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

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Order Instituting Rulemaking to Integrate  
Procurement Policies and Consider Long-Term  
Procurement Plans.

Rulemaking 06-02-013  
(Filed February 16, 2006)

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**ASSIGNED COMMISSIONER'S RULING AND SCOPING MEMO  
ON THE LONG-TERM PROCUREMENT PHASE OF R.06-02-013**

**A. Summary**

The purpose of this Assigned Commissioner's Ruling and Scoping Memo (ACR/Scoping Memo) in Phase 2 of R.06-02-013 is to provide guidance and information to the investor owned utilities (IOU)<sup>1</sup> about what is expected in their 2006 long-term procurement plans (LTPP) and the Commission's review of those plans. The 2006 LTPPs will cover procurement activities from 2007-2016, consistent with Public Utilities (Pub. Util.) Code §§ 454.5<sup>2</sup> and 380.<sup>3</sup>

The 2006 LTPPs will be filed in accordance with the outline and filing guidelines detailed in Attachment A. The discussion below enumerates some of the key aspects of the plan filings, as well as identifies some of the key procurement policy issues which will be reviewed during this plan review cycle. The schedule for Phase 2 is set forth in Section H, including the following dates: October 12, 2006, 10:00 a.m., Prehearing Conference (PHC) followed by an Energy Division Workshop on LTPPs; October 20, 2006, Energy Auction proposal filing date; November 1, 2006, Workshop on Energy Auction proposals, and November 20, 2006, LTPP filing date.

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<sup>1</sup> The IOUs subject to this ACR/Scoping Memo are: Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).

<sup>2</sup> Assembly Bill 57 (AB 57) (Stats.2002, Ch.850, Sec 3, Effective September 24, 2004), added Pub. Util. Code § 454.5.

<sup>3</sup> Assembly Bill 380 (AB 380) (Stats. 2005, Chapter 367), added Pub. Util. Code § 380.

## **B. Background**

The Commission initiated Order Instituting Rulemaking<sup>4</sup> (OIR) 06-02-013 to continue its efforts to ensure a reliable and cost-effective electricity supply in California through the integration of a comprehensive set of procurement policies and review of LTPPs. The LTPP proceeding is the successor to Rulemaking (R.) 04-04-003<sup>5</sup> and R.01-10-024,<sup>6</sup> and it will be the umbrella proceeding in which we consider, in an integrated fashion, all of the Commission's electric resource procurement policies and programs, including implementation of directives from other procurement proceedings.

The Commission is continuing here with its obligation to oversee the IOUs' procurement plans with the initiation of the LTPP review phase of this Rulemaking. In Phase 1, the Commission examined the need for additional policies to support new generation and long-term contracts in California, and in D.06-07-029 adopted a cost-allocation mechanism that allows the advantages and costs of new generation to be shared by all benefiting customers in an IOU's service territory. Phase 2 of this Rulemaking is focusing on the Commission's ongoing obligations under Pub. Util. § 454.5 to oversee the IOUs' LTPPs from 2007 through 2016.

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<sup>4</sup> *Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans*, dated February 16, 2006.

<sup>5</sup> *Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning*, dated April 1, 2004.

<sup>6</sup> *Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development*, dated October 29, 2001.

## **1. Energy Action Plan II**

The Energy Action Plan II (EAP II)<sup>7</sup> provided a framework under which the State's energy agencies have developed a set of priorities for energy policy. As noted in the OIR, many of the EAP II priorities are directly relevant to this procurement proceeding and will be considered as we review procurement plans and policies in LTPP Phase 2.

In addition to the EAP II, the California Energy Commission's (CEC) 2005 Integrated Energy Policy Report (IEPR) made numerous procurement-related recommendations to the Commission which will be considered throughout the proceeding.<sup>8</sup> The IEPR's five policy recommendations are:

1. Implementation of the loading order from EAP II<sup>9</sup>, including the need for long-term contracts and encourage combined heat and power (CHP resources);
2. Development of portfolio and risk assessment to determine least-cost/best-fit resource selection.
3. Implementation of Greenhouse Gas (GHG) performance standards as part of 2006 LTPP.
4. Requirement of more transparency in energy planning and procurement to facilitate implementation of state's energy policy goals from EAP II.

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<sup>7</sup> Energy Action Plan II was adopted by this Commission (CPUC) in October 2005, and is a joint policy plan by the CPUC and the California Energy Commission.

<sup>8</sup> CEC's Integrated Energy Policy Report 2005 is available at <http://www.energy.ca.gov/2005publications/CEC-100-2005-007/CEC-100-2005-007-CMF.pdf>.

<sup>9</sup> EAP II Loading Order: energy efficiency, demand response, renewable power, distributed generation, clean and efficient fossil-fired generation.

5. Establishment of rules for departing load customers that implements goals of increasing long-term contracts without risk to IOUs or their ratepayers.

With respect to item (3), the Commission has a separate GHG proceeding which is addressing related issues in significant detail. With respect to item (4), the Commission has a separate Confidentiality proceeding, R.05-06-040, which has addressed transparency and procurement information in detail. The Commission recently issued D.06-06-066 in that docket, adopting rules and guidelines for the treatment of confidential procurement related data.

## **2. Legislation Related to Procurement Plan Requirements**

In addition to the EAP II and the recent IEPR, the Commission also received guidance from the legislature with the enactment of AB 57 and AB 380. Both pieces of legislation required the Commission to take certain steps with respect to electricity procurement in the State.

In 2002, the legislature enacted AB 57, codified in Pub. Util. Code § 454.5(b), to ensure that the IOUs could resume procurement responsibilities on behalf of their customers. The law requires that the utilities submit procurement plans to the Commission for pre-approval in advance of their procurement activities. When the Commission pre-approves the plans in this proceeding, it will have established “upfront standards” for the IOUs’ procurement and cost recovery. This obviates the need for after the fact reasonableness reviews by the Commission of the resulting utility procurement decisions.

