

**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 18-07-003
(Filed July 12, 2018)

**MOTION OF THE INDEPENDENT ENERGY PRODUCERS
ASSOCIATION SEEKING AGGREGATION OF DATA IN 2018
RENEWABLES PORTFOLIO STANDARD PROCUREMENT
PLANS SUBMITTED BY JURISDICTIONAL ENTITIES**

INDEPENDENT ENERGY PRODUCERS
ASSOCIATION
Steven Kelly, Policy Director
P.O. Box 1287
Sloughhouse, CA
Telephone: (916) 448-9499
Facsimile: (916) 448-0182
Email: steven@iepa.com

Dated: August 22, 2018

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The Independent Energy Producers Association (IEP) submits this Motion requesting the Commission to direct the Energy Division to prepare a report on the Load-Serving Entities' (LSEs') 2018 Renewables Portfolio Standard (RPS) Procurement Plans submitted on August 20, 2018. Further, IEP requests that the Energy Division be directed to serve its report on the service list of this proceeding as soon as possible but no later than November 20, 2018, i.e., within three months of the submission of the 2018 RPS Procurement Plans. In reporting on the 2018 RPS Procurement Plans, the Energy Division should provide a comprehensive review of the 2018 RPS Procurement Plans, using aggregated data as appropriate and consistent with prior Commission rulings. Similar to reports prepared by the Energy Division in the Resource Adequacy proceeding, and with the overall goal of enhancing transparency in RPS procurement plans, the Energy Division report should address the extent to which the LSEs individually and collectively are meeting or are preparing to meet their RPS obligations in a timely manner.

California has experienced a significant expansion in the number of jurisdictional LSEs, particularly Community Choice Aggregators (CCAs), submitting RPS Procurement Plans.¹ The expansion in the number of LSEs reflects an overall disaggregation of roles and responsibilities with regards to RPS planning, procurement, and compliance. The expansion in the number of LSEs (and the concomitant disaggregation of load) places a significant strain on the time and resources that stakeholders can commit to reviewing and evaluating how LSEs individually and collectively are planning to meet RPS requirements, thereby undermining transparency in the implementation of a key state policy.

An Energy Division report on the 2018 RPS Procurement Plans would help assess the extent to which LSEs, individually and collectively, are meeting or are planning to meet RPS procurement obligations, particularly those RPS requirements related to long-term contracting and portfolio content that compel action in this compliance period (2017-2020). For example, *beginning* January 1, 2021, (i.e., by December 31, 2020) at least 65 percent of the procurement a retail seller counts toward the RPS requirements for each compliance period must be from its contracts of 10 years or more in duration or from its ownership or ownership agreements for eligible renewable resources;² *not less than* 75 percent of the eligible renewable energy resource electricity products must meet the product content requirement of having a first point of interconnection with a California balancing authority or, alternatively, be dynamically transferred to a California balancing authority (i.e., Category 1 products);³ and *not more than* 10 percent of the eligible renewable energy resource electricity products can be unbundled renewable energy credits (RECs) (i.e., Category 3 products).⁴

¹ IEP is aware of at least 36 LSEs that filed 2018 RPS Procurement Plans as of August 22, 2018.

² PU Code Section 399.13(b).

³ PU Code Section 399.16(c)(1).

⁴ PU Code Section 399.16(c)(2).

Based on IEP’s initial review of a sample of 2018 RPS Procurement Plans filed on August 20, 2018, the 2018 RPS Procurement Plans tend not to address in a public manner how and when individual LSEs plan to meet the long-term procurement obligations prescribed in PU Code Section 399.13 and 399.16. For example, one LSE indicates that it will meet its RPS compliance obligations with short-term Category 1 contracts (i.e., bundled energy and RECs), short-term Category 2 contracts (i.e., firm and shaped), and long-term Category 3 contracts (i.e., unbundled RECs). The LSE’s 2018 RPS Procurement Plan is silent on how and when it will procure resources sufficient to meet the long-term contracting obligations effective beginning January 1, 2021 given the product content boundaries imposed by statute.⁵ Similarly, while indicating an intent to meet or exceed applicable RPS procurement obligations over the long-term planning horizon (e.g., 10 years or over the 2030 IRP Plan horizon), some LSE procurement plans simply resort to a relatively superficial statement that the resource portfolio characteristics with which the LSE propose to serve load may vary over time depending on market developments, legislative and policy changes, technological improvements, preferences of the community, or other developments.⁶ In effect, the 2018 RPS Procurement Plans (at least the public versions) often provide little, if any, recognition of the impending long-term contracting obligations prescribed in statute, let alone the LSEs’ plans for meeting those obligations.

