PUBLIC UTILITIES COMMISSION
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September 5, 2017 Agenda ID #15973

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-347:

This is the draft Resolution of Administrative Law Judge (ALJ) Michelle Cooke regarding Adopting an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861. It will not appear on the Commission's agenda sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.

You may serve comments on the draft resolution. Opening comments shall be served no later than September 21, 2017, and reply comments shall be served no later than September 26, 2017. Service is required on all persons on the attached service lists. Comments shall be served consistent with the requirements of Pub. Util. Code § 311(g) and Rule 14.5 of the Rules of Practice and Procedure.

Finally, comments must be served electronically on ALJ Cooke at mlc@cpuc.ca.gov.

/s/ ANNE E. SIMON
Anne E. Simon
Acting Chief Administrative Law Judge

AES:jt2

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-347
Administrative Law Judge Division
[Date]

R E S O L U T I O N

RESOLUTION ALJ-347. Adopts an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861.

SUMMARY

This resolution adopts the Expedited Interconnection Dispute Resolution Process set forth in Exhibit A as authorized by Assembly Bill 2861.

BACKGROUND

Assembly Bill (AB) 2861 (Stats. 2016, Ch. 672), signed into law in September 2016, authorizes the California Public Utilities Commission (CPUC) to establish an expedited dispute resolution process that will issue binding determinations to electric distribution grid interconnection disputes based on the recommendations of a technical panel within 60 days of the Commission receiving the Application regarding a particular dispute. AB 2861 is intended to address the inadequacy of the existing interconnection dispute resolution process described in utility tariffs in Section K of Rule 21, which relies on protracted mediation and does not benefit from readily-leveraged technical expertise to review the engineering determinations and upgrade cost allocations that often lead to disputes.

Specifically, AB 2861 directs the CPUC to:

- Establish an eight-member technical advisory panel, consisting of four members from utilities and four non-utility members. Of the eight-member panel, four panel members will be assigned to review each dispute brought before the Commission and make a recommendation within 30 days to the Executive Director, who then will have 30 days to review the recommendation and prepare an Order resolving the dispute;
- Allow for any interested party to request a review of the Order within ten days, which would require a Resolution on the matter for a vote of the Commission; and

- Appoint a qualified electrical systems engineer with substantial interconnection expertise to advise the director of the Energy Division, and provide adequate staff to assist in resolving interconnection disputes.

On May 30, 2017, the CPUC's Energy Division issued its *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process*. Energy Division served its concept paper on the service list for Rulemaking (R.) 11-09-011 and sought comments from interested stakeholders about the process described therein. Comments were received on June 23, 2017 from California Solar Energy Industries Association, Office of Ratepayer Advocates, the Joint Investor-Owned Utilities, Clean Coalition, Interstate Renewable Energy Council, the Placer Air Pollution Control District, and California Energy Storage Alliance. Reply comments were received on June 30, 2017 from California Solar Energy Industries Association, Clean Coalition, and the Joint Investor-Owned Utilities.

Energy Division subsequently prepared a revised proposal, *Staff Proposal for an Expedited Interconnection Dispute Resolution Process*, which is attached as Exhibit A, and is the subject of this ALJ Resolution.

DISCUSSION

Because AB 2861 is fairly specific about how the expedited interconnection dispute resolution process is to be structured, the issues raised by stakeholders in response to the *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process* were narrow. Exhibit A, *Staff Proposal for an Expedited Interconnection Dispute Resolution Process*, describes how the CPUC intends to implement these requirements. Exhibit A uses as its starting point the *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process,* modified based on stakeholder input to Energy Division. The original *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process* is provided as Exhibit B for informational and comparison purposes. Changes were made to the May 30, 2017 proposal to:

- Add a requirement for informal dispute resolution prior to application;
- Clarify the scope of eligible disputes for the expedited process;
- Exempt applicants from progress payments during dispute review;
- Lengthen the timeframe for utilities to initially respond to disputes from three to five business days;
- Shortened the timeframe for parties to provide additional information to the dispute's review panel from five to three business days.
- Shortened the timeframe for submitting comments on the panel's recommendation from ten calendar days to five business days.
- Allow for Energy Division to conduct a non-binding public nomination process for non-utility technical panel members;

- Delete the section proposing specific revisions to Rule 21 to integrate the Expedited Process; utilities instead are directed to propose tariff revisions following approval of the ALJ Resolution; and
- Clarify the scope of the Rule 21 Working Group.

In order to implement the expedited interconnection dispute resolution process we adopt today, changes to each utility's Tariff Rule 21 are required. We direct Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company to file a Tier 2 advice letter within 60 days of the effective date of this ALJ resolution to implement the tariff revisions required as a result of Exhibit A and a draft template for applicants for the expedited process (Exhibit A at 9).

Energy Division will evaluate the performance of the adopted process as described in Exhibit A, Section 3. Minor changes were made to the May 30, 2017 proposed evaluation framework to improve clarity.

Exhibit A, Attachment A describes Energy Division's proposal to convene a Rule 21 Working Group and the objective, scope, participants, and process to be employed by the proposed Rule 21 Working Group. While we need not formally approve the Rule 21 Working Group, we will direct that Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company support the Rule 21 Working Group through the in-person attendance of at least one engineering representative from each utility at every meeting.

COMMENTS

The draft ALJ resolution was mailed to the R.11-09-011 and R.17-07-007 service lists in accordance with Section 311 of the Public Utilities Code and Rule 14.5 of the CPUC's Rules of Practice and Procedure. Comments on the draft ALJ resolution were served on ___ by ____, and reply comments were served on ____ by ____.

FINDINGS

1. AB 2861 (Stats. 2016, Ch. 672) authorizes the CPUC to establish an expedited dispute resolution process that will issue binding determinations to electric distribution grid interconnection disputes based on the recommendations of a technical panel within 60 days of the Commission receiving the Application regarding a particular dispute.

2. Energy Division issued its *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process* on May 30, 2017.

3. Exhibit A reflects an updated *Staff Proposal for an Expedited Interconnection Dispute Resolution Process* based on comments from stakeholders.

4. The process set forth in Exhibit A, *Staff Proposal for an Expedited Interconnection Dispute Resolution Process*, complies with the requirements of AB 2861, reflects the input of affected stakeholders, and should be adopted.

5. To support the success of the Rule 21 Working Group, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company should support the Rule 21 Working Group through the in-person attendance of at least one engineering representative at every meeting.

THEREFORE, IT IS ORDERED that:

1. The Expedited Interconnection Dispute Resolution Process set forth in Exhibit A is adopted.

2. Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company must file Tier 2 advice letters to implement the changes to Tariff Rule 21 set forth in Exhibit A within 60 days of the effective date of this ALJ resolution.

3. As part of the Tier 2 advice letter required in ordering paragraph 2, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company must include a draft template for applicants for the expedited process as described in Exhibit A at 9.

4. Energy Division shall evaluate the performance of the Expedited Interconnection Dispute Resolution Process consistent with the evaluation framework described in Exhibit A, Section 3.

5. Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company must support the Rule 21 Working Group through the in person attendance of at least one engineering representative from each utility at every meeting.

6. The Executive Director shall take all necessary steps to provide resources to ensure that the Expedited Interconnection Dispute Resolution Process adopted today may begin accepting applications no later than eight months from the effective date of this ALJ resolution.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, the following Commissioners voting favorably thereon:

TIMOTHY J. SULLIVAN
Executive Director

Exhibit A
Staff Proposal for an Expedited Interconnection Dispute Resolution Process

Staff Proposal for an Expedited Interconnection Dispute Resolution Process

California Public Utilities Commission

Energy Division

SEPTEMBER 2017

Table of Contents

Definitions 3

Introduction 4
Purpose of this Paper 4
Stakeholder Input 4
Process and Schedule for Adoption of Expedited Process 4
Background on Assembly Bill 2861 5
Contents of this Paper 6

Section 1: Proposed Expedited Process for Dispute Resolution 7
Process Overview and Steps 7
1. Applying for Expedited Dispute Resolution *8*
2. Eligibility Verification, Sub-Panel Selection, and Utility Response *10*
3. Sub-Panel Review and Recommendation *12*
4. Submitting Comments on Sub-Panel Recommendations *14*
5. Order from the Executive Director *14*
6. Appealing the Executive Director's Order *14*
Service of Documents and Online Access to Information 15
Service of Documents *15*
Dispute Distribution Lists *15*
Public Access to Documents *16*
Treatment of Confidential or Proprietary Information *16*
Central Webpage for Expedited Process *16*

Section 2: Interconnection Dispute Resolution Panel 16
Name 16
Purpose 16
Composition 17
Selection of Members from Utilities 17
Selection of Members Not from Utilities 17
Disclosure of Economic Interests 17
Term of Appointment 17
Removal 18
Resignation 18
Vacancies 18
Indemnification 18
Dispute Review Time 18
Compensation and Expenses 18

Section 3: Program Evaluation 19
Measuring Program Performance 19
Subscription and Usage *20*
Dispute Processing Speed *20*
Program Costs *20*
Measuring Program Impact on Interconnection Costs and Timelines 20

Appendix A: Assembly Bill No. 2861 22

Attachment A: CPUC Staff Proposal for a Rule 21 Working Group 24

Definitions

applicant: the *Applicant* or *Producer* as defined in Rule 21(i.e. the entity submitting an Interconnection Request pursuant to Rule 21; the entity that executes a Generator Interconnection Agreement with Distribution Provider.)

day: a calendar day as defined in Rule 21 (any day, including Saturday, Sunday or a Federal and State Holiday), unless specified otherwise.

Expedited Interconnection Dispute Resolution Process ("Expedited Process"): a process authorized by AB 2861 in which the CPUC's Executive Director issues binding determinations on interconnection disputes within 60 days of receiving the dispute. Determinations are made based on the recommendations of the *Interconnection Dispute Resolution Panel*.

Interconnection Dispute Resolution Panel ("Panel"): the technical panel of qualified electrical systems engineers with substantial interconnection expertise from whom the *Review Sub-Panel* is selected. The Panel consists of at least eight members selected by the Commission, four from utilities and four not from utilities.

interested person: the applicant, utility, a person who has submitted comments on the recommendation of the Review Sub-Panel, or a person who has a demonstrable interest in the outcome of the dispute and has written Energy Division requesting to be added to the distribution list for the dispute

Review Sub-Panel ("Sub-Panel"): the four-member review panel selected from members of the *Interconnection Dispute Resolution Panel* to evaluate a given dispute.

utility: the *Distribution Provider* as defined in Rule 21 (i.e. the utility operating the distribution system to which the applicant seeks to interconnect.)

Introduction

Purpose of this Paper

The purpose of this paper is to propose an expedited interconnection dispute resolution process as authorized by Assembly Bill 2861 (Ting, 2016).[1] This paper will serve as the basis for an Administrative Law Judge (ALJ) Resolution to establish the expedited process.

Stakeholder Input

Stakeholders had the opportunity to provide feedback on this proposal prior to its finalization. Energy Division issued an earlier version of this proposal ("Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process") on May 30, 2017 and received informal written comments from stakeholders on June 23 and June 30, 2017. Staff made a number of revisions to the paper based on comments, including the following:

- Added a requirement for informal dispute resolution prior to application.
- Clarified the scope of eligible disputes for the expedited process.
- Exempted applicants from progress payments during dispute review.
- Lengthened the timeframe for utilities to initially respond to disputes from three to five business days.
- Shortened the timeframe for parties to provide additional information to the dispute's review panel from five to three business days.
- Shortened the timeframe for submitting comments on the panel's recommendation from ten calendar days to five business days.
- Allowed for Energy Division to conduct a non-binding public nomination process for non-utility technical panel members.
- Deleted section proposing specific revisions to Rule 21 to integrate the Expedited Process; utilities will instead be directed to propose tariff revisions following approval of the ALJ Resolution.
- Clarified the scope of the Rule 21 Working Group.

Process and Schedule for Adoption of Expedited Process

Staff proposes an ALJ Resolution as the procedural vehicle for developing and adopting the expedited dispute resolution process ("Expedited Process").

Table 1 (below) provides an estimated schedule for development of the Expedited Process, beginning with the issuance of the staff concept paper and ending with the launch of the process. The actual timeline to launch will depend on multiple factors:

- The Expedited Process centers on the recommendations of a panel of technical experts, four of whom will be hired by the CPUC using state contracting procedures. The CPUC's ability to procure the services of the independent experts in a timely manner will impact the timeline to launch. Based on current staffing constraints

[1] Assembly Bill 2861 codified Public Utilities Code Section 769.5 and is available in Appendix A of this paper and at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2861.

within the CPUC's Contracts Office, the estimated timeframe for contracting four panel members is six to nine months. The timeline below assumes a six month contracting period.

- The CPUC's IT department must make modifications to its e-filing system to support the public comment process mandated by AB 2861 and the submission and posting of public documents associated with the Expedited Process, including all written notices requesting resolution using the Expedited Process, Sub-Panel recommendations, comments, replies, Orders Resolving Interconnection Disputes, and requests for Commission review of an Order. Resource constraints in the CPUC's IT department may impact the timeline to launch.

Energy Division cannot commence processing applications for the expedited dispute resolution process until it has the resources necessary to implement this program.

Table 1: Schedule for Adoption of Expedited Process

Activity	Estimated Date
Staff Concept Paper Issued	May 30, 2017
Stakeholder Comments Due	June 23, 2017
Reply Comments Due	June 30, 2017
Staff Proposal Finalized and Draft Resolution Issued	September 8, 2017
Comments on Draft Resolution Due	September 28, 2017
Commission Vote on Resolution	October 12, 2017
Interconnection Dispute Resolution Panel Assembled*	March 31, 2018
Expedited Process Launched (accepting applications)	March 31, 2018

*The contracting process to hire non-utility Panel members may begin prior to formal Commission adoption of the Expedited Process.