Pub. Util. Code § 454.5, requires the Commission to review and approve IOU procurement plans, establish policies and cost-recovery mechanisms for energy procurement, ensure that the utilities maintain an adequate reserve requirement, implement a long-term resource planning process, and implement a

Renewables Portfolio Standard (RPS) program. Pub. Util. Code § 454.5(b) specifically enumerates the following required elements of a utility procurement plan, and these elements are required to be in the plans filed by the IOUs at the Commission:

- "(1) An assessment of the price risk associated with the electrical corporation's portfolio.
- "(2) A definition of each electricity product, including support and justification for the product type and amount to be procured under the plan.
- "(3) The duration of the plan.
- "(4) The duration, timing, and range of quantities of each product to be procured.
- "(5) A competitive procurement process under which the electrical corporation may request bids for procurement-related services, including the format and criteria of that procurement process.
- "(6) An incentive mechanism, if any incentive mechanism is proposed.
- "(7) The upfront standards and criteria by which the acceptability and eligibility for rate recovery of a proposed procurement transaction will be known by the electrical corporation prior to execution of the transaction.
- "(8) Procedures for updating the procurement plan.
- "(9) A showing that the procurement plan will achieve the following:
  - "(A) procure renewable energy resources with the goal of ensuring that at least an additional 1 percent per year of the electricity sold by the electrical corporation is generated from renewable energy resources,
  - "(B) maintain a diversified procurement portfolio consisting of both short-term and long-term electricity and electricity-related and demand reductions products.

"(C) first meet its unmet resource needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible.

"(10) The electrical corporation's risk management policy, strategy, and practices, including specific measures of price stability.

"(11) A plan to achieve appropriate increases in diversity of ownership and diversity of fuel supply of nonutility electrical generation.

"(12) A mechanism for recovery of reasonable administrative costs related to procurement in the generation component of rates."

In 2005, the legislature enacted AB380, codified as Pub. Util.Code § 380. § 380 requires the Commission to establish a resource adequacy (RA) program. The Commission initiated R.05-12-013 to refine the RA requirements for all load serving entities (LSE), including the IOUs. This OIR, R. 06-02-013, will insure that the IOU's LTPPs integrate each IOU's RA requirements. As noted below and in the OIR, in the future, it may be necessary for the Commission to require all LSEs to submit LTPPs in order to comply with § 380.

### **3. Previous Planning Cycles**

Since 2002 and in compliance with Pub. Util. Code § 454.5, the Commission has completed numerous rounds of the procurement planning cycle. Specifically, it has accomplished the following significant milestones, which set the stage for this year's proceeding:

- a. In D. 02-10-064, the Commission adopted the IOU's "2003 short-term procurement plans" filed on May 1, 2002, but directed modifications, for the 2003 year.<sup>10</sup>
- b. In D.02-12-074, the Commission adopted the IOU's revised "2003 short-term procurement plans" filed on November 15, 2002, as modified by confidential appendices to the decision.<sup>11</sup>
- c. In D.03-12-062, the Commission approved the "2004 short-term procurement plans" filed in April/May 2003, and deferred all other long-term planning issues to a separate decision.<sup>12</sup>
- d. In D.04-01-050, the Commission approved a long-term policy framework and ordered utilities to file new long-term plans.
- e. In D.04-12-048 the Commission approved the IOUs' LTPPs submitted in July 2004 for 2004 through 2014.

The IOUs current procurement plan authority is a combination of authority granted in 2003, which approved the "2004 short-term procurement

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<sup>10</sup> The Commission ordered the IOUs to submit modified "short-term procurement plans" by November 12, 2002 to reflect issues decided in D.02-10-064, incorporate the allocation of existing California Department of Water Resources (DWR) contracts (D.02-09-053), and cover procurement that would be undertaken by the IOUs in the 2003 year (though the actual power bought or contracted for in 2003 could cover needs up to five years).

<sup>11</sup> The approved "2003 short-term procurement plans" addressed procurement activities in 2003 and allowed the Commission to authorize IOUs to enter into procurement contracts for terms for up to five years for transactions entered into under the plan. PG&E and SDG&E submitted plans that covered procurement activities for a 12-month delivery horizon, and SCE plan presented forecast data for 5 years and focused on contracts to be executed in 2003. The Commission nonetheless authorized utility procurement of products with 2004 first quarter deliveries during the 2003 year. (D.02-12-074, p. 8.)

<sup>12</sup> D.02-10-064 had required that IOUs file, no later than April 1, 2003, a long-term procurement plan to cover needs between 2004 and 2023. However, the Commission's decision only approved the short-term plans.

plans," and the authority granted in 2004 which approved the "2004 long-term procurement plans." In addition, the IOUs have separate Commission-approved implementation or program plans for some of their resource strategies, including approved short-term RPS plans, etc. With this proceeding, the Commission intends the 2006 LTPPs to supersede all previous procurement plan authority granted in R.04-04-003 and R.01-10-024 and move forward into the future with one combined procurement plan that includes information from prior iterations of short-term and long-term plans.<sup>13</sup> It is not appropriate for the utilities to continue to conduct procurement indefinitely under short-term plans that were originally submitted in April/May 2003, and in some cases partially modified either by the long-term plans or via advice letter (AL).

In addition to the major procurement decisions noted above, the Commission has initiated numerous other procurement related proceedings in the past few years to handle the specific program implementation requirements of renewables (RPS), energy efficiency (EE), demand response (DR), distributed generation (DG) and solar initiatives, avoided cost and qualified facilities (QF) issues, Department Water Resources (DWR) contract allocation, transmission, RA, confidentiality issues, greenhouse gas (GHG) and other related topics.

