

**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.

Rulemaking 15-02-020  
(Filed February 26, 2015)

**RESPONSE OF THE INDEPENDENT ENERGY PRODUCERS  
ASSOCIATION TO THE MOTION OF LIBERTY POWER  
HOLDINGS LLC TO DEFER ITS COMPLIANCE PERIOD 1  
REQUIREMENTS**

**INDEPENDENT ENERGY PRODUCERS  
ASSOCIATION**

Steven Kelly, Policy Director  
1215 K Street, Suite 900  
Sacramento, CA 95814  
Telephone: (916) 448-9499  
Facsimile: (916) 448-0182  
Email: [steven@iepa.com](mailto:steven@iepa.com)

**GOODIN, MACBRIDE,  
SQUERI & DAY, LLP**

Brian T. Cragg  
505 Sansome Street, Suite 900  
San Francisco, California 94111  
Telephone: (415) 392-7900  
Facsimile: (415) 398-4321  
Email: [bcragg@goodinmacbride.com](mailto:bcragg@goodinmacbride.com)

Attorneys for the Independent Energy Producers  
Association

Dated: June 11, 2015

**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.

Rulemaking 15-02-020  
(Filed February 26, 2015)

**RESPONSE OF THE INDEPENDENT ENERGY PRODUCERS  
ASSOCIATION TO THE MOTION OF LIBERTY POWER  
HOLDINGS LLC TO DEFER ITS COMPLIANCE PERIOD 1  
REQUIREMENTS**

The Independent Energy Producers Association (IEP) offers its brief response to the *Motion of Liberty Power Holdings LLC to Defer its Renewables Portfolio Standard Compliance Period 1 Procurement Quantity Requirement Shortfall Until Compliance Period 2*, filed on May 27, 2015.

IEP takes no position on Liberty Power's core request for a deferral of its Compliance Period 1 procurement quantity requirement. IEP notes that Liberty Power has not requested a waiver of the portfolio quantity requirement permitted by Public Utilities Code section 399.15(b)(5) or a reduction of the portfolio content requirement permitted under section 399.16(e).<sup>1</sup> However, Liberty Power bases its motion on the "structure" for these requests, including an allegation that Liberty Power "acted prudently and reasonably in managing its portfolio risks and costs."<sup>2</sup> IEP respectfully urges the Commission not to base its ruling on the motion on this allegation. Evaluating the prudence and reasonableness of Liberty Power's

---

<sup>1</sup> Motion, p. 1.

<sup>2</sup> Motion, p. 10.

management of its portfolio risks and costs requires a far greater showing and more detail than Liberty Power has provided in its motion, and several of the facts that Liberty Power recites in its Motion appear to support a contrary finding that Liberty Power did not prudently and reasonably manage its portfolio risks and costs.<sup>3</sup>

For these reason, IEP respectfully urges the Commission not to base its ruling on Liberty Power's Motion on a finding that Liberty Power "acted prudently and reasonably in managing its portfolio risks and costs."

Respectfully submitted this 11th day of June, 2015 at San Francisco, California.

GOODIN, MACBRIDE,  
SQUERI & DAY, LLP  
Brian T. Cragg  
505 Sansome Street, Suite 900  
San Francisco, California 94111  
Telephone: (415) 392-7900  
Facsimile: (415) 398-4321  
Email: bcragg@goodinmacbride.com

By /s/ Brian T. Cragg

Brian T. Cragg

Attorneys for the Independent Energy  
Producers Association

---

<sup>3</sup> *E.g.*, the resignation of a Liberty Power employee "led to discontinuity in operations and further exacerbated Liberty Power's procurement shortfall" (Motion, p. 3), a Liberty Power counterparty failed to deliver 750 Renewable Energy Credits (RECs) from a 1,000 REC contract (Motion, p. 4).

## VERIFICATION

I am the attorney for the Independent Energy Producers Association in this matter. IEP is absent from the City and County of San Francisco, where my office is located, and under Rule 1.11(d) of the Commission's Rules of Practice and Procedure, I am submitting this verification on behalf of IEP for that reason. I have read the attached "Response of the Independent Energy Producers Association to the Motion of Liberty Power Holdings LLC to Defer its Compliance Period 1 Requirements," dated June 11, 2015. I am informed and believe, and on that ground allege, that the matters stated in this document are true.

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

Executed on this 11th day of June, 2015, at San Francisco, California.

/s/ Brian T. Cragg  
Brian T. Cragg