Background on Assembly Bill 2861

Assembly Bill (AB) 2861, signed into law in September of 2016, authorizes the CPUC to establish an expedited dispute resolution process that will issue binding determinations to interconnection disputes based on the recommendations of a technical panel within 60 days of the Commission receiving an Application regarding a particular dispute. AB 2861 is intended to address the inadequacy of the existing interconnection dispute resolution process described in Section K of Rule 21, which relies on protracted mediation and does not benefit from readily-leveraged technical expertise to review the engineering determinations and upgrade cost allocations that often lead to disputes.

Specifically, AB 2861 directs the CPUC to:

- Establish an eight-member technical advisory panel, consisting of four utility members and four non-utility members. Of the eight-member panel, four panel members will be assigned to review each dispute brought before the Commission and make a recommendation within 30 days to the Executive Director, who then

will have 30 days to review the recommendation and prepare an Order resolving the dispute;
- Allow for any interested party to request a review of the Order within ten days, which would require a Resolution on the matter for a vote of the Commission; and
- Appoint a qualified electrical systems engineer with substantial interconnection expertise to advise the director of the Energy Division, and provide adequate staff to assist in resolving interconnection disputes.

Appendix A contains the full text of AB 2861.

Contents of this Paper

The paper is organized as follows:

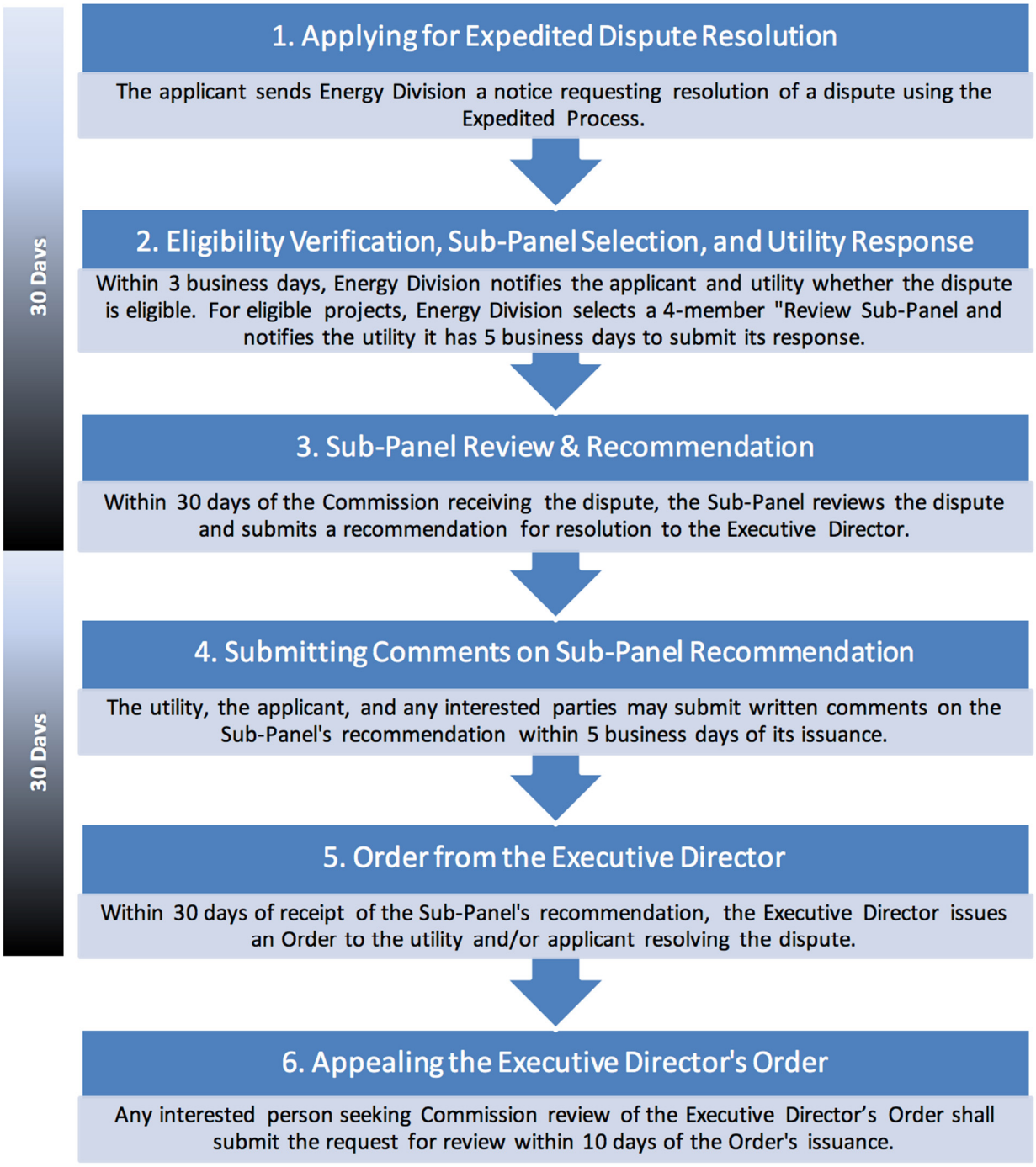
- **Section 1** proposes a framework and steps for the Expedited Process, describes the role of the technical advisory panel in reviewing disputes, and provides information on the service of documents and online access to information.
- **Section 2** sets out a governing structure for the technical advisory panel, including member selection processes, terms of appointment, and conflict of interest rules.
- **Section 3** provides methodological guidelines for evaluating the Expedited Process' performance in shortening interconnection timeframes, reducing uncertainty in the interconnection process, and reducing project interconnection costs.
- **Attachment A** proposes the formation of a Rule 21 Working Group to informally resolve and/or prevent disputes and foster proactive, constructive communication between utilities, developers, and other impacted stakeholders about interconnection-related issues.

Section 1: Proposed Expedited Process for Dispute Resolution

Process Overview and Steps

The expedited interconnection dispute resolution process shall be administered by Energy Division and consist of the steps described in this section. The steps closely track the process outlined in AB 2861.

Figure 1. Overview of the Expedited Process



More detailed descriptions of each step can be found below. Process design elements which derive directly from AB 2861 are indicated with the Public Utilities Code section referenced.

1. Applying for Expedited Dispute Resolution

Eligibility

Per Section 769.5(b)(3), if an applicant is unable to resolve an interconnection-related dispute after working with the utility operating the distribution grid, the applicant may seek to resolve the dispute using the Commission's expedited interconnection dispute resolution process.

Informal Dispute Resolution Requirement

To be eligible for the Expedited Process, an applicant must demonstrate they have made prior attempts to informally resolve the dispute with the utility using one of the following two procedures:

1. Bilateral negotiations as set forth in Section K.2.a of Rule 21.
2. Expedited bilateral negotiations tracking the steps of Section K.2.a but with the following shortened deadline requirements: upon the applicant notifying the utility of the dispute, the utility shall have *10* business days to prepare its response instead of 21 calendar days, and *15* business days to meet to attempt to resolve the dispute instead of 45 calendar days.

The applicant and utility may by mutual agreement make a request to Energy Division to extend deadlines associated with the informal dispute resolution requirement.

Energy Division shall have discretion to grant waivers to the informal dispute resolution requirement when the applicant and utility have already engaged in a dispute resolution process of equivalent duration and with equivalent opportunity for both parties to understand the facts of the dispute and prepare responses. The applicant and/or utility may make a request to Energy Division to waive the requirement.

Stage of Interconnection

An applicant is eligible to apply for dispute resolution at any stage of the Rule 21 interconnection process, including after an interconnection agreement has been signed and/or after operation has commenced.

Scope

A dispute may be considered eligible for the Expedited Process when there is an unresolved disagreement between the applicant and utility regarding whether one or both parties' actions are compliant with established interconnection rules and/or are reasonable, cost efficient and necessarily required under those rules to ensure safe and reliable interconnection.

Eligible disputes may include, but are not limited to, the following matters:

- Accuracy of analysis performed in studies and engineering conclusions
- The necessity for equipment or facilities required by the utility
- Whether there is a feasible, lower cost alternative to a requested upgrade
- Whether modifications to an application should trigger re-study

Out of Scope

The Commission delegates to Energy Division the authority to enforce which disputes are out of scope of the Expedited Process.

Applicants shall not use the dispute resolution procedure as a method for resolving debates over established interconnection rules or policies. Disputes whose resolution would necessarily result in modifications or revisions to Commission rules will likely be found by Energy Division to be outside the scope of the Expedited Process. Such determinations are more properly the subject of Commission rulemakings.

Additionally, disputes of material facts that do not have an engineering or compliance question at their core will likely be found by Energy Division to be outside the scope of the Expedited Process. Such disputes will likely be referred to the Commission's pre-existing methods for dispute resolution, including bilateral negotiations as outlined in Section K.2.a of Rule 21, mediation via the Commission's Alternative Dispute Resolution process, and filing a formal complaint with the Commission.

Application Process

To request resolution of a dispute via the Expedited Process, the applicant shall document the dispute in a written notice from the applicant to the Energy Division Director using a general template provided on the CPUC website. The template shall prompt the applicant to provide the following information:

- Relevant known facts pertaining to the dispute
- Specific dispute and the relief sought
- Express notice by the applicant that it is requesting resolution using the Commission's Expedited Process as described in Section K of Rule 21
- Efforts to date to resolve the dispute directly with the utility, including at minimum a showing that the applicant meets the informal dispute resolution requirement for eligibility
- Names of Interconnection Dispute Resolution Panel members who may have a conflict of interest as defined in Section 769.5(b)(1)[2]

The applicant shall attach materials that may aid in review of the dispute, including a copy of the project's interconnection application, any interconnection studies performed, and any correspondence between the applicant and utility regarding the dispute. For treatment

[2] Names of current Interconnection Dispute Resolution Panel members will be posted on the CPUC website.

of confidential materials, please see "Treatment of Confidential or Proprietary Information" on page 16.

The applicant shall serve the notice to Energy Division, the utility, and any other interested persons according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15.

Withdrawal

The applicant may withdraw its dispute from the Expedited Process at any time. If the applicant and utility reach a settlement independent of the Commission, it is not necessary for the Commission to approve the settlement. Notices of withdrawal should be sent to all interested parties (see "Service of Documents and Online Access to Information" on page 15.)

2. Eligibility Verification, Sub-Panel Selection, and Utility Response

Eligibility Verification

Energy Division will evaluate the submission and notify the applicant and utility of the dispute's eligibility within three business days of receiving the request. For eligible disputes, the notice will contain the following:

- The date the application for dispute resolution was submitted to the Commission (this is the "start" date for the 60-day expedited procedures defined in AB 2861).
- Express notice that Energy Division has deemed the dispute eligible for the Commission's expedited process as described in Section K of Rule 21.
- A unique dispute identification number. Energy Division will assign identification numbers sequentially, beginning with the first dispute.
- The names of the Interconnection Dispute Resolution Panel ("Panel") members chosen by Energy Division to serve on the individual dispute's Review Sub-Panel ("Sub-Panel").
- A copy of the applicant's written application requesting resolution of the dispute, and any supplementary materials submitted.
- Notice to the utility to submit a response and any remaining documents in its possession to the Sub-Panel within five business days (see "Utility Response" on page 12).
- Notice to the applicant and utility that the Sub-Panel will complete its recommendation within 30 days of the date the Commission received the dispute, and there will be an opportunity to submit comments and/or reply comments on the recommendation.
- Notice to the applicant and utility that the Executive Director will issue an order resolving the dispute within 30 days of the Sub-Panel's recommendation, and there will be an opportunity to request Commission review of the order via a Draft Resolution within 10 days of the order's issuance.
- Notice that pending resolution of the dispute, the applicant and utility shall proceed diligently with the performance of their respective obligations under Rule 21, with

the exception that the applicant shall not be obligated to post interconnection financial securities (see "Suspension of Rule 21 Progress Payments during Dispute Review" immediately following.)

Suspension of Rule 21 Progress Payments during Dispute Review

Pending resolution of a dispute using the Expedited Process, the utility and applicant shall proceed diligently with the performance of their respective obligations under Rule 21, with the exception that the applicant shall not be obligated to post interconnection financial securities while the dispute is under review, nor shall the utility be required to initiate work dependent upon the payment of said financial securities if such payments are not made.

Sub-Panel Selection

Pursuant to Section 769.5(b)(2), Energy Division shall choose a Review Sub-Panel of four members from the Interconnection Dispute Resolution Panel for each eligible dispute. The Sub-Panel shall consist of two utility members and two non-utility members. Energy Division may also select an alternate member to serve on the Sub-Panel if it determines there is a need for additional support.

Conflicts of Interest

A Panel member shall not participate as a Sub-Panel member for a dispute in any of the following situations (Section 769.5(b)(1)):

a) The member is an employee of, a contractor to, or an employee of a contractor to, an electrical corporation to which the contested interconnection application has been submitted.
b) The member is the applicant, an installer or an employee of an installer for the applicant, or a third-party electricity purchase agreement provider for the applicant.
c) The member has a direct financial interest in the contested interconnection application.

Energy Division shall make every effort to avoid selecting Sub-Panel members who have an employment or financial interest within the past three years that poses a real or perceived conflict of interest in the review of the contested interconnection application. Employment or financial interest can cover any party or subcontractor to the dispute, including but not limited to any of the service or technology partners working for either side of the dispute. Each panel member will be screened for conflict of interest issues prior to joining the panel, and each Sub-Panel member will be re-screened for conflict of interest issues prior to participation in any particular dispute panel. Determination of a real or perceived conflict of interest is designated to the sole discretion of the CPUC's General Counsel, and his or her designee in the CPUC's Legal Division.

If a Sub-Panel member develops or discovers a conflict of interest as defined in Section 769.5(b)(1) during the period of review for a dispute, the member shall immediately notify Energy Division of the change in status and recuse him or herself from the Sub-Panel.