#### **4. IOU'S Procurement Costs 2003-2005**

Table 1 below shows the total cost of procurement from 2003 through 2005. Since this proceeding authorizes the procurement activities of the three IOUs by pre-approving their LTPPs, it is useful to note the magnitude of procurement

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<sup>13</sup> The "superseding" refers to the previous "generic" STPPs and LTPPs, but not the RPS-specific STPPs.

that takes place as a result of this authorization. As designed in previous procurement decisions, the IOU's procurement activities are conducted in accordance with the pre-approved procurement plans and the resulting costs are booked into each utility's Energy Resource Recovery Account (ERRA). The ERRA costs plus the costs from DWR combine to make the total cost of electric procurement for each utility. The total for the 3 utilities in 2005 was approximately \$11 billion, about \$6 billion in ERRA and about \$5 billion in DWR contracts. As the DWR contracts expire over the next six years, each utility will conduct additional procurement that will be booked into their ERRA accounts—and ultimately all procurement costs will flow through the ERRA accounts in accordance with their pre-approved procurement plans.

**Table 1. Total Procurement Cost, per IOU, 2003-2005 (\$ Millions)**

	PG&E	SCE	SDG&E	Total
<i>2003 DWR</i>	<i>2,241</i>	<i>2,015</i>	<i>563</i>	<i>4,819</i>
<i>2003 ERRA</i>	<i>1,515</i>	<i>2,740</i>	<i>531</i>	<i>4,787</i>
<b>2003 Total</b>	<b>3,756</b>	<b>4,755</b>	<b>1,094</b>	<b>9,605</b>
<i>2004 DWR</i>	<i>2,110</i>	<i>2,302</i>	<i>757</i>	<i>5,169</i>
<i>2004 ERRA</i>	<i>2,219</i>	<i>2,963</i>	<i>329</i>	<i>5,511</i>
<b>2004 Total</b>	<b>4,328</b>	<b>5,265</b>	<b>1,086</b>	<b>10,680</b>
<i>2005 DWR</i>	<i>1,999</i>	<i>2,168</i>	<i>720</i>	<i>4,887</i>
<i>2005 ERRA</i>	<i>2,204</i>	<i>3,405</i>	<i>370</i>	<i>5,979</i>
<b>2005 Total</b>	<b>4,203</b>	<b>5,573</b>	<b>1,090</b>	<b>10,866</b>

Source: The source of these procurement costs are the annual DWR revenue requirement filings and supporting materials, as well as a compilation of the monthly ERRA reports provided to all interested parties in compliance with Decision 02-12-074, OP 19.

Note: The SCE publically recorded ERRA balances do not include off-setting revenues from settlements.

PG&E and SDG&E's ERRA costs do not include above market QF costs. Market costs for QF contracts above the authorized market benchmark proxy prices are recorded in the Modified Transition Cost Balancing Account (MTCBA) for PG&E and the Transition Cost Balancing Account (TCBA) for SDG&E to be recovered in CTC rates. These above market costs are considered ongoing generation-related transition costs, not procurement costs.

### **C. Scope of Phase 2 of Proceeding**

Phase 2 will advance on two tracks that will have parallel, but separate, timelines and separate decisions. Track 1 will address the issues from Phase 1 that were deferred to this phase, including, but not limited to the Energy Auction issues, and will have a separate decision. Track 2 will focus on the LTTPs.

#### **1. Track 1: Energy Auction and Other Implementation Issues Related to the Cost Allocation Mechanism Adopted in D.06-07-029.**

In D.06-07-029 the Commission outlined a cost allocation mechanism designed to spur development of new electric resources, but the decision did not specify the implementation details of the proposal. In particular, the Commission directed the IOUs to conduct periodic auctions for the energy rights to all resources acquired pursuant to the new mechanism, and to file with the Commission the details of this auction process.<sup>14</sup> Energy auction implementation proposals should be filed by the IOUs by October 20, 2006.

Prior to filing their auction proposals, the IOUs should meet and confer first with one another to try to file one joint proposal, and then meet and confer with the Energy Division. The Energy Division needs to ensure that the joint proposal contains all of the details noted as missing in D.06-07-029, as well as any

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<sup>14</sup> D.06-07-029, OP 2, "Pursuant to the mechanism adopted herein and as refined in response to the IOUs' Implementation Proposals for an energy auction filed in Phase II, each IOU is to conduct periodic auctions for the energy rights to all resources acquired pursuant to this mechanism. The IOUs shall retain an independent third party to administer the auction. The Commission's Energy Division, in consultation with the Assigned Commissioner, shall hold a workshop prior to the IOUs filing their Implementation Proposals, and subsequent workshops as needed."

other elements deemed necessary by the IOUs. A workshop hosted by the Energy Division in cooperation with the Assigned ALJ will be held on November 1, 2006, for a working session after the energy auction implementation proposals are filed. Parties will be advised of their opportunity to submit post-workshop comments on the energy auction implementation proposals at a later date. The proposed schedule for Track I issues is set forth below in Section H.

## **2. Track 2: 2006 Long-Term Procurement Plans**

The IOUs are directed to file their 2006 LTPPs, covering 2007 through 2016, by November 20, 2006, for Commission review and approval, in accordance with the requirements of Pub. Util. Code § 454.5. ESPs are not required to file LTPPs at this time, but ESPs should continue to provide their procurement data to the CEC on a forecast basis as part of the CEC's IEPR proceeding.

The goals of this track of the proceeding are described in more detail in Section D below. The filings should consist of two volumes: (1) a stand-alone 2006 long-term procurement plan covering procurement practices and the resource plan for the next 10 years based on existing Commission policies; and (2) a discussion of the IOU's comments on selected policies and procedures for implementing procurement plans that the Commission has identified are going to be reviewed during the 2006 proceeding cycle. Volume 1 should incorporate existing Commission policies related to procurement and Volume 2 should review - and potentially expand and amend - those policies.

