

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Create a Consistent
Regulatory Framework for the Guidance, Planning, and
Evaluation of Integrated Distributed Energy Resources.

Rulemaking 14-10-003
(Filed October 2, 2014)

**COMMENTS OF THE INDEPENDENT ENERGY
PRODUCERS ASSOCIATION ON THE ALJ RULING
TAKING COMMENT ON STAFF PROPOSAL
RECOMMENDING A SOCIETAL COST TEST**

**INDEPENDENT ENERGY PRODUCERS
ASSOCIATION**

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In compliance with the schedule set forth in the Administrative Law Judge's Ruling issued February 9, 2017 (Ruling) requesting comment on the Energy Division Staff Proposal (Staff Proposal) recommending a societal cost test (SCT), the Independent Energy Producers Association (IEP) is pleased to provide these comments. IEP provided Informal Post-Workshop Comments on the Social Cost Test on October 4, 2016. As requested in the Ruling, IEP will not repeat its prior answer to this general topic but we would like to incorporate into the record by reference our Informal Post-Workshop Comments on the Social Cost Test filed October 4, 2016.

Initial Response

The Ruling poses a series of questions related to the Staff Proposal. One question relates to whether the Staff Proposal has changed parties' opinion on whether adoption of a social-cost test is appropriate for purposes of assessing the cost-effectiveness of resources (see Question 16, below). Because IEP believes that Question 16 is fundamental to consideration of a social-cost test in planning and procurement, we answer this question first. In response to Question 16, we

note that cost-effectiveness tests historically have been used to set funding levels for utility resource programs such as energy efficiency programs (EE). The rationale for adopting the SCT as a replacement to the traditional cost-effectiveness tools seems to arise from the fact that, due to changing market conditions, the traditional cost-effectiveness test applied to EE fails to support the expansion of EE sought by policymakers (e.g. doubling of EE by 2030).¹

If the purpose of the new cost-effectiveness tools is to rationalize higher program funding levels for resources such as EE, then using an SCT model may make sense. On the other hand, if the purpose of the SCT is to determine the what, where, and when of resource selection, including resources competing in various energy markets, then IEP has a number of concerns about the Staff Proposal. First, we are concerned about the proposed phased roll-out of the SCT. The staff proposes to develop the new cost-effectiveness methodology incorporating an array of externalities in the narrow context of distribution resources (i.e. the IDER) and then later, upon its full development, apply the SCT in the context of all-resources (presumably, the IRP).² The proposed phasing will deny parties that are not participants in the IDER a fair and comparable voice in the development of a cost-effectiveness test that will directly impact them in the near future.

Second, the Staff Proposal is unclear as to whether the SCT will be in addition to or, alternatively, supplant the Commission's existing Least-Cost/Best-Fit (LCBF) framework for planning and evaluating resources. On its face, the Staff Proposal seems to envision replacing the Commission's existing, well-established LCBF framework with the SCT for the purpose of

¹ "Distributed Energy Resource Cost Effectiveness Evaluation: Societal Test, Greenhouse Gas Adder, and Greenhouse Co-Benefits: An Energy Division Staff Proposal," p. 5: "...there is an apparent misalignment between California state policy, which places a high value on GHG reductions, and the cost-effectiveness framework used by the Commission to measure the costs and benefits of DERs, which currently places a relatively low value on GHG reductions. For example, recent updates to the ACC [Avoided Cost Calculator] resulted in reduced benefits of DERs due primarily to decreases in gas prices over the past few years and a shift in GHG benefit calculation."

² Ibid, p. 3. "Phase 4: Expand the demand-side cost-effectiveness framework, in coordination with supply-side models, to create an all-source, all-technology valuation framework."

determining the what, where, and when of resource selection. Currently, as prescribed by statute, the Commission employs the LCBF framework for the evaluation of resources, certainly with regards to the RPS and most supply-side resources. In the future, many of the distributed resources likely will be treated as supply-side resources in the context of CAISO markets, irrespective of whether they are located on the distribution system or, in some cases, behind-the-meter. In either case, we remain concerned that the proposal either explicitly or implicitly will have the effect of rendering the current LCBF framework meaningless. This would be a significant change that warrants much greater discussion among a broader array of stakeholders than is occurring as this time. Here again, we view the IRP as the proper forum for considering the merits of the Staff Proposal. On the other hand, if the SCT is not replacing the existing LCBF Framework in the context of resource planning and selection, at best it appears redundant and at worse it risks undermining the integrity of the LCBF Framework.