Upon completion of the recommendation, each Sub-Panel member shall sign a statement affirming that they do not have an employment or financial interest in the contested application as defined in this section, and attach the statement to the recommendation prior to submission to the Commission. Digital signatures will be sufficient.

Utility Response

Upon receiving notice from Energy Division of the dispute's eligibility, the utility shall have five business days to present its view on the dispute in response to the applicant's submission. The utility's response shall be addressed to the Sub-Panel and shall include the relevant known facts pertaining to the dispute, including the dispute's impact on safe and reliable grid operations, its position on the dispute as presented by the applicant, a response to the relief requested by the applicant, and a description of the efforts to date to resolve the dispute directly with the applicant.

The utility shall also review the materials submitted by the applicant and shall include in its submission to the Sub-Panel any remaining or missing documents in its possession, including the applicant's interconnection request, any interconnection studies performed, and any relevant correspondence between the applicant and utility regarding the dispute. These materials shall be submitted as part of the utility's response within five business days of receiving notice from Energy Division of the dispute's eligibility.

The utility shall serve its response to the Sub-Panel, applicant, Energy Division, and other interested persons according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15. For treatment of confidential materials, please see "Treatment of Confidential or Proprietary Information" on page 16.

3. Sub-Panel Review and Recommendation

The Sub-Panel shall review the dispute and make a recommendation to the Executive Director of the Commission within 30 days of the date the Commission received the dispute (Section 769.5(b)(5)).

Review

The scope of the Sub-Panel's review shall be limited to issues regarding compliance with the established interconnection rules. Any recommendations shall be designed to reasonably assure safe and reliable interconnection and operation of facilities (Section 769.5(b)(8)).

The Sub-Panel shall request any necessary information or materials from the applicant and utility involved in the dispute beyond the documents initially provided. Both the applicant and the utility shall supply the Sub-Panel with any additional needed information or materials within three business days of receiving the Sub-Panel's request for such materials. Any failure to produce information or materials in a timely manner shall subject the utility to either forfeiture of its side of the dispute, and/or vice versa with the applicant of the dispute. If either side fails to prepare materials in a timely fashion, the Sub-Panel can decide to make a decision based on whatever limited information is available.

The Sub-Panel shall take the time necessary to review the technical issues in a dispute and develop a well-reasoned recommendation that ensures safe and reliable interconnection, but shall not spend more than an aggregate of 120 hours on any one dispute without prior approval from Energy Division.[3]

As mentioned above, if during the period of review for a dispute a Sub-Panel member develops or discovers a conflict of interest as defined in Section 769.5(b)(1), the member shall immediately notify Energy Division of the change in status and recuse him or herself from the Sub-Panel.

Recommendations

The Sub-Panel is limited to making recommendations to resolve specific customer disputes and recommending associated corrective actions, and shall have no authority to assess penalties (Section 769.5(b)(9)).

The Sub-Panel's recommendation shall include a summary of the facts of the dispute, a description of the panel's review process, a recommendation for actions the Executive Director should take to resolve the dispute, and clear justification for the recommendation. The Sub-Panel shall include all relevant technical, policy, and financial information necessary for the Executive Director to make an informed determination, in a concise document written for a non-technical reader. The Sub-Panel shall include a record of any meetings or interviews conducted in the course of its investigation, and shall attach any documents it received through the course of its investigation.

The Sub-Panel is strongly encouraged to submit a consensus recommendation. If, however, the Sub-Panel cannot agree on recommendations, then each Sub-Panel member who chooses may submit a separate recommendation to the Executive Director, who shall make a final determination (Section 769.5(b)(10)). In cases of non-consensus, Sub-Panel members with similar opinions shall submit joint recommendations where possible.

Once complete, the Sub-Panel members will attach signed statements to the recommendation affirming they have no employment or financial interest in the contested application (see "Sub-Panel Selection") and will serve the recommendation to Energy Division, the utility, and any other interested persons according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15.

Exceptions to the 30-day Review Period

In cases where more than 30 days of review are necessary to recommend a fair and safe resolution to the dispute, the Sub-Panel may request the Executive Director grant an extension to the review period (Section 769.5(a)). The request for extension shall include justification for why the Sub-Panel believes more than 30 days of review are necessary.

If the Sub-Panel is evenly divided on whether to request an extension, the Sub-Panel shall request the extension, but note that the Sub-Panel is not in agreement on whether an

[3] The 120-hour limit applies to the *sum* of all Sub-Panel members' time spent on the dispute.

extension is necessary and briefly describe the arguments for and against requesting an extension.

The Sub-Panel may request one extension of no more than 30 days. The Sub-Panel shall email extension requests to Energy Division at Rule21.Disputes@cpuc.ca.gov, and shall copy the applicant and utility.

4. Submitting Comments on Sub-Panel Recommendations

Pursuant to Section 769.5(b)(6), utilities, the applicant, and other interested parties shall have the opportunity to submit written comments regarding the recommendation of the Sub-Panel. In order to allow the Executive Director time to consider any comments submitted, comments shall be served to Energy Division, the utility, and any other interested persons within five business days of the date the recommendation is issued. Comments shall be served according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15.

The utility and applicant may reply to any comments via the same procedures within three business days of the date the opening comments are due.

5. Order from the Executive Director

Pursuant to Section 769.5(b)(10), the Executive Director shall have 30 days from receipt of the Sub-Panel's recommendation to review the recommendation and to prepare an order to the utility resolving the dispute ("Order"). The Executive Director may direct staff to assist him/her in preparing the Order.

An order issued by the Executive Director that resolves a dispute using the authority granted under Section 769.5 will take the form of a letter from the Executive Director. The Order will contain the Executive Director's determination and analysis supporting such determination. The Order will summarize the facts of the dispute, summarize and discuss the Sub-Panel Recommendation and any comments submitted, present findings, and issue orders resolving the dispute to the utility and/or applicant. The Order will also explicitly consider safety and estimated cost impacts associated with the Executive Director's determination.

An order issued by the Executive Director shall not constitute a precedent or be binding on other disputes or matters before the Commission.

6. Appealing the Executive Director's Order

Any "interested person" may request Commission review of an Order within 10 days of its issuance (Section 769.5(b)(11)). Interested persons are defined as the applicant, utility, a person who has submitted comments on the recommendation of the Review Sub-Panel, or a person who has a demonstrable interest in the outcome of the dispute and has written Energy Division requesting to be added to the distribution list for the dispute.

The request must set forth specifically the grounds on which the requester considers the Order to be unlawful or erroneous. Requests for review should be emailed to the Energy Division Director at *Rule21.Disputes@cpuc.ca.gov*.

Upon receiving the request, the Energy Division Director shall prepare and place on the Commission's meeting agenda a Draft Resolution affirming the Order, or affirming the Order with modifications. For further information on the rules governing public review and Commission consideration of Draft Resolutions and Alternative Draft Resolutions, please refer to the Commission's *Rules of Practice and Procedure*. If affirmed by the full Commission, the vote of the Commission can be appealed.

If an interested person appeals a Commission vote approving the Resolution Affirming the Executive Director's Order, the expectation is that the dispute would be escalated to a formal complaint pursuant to Public Utilities Code 1702 and Article 4 of the Commission's *Rules of Practice and Procedure*.

Service of Documents and Online Access to Information

Service of Documents

The Commission intends to modify its e-filing system to support the public comment process mandated by AB 2861 and the submission and posting of public documents associated with the Expedited Process. These documents include all written notices requesting resolution using the Expedited Process, Energy Division notices confirming or denying eligibility, utility responses, Sub-Panel recommendations, comments, replies, Orders from the Executive Director, and requests for Commission review of an Order. Once the necessary modifications to the e-filing system are complete, public documents associated with the Expedited Process will be submitted, cataloged and distributed to parties interested in the dispute's proceeding via the Commission's e-filing system. A service list and docket will be created and posted on the Commission's website for each dispute.

Dispute Distribution Lists

The service list for any dispute proceeding shall include the following:

- Energy Division (Rule21.Disputes@cpuc.ca.gov)
- The applicant
- The utility (email address set forth in the Generator Interconnection Agreement (GIA) or Interconnection Request (if there is no GIA), and the utility's Rule 21 Ombudsman address)
- Members of the dispute's Review Sub-Panel
- Any "interested persons" who have either submitted comments on the recommendation of the Review Sub-Panel or have a demonstrable interest in the outcome of the dispute and have requested to be added to the service list for the dispute.

The Commission's Process Office shall manage service lists for disputes.

Public Access to Documents

All written notices requesting resolution using the Expedited Process, Energy Division notices confirming or denying eligibility, Sub-Panel recommendations, comments, replies, Orders from the Executive Director, and requests for Commission review of an Order, are public records and open to public inspection, except as provided under statute or Commission order. Staff intends that all such notices be posted to the dispute's Docket Card. Staff expects that all interested persons have the opportunity, through timely and efficient means, to inspect such documents, receive notice when such documents are issued, and find information on the status of any such document associated with a dispute.

Treatment of Confidential or Proprietary Information

Procedures for treatment and transfer of confidential information will be developed in accordance with applicable law and regulations, including Commission Decision 16-08-024. The Commission will consider whether Sub-Panel members shall sign nondisclosure agreements with relevant parties prior to reviewing confidential information.

Central Webpage for Expedited Process

Energy Division shall maintain a central webpage for the Expedited Process on its public website. The webpage will contain:

- Information about the Expedited Process
- Detailed instructions for submitting a dispute
- Names of current interconnection technical panel members
- Instructions for treatment of confidential information
- A link to the location of documents related to specific disputes on the Commission's e-filing system
- Instructions to be added to the "service list" for a dispute
- Point of contact for questions or comments about the Expedited Process (Rule21.Disputes@cpuc.ca.gov)

Section 2: Interconnection Dispute Resolution Panel

This section proposes a governing structure for the distribution grid Interconnection Dispute Resolution Panel described in AB 2861.

Name

The name of the distribution grid interconnection technical panel shall be the Interconnection Dispute Resolution Panel ("Panel").

Purpose

The purpose of the Panel is to review interconnection disputes submitted to the Commission and make recommendations to the Executive Director of the Commission within 30 days of receiving the dispute.

Composition

The Panel shall be comprised of at least eight individuals selected by the Commission. A minimum of four of the technical panel members shall be from utilities and a minimum of four shall not be from utilities (Section 769.5(b)(1)). Each member shall be a licensed Professional Engineer with substantial technical expertise in distribution system interconnection.

Selection of Members from Utilities

Each of the three investor-owned utilities shall nominate two or more employees with substantial technical expertise in distribution system interconnection who shall be made available by the utility to perform duties within the expedited timeframes set by AB 2861. The Energy Division Director will then appoint four or more of the nominees to serve on the Panel. No utility may have more than (n minus two) representatives on the Panel at any given time, where n equals the total number of utility-designated seats on the Panel. A written notice of the final panel selection shall be provided by the Energy Division to the service list of the proceeding.

Selection of Members Not from Utilities

Energy Division will be responsible for procuring the services of at least four individuals with substantial technical expertise in distribution system interconnection to serve on the Panel at any given time. Selected appointees must be capable of reviewing disputes in the expedited timeframes set by AB 2861. Energy Division may conduct a public nomination process to allow stakeholders to nominate non-utility members in order to identify qualified individuals with sufficient technical expertise. If Energy Division chooses to do so, it will not necessarily be restricted to that nomination pool when selecting non-utility members.

Disclosure of Economic Interests

All Panel members shall comply with the Fair Political Practices Commission Conflict of Interest Code, 2 Cal. Code of Regulations, § 18730. For purposes of applying these rules, all Panel members shall be defined as "designated employees" required to annually disclose the following "economic interests:"

Any investment or business position in, or income from, any of the following:

1. An entity seeking to provide any product or service associated with a generating facility whose interconnection is subject to the Panel's review.
2. A parent or a subsidiary of an entity seeking to provide any product or service associated with a generating facility whose interconnection is subject to the Panel's review.

Term of Appointment

The Director of Energy Division will appoint a set of eligible Panel members for three-year terms. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which membership is based, the member's appointment

shall terminate as of the date that affiliation ceases and a replacement shall be selected via the procedures outlined in "Vacancies" below.

Removal

Panel members may be removed at any time by the Energy Division Director when the Director determines that such removal is in the best interests of the goals of the Commission. The Energy Division Director shall issue a letter announcing the termination of the member's appointment.

Resignation

Any member of the Panel may resign with written notice to the other Panel members and the Energy Division Director at *Rule21.Disputes@cpuc.ca.gov*.

Vacancies

Vacancies for positions filled by members from utilities shall be filled via a similar process as the initial selection: a utility shall nominate two or more qualified individuals in a timely manner for a given vacancy, and the Energy Division Director shall appoint one of the nominees to serve on the Panel, assuming all required criteria are met. A vacant utility-designated seat does not necessarily need to be filled by a nominee from the same utility as the departing member.

Vacancies for positions filled by members not from utilities shall be filled by the Energy Division Director in a timely manner consistent with the initial selection procedures outlined above.

Indemnification

Panel members who are not employed by the Commission or other governmental agencies of the State of California are servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, Panel members may request that the CPUC defend them against claims or actions relating to acts or omissions that are within the course and scope of the services they perform for the Panel, pursuant to Gov. Code § 815 - 825.6 and 995 - 996.6.

Dispute Review Time

Panel members shall devote as much time to the affairs of the Panel as its responsibilities may reasonably require. Panel members shall take the time necessary to review the technical issues in a dispute and develop a well-reasoned recommendation that ensures safe and reliable interconnection, but shall not spend more than an aggregate of 120 hours on any one dispute without prior approval from Energy Division.

Compensation and Expenses

The Commission shall compensate Panel members who are not from utilities at an hourly rate for their time spent performing the work of the Panel, and shall provide an appropriate per diem compensation consistent with Section 19822.5 of the Government

Code.[4] The Commission shall consult with the Panel on its expected costs in the preparation of its annual proposed budget.

