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

**JOINT ASSIGNED COMMISSIONER'S AND ADMINISTRATIVE LAW  
JUDGE'S RULING SETTING WORKSHOP ON A UTILITY STANDARD FORM  
CONTRACT FOR THE SECTION 399.20 FEED-IN TARIFF PROGRAM**

Today's ruling directs Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) to jointly file on or before February 15, 2012 a single proposed standard form contract for purposes of the Feed-In Tariff program under Section 399.20 of the Public Utilities Code.<sup>1</sup> This ruling also sets a workshop for February 22, 2012. Additional details regarding the single standard form contract and the workshop are set forth below. In addition, we acknowledge that the Commission's consideration of a single standard form contract will extend the schedule for finalizing the Section 399.20 Feed-In Tariff Program. Therefore, in an effort to keep this delay to a minimum, we intend to issue two proposed decisions on this program. The first proposed decision will address price and other program details. This proposed decision will issue in the first quarter of 2012. The second

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<sup>1</sup> All subsequent code section references are to the Public Utilities Code unless otherwise indicated.

proposed decision will address the single standard form contract and will issue in the second quarter of 2012.

**1. Single Standard Form Contract for Section 399.20 Feed-In Tariff Program**

The utilities are directed to collaborate and jointly develop a single proposed standard form contract to apply to the Commission's Section 399.20 Feed-In Tariff Program. The utilities are directed to file this single proposed standard form contract for consideration by the Commission and the parties on or before February 15, 2012.

As a starting point for this collaborative effort, we direct the utilities to rely on PG&E's existing form contract for its Section 399.20 Feed-In Tariff Program for facilities 1.5 Megawatts (MW) in size or less. Parties have already filed comments on this contract in August and November 2011. Therefore, the utilities should take into consideration these comments when developing a proposed standard form contract. The utilities should create one single contract for all transactions with generation up to 3 MW in size but may differentiate certain contract terms and conditions, to the extent necessary, to reflect differences in between small and larger project sizes.

The utilities are further directed to collaborate and jointly develop a matrix identifying all changes to PG&E's existing contract for facilities that are 1.5 MW in size or less. This matrix shall be filed together with the proposed standard form contract on or before February 15, 2012. The matrix shall include, at a minimum, (1) page references to all changes, (2) rationale for changes, and (3) redline version noting the changes.

The utilities are further directed to collaborate and jointly develop a matrix identifying all contract sections where the three utilities were unable to reach

agreement as to the language of the contract terms. This matrix shall be filed together with the proposed standard form contract on or before February 15, 2012. The matrix shall include, at a minimum, (1) the language of the terms preferred by each utility, (2) the rationale supporting the preferred term, and (3) redline version noting the differences.

## **2. Workshop on Contract**

This ruling also sets a workshop for February 22, 2012. The workshop will be held in San Francisco at the Commission's headquarters at 505 Van Ness Avenue from 9 a.m. to 5 p.m.

The purpose of the workshop will be to discuss the proposed contract terms and any terms and conditions that the utilities failed to present a unanimous position.

Following the workshop, the utilities are directed to jointly file a revised proposed standard form contract on or before March 7, 2012.

Parties are then directed to meet on March 14, 2012. The purpose of this meeting is for the utilities to explain the revisions and for the parties to meet and confer on the topic of filing joint comments. The location of this meeting will be determined and noticed by the utilities. The utilities shall confer with the Administrative Law Judge on the location of the meeting, the date of this meeting and the proposed method of notifying parties of this meeting. The utilities shall provide notice of this meeting to the service list at least 10 days prior to the meeting date.

Parties are permitted to file comments on the proposed standard form contract (as revised post-workshop) on March 21, 2012. No reply comments will be permitted. Parties are encouraged to work together to file joint comments. Comments must include a matrix that effectively illustrates any recommended

revisions to the utilities’ proposal. Comments must also include a redlined version of any changes recommended to the utilities’ proposal and citations to the proposed contract. Any additional materials needed to effectively illustrate a party’s recommendations should also be included with the comments.

**3. Schedule**

**R.11-05-005 Section 399.20 FiT Program – Joint Standard Form Contract**

| Item  | Date  |
|---|---|
| Utilities jointly file proposed single standard form contract                         | February 15, 2012   |
| Workshop  | February 22, 2012<br>9:00 a.m. – 5:00 p.m.<br>Commission Courtyard Room<br>505 Van Ness Avenue,<br>San Francisco, California 94102<br>Conference line: 866-812-8481<br>Participant code: 4545236# |
| Utilities jointly file revised (post-workshop) proposed single standard form contract | March 7, 2012   |
| Utilities convene meeting with Parties  | March 14, 2012  |
| Parties file comments on revised proposed single standard form contract               | March 21, 2012  |

**4. Administrative Issues**

To assist with the efficient administration of the Section 399.20 portion of this proceeding and consistent with prior rulings, parties are request to:

- Designate the subject line of all emails as “R11-05-005 (RPS) Sec. 399.20 program (short reference to Attachment).”

- Identify the party name at the bottom of each page of all pleadings.
- Include a table of contents with all pleadings.
- No paper copies of documents or notices of availability will be provided to the service list if the party has an email contact on the service list. Instead, e-mail service will solely be provided. Please contact the Administrative Law Judge with concerns regarding this service policy.
- All copies of documents submitted to the Commission should be double-sided copies.

**IT IS RULED** that:

1. Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company shall jointly file on or before February 15, 2012 a single proposed standard form contract for purposes of the Feed-In Tariff Program under Section 399.20 of the Public Utilities Code.

2. A workshop will be held at the Commission's headquarters at 505 Van Ness Avenue from 9 a.m. to 5 p.m., on February 22, 2012.

3. Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company shall jointly file on or before March 7, 2012 a revised single proposed standard form contract for purposes of the Feed-in Tariff Program under Section 399.20 of the Public Utilities Code

4. Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company shall convene a meeting on March 14, 2012 and notice all parties at least 10 days prior.

5. Parties are permitted to file comments on the proposed standard form contract (as revised post workshop) on March 21, 2012. No reply comments will be permitted.

Dated January 10, 2012, at San Francisco, California.

          /s/ MARK J. FERRON            
Mark J. Ferron  
Assigned Commissioner

          /s/ REGINA DeANGELIS            
Regina DeAngelis  
Administrative Law Judge