Finally, and perhaps most important, IEP finds little support in legislation to compel the Commission to adopt a new SCT, particularly if its adoption renders the existing LCBF framework unnecessary or redundant. Indeed, a reading of the PU Code suggests that the legislature retains a commitment to the LCBF framework:

454.51(b) “Direct each electrical corporation to include, as part of its proposed procurement plan, a strategy for procuring best-fit and least-cost resources to satisfy the portfolio needs identified by the commission pursuant to subdivision (a)”

399.13(a)(8) “In soliciting and procuring eligible renewable energy resources, each retail seller shall consider the best-fit attributes of resource types that ensure a balanced resource mix to maintain the reliability of the electric grid.”

To support its proposal, the staff references legislation addressing how the California Air Resources Board (CARB) is to consider social costs in its AB 32 Scoping Plan. In addition, the staff references SB 32 (Pavley, Ch. 249, Stat. 2016) and AB 197 (Garcia, Ch. 250, Stat. 2016) as

the primary sources of legislation compelling the consideration of social costs at the Commission.³ Finally, the staff references the goal of doubling energy efficiency by 2030 imposed on CARB by SB 350 as a primary rationale for why the Commission should apply the SCT to its planning and procurement framework.⁴

With regard to CARB, the determination of the social costs associated with GHG emissions are used by CARB to establish emission reduction *targets* across various sectors (and/or subsectors) of the state economy, including but not limited to the electric sector. This purpose is quite distinct from determining resource selection at the Commission. In the Health and Safety Code, the Legislature defined cost-effective in a manner that focused relatively narrowly on GHG emission reductions and not more broadly on externalities as proposed by staff:

38505(d) “‘Cost-effective’ or ‘cost-effectiveness’ means the cost per unit of *reduced emissions of greenhouse gases* adjusted for its global warming potential.” [Emphasis added]

Moreover, with regards to the Commission’s role in valuing externalities associated with electrical generators, in the PU Code, the Legislature narrowed the Commission’s choices with regards to assigning value to externalities:

701.1(d) “The commission shall not assign a value or cost to that residual pollutant for the current operating capacity of that [existing] powerplant because the alternative protocol for dealing with the pollutant [tradable allowance, offset, tax per measured unit] operates to internalize its cost for the purpose of planning for an acquiring new generating resources.” [Emphasis added]

Accordingly, while the Commission (in coordination with the CARB and the CEC) serves a critical role in achieving the emission reduction goals imposed on CARB by statute, IEP finds no statutory language compelling the Commission to alter the LCBF approach it currently

³ Ibid, p. 4.

⁴ Ibid, p. 5.

employs for identifying cost-effective resources in an integrated planning and procurement framework.

Finally, with regards to legislative support for the Staff Proposal, IEP notes that the Staff Proposal relies on AB 3995, enacted in 1990, as the primary rationale for the Commission to adopt the SCT mechanism.⁵ This argument, however, begs the question: Since 1990, hasn't the Commission adhered to its statutory prescriptions related to considering the cost to society and, therefore, isn't this embedded in the Commission's LCBF framework? IEP believes that the Commission has met this statutory requirement and it will continue to do so under the auspices of the LCBF framework. Moreover, with regard to relatively new statutory prescriptions embodied in PU Code Section 400(b) (adopted 2015) in which the Commission is to "take into account" the opportunities to decrease costs and increase benefits, including pollution reduction and grid integration, IEP notes the following: first, the Commission currently takes into account opportunities to decrease costs and increase benefits, while balancing myriad objectives related to lowering pollution, ensuring grid reliability, etc.; and, second, to the extent that additional information related to the costs/benefits of various resources comes to the attention of the Commission and is deemed reasonable, the Commission's current framework for planning and procurement, i.e. the LCBF framework, is sufficiently flexible to adjust as needed.