**Volume 1**, the stand-alone 2006 Long-Term Procurement Plans, should be easily understandable without testimony or briefs to explain or support it. This volume should be descriptive, declaratory, informative, not an advocacy piece.

Volume 1 should be based on existing procurement authority, Commission established procurement policy, and should demonstrate how the IOU intends to implement procurement in accordance with existing laws and policies. After the Commission acts on the plans, the contents of Volume 1 will be referred to as the “approved” long-term procurement plan.

The 2006 Procurement Plan should read as a list of actions and activities that the IOU will undertake under its procurement authority. The plans should not read as testimony or briefs. As noted in the attached outline, part of the Plan will include the IOU describing its current strategy by each resource type for implementation of the Plan. For example, if an IOU plans to add additional fossil resources in 2008, how will it do so? If it is by way of an RFO, discuss how the IOU would design that RFO based on current practices and procedures, including whether an Independent Evaluator (IE) would be used, and if so, how.

**Volume 2**, on the other hand, is testimony on selected procurement policy issues that are identified herein as of particular interest to the Commission in this round of procurement plan review. Volume 2 is where an IOU can advocate the continuation of existing practices, the adoption of policies and procedures not in place, or urge the Commission to modify or amend those that have been adopted to conform with lessons the IOU learned in implementing them. For example, if an IOU has suggestions for improving the use of an IE, this would be the place to present those ideas. The selected policy issues under consideration are set forth in Section D(8), and in more detail in Attachment A. Once the Commission rules on the issues contained in Volume 2, the IOU may have to make compliance edits to its 2006 Long-Term Procurement Plan contained in Volume 1. Volume 2 is the appropriate place for the IOU to argue that all of the contents in Volume 1

is in accordance with existing procurement policy and/or argue where those policies need to be refined.

The IOUs should prepare and file their 2006 LTPPs in accordance with the Outline and Guidelines detailed in Attachment A. Section D below sets forth in detail some of the key goals the Commission has in regards to the 2006 LTPPs.

### **3. Other Issues in Scope**

#### **a. 50/50 Cost-Sharing Allocation**

In addition, the Commission will revisit in this proceeding an issue remaining from the R.04-04-003: the issue of allocation of cost savings, between the projected costs and the actual costs, from the construction of new power plants. In D.04-12-048 the Commission found that a 50/50 cost sharing provision between ratepayers and shareholders was reasonable. However in response to an application for rehearing filed by SCE, in D.05-12-022, the Commission granted limited rehearing on this cost sharing issue only. SCE is directed to explore alternative cost sharing possibilities with the other stakeholders, conduct meet-and-confer sessions or workshops if appropriate, and present the Commission with a cost sharing provision for any cost savings from new construction projects that is acceptable to the other stakeholders. If the parties are unable to resolve this issue on their own, SCE is to alert the assigned ALJ and Commissioner via a report no later than **January 18, 2007**. This report should chronicle the steps SCE took to resolve the issue, what impediments are preventing a joint resolution, and suggestions for how the issue should be resolved.

#### **D. Goals of the 2006 Long-Term Procurement Plan Review Process**

The 2006 Long-Term Procurement Plans will be filed in accordance with the outline and filing guidelines detailed in Attachment A. However, to inform and direct the IOUs as they draft their LTPPs, I have set forth below the key goals the Commission will use as it reviews the LTPPs. While this narrative does not necessarily have a one-to-one correlation to the outline requirements in Attachment A, it is intended to provide background information and intelligence to the IOUs as they prepare their LTPPs.

##### **1. IOUs will File One Complete Set of 2006 Long-Term Procurement Plans that Merges the Contents of Approved Short-term and Long-term Plans, Following the Outline Provided in Attachment A**

A key objective of this proceeding is to review and approve updated 2006 Long-Term Procurement Plans that supersede all previously approved plans, as modified. In D.04-12-048, FOF 106, the Commission ordered that the 2006 Long-Term Procurement Plans would contain features of the STPPs that are not covered by the LTPPs.<sup>15</sup> Therefore, 2006 LTPPs will be an amalgamation and update of the IOU's most recently approved STPPs, adopted in 2003 (D.03-12-074), and the IOU's most recent LTPPs, adopted in 2004 (D.04-12-048).

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<sup>15</sup> D.04-12-048; FOF #106: "We find that no change is necessary at this time for the Semiannual ERRA Application. As for the Short-Term Procurement Plan, the 2006 Long-Term Procurement Plans will contain the features of the Short-Term Plans that are not covered by the proposed 2004 LTPPs. That is, ultimately, we will eliminate the STPPs and the IOUs will act in accordance with a single Commission-approved plan. Until then, the existing STPPs will be in effect. Updates or modifications to the plans in between the biennial review will be filed with an AL. Any updates to the existing STPPs should be filed with an AL 30 days after the issuance of this decision." Also, see footnote #13.

Although some of the activities detailed in the approved STPPs have not changed, it is necessary for the Commission to have an updated, complete 2006 LTPP. The complete 2006 LTPPs will merge the contents of the two previous filings, include the AL amendments proposed by each utility over the past several years, and reflect the Commission's numerous decisions on procurement policies and transactions. It may appear that the Commission is asking for a large amount of information in Attachment A; however, since the "approved plans" are currently scattered in numerous plans, decisions, ALs – it is necessary for the plan components to be consolidated in one place. As comfort to those concerned that the large amount of information will invite extraneous litigation, we make clear here that the goal of the LTPP review will be focused on those areas that are new in terms of: (a) additional detail that can now be provided to the LTPP based on experience to make it more comprehensive and meaningful; and (b) updates to the LTPP reflecting Commission decisions.