Panel members from utilities shall not receive hourly compensation or per diem payments from the Commission.

No non-utility panel member may take compensation or gifts (including meals or other incidentals) from the utility or applicant at any time. No utility member may take compensation or gifts from the applicant at any time.

Section 3: Program Evaluation

This section proposes a method for tracking program subscription and evaluating performance in shortening interconnection timeframes, reducing uncertainty in the interconnection process, and lowering interconnection costs. The proposals in this section are non-binding and Energy Division shall have discretion to modify program evaluation methodologies and/or schedules as it sees fit.

Energy Division shall evaluate the Expedited Process annually for two years and results shall be made public to the extent they do not contain confidential information. A comprehensive program evaluation will be conducted at the end of the program's second year in operation, and every fifth year following.

In evaluating the program, Energy Division will seek to answer the following questions:

- How frequently is the program utilized?
- Does the program provide greater time and cost certainty in the interconnection process than pre-existing methods of dispute resolution?
- Does the program resolve interconnection disputes faster than pre-existing methods of dispute resolution, on average?
- Do the binding resolutions issued by the Commission adequately protect the safety and reliability of the distribution system?
- Do the benefits of the program outweigh the costs?

The Commission will use evaluation findings to inform decision-making about program priorities and design.

Measuring Program Performance

Energy Division shall track the following metrics:

[4] CA Govt Code § 19822.5. The department shall by rule authorize such expenditures as are reasonably necessary for the meals, lodging, or travel of persons who provide nonsalaried assistance to the department or a designated appointing power in the preparation or conduct of written or oral examinations. (Amended by Stats. 2013, Ch. 427, Sec. 112. Effective January 1, 2014.)

Subscription and Usage

- Applications received
- Applications deemed eligible
- Withdrawn disputes
- Comments submitted on Sub-Panel Recommendation (per dispute)
- Disputes resolved via an Order from the Executive Director
- Disputes escalating to a Commission Resolution
- Commission Resolutions affirming and overturning an Executive Director Order

Dispute Processing Speed

- Average, minimum and maximum number of days from receipt of application to issuance of an Order from the Executive Director
- For projects that escalate to a Commission Resolution: Average, minimum and maximum number of days from receipt of application to Commission vote on Draft Resolution

Program Costs

- Staff time of CPUC employees administering the program
- Staff time of utility employees supplying the technical panel with information on the dispute
- Staff time of utility engineers serving on the technical panel
- Paid time of non-utility engineers serving on the technical panel

Energy Division shall also ask applicants and utilities who have participated in the Expedited Process for their feedback on what worked well and where there is room for improvement.

Measuring Program Impact on Interconnection Costs and Timelines

Supplying certainty that disputes will be resolved within 60 days and potentially shortening the timeline for dispute resolution may offer time and cost savings for both applicants and utilities. Estimating the magnitude of the savings, however, is difficult given one is attempting to measure actual outcomes against a hypothetical of what would have happened in the absence of intervention.

Staff nevertheless believes it is beneficial to estimate these impacts. Staff proposes that after each dispute is resolved, the applicant and utility provide Energy Division with qualitative descriptions and quantitative estimates of the Expedited Process' impact on system and project costs, timeframes, and outcomes, as compared to pre-existing methods for dispute resolution. These methods include informal discussions with the utility, bilateral negotiations as outlined in Section K.2.a of Rule 21, mediation via the Commission's Alternative Dispute Resolution process, and filing a formal complaint with the Commission.

While descriptions and estimates will be highly subjective, they may prove useful in providing the Commission with context as it evaluates the success of the Expedited Process in achieving its program goals.

Appendix A: Assembly Bill No. 2861

Assembly Bill No. 2861
CHAPTER 672

An act to add Section 769.5 to the Public Utilities Code, relating to electricity.

[Approved by Governor September 26, 2016. Filed with Secretary of State September 26, 2016.]

BILL TEXT
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 769.5 is added to the Public Utilities Code, to read:

769.5. (a) The Commission may establish an expedited distribution grid interconnection dispute resolution process with the goal of resolving disputes over interconnection applications that are within the jurisdiction of the Commission in no more than 60 days from the time the dispute is formally brought to the Commission. If the Commission establishes an expedited distribution grid interconnection dispute resolution process, the Commission may provide exceptions to the 60-day time period when more than 60 days are needed to fairly and safely address a dispute.

(b) The expedited distribution grid interconnection dispute resolution process shall include the following elements:

(1) A distribution grid interconnection technical panel consisting of at least eight individuals selected by the Commission. Four of the technical panel members shall be from electrical corporations and four shall not be from electrical corporations. The Commission shall determine the length of the term of each member. A member shall not participate as a review panel member for the dispute resolution process for a contested interconnection application in any of the following situations:

(A) The member is an employee of, a contractor to, or an employee of a contractor to, an electrical corporation to which the contested interconnection application has been submitted.

(B) The member is the applicant, an installer or an employee of an installer for the applicant, or a third-party electricity purchase agreement provider for the applicant.

(C) The member has a direct financial interest in the contested interconnection application.

(2) A review panel of four members shall be selected from the technical panel for each dispute.

(3) If an applicant is unable to resolve an interconnection-related dispute after working with the electrical corporation operating the distribution grid, the

applicant may seek resolution of the dispute using the Commission's expedited distribution grid interconnection dispute resolution process.

(4) Upon agreeing to a final settlement of the dispute, parties shall be free to withdraw from the expedited distribution grid interconnection dispute resolution process.

(5) If the dispute is submitted with the Commission, the Commission shall ensure that the review panel shall review the dispute and make a recommendation to the executive director of the Commission within 30 days of receiving the dispute.

(6) The Commission shall establish a public process to allow the electrical corporation, the applicant, and other interested parties to submit written comments on the recommendation of the review panel.

(7) The review panel shall request appropriate documents from the electrical corporation involved in the dispute, including, but not limited to, interconnection application studies.

(8) The scope of the review panel's review shall be limited to issues regarding compliance with the established interconnection rules. Any recommendations shall ensure safe and reliable interconnection.

(9) The scope of the review panel's review is limited to making recommendations to resolve specific customer disputes and recommending associated corrective actions, and the panel shall have no authority to assess penalties.

(10) Upon receipt of the recommendation from the review panel, the executive director shall have 30 days to review the recommendation and to prepare an order to the electrical corporation resolving the dispute. If the review panel cannot agree on recommendations, then each recommendation of a review panel member shall be submitted to the executive director, who shall make the decision resolving the dispute.

(11) Any interested person seeking Commission review of the executive director's determination shall submit the request for review within 10 days of the determination. Upon receipt of the request for review, the executive director or the energy division director shall prepare a proposed resolution of the matter for approval by the Commission.

(c) The Commission shall provide the members of the technical panel who are not from electrical corporations with an appropriate per diem compensation consistent with Section 19822.5 of the Government Code.

(d) The Commission shall appoint a qualified electrical systems engineer with substantial interconnection expertise to advise the director of the energy division and shall provide adequate Commission staff to assist in resolving interconnection disputes.

Attachment A: CPUC Staff Proposal for a Rule 21 Working Group

Background: Between 1999 and 2008, the California Energy Commission and California Public Utilities Commission sponsored a "Rule 21 Working Group" to provide a regular forum for communication and problem-solving between utilities, developers, and stakeholders regarding interconnection-related issues. The working group was widely considered to be an effective tool for improving understanding of interconnection by all interested parties, bringing utilities and developers together to find mutually acceptable solutions, and driving toward more consistent and efficient interconnection practices and policies across utilities and developers.

Resource constraints ultimately led to the closure of the working group, however with the passage of AB 2861 and new state funding for dispute resolution, the CPUC may now consider reconvening the working group.

Objective: CPUC Staff propose to convene a Rule 21 Working Group to meet the following objectives:

- Foster proactive, constructive communication between utilities, developers, and other impacted stakeholders about issues related to implementation of Rule 21 and other interconnection rules
- Informally resolve and/or prevent interconnection disputes
- Share information and best practices across utilities and developers

These objectives align with the Commission's vision for distributed energy resources (DER) as articulated in the DER Action Plan, Vision Element 2.E: "Interconnection is facilitated by…streamlining utility application practices, and expediting resolution of disputes."[5]

Scope: The working group will provide an informal venue for stakeholders to explore a wide variety of issues related to interconnection practices and policies, and will exist independently of any concurrent proceeding on interconnection. Topics of discussion may include:

- Issues regarding individual interconnection requests that are common to multiple applications or representative of recurring issues
- Observed inconsistencies in practices or interpretation of rules across utilities
- Announcement and discussion of upcoming program or tariff changes that impact Rule 21 stakeholders
- Suggestions for improvements to interconnection practices or policies
- Modifications to materials such as the Unit Cost Guide, Guide to Energy Storage Charging Issues, etc.

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5 http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Commissioners/Michael_J._Picker/DER%20Action%20Plan%20(5-3-17)%20CLEAN.pdf

- Utility management of the Rule 21 public queue
- Smart inverter rollout (to the extent issues are not discussed in meetings of the Smart Inverter Working Group)
- Technical interconnection subjects related to special reports from technical experts

While some discussion of potential changes to Rule 21 provisions will naturally occur during working group meetings, it shall not be within the scope of this working group to develop or submit formal recommendations for tariff changes to an open Commission proceeding. The facilitator will have discretion to terminate any lines of discussion that do not forward the working group's objectives of fostering proactive communication about issues related to implementation of Rule 21, informally resolving and/or preventing disputes, and information and best practices across utilities and developers.

The working group shall not have authority to alter or require new interconnection policies, practices or requirements that are not otherwise established by a Commission decision or resolution via a public proceeding.

Facilitation: The CPUC will employ one or more facilitators to lead working group meetings, develop a working group charter, develop agendas and meeting materials, organize special reports on technical subjects, circulate meeting notes, maintain a web portal for the working group, and provide logistical support. The facilitator or facilitators will have a combination of technical expertise in interconnection and/or distribution system engineering and experience with facilitation.

Participants: Working group meetings will be open to the public. The makeup of the working group will reflect the variety of stakeholders impacted by interconnection practices, including but not limited to: utilities, developers, trade associations, non-governmental organizations, and regulators. At least one engineering representative from each of the three large investor-owned utilities will be required to attend every meeting in person.

Logistics: Meetings will occur monthly and last for approximately two hours. Meetings will be in-person with conference lines enabled. The facilitator(s) will be responsible for scheduling and identifying hosts for upcoming meetings and for noticing meetings on the CPUC's Daily Calendar, Smart Inverter Working Group member list, and the R.11-09-011 and R.17-07-007 service lists.

(End of Exhibit A)

Exhibit B
Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process

Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process

California Public Utilities Commission

Energy Division

MAY 30, 2017

Table of Contents

Definitions 4

Introduction 5
Purpose of this Paper 5
Process for Submitting Informal Written Comments 5
Process and Schedule for Adoption of Expedited Process 5
Background on Assembly Bill 2861 6
Contents of this Paper 7

Section 1: Proposed Expedited Process for Dispute Resolution 8
Process Overview and Steps 8
1. Applying for Expedited Dispute Resolution *9*
2. Eligibility Verification, Sub-Panel Selection, and Initial Response from the Utility *10*
3. Sub-Panel Review and Recommendation *12*
4. Submitting Comments on Sub-Panel Recommendations *13*
5. Order from the Executive Director *14*
6. Appealing the Executive Director's Order *14*
Service of Documents and Online Access to Information 15
Service of Documents *15*
Dispute Distribution Lists *15*
Public Access to Documents *15*
Treatment of Confidential or Proprietary Information *15*
Central Webpage for Expedited Process *16*

Section 2: Interconnection Dispute Resolution Panel 16
Name 16
Purpose 16
Composition 16
Selection of Members from Utilities 16
Selection of Members Not from Utilities 17
Disclosure of Economic Interests 17
Term of Appointment 17
Removal 17
Resignation 17
Vacancies 17
Indemnification 18
Dispute Review Time 18
Compensation and Expenses 18

Section 3: Proposed Tariff Revisions to Rule 21 18
Changes to Section F: 18
Changes to Section K: 19

Section 4: Program Evaluation 21
Measuring Program Performance 22
Subscription and Usage *22*
Dispute Processing Speed *22*
Program Costs *22*
Measuring Program Impact on Interconnection Costs and Timelines 23

Appendix A: Assembly Bill No. 2861 24

Attachment A: CPUC Staff Straw Proposal for a Rule 21 Working Group 26

Definitions

applicant: the *Applicant* or *Producer* as defined in Rule 21(i.e. the entity submitting an Interconnection Request pursuant to Rule 21; the entity that executes a Generator Interconnection Agreement with Distribution Provider.)

day: a calendar day as defined in Rule 21 (any day, including Saturday, Sunday or a Federal and State Holiday), unless specified otherwise.

Expedited Interconnection Dispute Resolution Process ("Expedited Process"): a process authorized by AB 2861 in which the CPUC's Executive Director issues binding determinations on interconnection disputes within 60 days of receiving the dispute. Determinations are made based on the recommendations of the *Interconnection Dispute Resolution Panel*.

Interconnection Dispute Resolution Panel ("Panel"): the technical panel of qualified electrical systems engineers with substantial interconnection expertise from whom the *Review Sub-Panel* is selected. The Panel consists of at least eight members selected by the Commission, four from utilities and four not from utilities.

interested person: the applicant, utility, a person who has submitted comments on the recommendation of the Review Sub-Panel, or a person who has a demonstrable interest in the outcome of the dispute and has written Energy Division requesting to be added to the distribution list for the dispute

Review Sub-Panel ("Sub-Panel"): the four-member review panel selected from members of the *Interconnection Dispute Resolution Panel* to evaluate a given dispute.

utility: the *Distribution Provider* as defined in Rule 21 (i.e. the utility operating the distribution system to which the applicant seeks to interconnect.)