In summary, certainly with regards to the critical Question 16, IEP's opinion regarding the value of adopting the new, SCT remains largely unchanged as a result of the Staff Proposal. The Commission's existing LCBF Framework is sufficiently flexible to address known social costs/benefits of resources without risking double-counting. Moreover, the existing LCBF framework enables a consistent application across all resources which we view as an essential goal of any framework guiding planning and procurement in an integrated fashion.

⁵ Ibid, p. 7

If the Commission determines that a change is required with regards to the *design* and *application* of a cost-effectiveness test, then rather than adopting the two-phase process proposed in the Staff Proposal, the Commission should initiate a one-step process and consider the adoption of the SCT for all resources in the IRP proceeding. The IRP context is more appropriate than the IDER/DRP context for adopting and applying a new cost-effectiveness tool for comparing and contrasting the value of diverse resources to meet the myriad goals imposed on the Commission by SB 350, SB 32, AB 32, AB 197, AB 3995, etc.

Notably, if the Commission determines it useful to consider the value of the SCT in the context of the IRP, IEP believes the Staff Proposal is a good initial step in its core *design*.

Below, IEP offers comment on the specific questions posed by the Ruling. Some of the questions presume adoption of an SCT. In response to those questions, IEP provides its comments as if the SCT is adopted recognizing, however, that we have concerns about whether the SCT should be adopted at all.

Questions regarding the Staff SCT Proposal:

- 1. Staff recommends that the Commission adopt a consistent SCT for use in evaluation of all types of DER and describes several arguments in supporting of this proposal. Explain why you agree or disagree with the arguments provided in the Staff SCT Proposal. Describe any arguments for adoption that the Staff SCT Proposal did not include and that the Commission should consider. Describe any arguments against adopting a consistent SCT that the Commission should consider.**

If the SCT is applied, then IEP agrees that the SCT should be applied consistently for use in evaluating all types of resources. In this regard, we believe that consideration and adoption of the SCT should occur in an integrated planning/procurement context, i.e. the IRP. IEP disagrees that the SCT should be adopted for a narrow set of resources (e.g. distributed

resources in the IDER) and then applied more generically across all supply-side resources including, presumably, the IRP, RPS, etc.

- 2. Noting that Public Utilities Code Section 701.1(c) requires the Commission to include “a value for any benefits and costs to the environment, including air quality,” in its cost effectiveness calculations, the Staff SCT Proposal contends this to be the strongest justification for developing a SCT for calculating these benefits. Explain why you do or do not agree with this contention. The Staff SCT Proposal also claims that this language suggests that qualitative assessments are insufficient because the statute calls for “calculating” a value. Explain why you agree or disagree with this claim.**

IEP disagrees with staff’s contention that 701.1(c) provides sufficient justification for the SCT Proposal. In the context of PU Code section 701.1, subsection 701.1(c) is counterbalanced by subsection 701.1(d). In (d), when determining values for air quality costs and benefits to the environment, the Commission is directed to “not assign a value or cost to that residual pollutant for the current operating capacity of that powerplant” because of alternative protocols for dealing with the pollutant, i.e. tradable emission allowances, offsets, and/or a tax per measured unit of pollutant. As IEP understands the proposal, the SCT would be used to assign a value or cost to resources in excess of the cost they currently bear as a function of being subject to the CARB Cap&Trade Program.

With regard to the Staff SCT Proposal and the contention that the phrase “In calculating the cost-effectiveness of energy resources” necessitates quantification of impacts rather than applying a qualitative assessment, IEP disagrees that this is the legislature’s intent. Certainly, if impacts can be quantified in a manner consistent and fair across multiple resources, then the Commission should do so. What would not be justified is to discriminate in the application of the calculation in order to favor one resource over another.

Irrespective of whether quantification is employed or qualitative assessments are employed to determine the value of resources, the Commission must apply the methodology

in a transparent and consistent manner across all resources and/or technologies being considered in jurisdictional LSEs' IRPs.

3. The Staff SCT Proposal asserts that the term “energy resources” can be interpreted quite broadly, concluding that “it provides an expansive foundation applicable to all distributed energy resources.” Explain why you agree or disagree with this conclusion?