**2. IOUs will Integrate EAP II Goals and Specific Procurement Targets from Other Proceedings into 2006 Long-Term Procurement Plans**

One of the primary goals of this rulemaking is to serve as the Commission's forum to integrate all procurement policies and related programs and serve as the check-in point on the EAP loading order. The focus of the Commission's review of the LTPPs is to ensure that the near-term policies and practices of IOU procurement can be made consistent with a set of Commission approved upfront standards and to ensure that the long-term resource plans demonstrate the appropriate portfolio management approaches. The Commission will examine the LTPPs to verify that the IOUs are taking appropriate steps to procure resources that prioritize the loading order from the

EAP II; are consistent with the state's energy policy; maximize preferred resources, while also optimizing least cost/best fit and maintaining reliability. The Commission will not approve plans that lack realistic and implementable provisions for meeting the EAP II targets.

This rulemaking will continue to serve as an umbrella proceeding to handle the procurement policy issues that do not warrant a separate rulemaking, as well as to integrate all of the Commission's procurement policy and program efforts ongoing in the other related dockets.

Among other things, the 2006 LTPPs will include expectations of the supply of various procurement resources, including EE, DR, renewables, DG and non-renewable generation over the *long-term* time horizon, in particular for the period of 2007 to 2016. Some of the other procurement dockets have established targets, goals, and policies that affect the supply of certain procurement resources in the short or longer terms. The utility must demonstrate that it has in place a ten-year resource plan designed to exist within any and all policy constraints and that will enable the IOU to adequately meet its bundled customer load needs.

Therefore, the 2006 LTPPs will need to reflect all of the procurement-related decisions made by the Commission to date in all other procurement-related dockets. For example, the 2006 LTPPs will incorporate the Commission's adopted DR programs with their corresponding expected energy procurement goals. For the portion of the planning period where no procurement goals have been adopted, the 2006 LTPPs will reflect the Commission adopted EAP II loading order.

This proceeding will not be a place to relitigate the targets already established elsewhere. Instead, any problems concerning goals or targets

established in other Commission proceedings will be addressed and resolved in the appropriate proceeding—not in this proceeding.

In this proceeding, the Commission will look at all the planning targets together – and the resulting approved LTPPs will include a comprehensive resource plan that can guide future cycles of procurement planning in the other procurement-related proceedings until the 2008 LTPPs. In 2008, the IOUs will again file LTPPs, and those plans will then incorporate the near-term progress and targets of the other procurement related proceedings – thus allowing the Commission an opportunity to evaluate the progress made since approving the 2006 plans and making any LTPP course corrections.

The 2006 LTPPs will identify the key planning decisions that the utilities need to make in the next few years in order to ensure the Commission’s energy policy objectives are maintained and pursued in the future, including moving on a path to achieve the EAP II goal of 33% renewables by 2020. For example, this proceeding may adopt need determinations with respect to new fossil resources, and those need determinations will be informed by reasonable expectations of all other procurement supply resources.

While the Commission will adopt final goals for many of the supply resources in the appropriate proceeding, it will adopt in this proceeding each IOU’s plan for an entire portfolio of procurement resources. The plans shall be feasible, consistent with other Commission decisions and appropriate in terms of resource planning uncertainties. In subsequent proceedings, the Commission will adopt more detailed goals related to RPS, DR, EE and DG, etc.

Once the 2006 LTPPs are approved by the Commission, they may serve as the basis for consideration of specific procurement goals in the other procurement-related dockets.

**3. IOU 2006 Long-Term Procurement Plans Will Detail Procurement Practices and Procedures**

Each IOU's 2006 LTPP must include details of the practices and procedures that the IOUs will take in order to implement procurement from 2007-2016. This goal is intended to ensure that the plans contain sufficient details that comprise "upfront achievable standards and criteria by which the acceptability and eligibility for rate recovery of a proposed procurement transaction will be known." (Pub. Util. Code § 454.4(b)(7)) These details are described in the LTPP outline in Attachment A. The plan shall include the electric and gas products that will be transacted to meet the needs of its customers and the policies and procedures the IOU will employ for procuring various types of products. The 2006 Long-Term Procurement Plans must meet these objectives in order to fulfill Code § 454.5(d)(2) which requires the Plans be sufficient in detail so as to eliminate the need for "after-the-fact reasonableness reviews" for specific transactions. Therefore, the Commission must have a detailed plan against which to check for compliance, and to ensure rate recovery.

**4. IOU 2006 Long-Term Procurement Plans Will Include a Ten-year Resource Plan, Including a Resource Supply Portfolio Consistent with the EAP, Especially the EAP Loading Order**

Each IOU is required to include a ten-year resource plan that details its expected portfolio of resources over the planning horizon of 2007-2016. The purpose of this goal is two-fold: (1) it will show one integrated procurement plan that identifies the demand forecast and the entire portfolio of supply and demand-side resources; and (2) it will allow the Commission to comprehensively consider all procurement supply options and resource alternatives on an

integrated basis. This will allow the Commission to take the necessary steps in the next few years to ensure that the supply options will be available as needed according to the timelines demonstrated by the plan. The Plan must demonstrate compliance with the EAP II, especially the loading order.

As mentioned earlier, the ten-year resource plan will consist of forecasts for energy (GWh) and capacity (MW) demand and supply. The resource supply plan will contain both resources already under contract (e.g., a contract for a renewable energy power plant construction) and/or identified, as well as expected and/or planned resources (e.g., an expectation of a future contract to construct a renewable energy power plant). When the supply plans indicate that a future new resource will be needed, the corresponding section of the plan that identifies strategy by resource type will indicate the timing and parameters of the expected request for proposal (RFO) or other means of procurement.

The ten-year resource plans will be reviewed in the context of existing procurement goals and policies, including the Commission's existing policy targets and constraints. In the case of existing procurement goals (e.g., for RPS, EE), the plans will be checked to ensure progress in achieving the goals. The resource plans will include information about the extent to which the IOUs will exceed the existing legislative mandate of 20% renewables by 2010 and work towards the EAP policy goal of 33% by 2020. To the extent that goals are not yet specified, the plans will be checked for consistency with the resource acquisition principles enunciated in the EAP loading order.