Introduction

Purpose of this Paper

The purpose of this paper is to:

- Propose an expedited interconnection dispute resolution process as authorized by Assembly Bill 2861 (Ting, 2016),[1]
- Solicit feedback from stakeholders on program design elements, and
- Inform the development of a staff proposal which will serve as the basis for an Administrative Law Judge Resolution to establish the expedited process.

Process for Submitting Informal Written Comments

Stakeholders are strongly encouraged to provide feedback on this proposal prior to its finalization. **Staff requests stakeholders submit informal written comments on the paper by 5pm on June 23, 2017.** To submit comments, please email electronic documents to Mary Claire Evans (MaryClaire.Evans@cpuc.ca.gov) and the service list for Commission proceeding Rulemaking (R.) 11-09-011. It is not necessary to submit hard copies to Energy Division or to include certificates of service. All comments received by 5pm on June 23 will be fully considered.

Stakeholders may submit reply comments in response to the comments of other stakeholders. Reply comments are due by 5pm PT on Friday, June 30, 2017 and should be emailed to Mary Claire Evans (MaryClaire.Evans@cpuc.ca.gov) and the service list for R.11-09-011.

Stakeholders are also encouraged to provide comments on the "CPUC Staff Straw Proposal for a Rule 21 Working Group," appended to this paper as Attachment A. Comments on the straw proposal should be included with comments submitted on this paper.

Process and Schedule for Adoption of Expedited Process

Staff proposes an Administrative Law Judge (ALJ) Resolution as the procedural vehicle for developing and adopting the expedited dispute resolution process ("Expedited Process"). A formal record will be created prior to adoption.

Table 1 (below) provides an estimated schedule for development of the Expedited Process, beginning with the issuance of this concept paper and ending with the launch of the process. The actual timeline to launch will depend on multiple factors:

- The Expedited Process centers on the recommendations of a panel of technical experts, four of whom will be hired by the CPUC using state contracting procedures. The CPUC's ability to procure the services of the independent experts in a timely manner will impact the timeline to launch. Based on current staffing constraints

[1] Assembly Bill 2861 codified Public Utilities Code Section 769.5 and is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2861.

within the CPUC's Contracts Office, the estimated timeframe for contracting four panel members is six to nine months. The timeline below assumes a six month contracting period.

- The timeline also assumes the CPUC will be given budgetary approval to hire support staff beginning July 1, 2017. If budgetary approval is denied, the CPUC may require more time to develop and launch the Expedited Process.
- The CPUC's IT department must make modifications to its e-filing system to support the public comment process mandated by AB 2861 and the submission and posting of public documents associated with the Expedited Process, including all written notices requesting resolution using the Expedited Process, Sub-Panel recommendations, comments, replies, Orders Resolving Interconnection Disputes, and requests for Commission review of an Order. Resource constraints in the CPUC's IT department may impact the timeline to launch.

Energy Division cannot commence processing applications for the expedited dispute resolution process until it has the resources necessary to implement this program.

Table 1: Schedule for Adoption of Expedited Process

Activity	Estimated Date
Staff Concept Paper Issued	May 30, 2017
Stakeholder Comments Due	June 23, 2017
Reply Comments Due	June 30, 2017
Staff Proposal Finalized	August 3, 2017
Draft Resolution Issued	September 8, 2017
Comments on Draft Resolution Due	September 28, 2017
Commission Vote on Resolution	October 12, 2017
Interconnection Dispute Resolution Panel Assembled*	March 31, 2018
Expedited Process Launched (accepting applications)	March 31, 2018

*The contracting process to hire non-utility Panel members may begin prior to formal Commission adoption of the Expedited Process.

Background on Assembly Bill 2861

Assembly Bill (AB) 2861, signed into law in September of 2016, authorizes the CPUC to establish an expedited dispute resolution process that will issue binding determinations to interconnection disputes based on the recommendations of a technical panel within 60 days of the Commission receiving an Application regarding a particular dispute. AB 2861 is intended to address the inadequacy of the existing interconnection dispute resolution process described in Section K of Rule 21, which relies on protracted mediation and does not benefit from readily-leveraged technical expertise to review the engineering determinations and upgrade cost allocations that often lead to disputes.

Specifically, AB 2861 directs the CPUC to:

- Establish an eight-member technical advisory panel, consisting of four utility members and four non-utility members. Of the eight-member panel, four panel members will be assigned to review each dispute brought before the Commission and make a recommendation within 30 days to the Executive Director, who then will have 30 days to review the recommendation and prepare an Order resolving the dispute;
- Allow for any interested party to request a review of the Order within ten days, which would require a Resolution on the matter for a vote of the Commission; and
- Appoint a qualified electrical systems engineer with substantial interconnection expertise to advise the director of the Energy Division, and provide adequate staff to assist in resolving interconnection disputes.

Appendix A contains the full text of AB 2861.

Contents of this Paper

The paper is organized as follows:

- **Section 1** proposes a framework and steps for the Expedited Process, describes the role of the technical advisory panel in reviewing disputes, and provides information on the service of documents and online access to information.
- **Section 2** sets out a governing structure for the technical advisory panel, including member selection processes, terms of appointment, and conflict of interest rules.
- **Section 3** proposes tariff revisions to Rule 21 in order to integrate the expedited dispute resolution process into the Rule 21 process workflow.
- **Section 4** provides methodological guidelines for evaluating the Expedited Process' performance in shortening interconnection timeframes, reducing uncertainty in the interconnection process, and reducing project interconnection costs.
- **Attachment A** proposes the formation of a Rule 21 Working Group to informally resolve and/or prevent disputes and foster proactive, constructive communication between utilities, developers, and other impacted stakeholders about interconnection-related issues.

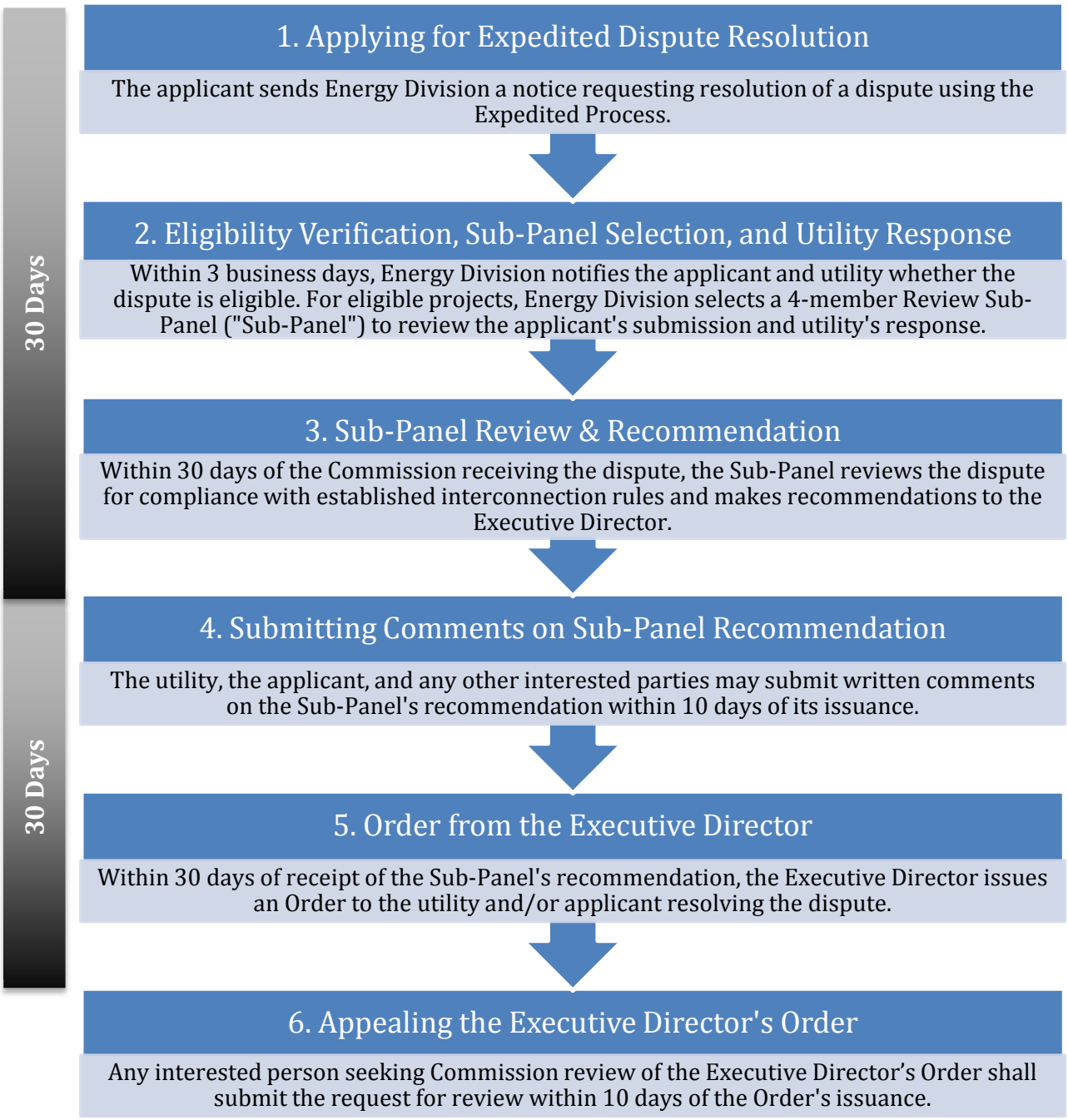
Stakeholders are invited to provide feedback on all sections and Attachment A.

Section 1: Proposed Expedited Process for Dispute Resolution

Process Overview and Steps

The expedited interconnection dispute resolution process shall be administered by Energy Division and consist of the steps described in this section. The steps closely track the process outlined in AB 2861.

Figure 1. Overview of the Expedited Process



More detailed descriptions of each step can be found below. Process design elements which derive directly from AB 2861 are indicated with the Public Utilities Code section referenced.

1. Applying for Expedited Dispute Resolution

Eligibility

If an applicant is unable to resolve an interconnection-related dispute after working with the utility operating the distribution grid, the applicant may seek to resolve the dispute using the Commission's expedited interconnection dispute resolution process (Sec. 769.5(b)(3)).

An applicant is not required to attempt to resolve the dispute using the "meet and confer" procedures under Rule 21, Section K.2 prior to applying for the Expedited Process. However applicants with disputes over missed engineering review timelines must demonstrate they have been in communication with the utility Rule 21 Ombudsman to be considered eligible.[2]

Applicants are eligible to apply for dispute resolution at any stage of the Rule 21 interconnection process, including during the construction of upgrade facilities.

A dispute may be considered eligible for the Expedited Process when there is an unresolved disagreement between the applicant and utility on which an independent panel of distribution system engineers may provide expert insight. These may include, but are not limited to, the following examples:

- Differing interpretations of technical requirements in Rule 21
- Differing interpretations of interconnection study results
- Disagreements over reasonableness of costs of required facilities identified in interconnection studies
- Failure to use "Reasonable Efforts" to meet tariff and/or mutually agreed-upon deadlines
- Failure to provide sufficient detail on interconnection study methodologies and results
- Failure to provide sufficient detail on estimated and/or billed costs to perform interconnection studies
- Disagreements over termination charges resulting in loss of queue position

It is not the CPUC's intent for applicants to use the dispute resolution procedure as a method for resolving non-technical debates over interconnection policies or practices.

[2] Per Rule 21 Section F.1.d, each utility must designate an ombudsman with authority to resolve disputes over missed timelines. Contact information for utility Rule 21 Ombudsmen can be found on the CPUC Rule 21 webpage at http://www.cpuc.ca.gov/General.aspx?id=3962, or on the utility's website.

Application Process

To request resolution of a dispute via the Expedited Process, the applicant shall document the dispute in a written notice from the applicant to the Energy Division Director. The notice shall contain the following:

- Relevant known facts pertaining to the dispute
- Specific dispute and the relief sought
- Express notice by the applicant that it is requesting resolution using the Commission's Expedited Process as described in Section K.2.b of Rule 21
- Efforts to date to resolve the dispute directly with the utility

The applicant shall attach materials that may aid in review of the dispute, including a copy of the project's interconnection application, any interconnection studies performed, and any correspondence between the applicant and utility regarding the dispute. For treatment of confidential materials, please see Treatment of Confidential or Proprietary Information on page 15.

The applicant shall serve the notice to Energy Division, the utility, and any other interested persons according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15.

Withdrawal

The applicant may withdraw its dispute from the Expedited Process at any time. If the applicant and utility reach a settlement independent of the Commission, it is not necessary for the Commission to approve the settlement. Notices of withdrawal should be sent to all interested parties (see Service of Documents and Online Access to Information on page 15.)

2. Eligibility Verification, Sub-Panel Selection, and Initial Response from the Utility

Eligibility Verification

Energy Division will evaluate the submission and notify the applicant and utility of the dispute's eligibility within three business days of receiving the request. For eligible disputes, the notice will contain the following:

- The date the application for dispute resolution was submitted to the Commission (this is the "start" date for the 60-day expedited procedures defined in AB 2861).
- Express notice that Energy Division has deemed the dispute eligible for the Commission's expedited process as described in General Order [#].
- A unique dispute identification number. Energy Division will assign identification numbers sequentially, beginning with the first dispute.
- The names of the Interconnection Dispute Resolution Panel ("Panel") members chosen by Energy Division to serve on the individual dispute's Review Sub-Panel ("Sub-Panel").
- A copy of the applicant's written notice requesting resolution of the dispute, and any supplementary materials submitted.