IEP agrees with the Staff Proposal that the term energy resources can be interpreted broadly. IEP disagrees, however, that the term “energy resources” is or should be limited to distributed resources. PU code section 701.1 addresses first and foremost “electric and natural gas utilities’ resource planning and procurement.” [PU Code section 701.1(a)(1)] Distribution planning is only one aspect of the utilities’ resource planning and procurement.

Hence, IEP’s recommendation that the consideration the Staff Proposal is more properly aligned with the Commission’s IRP processes in which the goal is to develop a fully integrated resource plan across the distribution and non-distribution space. Limiting the development and application of a SCT to the narrow context of a distribution proceeding focused solely on distributed resources risks skewing resource selection toward one type (or group) of resources and, thereby, risks undermining the multiple policy goals established in PU Code Section 454.52(a)(1), including ensuring grid reliability and minimizing ratepayer impacts.

4. The Staff SCT Proposal states that the treatment of environmental benefits in cost-effectiveness methods across the Commission’s distributed energy resources proceedings are inconsistent and a single SCT would address the inconsistency. Explain why you agree or disagree with this statement?

IEP has no comment on this question at this time.

5. The Staff SCT Proposal recommends adoption of a set of guiding principles for developing a SCT. Is the list sufficient? Do we need others? Are these equal in priority or are some more important than others?

The Staff Proposal lists the following Guiding Principles to determine which benefits to include in the development of the SCT cost-effectiveness test:

- Consistency with state policy.
- A graduated approach.
- Explicit statutory language.
- Simplicity.
- Existing public agency tools and calculators.
- Consistency with other Commission proceedings.
- Consistency with other state agency methods.

IEP supports these Guiding Principles. IEP would add an additional Principle:

- *Consistent application across resources.*

6. The Staff SCT Proposal provides recommendations for specific societal impacts to consider in the SCT. Explain why you agree or disagree with the staff recommendations?

The Staff Proposal lists the following potential externalities to consider in the SCT, while appropriately noting that this is not an exhaustive list:

- Avoided environmental damage.
- Benefits of increased system reliability.
- Non-energy benefits of reduced water use and waste streams.
- Non-energy benefits for low-income programs.
- Benefits of fuel diversity.

First, with regards to the staff proposed list, IEP recommends replacing the term “benefits” with the word “impacts.” Each of the individual factors to be assessed in the context of the SCT may have positive and/or negative impacts. The purpose of the cost-effectiveness test is to assess the cost and benefits of each factor, and then derive benefit/cost ratio. In this context, if a resource benefits overall system reliability, then that impact will be properly calculated. Similarly, if a resource undermines (or causes the need for increased investment in system reliability), then that too will be properly accounted.

Second, IEP recommends adding the following externalities:

- Economic impacts in rural areas.
- Local tax benefits.

Third, to the extent that externalities are include in the determination of cost-effectiveness, this raises a host of complexities if the final SCT is to treat all resources in a fair and comparable manner. For example, to what extent will the SCT methodology incorporate the negative/positive impacts of resources that arise outside of California, outside of the US (e.g. globally)? Will the SCT methodology be robust enough to calculate the environmental impact of the manufacture and transport of imported technologies and/or power used to serve California load? Will the SCT methodology be sufficiently robust to account for (a) the GHG emissions of manufacturing solar panels overseas; (b) the emissions associated with transporting (via ships) the panels to California; and (c) any tertiary “local impacts” on California delivered via the prevailing winds emissions associated with the manufacture of off-shore into California via prevailing winds (e.g. carbon, ozone).

- 7. The Staff SCT Proposal recommends that the SCT use a social discount rate set at 3 percent real. Explain why you agree or disagree with this recommendation.**

IEP has no comment on this question at this time.

- 8. Staff concludes that the use of the U.S. government security yields for the discount rate would unnecessarily subject cost effectiveness estimates to a volatile baseline irrelevant to California policy, making future impact analysis difficult. Explain why you agree or disagree with this conclusion.**

IEP has no comment on this question at this time.