Information about how individual LSEs propose to meet their procurement obligations may well reside in the non-public versions of the 2018 RPS Procurement Plans. Decision (D.) 06-06-066 establishes the Commission’s policy to presume that information should be publicly disclosed and that any party seeking confidentiality bears a “strong burden of

⁵ See 2018 RPS Procurement Plan of Pilot Power Group, Inc. (Public Version), August 20, 2018.

⁶ See 2018 Renewable Portfolio Standard Procurement Plan of East Bay Community Energy, August 20, 2018, p. 2.

proof.”⁷ In recognition of the importance of the RPS program to procurement activities and resource plans, the Commission established the policy of enabling greater public access to RPS Plan data than to other data.⁸ The Commission found that information that does not allow market participants to raise the price of electricity is not market sensitive.⁹ The Commission concluded as a matter of law that data about how Electric Service Providers (ESPs) are complying with requirements applicable to them should be publicly filed.¹⁰ By extension, this conclusion should also apply to jurisdictional CCAs. Because these requirements should impact RPS procurement during the current compliance period (2017-2020), it is imperative for the Commission to focus attention on RPS procurement plans that have recently been approved (2014-2017) and are expected to be approved in the future (2018-2020) in advance of the compliance obligations beginning January 1, 2021.

By this Motion, IEP requests the Commission to direct the Energy Division to produce a report as soon as possible but not later than November 20, 2018, i.e., within three months of submission of the 2018 RPS Procurement Plans. The Energy Division should report on the extent to which LSEs individually and collectively are meeting their RPS procurement obligations. The Energy Division report should rely on aggregated data as appropriate and consistent with prior Commission directions. Specifically, IEP requests the Energy Division address at least the following in its report:

- Trends in procured renewables since 2014:
 - By investor-owned utility (IOU), ESP, CCA
 - By technology
 - By size of project (e.g., 1-10 MW, 10-20 MW, 20-50 MW, 50-100 MW, 100-500 MW, over 500 MW)

⁷ D.06-06-066 at p. 2.

⁸ Ibid, p. 3.

⁹ Ibid, Finding of Fact #6.

¹⁰ Ibid, Conclusion of Law #21.

- By procurement mechanism (e.g., competitive procurement, bilateral contracting, utility-owned generation (UOG), tariff)
- Cost per MWh of renewable energy procured during years since 2014:
 - By level of interconnection (transmission, distribution, and Behind-the-Meter)
 - By IOU, ESP, CCA
 - By technology
 - By size of project (e.g., 1-10 MW, 10-20 MW, 20-50 MW, 50-100 MW, 100-500 MW, over 500 MW)
 - By procurement mechanism (e.g., competitive procurement, bilateral contracting, UOG, tariff)
- Planned procurement of RPS-eligible resources covering the years 2018-2020:
 - By interconnection level (transmission, distribution, and Behind-the-Meter)
 - By IOU, ESP, CCA
 - By technology
 - By procurement mechanism (e.g., competitive procurement, bilateral contracting, UOG, tariff)

IEP applauds the Energy Division's similar efforts with regards to illuminating procurement practices related to trends in resource adequacy procurement.¹¹ A similar effort is warranted regarding the 2018 RPS Procurement Plans. Accordingly, IEP urges the Commission to direct the Energy Division to submit in this proceeding a report on 2018 RPS Procurement Plans, with data aggregated as appropriate, as soon as possible but no later than November 20, 2018.

¹¹ See *The 2017 Resource Adequacy Report*, Energy Division, August 2018; *Current Trends in California's Resource Adequacy Program, Energy Division Working Draft Staff Proposal*, February 16, 2018.

Respectfully submitted August 22, 2018 at San Francisco, California.

A handwritten signature in black ink that reads "Steven Kelly". The signature is written in a cursive style with a large, sweeping "S" and a distinct "K".

INDEPENDENT ENERGY PRODUCERS ASSOCIATION

Steven Kelly, Policy Director

P.O. Box 1287

Sloughhouse, CA

Telephone: (916) 448-9499

Facsimile: (916) 448-0182

Email: steven@iepa.com

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