Additionally, the ten-year resource plans will take into consideration the resource planning trade-offs between various supply resources, keeping in mind both the EAP loading order as well as the Commission's objective of least cost/best fit criteria. Up until this point, the Commission has essentially sought

to maximize preferred resources in the loading order. The ten-year resource plans are not intended to simply maximize any one resource, but will take into consideration utility planning trade-offs between various resource types, as well as tradeoffs between transmission and generation.

**5. IOU 2006 LTPPs will Identify Need for New Resources and Describe How They will be Procured**

In addition to reviewing the contractual procurement need and each IOU's progress on filling its contractual need, it is expected that the 2006 LTPPs will identify the need for new resources, including the need for long-term contracts for new resources and/or existing resources.<sup>16</sup> This goal is intended to allow the Commission to establish a need determination for new resource commitments, including the timeframe and details of the need for the new resources. Following the Commission's establishment of this need determination, the IOUs will be expected to enter into commitments and contracts for the development of new energy supply resources and/or the contracting for existing resources on a long-term basis. The Commission will then establish two need determinations for each IOU - one on a bundled customer need basis and one on a system need basis (including bundled customers). As noted in the attached outline, the IOUs will file both a resource plan that documents the need for new resources - as well as file a procurement strategy per resource type that specifically details how the IOU will acquire the expected resources in the expected time frame. It is not sufficient for the 2006 LTPPs to assume that the resource will "show up" in the

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<sup>16</sup> Review of the progress on contractual need will be based on the data provided in the IEPR Transmittal Report.

market; the procurement strategy per resource part of the plan will include particulars detailing how the IOU will procure the needed resources.

**a. Establishing the Specifics of Any Need Determination**

The Commission will establish a new resource need determination that includes at a minimum: the range of need (e.g., 500-700 MW of new resources), the time frame of the need (e.g., 2010-2012), the location of the need (e.g., x% should be targeted within local areas), the type of resource needed (blackstart, quickstart, VAR support capacity, wind integration, baseload/shaping/peaking), and the timeframe of the IOU long-term RFO for new resources.

**b. Establish the Need Determination on a System Need and Bundled Customer Basis**

The Commission determined in D.06-07-029 that each IOU would be the responsible entity for the procurement of new generation within its distribution territory, with the costs and benefits associated with development of these new resources allocated to benefiting customers. Starting on p. 34, the decision discussed the "Future Extension of [Cost Allocation] Mechanism" and indicated that Phase 2 of this rulemaking would need "both to examine bundled customer need, as a repeat to the 2004 LTPP, and also to look carefully at the bundled customer need in the context of regional system need." The Commission said that it might be necessary to authorize a continuation of the transitional mechanism to cover the next round of contracts. (*Ibid.*)

- D.06-07-029 FOF 25 stated that "We will review in Phase[2] of this proceeding the need for new system resources in each IOU's territory, as well as to examine each IOU's bundled customer need."

- In addition, D.06-07-029 FOF 29 stated that "New need determination numbers will be established following the development of a record in Phase II of this proceeding"
- D.06-07-029 OP 10 stated, "This cost-allocation mechanism will stay in place until it is replaced by subsequent Commission directives."

Therefore, it is an important goal for Phase 2 of this Rulemaking to examine both bundled customer need (as an update to the 2004 LTPP and a continuation of established procurement planning) and also system need in the context of new generation resources. Through this study it may be determined that each IOU will need to add additional new resources in order to benefit the entire system. If so, the scope of this Phase of the proceeding will consider whether the transitional policies adopted in D.06-07-029 should be extended to these additional MWs of new generation.

The IOUs are asked to be as specific as possible with their respective need numbers, modeling the type of information President Peevey relied on inputting forth the August 15, 2006 ACR, issued in the RA OIR, R. 05-12-013 and this OIR, R.06-02-013. Specifically, the ACR attached the letter from Yakout Mansour, President and Chief Executive Officer of the CAISO to President Peevey in which Mr. Mansour requested quick-start units. In presenting their need determination figures for new system resources, the IOUs should provide information about the need for local capacity resources, black start resources, quick start resources, wind integration, and VAR support capacity. The more information the IOUs can provide (and the CEC and the CAISO can address in their testimony) to demonstrate the need determination, the better able the Commission will be to insure that the CAISO has sufficient resources for system reliability.

**6. IOU 2006 Long-Term Procurement Plans will Include Greenhouse Gas Forecasts for its Ten-year Resource Plan and a Discussion of Compliance with the Commission's GHG Policies.**

Another key goal of this proceeding is for the IOUs to demonstrate compliance with the Commission's policies related to GHGs. Although the GHG policies are under development, it is nonetheless useful to consider the GHG impacts and GHG emission requirements in the LTPP resource plans. The attached outline directs the IOUs to include GHG forecasts as part of their ten-year resource plans. Each IOU should indicate which methodology and assumptions it is using in making its GHG calculations, and should ensure that its LTPP comports with the direction given in AB 32 and SB 1368, if signed into law. This objective is consistent with the Commission's adopted policy on greenhouse gases, and it may serve as the basis for information in R.06-04-009.

**7. IOU 2006 Long-Term Procurement Plans will Include Cost Estimate Forecasts for its Ten-year Resource Plan.**

A goal of this proceeding is to review the cost implications of the LTPPs. The procurement costs will flow through to the ERRRA proceedings. In the attached outline, we direct the IOUs to include procurement cost forecasts as part of their ten-year resource plans. The cost forecast should include a 2% inflation factor. Inclusion of the cost estimates will allow the Commission to reasonably evaluate the proposed resource portfolio in the context of least cost/best fit criteria and resource supply planning trade-offs.

