

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED
8-12-16
04:59 PM

Application of Southern California Edison
Company (U 338-E) for Approval of the
Results of Its 2015 Preferred Resources Pilot
Request for Offers

Application 15-12-013
(Filed December 15, 2015)

**OFFICE OF RATEPAYER ADVOCATES'
NOTICE OF EX PARTE COMMUNICATION
(PUBLIC VERSION)**

Pursuant to Rule 8.4 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, the Office of Ratepayer Advocates (ORA) respectfully submits the following notice of ex parte communication in the above-referenced docket.

On July 26, 2016 Administrative Law Judge (ALJ) Fitch issued a [Proposed] Decision Approving the Application of Southern California Edison Company for Two Solar Photovoltaic Projects (Proposed Decision).

On August 9, 2016 at 3:15 p.m., representatives from ORA met with Sean Simon, Advisor to Commissioner Randolph in person at the Commission's offices in San Francisco. Karin Hieta, Program and Project Supervisor and Christopher Myers, Public Utilities Regulatory Analyst attended on behalf of ORA. The meeting was initiated by ORA and lasted approximately thirty minutes.

At the meeting, ORA discussed SCE's Application (A.) 15-12-013, Application for approval of the Results of Its 2015 Preferred Resources Pilot Request for Offers (Application or PRP DG RFO). SCE's Application requests approval of two Power Purchase Agreements (PPAs) with SunEdison for in front of the meter (IFOM) solar photovoltaic (PV) projects totaling 2.167 megawatts (MW). The two executed PPAs are

the result of two offers made by SunEdison in SCE's PRP DG RFO. ORA discussed its concerns with the Application and the PD, and recommended that the Commission deny the PPAs because they are not competitively priced, and are not needed.

ORA stated that SCE's PRP program is, pursuant to the Scoping Memo and SCE's own request, outside the scope of this proceeding and that the PD inappropriately relies upon the PRP program as a reasonable justification for approval of the two SunEdison contracts at issue in SCE's Application. ORA noted that the Scoping Memo requires the PPAs to be reviewed under Renewables Portfolio Standard (RPS) criteria and, consistent with the Scoping Memo's clear direction, ORA analyzed the reasonableness of terms and prices of the SunEdison contracts, the RPS need for the contracts, and the reasonableness of SCE's conduct with respect to the PRP DG RFO. ORA emphasized that SCE failed to meet its burden to demonstrate reasonableness on these scoped issues and that the PD errs in stating that the PPAs serve RPS goals. ORA noted that the PD sets a bad precedent by approving two expensive solar projects intended for a PRP program that has not been examined by the Commission.

ORA noted that the SunEdison PPA prices are more expensive than similar-sized RPS contracts procured through various RPS programs. The SunEdison PPAs are comparable to offers received in SCE's Solar Photovoltaic Program (SPVP), which is located in the same general geographic location and sought procurement of similar resources. ORA pointed out that the Commission recently granted SCE's request to terminate its SPVP program due to high costs for SPVP projects. Finally, ORA noted that the SunEdison PPAs are not needed for SCE to meet its RPS requirements.

ORA provided a handout at the meeting, which is attached to this filing. The handout (confidential version) references material that SCE claims is confidential. SCE labeled such information and documents as confidential pursuant to Public Utilities Code

section 454.5(g), General Order 66-C, Decision 06-06-066, and several related Decisions.¹ Concurrent with this notice, ORA is filing the confidential version under seal in a separate motion.

Respectfully submitted,

/s/ MATT MILEY
MATT MILEY

Attorney for
Office of Ratepayer Advocates

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-3066
Email: matt.miley@cpuc.ca.gov

August 12, 2016

¹ See e.g., SCE-1C, Appendix I (Declaration of John Zoida Regarding the Confidentiality of Certain Data), p. I-1 (“In accordance with Decision (D.)91-05-007, D.06-06-066, which adopted the investor-owned utilities’ proposed Matrix (the IOU Matrix), D.08-04-023, issued in Rulemaking 05-06-040, D.11-07-028, General Order (GO) 96-B, GO 66-C, and California Public Utilities Code Section 454.5(g), which protects the confidentiality of market sensitive information, SCE requests confidential treatment of the redacted information in the testimony of Caroline McAndrews in support of the Application (SCE-1), and the confidential versions of the SCE-1’s supporting Appendices (Exhibit SCE-2), which includes the redacted version of the independent evaluator’s (IE’s) report.” [citations omitted]).