

NIL/gp2 7/17/2019



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07/17/19
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Review, Revise, and Consider
Alternatives to the Power Charge
Indifference Adjustment.

Rulemaking 17-06-026

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION FOR EVIDENTIARY HEARINGS**

This ruling denies the motion of the Protect Our Communities Foundation (POC), filed on June 14, 2019, requesting evidentiary hearings on Working Group One's benchmark proposal.

POC asserts that the working group process is insufficient to fulfill the commission's statutory mandates to protect the viability of community choice aggregation. POC claims that factual disputes exist between the co-leads of Working Group One, Pacific Gas and Electric Company (PG&E) and California Community Choice Association (CalCCA), that can only be resolved through evidentiary hearings. POC requests evidentiary hearings "to resolve issues surrounding the IOUs' [investor-owned utilities'] withholding of RA [resource adequacy] from the marketplace, the quantity of RA in the PCIA [Power Charge

Indifference Adjustment] true-up, and the value of RA in the PCIA true-up and forecast.”¹ POC claims that it “would present evidence that IOUs are unreasonably withholding RA from competing load serving entities, and present evidence supporting proposals to remedy that problem.”²

A joint response in opposition to the POC motion was filed on July 1, 2019, by PG&E, Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E), (collectively, Joint Utilities). The Joint Utilities support continuing with the existing schedule to resolve priority Working Group One issues as set forth in the February 1, 2019 Phase 2 Scoping Memo and Ruling of Assigned Commissioner, so that the Commission may adopt true-up and benchmark adjustment mechanisms before the end of 2019, in sufficient time to be incorporated in the Joint Utilities’ forthcoming November Updates to their pending 2020 Energy Resource Recovery Account (ERRA) Forecast applications. In Joint Utilities’ view, because the co-leads of Working Group One developed a sufficient written record upon which the Commission can reasonably base its findings and conclusions, evidentiary hearings are not necessary to develop a decision on the highest priority true-up and benchmark adjustment mechanisms.

Discussion

POC’s motion for evidentiary hearings on Working Group One’s benchmark proposal is denied.

The issues related to the utilities’ RA contract sale practices and potential shareholder responsibility are outside the scope of Working Group One. These issues are more appropriately within the scope of Working Group Three. If the

¹ Motion at 5.

² Motion at 6.

Joint Utilities' sale practices and potential shareholder responsibility in the context of Working Group Three issues remain in dispute, the need for evidentiary hearings, as sought by POC, could then be taken up after other parties had the opportunity to present any alternative proposals for the same issue. Consequently, POC's motion for hearings is hereby denied.

IT IS RULED that the Protect Our Communities Foundation's motion for evidentiary hearings on Working Group One's benchmark proposal is hereby denied.

Dated July 17, 2019, at San Francisco, California.

/s/ NILGUN ATAMTURK

Nilgun Atamturk
Administrative Law Judge