- 9. The Staff SCT Proposal recommends that the air quality values should be calculated using an Environmental Protection Agency tool, specifically identifying the BenMAP and COBRA tools, but notes that further research needs to be performed. Explain why you agree or disagree with this recommendation?**

IEP agrees that further research needs to be performed. At this point, it is not clear that either cost-effectiveness methodology employed by the EPA is relevant for the unique California context in which integrated resource planning and procurement take place.

- 10. The Staff SCT Proposal presents two options for including a greenhouse gas adder in the SMP tests. One option is to include the greenhouse gas adder only in the SCT. Explain why you support or oppose this recommendation.**

IEP is confused by the Staff Proposal presenting the two options. Our understanding is that the SCT is to replace the existing cost-effectiveness tests, and the new SCT would be applied across all DERs for consistency. IEP supports this approach toward consistency. On the other hand, if the Staff Proposal is to adjust each of the 5 existing cost-effectiveness tests presented in the Standard Practices Manual with a broader consideration of externalities, then additional clarity is needed as to what that means in terms of changes from the status quo, integrated resource planning going-forward, and procurement practices going-forward.

11. The Staff SCT Proposal also posed a second option, to add the greenhouse gas adder to the TRC and PAC tests to create a modified TRC and modified PAC tests, which would not include the social discount rate or the air quality value. Explain why you support or oppose this recommendation.

See response to Question 10 above.

12. The Staff SCT Proposal provided two options for determining the greenhouse gas adder: damage cost and marginal abatement cost, recommending the greenhouse gas abatement cost. Explain why you support or oppose this recommendation. Identify any other option(s) that you support, which the Staff SCT Proposal did not include, and explain your support of the other option(s).

IEP supports the use of the marginal abatement cost. We agree with the staff that the damage function is unverified and overly complicated. Moreover, the damage function approach does not appear to provide any marginal utility in the context of planning and procurement over a 10-20 year time horizon, particularly given the dynamic, ever-changing nature of the electric grid.

13. The Staff SCT Proposal noted that if the Commission adopted the use of the damage cost option, it recommends the Commission adopt the Air Resources Board's method or the Environmental Protection Agency's method. Explain why you support or oppose this recommendation.

Before adopting a damage cost option, IEP believes further research needs to be performed to fully understand the implications of such a choice.

14. The Staff SCT Proposal (at Section 3.E.4 and Appendix B) contends that other avoided greenhouse gas emissions resulting from distributed energy resources adoption should also be included in the avoided carbon costs in distributed energy resources cost-effectiveness tests and recommends a new input to the avoided cost calculator be developed that quantifies these co-benefits. Explain why you support or oppose this recommendation.

Before adopting a SCT that calculates non-energy related impacts, IEP believes further research needs to be performed to fully understand the implications of such a choice. As noted above in our Initial Comments, IEP does not find in statute the policy prescriptions that necessitate or support including non-energy, non-environmental impacts when evaluating resource additions.

While noting the above, as a general matter IEP supports the Staff Proposal recognition that any *non-energy externalities impacts* ought to be quantified. Enabling these factors to be considered in a qualitatively manner risks creating a “black-box” decision-making tool in the planning and procurement context.

15. Other than incorporating environmental benefits directly into the SPM tests, provide any other alternate option(s) for addressing the value of the environment associated with distributed energy resources. Why should the Commission adopt this alternate option(s)?

As noted above, IEP does not believe the Commission should adopt this proposal, nor consider its options, unless that consideration and adoption occurs in the context of integrated resource planning (i.e. the IRP). See also, IEP’s response to Question 6 above.

16. Parties were previously asked in this proceeding whether the Commission should adopt a societal cost test. Parties should not repeat its prior answer to this question. Instead, parties are asked to address whether and how the Staff SCT Proposal has changed its opinion on whether adoption of a social cost test is appropriate.

See IEP’s Initial Comments above. As noted above, the Staff SCT Proposal has not changed our opinion that adoption of a social cost test is not required or appropriate as proposed. Moreover, the staff’s proposal to develop and apply the SCT in the context of a proceeding related to distributed resources (e.g. IDER), and not in an integrated resource proceeding (IRP), seems equally unnecessary and inappropriate.