- Notice to the utility to review the materials submitted by the applicant and to submit any remaining documents in its possession to the Sub-Panel within three business days (see Initial Response from the Utility on page **Error! Bookmark not defined.**)
- Notice to the applicant and utility that the Sub-Panel will complete its recommendation within 30 days of the date the Commission received the dispute, and there will be an opportunity to submit comments and/or reply comments on the recommendation.
- Notice to the applicant and utility that the Executive Director will issue an order resolving the dispute within 30 days of the Sub-Panel's recommendation, and there will be an opportunity to request Commission review of the order via a Draft Resolution within 10 days of the order's issuance.

Sub-Panel Selection

Pursuant to Section 769.5(b)(2), Energy Division shall choose a Review Sub-Panel of four members from the Interconnection Dispute Resolution Panel for each eligible dispute. A Panel member shall not participate as a Sub-Panel member for a dispute in any of the following situations (Section 769.5(b)(1)):

a) The member is an employee of, a contractor to, or an employee of a contractor to, an electrical corporation to which the contested interconnection application has been submitted.
b) The member is the applicant, an installer or an employee of an installer for the applicant, or a third-party electricity purchase agreement provider for the applicant.
c) The member has a direct financial interest in the contested interconnection application.

Energy Division shall make every effort to avoid selecting Panel members who have an employment or financial interest within the past three years that poses a real or perceived conflict of interest in the review of the contested interconnection application. Employment or financial interest can cover any party or subcontractor to the dispute, including but not limited to any of the service or technology partners working for either side of the dispute. Each panel member will be screened for Conflict of Interest issues prior to joining the panel, and each panel member will be re-screened for Conflict of Interest issues prior to participation in any particular dispute panel. Determination of a real or perceived conflict of interest is designated to the sole discretion of the CPUC's General Counsel, and his or her designee in the CPUC's Legal Division.

Upon completion of the recommendation, each Sub-Panel members shall sign a statement affirming that they do not have an employment or financial interest in the contested application as defined in this section, and attach the statement to the recommendation prior to submission to the Commission. Digital signatures are sufficient.

If a Sub-Panel member develops or discovers a conflict of interest as defined above during the period of review for a dispute, the member shall immediately notify Energy Division of the change in status and recuse him or herself from the Sub-Panel.

Initial Response from the Utility

Upon receiving notice from Energy Division of the dispute's eligibility, the utility shall have three business days to present its view on the dispute in response to the applicant's submission. The utility's response shall be sent to the Sub-Panel and shall include the relevant known facts pertaining to the dispute, including the dispute's impact on safe and reliable grid operations, and a description of the efforts to date to resolve the dispute directly with the applicant.

The utility shall also review the materials submitted by the applicant and submit any remaining or missing documents in its possession to the dispute's Review Sub-Panel, including the applicant's interconnection request, any interconnection studies performed, and any relevant correspondence between the applicant and utility regarding the dispute. For treatment of confidential materials, please see Treatment of Confidential or Proprietary Information on page 15. Such materials shall be provided within three business days upon receiving notice from Energy Division of the dispute's eligibility.

3. Sub-Panel Review and Recommendation

The Sub-Panel shall review the dispute and make a recommendation to the Executive Director of the Commission within 30 days of the date the Commission received the dispute (Section 769.5(b)(5)).

Review

The scope of the Sub-Panel's review shall be limited to issues regarding compliance with the then-existing CPUC interconnection rules. Any recommendations shall also be designed to reasonably assure safe and reliable interconnection and operation of facilities (Section 769.5(b)(8)).

The Sub-Panel shall request any necessary documents from the applicant and utility involved in the dispute beyond the documents initially provided. Both the applicant and the utility shall supply the Sub-Panel with any needed information or materials within five business days of receiving the application for dispute resolution. Any utility failure to produce documents in a timely manner shall subject the utility to either forfeiture of its side of the dispute, and/or vice versa with the applicant of the dispute. If either side fails to prepare materials in a timely fashion, the Sub-Panel can decide to make a decision based on whatever limited information is available.

Recommendations

The Sub-Panel is limited to making recommendations to resolve specific customer disputes and recommending associated corrective actions, and shall have no authority to assess penalties (Section 769.5(b)(9)).

The Sub-Panel's recommendation shall include a summary of the facts of the dispute, a description of the panel's review process, a recommendation for actions the Executive Director should take to resolve the dispute, and clear justification for the recommendation. The Sub-Panel shall include all relevant technical, policy, and financial information necessary for the Executive Director to make an informed determination, in a concise document written for a non-technical reader. The Sub-Panel shall include a record of any meetings or interviews conducted in the course of its investigation, and shall attach any documents it received through the course of its investigation.

The Sub-Panel shall take the time necessary to review the technical issues in a dispute and develop a well-reasoned recommendation that ensures safe and reliable interconnection, but shall not spend more than an aggregate of 120 hours on any one dispute without prior approval from Energy Division.[3]

The Sub-Panel is strongly encouraged to submit a consensus recommendation. If, however, the Sub-Panel cannot agree on recommendations, then each Sub-Panel member who chooses may submit a separate recommendation to the Executive Director, who shall make a final determination (Section 769.5(b)(10)). In cases of non-consensus, Sub-Panel members with similar opinions shall submit joint recommendations where possible.

Once complete, the Sub-Panel members will attach signed statements affirming they have no employment or financial interest in the contested application (see "Sub-Panel Selection") and will serve the recommendation to Energy Division, the utility, and any other interested persons according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15.

Exceptions to the 30-day Review Period

In cases where more than 30 days of review are necessary to recommend a fair and safe resolution to the dispute, the Sub-Panel may request the Executive Director grant an extension to the review period (Section 769.5(a)). The request for extension shall include justification for why the Sub-Panel believes more than 30 days of review are necessary.

If the Sub-Panel is evenly divided on whether to request an extension, the Sub-Panel shall request the extension, but note that the Sub-Panel is not in agreement on whether an extension is necessary and briefly describe the arguments for and against requesting an extension.

The Sub-Panel may request one extension of no more than 30 days. The Sub-Panel shall email extension requests to Energy Division at Rule21.Disputes@cpuc.ca.gov, and shall copy the applicant and utility.

4. Submitting Comments on Sub-Panel Recommendations

Pursuant to Section 769.5(b)(6), utilities, the applicant, and other interested parties shall have the opportunity to submit written comments regarding the recommendation of the

[3] The 120-hour limit applies to the *sum* of all Sub-Panel members' time spent on the dispute.

Sub-Panel. In order to allow the Executive Director time to consider any comments submitted, comments shall be served to Energy Division, the utility, and any other interested persons according to the procedures outlined in "Service of Documents and Online Access to Information" on page 15 within ten days of the date the recommendation is issued.

The utility and applicant may reply to any comments via the same procedures within five business days of the date the opening comments are due.

5. Order from the Executive Director

Pursuant to Section 769.5(b)(10), the Executive Director shall have 30 days from receipt of the Sub-Panel's recommendation to review the recommendation and to prepare an order to the utility resolving the dispute. The Executive Director may direct staff to assist him/her in preparing the Resolution.

An order issued by the Executive Director that resolves a dispute using the authority granted under Section 769.5 will take the form of a letter from the Executive Director. The Order will contain the Executive Director's determination and analysis supporting such determination. The Order will summarize the facts of the dispute, summarize and discuss the Sub-Panel Recommendation and any comments submitted, present findings, and issue orders resolving the dispute to the utility and/or applicant. The Order will also explicitly consider safety and estimated cost impacts associated with the Executive Director's determination.

6. Appealing the Executive Director's Order

Any "interested person" may request Commission review of an Order within 10 days of its issuance (Section 769.5(b)(11)). Interested persons are defined as the applicant, utility, a person who has submitted comments on the recommendation of the Review Sub-Panel, or a person who has a demonstrable interest in the outcome of the dispute and has written Energy Division requesting to be added to the distribution list for the dispute.

The request must set forth specifically the grounds on which the requester considers the Order to be unlawful or erroneous. Requests for review should be emailed to the Energy Division Director at *Rule21.Disputes@cpuc.ca.gov*.

Upon receiving the request, the Energy Division Director shall prepare and place on the Commission's meeting agenda a Draft Resolution affirming the Order, or affirming the Order with modifications. For further information on the rules governing public review and Commission consideration of Draft Resolutions and Alternative Draft Resolutions, please refer to the Commission's *Rules of Practice and Procedure*. If affirmed by the full Commission, the vote of the Commission can be appealed.

If an interested person appeals a Commission vote approving the Resolution Affirming the Executive Director's Order, the expectation is that the dispute would be escalated to a formal complaint.

Service of Documents and Online Access to Information

Service of Documents

The Commission intends to modify its e-filing system to support the public comment process mandated by AB 2861 and the submission and posting of public documents associated with the Expedited Process. These documents include all written notices requesting resolution using the Expedited Process, Energy Division notices confirming or denying eligibility, Sub-Panel recommendations, comments, replies, Orders from the Executive Director, and requests for Commission review of an Order. Once the necessary modifications to the e-filing system are complete, public documents associated with the Expedited Process will be submitted, cataloged and distributed to parties interested in the dispute's proceeding via the Commission's e-filing system. A service list and docket will be created and posted on the Commission's website for each dispute.

Dispute Distribution Lists

The default service list for any dispute proceeding shall include the following:

- Energy Division (Rule21.Disputes@cpuc.ca.gov)
- The applicant
- The utility (email address set forth in the Generator Interconnection Agreement (GIA) or Interconnection Request (if there is no GIA), and the utility's Rule 21 Ombudsman address)
- Members of the dispute's Review Sub-Panel (who shall be added once identified by Energy Division)Any "interested persons" who have either submitted comments on the recommendation of the Review Sub-Panel or have a demonstrable interest in the outcome of the dispute and have requested to be added to the service list for the dispute.

The Commission's Process Office shall manage service lists for disputes.

Public Access to Documents

All written notices requesting resolution using the Expedited Process, Energy Division notices confirming or denying eligibility, Sub-Panel recommendations, comments, replies, Orders from the Executive Director, and requests for Commission review of an Order, are public records and open to public inspection, except as provided under statute or Commission order. Staff intends that all such notices be posted to the dispute's Docket Card. Staff expects that all interested persons have the opportunity, through timely and efficient means, to inspect such documents, receive notice when such documents are issued, and find information on the status of any such document associated with a dispute.

Treatment of Confidential or Proprietary Information

Procedures for treatment and transfer of confidential information will be developed in accordance with applicable law and regulations, including Commission Decision 16-08-024. Confidential versions of documents must be submitted via hard copy and may not be filed using the Commission's e-filing system. The Commission will consider whether Sub-Panel

members shall sign nondisclosure agreements with relevant parties prior to reviewing confidential information.

Central Webpage for Expedited Process

Energy Division shall maintain a central webpage for the Expedited Process on its public website. The webpage will contain:

- Information about the Expedited Process
- Detailed instructions for submitting a dispute
- Instructions for treatment of confidential information
- A link to the location of documents related to specific disputes on the Commission's e-filing system
- Instructions to be added to the "service list" for a dispute
- Point of contact for questions or comments about the Expedited Process (Rule21.Disputes@cpuc.ca.gov)

Section 2: Interconnection Dispute Resolution Panel

This section proposes a governing structure for the distribution grid Interconnection Dispute Resolution Panel described in AB 2861.

Name

The name of the distribution grid interconnection technical panel shall be the Interconnection Dispute Resolution Panel ("Panel").

Purpose

The purpose of the Panel is to review interconnection disputes submitted to the Commission and make recommendations to the Executive Director of the Commission within 30 days of receiving the dispute.

Composition

The Panel shall be comprised of at least eight individuals selected by the Commission. Four of the technical panel members shall be from utilities and four shall not be from utilities (Section 769.5(b)(1)). Each member shall be a licensed Professional Engineer with substantial technical expertise in distribution system interconnection.

Selection of Members from Utilities

Each of the three investor-owned utilities shall nominate two or more employees with substantial technical expertise in distribution system interconnection who shall be made available by the utility to perform duties within the expedited timeframes set by AB 2861. The Energy Division Director will then appoint four or more of the nominees to serve on the Panel. No utility may have more than three representatives on the Panel at any given time. A written notice of the final panel selection shall be provided by the Energy Division to the service list of the proceeding.

Selection of Members Not from Utilities

Energy Division will be responsible for procuring the services of at least four individuals with substantial technical expertise in distribution system interconnection to serve on the Panel at any given time. Selected appointees must be capable of reviewing disputes in the expedited timeframes set by AB 2861.

Disclosure of Economic Interests

All panel members shall comply with the Fair Political Practices Commission Conflict of Interest Code, 2 Cal. Code of Regulations, § 18730. For purposes of applying these rules, all Panel members shall be defined as "designated employees" required to annually disclose the following "economic interests:"

Any investment or business position in, or income from, any of the following:

1. An entity seeking to provide any product or service associated with a generating facility whose interconnection is subject to the Panel's review.
2. A parent or a subsidiary of an entity seeking to provide any product or service associated with a generating facility whose interconnection is subject to the Panel's review.

Term of Appointment

The Director of Energy Division will appoint a set of eligible Panel members for three-year terms. If for any reason, a member ceases to be a designated representative of the respective class or entity upon which membership is based, the member's appointment shall terminate as of the date that affiliation ceases and a replacement shall be selected via the procedures outlined in "Vacancies" below.

Removal

Panel members may be removed at any time by the Energy Division Director when the Director determines that such removal is in the best interests of the goals of the Commission. The Energy Division Director shall issue a letter announcing the termination of the member's appointment.

Resignation

Any member of the Panel may resign with written notice to the other Panel members and the Energy Division Director at *Rule21.Disputes@cpuc.ca.gov*.

Vacancies

Vacancies for positions filled by members from utilities shall be filled via a similar process as the initial selection: the utility shall nominate two or more qualified individuals in a timely manner for a given vacancy, and the Energy Division Director shall appoint one of the nominees to serve on the Panel, assuming all required criteria are met.

Vacancies for positions filled by members not from utilities shall be filled by the Energy Division Director in a timely manner consistent with the initial selection procedures outlined above.

