BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

F I L E D
08-06-12
04:59 PM

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.	Rulemaking 12-03-014

COMMUNITY ENVIRONMENTAL COUNCIL AND CLEAN COALITION
REPLY TO SCE'S MOTION TO STRIKE TESTIMONY

TAM HUNT
Attorney for Community Env. Council
26 W. Anapamu St., 2nd Floor
Santa Barbara CA 93101
(805) 214-6150
tam@communityrenewables.biz

KENNETH SAHM WHITE
Policy Director
Clean Coalition
12 Palm Ct Road
Menlo Park
sahm@clean-coalition.org

August 6, 2012

COMMUNITY ENVIRONMENTAL COUNCIL AND CLEAN COALITION REPLY TO SCE'S MOTION TO STRIKE TESTIMONY

The Community Environmental Council ("Council") and the Clean Coalition submit this joint reply to *Motion of Southern California Edison Company (U 338-E) to Strike Portions of the Reply Testimony Submitted by the Community Environmental Council and Clean Coalition* ("Motion"), pursuant to Rule 11.1(e).

I. Discussion

a. Community Environmental Council reply

As the Council discussed in our reply testimony,[1] our testimony is within scope, responsive and relevant to this proceeding, and thus should not be stricken. As can be seen from SCE's numerous motions to strike filed in this proceeding, SCE seems to be pursuing an ultra-aggressive strategy in an attempt to unduly limit other parties' testimony. Beyond the issues that SCE's motions to strike raise with respect to each party's testimony, we urge the

---

[1] Council Reply Testimony, p. 12:

"A number of parties' opening testimony raised issues concerning California's official loading order, vis a vis LCR issues, and urged the Commission to respect the loading order. SCE is seeking authority to procure LCR through bilateral contracts and RFOs. We are proposing, in direct response[1] to SCE and other parties' opening testimony, an additional means of procuring LCR. As such, our proposal is fully within the scope of this proceeding. Moreover, the May 17 Scoping Memo states (p. 5) that the following issue is in scope for Track 1 of this proceeding:

> How resources aside from conventional generation, such as uncommitted energy efficiency, demand response, energy storage and distributed generation resources should be considered in determining future local reliability needs

The Council does not oppose SCE's request for bilateral and RFO authority, but we do urge the Commission to consider the ability of a Solar/ES LCR FIT to meet, at least in part, projected LCR in the LA Basin. If the parties' and the Commission's responses to our proposal are positive, we will be happy to provide far more detail about wise design principles for the Solar/ES LCR FIT."

Commission to rule against SCE's motions due to the chilling effect this ultra-aggressive behavior may have on parties wishing to take part in Commission proceedings.

On the merits with respect to the Council's reply testimony, SCE's motion has none. It is hard to see how a direct response to SCE's opening testimony, which was almost the entire focus of the Council's reply testimony, could be deemed unresponsive and out of scope. The Council's testimony primarily focused on an additional procurement mechanism to that proposed by SCE, and this testimony was the subject of SCE's Motion. SCE argues (Motion, p. 1) that our testimony on the proposed Solar and Energy Storage LCR feed-in tariff is: "(1) is beyond the scope of this proceeding; (2) is beyond the scope of Track I of this proceeding; and (3) inappropriately presents a new proposal and fails to respond to the parties' opening testimony."

The Council's testimony is: 1) clearly within the scope of this proceeding because it focuses on an additional procurement mechanism for preferred resources to meet Local Capacity Requirements (LCR); 2) clearly within the scope of Track 1 of this proceeding (see Footnote 1 above); clearly responds to SCE's opening testimony by offering an additional procurement mechanism to those identified in SCE's opening testimony.

The Council is not opposed to allowing SCE to submit a sur-rebuttal to our reply testimony, as we believe robust discussion of these issues is a net benefit to all parties.

b. Clean Coalition Reply

SCE's Motion makes the same arguments with respect to the Clean Coalition's reply testimony on a proposed Solar LCR FIT as those described above regarding the Council's reply testimony. SCE's Motion has even less merit with respect to the Clean Coalition's reply testimony, however, because the Clean Coalition couched our discussion of a Solar LCR FIT as a tentative suggestion. The Clean Coalition merely referenced a procurement option contained in a UCLA study of the practical and cost-effective capacity of a local renewable distributed generation resource. The clear thrust of the Clean Coalition's

testimony was toward identifying resources available to meet LCR, and we provided as evidence the recently announced LADWP procurement plan for these resources. Listing the results of a reputable study of resource potential and utility action to procure those resources to meet LCR simply cannot reasonably be construed as "out of scope" for this proceeding. Separately, in response to SCE's proposal for a specific procurement option, the Clean Coalition merely noted that at least one other procurement mechanism has been thoroughly reviewed and enacted in this region. It is thoroughly inappropriate for SCE to seek to strike a counterexample made in direct response to its own recommendation for a procurement mechanism ("While this is purely an example of a possible solution to these LCR needs...", p. 10).

The Clean Coalition also does not object to allowing SCE a sur-rebuttal to our proposal, as we believe robust discussion of these issues is a net benefit to all parties.

II. Conclusion

In sum, SCE's motion is over the top in its aggressiveness and unsupported arguments for striking the Council's and the Clean Coalition's reply testimony. We urge the Commission to deny the motion and admonish SCE for filing frivolous motions on important matters before the Commission. We do not object to allowing SCE to submit a sur-rebuttal.

August 6, 2012

Respectfully submitted,

By: The Community Environmental Council

Tam Hunt, Attorney

By: The Clean Coalition

_____/s/_____

Sahm White, Policy Director