



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

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2-22-16
04:59 PM

Order Instituting Rulemaking to Continue
Implementation and Administration of California
Renewables Portfolio Standard Program.

Rulemaking 11-05-005
(Filed May 5, 2011)

**SIERRA CLUB RESPONSE TO PG&E PETITION TO MODIFY
DECISION 14-11-042 REGARDING 2016 AND 2017 SOLICITATIONS**

Alison Seel
Sierra Club
85 Second St., 2nd Floor
San Francisco, CA 94105
Telephone: (415) 977-5737
Email: alison.seel@sierraclub.org

Attorney for Sierra Club

Dated February 22, 2016

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Sierra Club respectfully submits the following response to PG&E’s January 22, 2016 *Petition to Modify Decision 14-11-042 Regarding 2016 and 2017 Solicitations*. This response is timely submitted pursuant to Rule 16.4(f) of the Commission’s Rules of Practice and Procedure.

PG&E’s Petition for Modification (“PFM”) is based on a fundamentally flawed misreading of the 2015 RPS Procurement Plan in Decision (“D.”) 15-12-025 and must be rejected. In its PFM, PG&E asserts it should be relieved of its obligation to procure approximately 125 megawatts of solar power in 2016 and 2017 through Renewable Auction Mechanism (“RAM”) solicitations because in D.15-12-025, the Commission found that PG&E’s current RPS portfolio was satisfactory, and that the utility did not have to conduct a 2016 RPS solicitation.¹ However, D. 15-12-025’s holding on the sufficiency of PG&E’s RPS position was based on the assumption that the full 200 megawatts would be procured through the RAM as planned. Part of PG&E’s 2015 RPS Procurement Plan was modelling on forecast renewables procurement, in which PG&E “assumed that the Renewable Auction Mechanism accommodates the remaining 200 MW of PG&E’s PV Program volumes.”² Accordingly, when the Commission excused PG&E from its 2016 RPS solicitation, it noted that “PG&E will continue to procure RPS-eligible resources in 2016 through other Commission-mandated programs, such as the

¹ PG&E Petition to Modify Decision, pp. 4, fn. 11; D. 15-12-025, p. 24. This procurement was originally mandated by D. 14-11-042, which transferred approximately 200 megawatts from PG&E’s PV Program, which was closing, to the RAM. PG&E planned to procure the total capacity through three solicitations: 105 megawatts in 2015, and the remaining 105 megawatts divided between the 2016 and 2017. PG&E completed the 2015 RAM 6 solicitation, but only requested approval for 73.5 megawatts instead of the full authorization. *Id.*

² Appendix G to PG&E’s August 4 Draft Renewable Energy Procurement Plan (“Other Modelling Assumptions Informing Quantitative Calculation”), p. 5 (R. 15-02-020, August 4, 2015).

ReMAT and RAM programs.”³ Contrary to the PFM, D.15-12-025 requires continued RAM procurement.

A petition for modification is warranted “if there are new facts or circumstances which create a strong expectation that we [the Commission] would have made a different decision.”⁴ Here, no such new facts or circumstances exist. D. 15-12-025 held that PG&E’s planned amount of renewables procurement was sufficient; it did not hold, as PG&E asserts, that PG&E could reduce its planned renewables procurement. Ironically, if the Commission grants PG&E’s PFM and the utility does not go through with the full RAM procurement modelled in its RPS Procurement Plan, this unexpected decrease in renewables procurement would arguably create the new facts or circumstances triggering the need to reconsider D. 15-12-025.

Denying PG&E’s petition is also consistent with the Commission’s interest in promoting consistency and certainty in renewables procurement processes. Many potential bidders will have already begun the resource-intensive process of preparing the system impact and interconnection studies PG&E requires for the 2016 and 2017 RAM solicitations. Indeed, given the clear holding in D.15-12-025 that RAM procurement would continue, this continued market investment would have been entirely reasonable. Sierra Club supports the comments filed today by Clean Coalition in this regard.

For the reasons set forth above, Sierra Club respectfully requests the Commission deny PG&E’s request to modify the decision and leave the previously mandated solar procurement undisturbed.

Dated February 22, 2016

Respectfully,

/s/ ALISON SEEL _____

Alison Seel
Sierra Club
85 2nd St., Second Floor
San Francisco, CA 94103
Phone: (415) 977-5737
E-mail: alison.seel@sierraclub.org

³ D. 15-12-025, p. 24.

⁴ D. 95-05-013, p. 9 (citing D. 97-04-049).

VERIFICATION

I, Alison Seel, am a representative of Sierra Club and am authorized to make this verification on the organization's behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Executed on February 26, 2016 at San Francisco, California.

/s/ Alison Seel

Alison Seel
Sierra Club
85 2nd St., Second Floor
San Francisco, CA 94103
Phone: (415) 977-5737
E-mail: alison.seel@sierraclub.org