Indemnification

Panel members who are not employed by the Commission or other governmental agencies of the State of California are servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, Panel members may request that the CPUC defend them against claims or actions relating to acts or omissions that are within the course and scope of the services they perform for the Panel, pursuant to Gov. Code § 815 - 825.6 and 995 - 996.6.

Dispute Review Time

Panel members shall devote as much time to the affairs of the Panel as its responsibilities may reasonably require. Panel members shall take the time necessary to review the technical issues in a dispute and develop a well-reasoned recommendation that ensures safe and reliable interconnection, but shall not spend more than an aggregate of 120 hours on any one dispute without prior approval from Energy Division.

Compensation and Expenses

The Commission shall compensate Panel members who are not from utilities at an hourly rate for their time spent performing the work of the Panel, and shall provide an appropriate per diem compensation consistent with Section 19822.5 of the Government Code.[4] The Commission shall consult with the Panel on its expected costs in the preparation of its annual proposed budget.

Panel members from utilities shall not receive hourly compensation or per diem payments from the Commission.

No non-utility panel member may take compensation or gifts (including meals or other incidentals) from the utility or applicant at any time. No utility member may take compensation or gifts from the applicant at any time.

Section 3: Proposed Tariff Revisions to Rule 21

This section proposes revisions to Rule 21 in order to integrate the expedited dispute resolution process into the Rule 21 process workflow.

The existing dispute resolution process described in Sections F and K of Rule 21 provides a structure for bilateral negotiations between the applicant and the utility, and then refers unresolved disputes to the CPUC's Alternative Dispute Resolution (ADR) process. Staff propose to add the Expedited Process as an additional path available to parties seeking dispute resolution.

Changes to Section F:

[4] CA Govt Code § 19822.5. The department shall by rule authorize such expenditures as are reasonably necessary for the meals, lodging, or travel of persons who provide nonsalaried assistance to the department or a designated appointing power in the preparation or conduct of written or oral examinations. (Amended by Stats. 2013, Ch. 427, Sec. 112. Effective January 1, 2014.)

F. REVIEW PROCESS FOR INTERCONNECTION REQUESTS (Cont'd.)

1. OVERVIEW OF THE INTERCONNECTION REVIEW PROCESS (Cont'd.)

d. Compliance with Timelines

Distribution Provider shall use Reasonable Efforts in meeting all the timelines set out in this Rule, or mutually modified by Distribution Provider and Applicant pursuant to Section D.15. Each Distribution Provider shall designate an ombudsman with authority to resolve disputes over missed timelines. The identity, role, and contact information of the ombudsman shall be available on Distribution Provider's website.

If at any time an Applicant is dissatisfied with the Reasonable Efforts of Distribution Provider to meet the timelines in this Section, Applicant may use the following procedures:

(i) Contact the ombudsman designated by Distribution Provider;

(ii) If the Distribution Provider ombudsman is unable to resolve the dispute within ten (10) Business Days, Applicant may either:

a) Contact the Consumer Affairs Branch (CAB) at the Commission.

b) Upon mutual agreement with Distribution Provider, make a written request for mediation to the Alternative Dispute Resolution (ADR) Coordinator in the Commission's Administrative Law Judge (ALJ) Division. The request may be made by electronic mail to adr_program@cpuc.ca.gov, and shall state "Rule 21" in the subject line. The request shall contain the relevant facts of the timeline dispute. A copy of the request shall be sent to the Distribution Provider ombudsman. Provided that resources are available, the mediator assigned shall schedule a mediation with Applicant and Distribution Provider within ten (10) Business Days of receiving the request.

c) Make a written request to the Commission to resolve the dispute using the expedited interconnection dispute resolution process as defined in Section K.2.a of this Rule.

At any time, Applicant may submit a formal complaint before the Commission pursuant to California PUC Section 1702 and Article 4 of the Commission's Rules of Practice and Procedure.

Changes to Section K:

K. DISPUTE RESOLUTION PROCESS

In addition to the informal procedures for timeline-related disputes set out in Section F.1.d, the following procedures will apply for disputes arising from this

Rule:

1. SCOPE

The Commission shall have initial jurisdiction to interpret, add, delete or modify any provision of this Rule or of any agreements entered into between Distribution Provider and Applicant or Producer to implement this tariff (“Implementing Agreements") and to resolve disputes regarding Distribution Provider’s performance of its obligations under Commission-jurisdictional tariffs, the applicable agreements, and requirements related to the interconnection of Applicant’s or Producer’s Generating Facility or Interconnection Facilities pursuant to this Rule.

2. PROCEDURES

Any dispute arising between Distribution Provider and Producer (individually referred to in Section K as “Party” and collectively “the Parties”) regarding Distribution Provider’s or Producer’s performance of its obligations under its tariffs, the Implementing Agreements, and requirements related to the interconnection of Producer’s Facilities pursuant to this Rule shall be resolved according to one of the following procedures:

a. Option 1: Expedited Process as defined in Resolution ALJ-XXX

If a Producer is unable to resolve an interconnection dispute after working formally or informally with the Distribution Provider, the Producer may seek resolution of the dispute using the Commission’s expedited distribution grid interconnection dispute resolution process as defined in Resolution ALJ-XXX. Under the expedited procedures in General Order [#], the Executive Director of the Commission shall prepare an Order resolving the interconnection dispute to the Distribution Provider within 60 days from the time the dispute is formally brought to the Commission. The Order shall be based on the recommendation of an independent technical review panel selected by the Commission.

Please refer to Resolution ALJ-XXX for more information and instructions for applying to the Commission for expedited dispute resolution. Information can also be found on the Commission’s website at [XXX].cpuc.ca.gov.

b. Option 2: Bilateral Negotiations

The dispute shall be documented in a written notice (“notice”) by the aggrieved Party to the other Party containing the relevant known facts pertaining to the dispute, the specific dispute and the relief sought, and express notice by the aggrieved Party that it is invoking the procedures under Section K.2.a. The notice shall be sent to the Party’s email address and physical address set forth in the Generator Interconnection Agreement or Interconnection Request, if there is no Generator Interconnection Agreement. A copy of the notice shall also be sent to the Energy Division, Office of the Director, at the

Commission. The receiving Party shall acknowledge the notice within five (5) Calendar Days of its receipt.

Upon the aggrieved Party notifying the other Party of the dispute, each Party must designate a representative with the authority to make decisions for its respective Party to review the dispute within seven (7) Calendar Days. In addition, upon receipt of the notice, Distribution Provider shall provide the aggrieved Party with all relevant regulatory and/or technical details and analysis regarding any Distribution Provider interconnection requirements under dispute within twenty-one (21) Calendar Days.

Within forty-five (45) Calendar Days of the date of the notice, the Parties' authorized representatives will be required to meet and confer to try to resolve the dispute. Parties are expected to operate in good faith and use best efforts to resolve the dispute.

If a resolution is not reached in forty-five (45) Calendar Days from the date of the notice, either 1) a Party may request to continue negotiations for an additional forty-five (45) Calendar Days or 2) the Parties may by mutual agreement make a written request for mediation to the ADR Coordinator in the Commission's ALJ Division. The request may be submitted by electronic mail to adr_program@cpuc.ca.gov. Alternatively, both Parties by mutual agreement may request mediation from an outside third-party mediator with costs to be shared equally between the Parties.

c. At any time, either Party may submit a formal complaint before the Commission pursuant to California PUC section 1702 and Article 4 of the Commission's Rules of Practice and Procedure.

Nothing in this section shall be construed to limit the rights of any Party to exercise rights and remedies under Commission law.

3. PERFORMANCE DURING DISPUTE

Pending resolution of any dispute under this Section, the Parties shall proceed diligently with the performance of their respective obligations under this Rule and the Implementing Agreements, unless the Implementing Agreements have been terminated. Disputes as to the Interconnection Request and implementation of this Section shall be subject to resolution pursuant to the procedures set forth in this Section.

Section 4: Program Evaluation

This section proposes a method for tracking program subscription and evaluating performance in shortening interconnection timeframes, reducing uncertainty in the interconnection process, and lowering interconnection costs. Energy Division shall evaluate the Expedited Process annually for three years and results shall be made public to the extent they do not contain confidential information. A comprehensive program

evaluation will be conducted at the end of the program's third year in operation, and every fifth year following.

In evaluating the program, Energy Division will seek to answer the following questions:

- How frequently is the program utilized?
- Does the program provide greater time and cost certainty in the interconnection process than pre-existing methods of dispute resolution?
- Does the program resolve interconnection disputes faster than pre-existing methods of dispute resolution, on average?
- Do the binding resolutions issued by the Commission adequately protect the safety and reliability of the distribution system?
- Do the costs of running the program outweigh the benefits?

The Commission will use evaluation findings to inform decision-making about program priorities and design.

Measuring Program Performance

Energy Division shall track the following metrics:

Subscription and Usage

- Applications received
- Applications deemed eligible
- Withdrawn disputes
- Comments submitted on Sub-Panel Recommendation (per dispute)
- Disputes resolved via an Order from the Executive Director
- Disputes escalating to a Commission Resolution
- Commission Resolutions affirming and overturning an Executive Director Order

Dispute Processing Speed

- Average, minimum and maximum number of days from receipt of application to issuance of an Order from the Executive Director
- For projects that escalate to a Commission Resolution: Average, minimum and maximum number of days from receipt of application to Commission vote on Draft Resolution

Program Costs

- Staff time of CPUC employees administering the program
- Staff time of utility employees supplying the technical panel with information on the dispute
- Staff time of utility engineers serving on the technical panel
- Paid time of non-utility engineers serving on the technical panel

Measuring Program Impact on Interconnection Costs and Timelines

Supplying certainty that disputes will be resolved within 60 days and potentially shortening the timeline for dispute resolution may offer time and cost savings for both applicants and utilities. Estimating the magnitude of the savings, however, is difficult given one is attempting to measure actual outcomes against a hypothetical of what would have happened in the absence of intervention.

Staff nevertheless believes it is beneficial to estimate these impacts. Staff proposes that after each dispute is resolved, the applicant and utility provide Energy Division with qualitative descriptions and quantitative estimates of the Expedited Process' impact on system and project costs, timeframes, and outcomes, as compared to pre-existing methods for dispute resolution. These methods include informal discussions with the utility, bilateral negotiations as outlined in Section K.2.a of Rule 21, mediation via the Commission's Alternative Dispute Resolution process, and filing a formal complaint with the Commission.

While descriptions and estimates will be highly subjective, they may prove useful in providing the Commission with context as it evaluates the success of the Expedited Process in achieving its program goals.

Appendix A: Assembly Bill No. 2861

Assembly Bill No. 2861
CHAPTER 672

An act to add Section 769.5 to the Public Utilities Code, relating to electricity.

[Approved by Governor September 26, 2016. Filed with Secretary of State September 26, 2016.]

BILL TEXT
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 769.5 is added to the Public Utilities Code, to read:

769.5. (a) The Commission may establish an expedited distribution grid interconnection dispute resolution process with the goal of resolving disputes over interconnection applications that are within the jurisdiction of the Commission in no more than 60 days from the time the dispute is formally brought to the Commission. If the Commission establishes an expedited distribution grid interconnection dispute resolution process, the Commission may provide exceptions to the 60-day time period when more than 60 days are needed to fairly and safely address a dispute.

(b) The expedited distribution grid interconnection dispute resolution process shall include the following elements:

(1) A distribution grid interconnection technical panel consisting of at least eight individuals selected by the Commission. Four of the technical panel members shall be from electrical corporations and four shall not be from electrical corporations. The Commission shall determine the length of the term of each member. A member shall not participate as a review panel member for the dispute resolution process for a contested interconnection application in any of the following situations:

(A) The member is an employee of, a contractor to, or an employee of a contractor to, an electrical corporation to which the contested interconnection application has been submitted.

(B) The member is the applicant, an installer or an employee of an installer for the applicant, or a third-party electricity purchase agreement provider for the applicant.

(C) The member has a direct financial interest in the contested interconnection application.

(2) A review panel of four members shall be selected from the technical panel for each dispute.

(3) If an applicant is unable to resolve an interconnection-related dispute after working with the electrical corporation operating the distribution grid, the

applicant may seek resolution of the dispute using the Commission's expedited distribution grid interconnection dispute resolution process.

(4) Upon agreeing to a final settlement of the dispute, parties shall be free to withdraw from the expedited distribution grid interconnection dispute resolution process.

(5) If the dispute is submitted with the Commission, the Commission shall ensure that the review panel shall review the dispute and make a recommendation to the executive director of the Commission within 30 days of receiving the dispute.

(6) The Commission shall establish a public process to allow the electrical corporation, the applicant, and other interested parties to submit written comments on the recommendation of the review panel.

(7) The review panel shall request appropriate documents from the electrical corporation involved in the dispute, including, but not limited to, interconnection application studies.

(8) The scope of the review panel's review shall be limited to issues regarding compliance with the established interconnection rules. Any recommendations shall ensure safe and reliable interconnection.

(9) The scope of the review panel's review is limited to making recommendations to resolve specific customer disputes and recommending associated corrective actions, and the panel shall have no authority to assess penalties.

(10) Upon receipt of the recommendation from the review panel, the executive director shall have 30 days to review the recommendation and to prepare an order to the electrical corporation resolving the dispute. If the review panel cannot agree on recommendations, then each recommendation of a review panel member shall be submitted to the executive director, who shall make the decision resolving the dispute.

(11) Any interested person seeking Commission review of the executive director's determination shall submit the request for review within 10 days of the determination. Upon receipt of the request for review, the executive director or the energy division director shall prepare a proposed resolution of the matter for approval by the Commission.

(c) The Commission shall provide the members of the technical panel who are not from electrical corporations with an appropriate per diem compensation consistent with Section 19822.5 of the Government Code.