17. Explain why you support or oppose the staff recommendation to delegate the implementation of the specific methods and translation of inputs into the avoided cost calculator through a staff led process. If you support the staff led process, explain why you agree or oppose the tasks recommended in the Staff SCT proposal.

While IEP supports the staff leading the process, IEP believes that it best to consider these matters in the context of open workshops rather than through Working Groups. IEP has participated in discrete Working Groups. They tend to become resource intensive, which favors some participants over others; and, they tend to produce a lengthy and often complicated Working Group “Consensus Report” that may not truly reflect a full consensus on all the issues. Moreover, participation in a WG is impaired in those instances when the execution of a confidentiality agreement is a pre-requisite to WG participation.

Questions regarding the various cost-effectiveness tests in the Literature Review:

1. The Literature Review describes the various tests used for assessing cost-effectiveness. Are there any aspects of these tests not discussed in the Literature Review?

IEP has no comment on this question at this time.

2. The Literature Review and the Staff SCT Proposal discussed the various tests used for assessing cost-effectiveness. Explain why the Commission should or should not adopt a consistent universal framework for assessing cost-effectiveness for all distributed energy resources.

If the Commission adopts the SCT, the SCT methodology should be applied consistently across all resources in the distribution and non-distribution realm. To accomplish this comparability, IEP believes that the SCT methodology (or any methodology incorporating so-called social costs) should be developed and adopted in the IRP context rather than the IDER context.

3. **If the Commission determines that it should adopt one of the options to assess cost-effectiveness for all distributed energy resources, explain which test or combination of tests the Commission should adopt. Provide a recommendation of whether the same option should be used across all needs, (e.g., funding decisions, program implementation, etc.) or whether different needs require the use of different options.**

See answer to question 2 above.

4. **The Literature Review describes the Commission's approach to account for participant non-energy costs and benefits in the TRC test for energy efficiency programs, using a combination of methods from net-to-gross evaluations and incremental measure cost studies. Explain why you agree or disagree that the Commission's current approach adequately eliminates non-energy impacts from the calculation of TRC costs and benefits.**

IEP has no comment on this question at this time.

Questions regarding the Cost Effectiveness Working Group Final Report:

1. **Specify and explain your support of or opposition to the following two recommendations:**
 - a. **The Commission should require that all proceeding that use cost-effectiveness analyses shall be required to use each utility's Weighted Average Cost of Capital as the discount rate.**

IEP has no comment on this question at this time.

- b. **Recommended general guidelines for the methods used by all DER proceedings to apply the output of the avoided cost calculator to each proceeding's cost-effectiveness process.**

IEP concurs with the WG recommendation to apply the output of the avoided cost calculator consistently. As noted above, preferably the application would apply broadly in the context of the IRP rather than narrowly in the context of the IDER.

2. **The Final Report recommended four phase three issues, including incorporating uncertainty. Describe any existing easily implementable methods to improve the accuracy of uncertain variables used in the cost-effectiveness methods?**

IEP has no comment on this question at this time.

- 3. The Final Report recommended that the Commission develop a common framework of costs and benefits across all distributed energy resources. What costs and benefits can be standardized across all distributed energy resources?**

IEP has no comment on this question at this time.

- 4. The Final Report stated that bundles of different technologies, as well as new technologies, are likely to become more and more important as we develop new procurement methods and markets. Thus the Final Report recommended that there is a need to enable valuation of bundled and emerging technologies that do not fit into the current technology-specific cost-effectiveness framework. What can the Commission do, in the short term to facilitate the difficulty in determining DER values without a common method or metric? In addition to standardizing the costs and benefits used, are there approaches to standardize models, processes, methods, and metrics either within the cost-effectiveness framework or among the various Commission proceedings, so that DER can be bundled, valued, and compared?**

IEP disagrees with the need to enable valuation of bundled and emerging technologies that do not fit current technology-specific cost-effectiveness framework.

- 5. The Final Report recommended that more issues will emerge in the future related to the details of the models and methods contained within the avoided cost calculator, and will require additional stakeholder input. What updates should be made during the next annual avoided cost calculator review, other than routine data updates?**

IEP has no comment on this question at this time.

IEP appreciates the opportunity to comment on these important topics.

Respectfully submitted March 23, 2017 at San Francisco, California.

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