

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



FILED

6-01-16
04:59 PM

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

Rulemaking 08-08-009
(Filed August 21, 2008)

MARIN CLEAN ENERGY NOTICE OF EX PARTE COMMUNICATION

Catalina Murphy
Legal Assistant
MARIN CLEAN ENERGY
1125 Tamalpais Avenue
San Rafael, CA 94901
Telephone: (415) 464-6014
Facsimile: (415) 459-8095
E-Mail: cmurphy@mceCleanEnergy.org

June 1, 2016

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

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

Rulemaking 08-08-009
(Filed August 21, 2008)

MARIN CLEAN ENERGY NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.4 of the Commission’s Rules of Practice and Procedure, Marin Clean Energy (“MCE”) hereby gives notice of the following written *ex parte* communication. The communication was initiated by MCE and occurred in-person on June 1, 2016 at 1:30 PM at the California Public Utilities Commission (“CPUC”) offices in San Francisco, California and lasted approximately 30 minutes. The meeting was between Jeremy Waen, MCE Senior Regulatory Analyst, and Ehren Seybert, Advisor to Commissioner Peterman. An informational handout was used during this meeting and is included as Attachment A.

In the meeting, Mr. Waen encouraged the Commission to deny the Petitions for Modifications of D.10-12-048 because BioRAM procurement is renewable and therefore solely eligible for Power Charge Indifference Adjustment (PCIA) cost recovery. BioRAM procurement, like all other renewable procurement, is not eligible for Cost Allocation Mechanism (CAM) treatment. Mr. Waen suggested that if BioRAM procurement costs are shared with CCAs, then the IOUs should retain BioRAM-related RPS and capacity benefits and costs. Mr. Waen also suggested that if these costs were shared with CCAs, then the duration of the cost sharing should be limited to the duration of the declared state of emergency.

Respectfully submitted,

/s/ Catalina Murphy

Catalina Murphy
Legal Assistant
MARIN CLEAN ENERGY
1125 Tamalpais Avenue
San Rafael, CA 94901
Telephone: (415) 464-6014
Facsimile: (415) 459-8095
E-Mail: cmurphy@mceCleanEnergy.org

June 1, 2016

ATTACHMENT A



BioRAM

Issues within the R.08-08-009 Proceeding

The Petitions to Modify D.10-12-048 Should Be Denied:

BioRAM Procurement is Solely Eligible for PCIA Cost Recovery

- Commission practice and precedent is that RPS resources costs are recovered through the Power Charge Indifference Adjustment (PCIA)
- PCIA cost recovery protects IOU bundled customers from stranded above-market costs due to electricity resource procurement committed to prior to load departing from bundled service to participate in CCA or ESP service.
- D.14-02-040 states "IOUs, ESPs and CCAs each meet their own individual RPS procurement requirements, and the costs of those contracts are not currently subject to CAM treatment."

BioRAM Procurement is Not Eligible for CAM Treatment

- Procurement is a result of Governor Brown's proclamation responding to drought and tree die-off rates
- CAM requires a "local or system area reliability need"

If BioRAM Procurement Costs Are Shared With CCAs, Then:

The IOUs Should Retain BioRAM-Related RPS and Capacity Benefits and Costs

- Each LSE has to meet their own RPS and RA mandates
- Statute specifically directs the Commission to maximize the abilities of CCAs to procure on the behalf of their customers. (P.U. Code Section 380(b)(4))
- And CCAs shall be solely responsible for all generation procurement activities on behalf of the community choice aggregator's customers, except where other generation procurement arrangements are expressly authorized by statute. (P.U. Code Section 366.2(a)(5))

The Duration of Cost Sharing due to BioRAM Procurement Should be Limited to the Duration of the Declared State of Emergency

- The creating of BioRAM is due to exceptional circumstances leading to a Proclamation of State of Emergency, which is temporary
- Any exceptional treatment of BioRAM procurement costs should be similarly temporary