTILITY</td>
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<td>ALCANTAR &amp; KAHL LLP</td>
<td>HERMAN LEUNG</td>
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<td>FREEMAN S. HALL</td>
<td>JAN PEPPER</td>
<td>EMAIL ONLY, CA 00000</td>
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<td>SOLAR ELECTRIC SOLUTIONS, LLC</td>
<td>CITY OF PASADENA</td>
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<tbody>
<tr>
<td>LAW CLERK</td>
<td>ELECTRIC DIV., MGR.</td>
<td>EMAIL ONLY</td>
<td>WESTERN ENERGY &amp; WATER, APC</td>
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<tr>
<td>JANET OPPIO</td>
<td>JANICE DIAS</td>
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<td>ALAMEDA MUNICIPAL POWER</td>
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<td>JEFF DETURI</td>
<td>JENELE DAVIDSON</td>
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<td>SAN DIEGO GAS &amp; ELECTRIC</td>
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<tr>
<td>JENNIFER CREGAR</td>
<td>JEREMY WAEN</td>
<td>EMAIL ONLY, CA 00000</td>
<td>PROJECT SUPERVISOR</td>
</tr>
<tr>
<td>JESSICA HILGART</td>
<td>JIM STEFFENS</td>
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<td>PACIFIC GAS &amp; ELECTRIC COMPANY</td>
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<td>JON ABENDSCHEIN</td>
<td>JOSH STEWART</td>
<td>EMAIL ONLY, CA 00000</td>
<td>CITY OF PALO ALTO</td>
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<td>KANNA VANCHASWARAN</td>
<td>KAREN PALMER</td>
<td>EMAIL ONLY, CA 00000</td>
<td>CITY OF CERRITOS</td>
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<td>KATIE JORRIE</td>
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<td>DAVIS WRIGHT TREMAINE, LLP</td>
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<tr>
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<tr>
<th>Name</th>
<th>Email Address</th>
<th>City/Utility</th>
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<tbody>
<tr>
<td>PAUL HAUSER</td>
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<td>TRINITY PUBLIC UTILITIES DISTRICT</td>
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<tr>
<td>PJOY T. CHUA</td>
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<td>FOR: LOS ANGELES DEPT. OF WATER &amp; POWER</td>
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<tr>
<td>REGULATORY FILE ROOM</td>
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<td>PACIFIC GAS AND ELECTRIC COMPANY</td>
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<tr>
<td>ROB HICKEY</td>
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<td>FOR: GRIDLEY ELECTRIC UTILITY</td>
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<tr>
<td>GRIDLEY ELECTRIC UTILITY</td>
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<td>ROBERT GEX</td>
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<td>SAM SCHABACKER</td>
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<td>FOR: GRIDLEY ELECTRIC UTILITY</td>
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<td>POLICY MANAGER</td>
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<td>BLOOM ENERGY</td>
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<tr>
<td>SANDDEEP ARORA</td>
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<tr>
<td>SANGEETHA LOSARI</td>
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<tr>
<td>LOS ANGELES DEPT OF WATER &amp; POWER</td>
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<tr>
<td>SCOTT LESCH</td>
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<tr>
<td>SHANNON EDDY</td>
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<td>LARGE-SCALE SOLAR ASSOCIATION</td>
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<tr>
<td>STEPHEN HOLABAUGH</td>
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<td>TRUCKEE DONNER PUBLIC UTILITIES DISTRICT</td>
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