**8. IOUs Will Review Selected Procurement Policies, as Identified in the List Below.**

Another key goal of this proceeding is to review selected procurement policies of the IOUs for consideration of policy refinements. If the Commission

makes findings that prompt changes in procurement practices, the IOUs may have to amend their 2006 LTPPs to comport with the new Commission directives.

Numerous parties have commented that the procurement practices of the IOUs to date have not promoted all-source solicitations and have not insured an even playing field for utility and non-utility electric resources to compete.

D.04-12-048 called for open, transparent, competitive procurements. Many non-utility competitors urge the Commission to re-visit the procurement policies, and issue more specific directives that will ensure more open competition. As noted in Attachment A, each IOU is to include as details in Volume 1 of its 2006 LTPP how it has, and will, conduct its RFOs, including its procedures, evaluation mechanisms and contracts.

In addition, Attachment A sets forth the following selected topics, with related policy questions, to be addressed by the IOUs in Volume 2:

**I. Introduction**

**II. Procurement Practices**

- A. Competitive Procurement RFOs
- B. Credit and Collateral
- C. Independent Evaluator
- D. AB 1576<sup>17</sup>

**III. Risk Management**

- A. TeVaR
- B. Gas Hedging

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<sup>17</sup> Codified in Pub. Util. Code § 454.6, "Repowering." Parties are invited to present proposals on how to implement the repowering requirement through the procurement procedures.

**E. Response to the Reports of PG&E and SDG&E on the Need for New Resources in 2007**

On August 30, 2006, PG&E and SDG&E filed responses to the Assigned Commissioner's August 15, 2006 *Assigned Commissioner Ruling Addressing Electric Reliability needs in Southern California for Summer 2007*. In their reports, PG&E and SDG&E expressed an interest in building new 2007 online date peaking resources outside of the standard LTPP process. This ruling directs PG&E and SDG&E to include the justification for new peaking resources in their LTPPs and the Commission will review this request in the context of each utility's LTPP. PG&E and SDG&E's request for approval of the peaking resources outside of the LTPP process is rejected.

In their reports, PG&E and SDG&E provided information concerning prospective new air conditioning (A/C) cycling programs, and that issue is still under consideration.

PG&E and SDG&E are directed to include the need for long-term resources in their 2006 LTPP filings to be made in mid-November. PG&E used a 1:20 forecast to predict that NP26 might need resources in 2007. The Commission has not previously authorized PG&E to procure to a 1:20 forecast. As noted above, one of the goals of this proceeding is to make new need determinations, on both a bundled customer and system need basis. In the meantime, SDG&E and PG&E will continue to meet their resource adequacy requirements for their bundled customers, as previously ordered by this Commission.

Furthermore, all three IOUs are allowed to launch or continue competitive long-term RFOs in advance of the Commission's adoption of a need determination for new resources as part of this proceeding, and PG&E and SDG&E should do so if they believe they have a need for new resources in an

accelerated time frame. As noted in Attachment A, the LTPP filings should indicate the timing and scope for RFOs. The IOUs should indicate the time by which the IOUs need the Commission's adoption of a need determination in order to sign contracts as a result of such RFOs. Given the extraordinary lead time required to run a solicitation, there is no reason for the IOUs to wait on the Commission's final order in this proceeding to launch a RFO.

SCE has an ongoing long-term RFO, and its 2006 LTPP filing, it should include whether it needs a revised need determination to authorize the accommodation of additional MWs in its existing solicitation and/or future solicitations.

The IOUs may not be able to complete its RFOs by signing contracts prior to the adoption of a need determination in this proceeding, but they can commence RFOs, if necessary, in order to ensure they will meet their customer needs in a timely manner.

## **F. Confidentiality and Filings**

Parties should refer to D.06-06-066 in terms of the filing of confidential procurement information. A ruling in the confidentiality proceeding was issued on August 22, 2006, and parties should also refer to that ruling in preparing their filings.<sup>18</sup>

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<sup>18</sup> ALJ Ruling in Confidentiality Proceeding issued on August 22, 2006, available at <http://www.cpuc.ca.gov/EFILING/RULINGS/59056.htm>.

## **G. Workshops**

### **1. Energy Auction Proposals**

The Energy Division will host a workshop on November 1, 2006, for discussion of the energy auction proposals submitted by the IOUs on October 20, 2006.

### **2. 2006 Procurement Filings**

#### **a. Pre-Hearing Conference/Energy Division Workshop Hosted Before the LTPP Filings are Made**

On October 12, 2006, at 10:00 a.m. the ALJ will host a Pre-Hearing Conference, followed by an Energy Division Workshop at the CPUC for parties to ask questions about the LTPP Scoping Memo. The Energy Division will introduce Attachment A, the outline of the LTPP filings. The IOUs can ask clarifying questions about the plan outline, and each IOU is expected to make preliminary presentations about their 2006 LTPPs during the workshop on October 12. Other parties can make suggestions to IOUs for the types of details they expect to see in each section of the plan

#### **b. Workshops on LTPPs Hosted by Each IOU After Plan Filings are Made**

Each IOU is requested to host a workshop at the Commission to introduce parties to their 2006 LTPPs, as well as answer questions about the LTPPs, no later than December 8, 2006.<sup>19</sup> The IOUs should be available to answer detailed questions about the plan filing. We expect that these workshops will

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<sup>19</sup> The IOUs are requested to contact Energy Division's procurement staff to arrange for meeting space at the CPUC.

both minimize as well as focus the data requests of intervenors on the plans. The Energy Division's procurement staff will publicly notice these workshops on the Commission's Daily Calendar and provide at least 10 days notice to parties via the service list. Each IOU is encouraged, but not required, to hold workshops prior to filing its LTPP in an attempt to minimize subsequent litigation and requests for changes.

**c. Additional Workshops or Other Procedural Mechanisms**

As a result of the 2006 LTPP filings and subsequent intervenor testimony, there may be a need for additional workshops on specific policy topics. Parties are encouraged to suggest workshop topics or host all-party meetings with the goal of reducing the amount of hearing time required to litigate any aspect of the 2006 Long-Term Procurement Plan filings.

After the intervenor testimony is received, the ALJ may issue a ruling that narrows the issues available for hearing and places other issues on separate schedules for workshops, briefings, or meet and confer sessions.

**H. Proceeding Schedule**

This OIR was initiated in February 2006 and a decision in Phase 1 issued July 20, 2006. Phase 2, however, involves consideration of the LTPPs of the three IOUs, covering 2007 through 2016, that integrate and implement directives and procurement targets from the EAP II, statutes and multiple Commission decisions. In light of the magnitude of the scope and breadth of the issues to be covered in this phase of the proceeding, I anticipate that this proceeding will remain open beyond the 18 month period specified in Pub. Util. Code § 1701.5. A final determination on the date by which all issues in this proceeding can be resolved will be made in a subsequent ruling.



**TRACK 1: Energy Auction Proposals**

<b>Key Milestone</b>	<b>Date</b>
Meet and Confer on Energy Auction implementation proposals prior to filing plans	10/20/06
IOUs file Energy Auction Proposals	10/20/06
Energy Division Workshop on Energy Auction implementation proposals	11/1/06
Post-workshop Comments	11/30/06
Decision	TBD

**TRACK 2: Long-Term Procurement Plans**

<b>Key Milestone</b>	<b>Date</b>
Pre-Hearing Conference/Energy Division Workshop	10/12/06, 10:00 a.m.
Procurement plans and supporting testimony filed by IOUs	11/20/06
IOUs host public workshops to present plans	TBD; After 11/20/06 but no later than 12/8/06
Intervenor testimony <sup>20</sup>	1/17/07
ALJ ruling on issues that are out of scope, and/or require non-hearing procedural mechanisms	Late January 2007
Rebuttal testimony	2/15/07
PHC Re: Need/schedule evidentiary hearings, and/or further rulings on issues that require non-hearing procedural mechanisms	2/28/07

**Schedule for Other Issues in Scope****50/50 Cost Savings Allocation**

SCE files Settlement/Notice of non-settlement	1/18/07
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<sup>20</sup> Intervenors are to meet-and-confer on an outline to use for the preparation of intervenor testimony. Parties may add to the outline to include topics that might not be of general interest to all intervenors, but a general outline should be used to organize the testimony that responds to the IOUs' testimony--including agreeing on whether Intervenor testimony should be organized by individual IOU, or by topic with a section for each IOU.

### **I. Category of Proceeding**

The OIR made a preliminary determination that this proceeding should be categorized as ratesetting on the grounds that consideration and approval of the refinements to and further development of procurement policies will impact respondent IOUs' rates. Accordingly, this ruling determines that the proceeding is ratesetting. The final determination is subject to appeal as specified in Rule 7.6 of the Commission's Rules of Practice and Procedure (Rules).

### **J. Need for Evidentiary Hearings (EH)**

The OIR specified that the Commission anticipated that the issues related to the IOUs' LTPPs and related policy questions may be resolved through a combination of workshops and formal comments, as well as evidentiary hearings (EH). This scoping memo and ACR established dates for workshops, service of comments and the submission of testimony. A Prehearing Conference is scheduled for February 28, 2007, to determine if EHs are necessary, and if so, the assigned Administrative Law Judge or I will issue a ruling setting the EH schedule.

### **K. Final Oral Argument**

Pursuant to Pub. Util. Code § 1701.3(d) and Rule 13.13(b), in the event EHs are held in Phase 2 of this proceeding, any party requesting final oral argument (FOA) before the Commission must make their request in a motion no later than the last date comments are due to be filed and served on a draft decision. The motion shall state the request, the subject(s) to be addressed, the amount of time requested, recommended procedure and order of presentations, and anything else relevant to the motion. The motion shall be filed and served and shall contain all the information necessary for the Commission to make an informed

ruling on the motion, providing for an efficient, fair, equitable and reasonable FOA. A response to the motion may be filed within two days of the date of the motion. If a final determination is subsequently made that no hearing is required, Rule 13.13(b) shall cease to apply, along with a party's right to make a FOA.

**L. *Ex Parte* Communications**

This ratesetting proceeding is subject to Pub. Util. Code § 1701.3(c), which prohibits *ex parte* communications unless certain requirements are met (see also Rule 8.2 (c)). Parties are advised to follow the Code and the Rules in requesting, noticing, conducting and reporting any *ex parte* communications.

**M. Presiding Officer**

ALJ Carol Brown is the presiding officer in this proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is set forth in the foregoing discussion, including Attachment A.
2. The timetable for this proceeding is set forth in this ruling, subject to any revisions made by the assigned ALJ or Commissioner deemed necessary to facilitate the fair and efficient management of the proceeding.
3. This proceeding is categorized as ratesetting and evidentiary hearings may be necessary as set forth in the foregoing discussion. The ruling on category may be appealed, as provided in Rule 7.6.
4. The applicable *ex parte* rules for ratesetting matters are set forth in Pub. Util. Code Section 1701.3(c) and Rule 8.2(c).
5. Administrative Law Judge Carol Brown is the presiding officer in this proceeding.

6. With respect to issues addressed in evidentiary hearings, any party requesting final oral argument before the Commission shall make such request in a motion no later than the last date comments are due on a proposed decision.

7. ESPs are not required to file LTPPs at this time, but ESPs should continue to give their procurement data to the CEC on a forecast basis as part of the CEC's IEPR proceeding.

Dated September 25, 2006, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey  
Assigned Commissioner

/s/ CAROL A. BROWN

Carol A. Brown  
Administrative Law Judge

**INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated September 25, 2006, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
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