(d) The Commission shall appoint a qualified electrical systems engineer with substantial interconnection expertise to advise the director of the energy division and shall provide adequate Commission staff to assist in resolving interconnection disputes.

Attachment A: CPUC Staff Straw Proposal for a Rule 21 Working Group

CPUC Staff invite stakeholders to comment on this proposal to reconvene the Rule 21 Working Group, previously led by the CEC from 1999 to 2008. Comments should be included in the written comments on the "Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process."

Introduction: CPUC Staff propose to form a Rule 21 Working Group in order to informally resolve and/or prevent interconnection disputes, and foster proactive, constructive communication between utilities, developers, and other impacted stakeholders about interconnection-related issues. Staff believe the working group will improve understanding of interconnection by all interested parties, bring utilities and developers together to find mutually acceptable solutions, and drive toward more consistent interconnection business practices across utilities and developers.

Purpose: The purpose of the Rule 21 Working Group is to:

- Informally resolve and/or prevent interconnection disputes between utilities and developers
- Share information and best practices across utilities and developers
- Provide a monthly forum for communication and problem-solving between utilities, developers, and other impacted stakeholders

These objectives align with the Commission's vision for distributed energy resources (DER) as articulated in the DER Action Plan, Vision Element 2.E: "Interconnection is facilitated by…streamlining utility application practices, and expediting resolution of disputes."[5]

Facilitation: The CPUC will hire a facilitator to lead working group meetings, develop agendas and meeting materials, organize special reports on technical subjects, circulate meeting notes, maintain a web portal for the working group, and provide logistical support. The facilitator will be an independent technical expert with interconnection or distribution system expertise and experience in facilitation.

Participants: Working group meetings will be open to the public. The makeup of the working group will reflect the variety of stakeholders impacted by interconnection practices, included but not limited to: utilities, developers, trade associations, non-governmental organizations, and state regulators.

Scope: The working group will provide an informal venue for stakeholders to explore a wide variety of issues related to interconnection processes and policies, and will exist

[5] http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Commissioners/Michael_J._Picker/2016%20DER%20Action%20Plan%20FINAL.pdf

independently of any concurrent proceeding on interconnection. Topics of discussion may include:

- Questions or complaints about individual interconnection requests
- Inconsistent practices or interpretations of rules across utilities
- Rule 21 public queue management
- Announcement and discussion of upcoming program or tariff changes
- Suggestions for improvements to interconnection business practices
- Modifications to materials such as the Unit Cost Guide, Guide to Energy Storage Charging Issues, etc.
- Smart inverter rollout (to the extent issues are not discussed in meetings of the Smart Inverter Working Group)

Logistics: Meetings will occur monthly and last for two hours. Meetings may be in-person with conference lines enabled, via conference call only, or via WebEx.

(End of Exhibit B)

RESOLUTION ALJ-347. Adopts an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861.

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service lists of R.11-09-011 and R.17-07-007 who have provided an e-mail address.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability/hardcopy of the document to be served by U.S. mail on all parties listed in the "Party" category of the official service list for whom no e-mail address is provided.

The official service list I use is current as of today's date.

Dated September 5, 2017, at San Francisco, California.

/s/ LILLIAN LI
Lillian Li

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

* *

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

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Last Updated on 05-SEP-2017 by: LIL
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CLEAN COALITION INFORMAL COMMENTS ON STAFF CONCEPT PAPER FOR AN EXPEDITED INTERCONNECTION DISPUTE RESOLUTION PROCESS

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RE: Clean Coalition Informal Comments on Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process

I. INTRODUCTION

In response to the May 30th 2017 email request from Energy Division Staff regarding the *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process* the Clean Coalition submits these informal comments.

The Clean Coalition is a nonprofit organization whose mission is to accelerate the transition to renewable energy and a modern grid through technical, policy, and project development expertise. The Clean Coalition drives policy innovation to remove barriers to procurement and interconnection of distributed energy resources ("DER")—such as local renewables, advanced inverters, demand response, and energy storage—and we establish market mechanisms that realize the full potential of integrating these solutions. The Clean Coalition also collaborates with utilities and municipalities to create near-term deployment opportunities that prove the technical and financial viability of local renewables and other DER.

II. COMMENTS

A. General comments

While significant improvements have been made and more are under development, the interconnection process remains a major factor contributing to uncertainty, cost, and delay in the development of distributed generation and storage facilities, and a barrier in meeting local and statewide energy goals. A lack of transparency and objective processes in interconnection study

conclusions leads to disputes regarding the timing and costs of interconnection, and can have substantial impact on project development and subsequent ratepayer costs.

Disputes arising during the interconnection process are a significant problem. The Clean Coalition finds the structure and terms of the Expedited Interconnection Dispute Resolution Panel and process to be thoughtful and consistent with the requirements of AB 2861, and we offer several recommendations for implementation. However, we believe that incentives to improved predictability, adopt objective deterministic standards, lower costs, and otherwise improve processes, will do far more to reduce disputes from arising in the first place, and be more effective in meeting the interests of all stakeholders.

Fundamentally issues are much more easily resolvable between cooperative parties, and far more burdensome when either party is disinclined toward mutually acceptable resolution. While dispute resolution is important as a fallback, it is far more effective to align the interests of parties.

The proposal complies with the well-intended legislation, however the impact of this dispute resolution process may be severely limited because the scope of the Panel's review is restricted to issues regarding compliance.[1] This restricts the Panel to determining only whether the utility actions and requirements are allowable, not whether they are reasonable or necessary – frequently disputes arise regarding whether a costly utility requirement is necessary or whether the applicant's alternative is sufficient to meet the engineering safety and reliability standards while assigning appropriate cost responsibility.

For example, requiring the addition of a single Direct Transfer Trip will add roughly $600,000 to interconnection related costs, increasing by 20% the total project costs of a 1.5 MW PV project, which impacts cost of energy procurement for ratepayers. There is a demonstrated lack of consistency between utilities and within engineering opinion regarding when such devices are warranted, and unpredictability in when they will be required. The proposed Dispute Resolution Panel holds out the potential to address such disputes, but appears to be restricted by statute from doing so.

[1] Sec 769.5. (b) (8) "The scope of the review panel's review shall be limited to issues regarding compliance with the established interconnection rules"

The proposed expedited resolution process does have clear benefits over the existing timeline for Alternative Dispute Resolution. In contrast, the existing lengthy option of mediation by an ALJ does more clearly avoid the potential for conscious or unconscious bias since an ALJ is a clearly neutral party with no potential future financial relationship with the disputants. Under the proposal applicants retain the option of either dispute resolution path.

In addition, the opportunity for interconnection applicants to file and subsequently withdraw a dispute may serve as an effective incentive to reach fair settlement through informal negotiations. Exercising this option may burden the panel, and this should be monitored. While it is certainly preferable to reach settlement, if parties are regularly doing so only after initiating a formal dispute process, then the Commission should explore what factors are preventing prior resolution.

We recognize, but the paper does not explicitly identify the fact, that existing dispute resolution processes are not heavily utilized. This is both applicants are reluctant to formally engage dispute processes due in part to the extended delay associated with the existing mediation option, but also for fear of subtle retribution in discretionary response to subsequent applications, such as interpretation of results and "engineering judgment" regarding impacts and required mitigation. Professional interconnection applicants anticipate ongoing interactions with the same utility staff for future projects, and judge, rightly or wrongly, that maintaining friendly relations with those staff may influence the speed and outcomes of future application results.

The Expedited process effectively addresses the legitimate concern over the time it would take to make use of the existing formal dispute resolution process. The concerns regarding potential retribution may be unwarranted, however where there is a significant degree of utility discretion there is also clear potential for staff to exercise more liberal or stringent judgment in the application of standards and compliance with tariff requirements.

As noted above, issues are much more easily resolvable between cooperative parties, and far more burdensome when either party is disinclined toward mutually acceptable resolution. While dispute resolution is important as a fallback, it is far more effective to align the interests of parties, establishing incentive for both parties to seek mutually acceptable outcomes. This may be achieved through measures such as performance-based incentives related to customer satisfaction, improvements in application processing time, increased predictability and transparency in interconnection upgrade requirements, et c.

B. Comments on specific sections and in response to Staff questions

Section 1 *proposes a framework and steps for the Expedited Process, describes the role of the technical advisory panel in reviewing disputes, and provides information on the service of documents and online access to information.*

The requirement for the utility to respond within 3 business days may prove challenging and impact other active applications relying upon the same utility staff. While expediency is a high priority, and 3 business days should be explicitly preferred, some flexibility may be warranted.

Recommendation: Upon request of the utility, the utility will be allowed five (5) business days to provide its initial response in full.

A Central Webpage for Expedited Process maintained by the Energy Division is proposed that will contain useful information including a link to the location of documents related to specific disputes on the Commission's e-filing system.

Recommendation: We clarify that the public webpage also contain a link to a list of all current and prior disputes for review in order to ensure that interested parties can easily identify the existence of disputes without foreknowledge of specific disputes.

Section 2*: Governing structure for the technical advisory panel.*

Regarding composition:

As noted above, mediation by an ALJ as a neutral party with no potential future financial relationship with the disputants does more clearly avoid the potential for conscious or unconscious bias compared to arbitration by a panel as described. Professional arbitration has been shown to favor large clients who are repeat customers seeking (favorable) arbitration services. The ability to assemble a panel meeting the guidelines for conflict of interest may prove challenging and potentially require participation from panelists outside of California.

It will also be important to assess whether the representatives on the panel demonstrate bias. For example, if the utility representatives were to disproportionately decide in favor of the utility, and the non-utility representatives were to demonstrate equal bias against the utility, then

the panel may be considered "balanced" but ineffective. If the non-utility members were "neutral" but the utility members were biased then the neutral members will dilute the bias, but not counter weight it, resulting in an overall bias across the panel. Ideally, no bias exists, but this cannot be assumed without evidence through assessment based on record. In practice, foreknowledge by panelists that findings will be reviewed for bias will provide incentive for all participants to be extra diligent in avoiding any bias.

Recommendation: That all non-consensus rulings of the panel members be reviewed annually on this basis to assess whether there is indication of bias.

Regarding Selection of Members from Utilities & Vacancies:

Allowing three of the four panelists to be associated with one utility is potentially problematic. In the event of a non-utility vacancy, if three panelists are associated with one utility there will be only one possible group of four eligible panelists for a dispute related to that utility (the one remaining utility panelist and the three remaining non-utility panelists). Under these circumstances, if any one of these four panel members does not happen to available or discovers a conflict of interest, then it will not be possible to meet the expedited Review and Recommendation schedule. Given that the CPUC may require six months or more to contract non-utility representatives and may need to do so without advance notice, there is substantial potential for this situation to occur.

We recommend two adjustments to address this risk and provide increased flexibility in composition of sub-panels:

1. That no more than two panel members be associated with any one utility.
2. That the Commission considers contracting a 5th non-utility panelist in advance, ready to begin their term when a vacancy next occurs, or to serve as a reserve where an additional panel member is needed.

Section 3: *Tariff Revisions.*

The Tariff revisions included in the Staff Paper appear appropriate.

Section 4: *Program Evaluation.*

The Staff Paper suggests well-developed and effective methodological guidelines for evaluating the Expedited Process' performance in shortening interconnection timeframes, reducing uncertainty in the interconnection process, and reducing project interconnection costs, while acknowledging the difficulty of doing so. We support the proposals.

Additionally, applicant feedback may provide a valuable additional basis for assessment.

Recommendation: Applicants should be encouraged to provide confidential comments on their interconnection experience, in line with common business practice, both as one measure of performance and as an opportunity identify issues and solicit suggestions for improvement. This may be provided through a link on the Energy Division's Dispute Resolution webpage offering a form for comments, including indication whether the applicant had engaged in the Dispute Resolution process.

As previously noted above, we also recommend that all non-consensus rulings of the panel members be reviewed annually to assess whether there are consistent divergence or indication of bias between utility and non-utility conclusions, and whether any such divergence is warranted by factors that may be identified.

***Attachment A**: Formation of a Rule 21 Working Group*

Staff propose the formation of a Rule 21 Working Group to informally resolve and/or prevent disputes and foster proactive, constructive communication between utilities, developers, and other impacted stakeholders about interconnection-related issues. Staff believe the working group will improve understanding of interconnection by all interested parties, bring utilities and developers together to find mutually acceptable solutions, and drive toward more consistent interconnection business practices across utilities and developers.

This topic deserves further attention and refinement, and we look forward to comment from other parties. While we support the intentions, these cover a range of disparate goals for which an informal working group would not consistently prove appropriate and effective.

Working groups have proved effective for addressing technical issues, and this approach has been increasingly engaged by the Energy Division, usually with clearly scoped mandates and schedules. There are multiple active working groups associated with DRP, IDER, inverter standards, DRAM, and other matters. These working groups have clear goals, and require

substantial ongoing time commitments from participants, some of which already overlap with interconnection issues.

The Energy Division may appropriately host, or direct utilities to host, periodic forums to review programs and solicit feedback. This will already occur annually for the recently adopted Unit Cost Guide, and has occurred for DER procurement programs, which invariably include interconnection factors. Likewise, presentation and discussion of special reports on best practices or technical subjects may be offered periodically as warranted on the initiative of any party, and would be especially appropriate in conjunction with and issue actively before the Commission and parties to a proceeding.

Questions or complaints about individual interconnection requests are often specific to the technical details of that particular application and better addressed in a dedicated meeting with the appropriate utility personnel and ombudsman.

Inconsistent practices or interpretations of rules across utilities certainly should be addressed when identified, however there must be incentive for parties to reach resolution and a clear schedule for doing so. In these circumstances a working group has frequently proven effective in developing consensus recommendations for the Commission.

Likewise, this can be an appropriate forum for discussion of upcoming program or tariff changes, and addressing suggestions for improvements to interconnection business practices, under similar schedule and direction. It must be recognized however that parties will necessarily need to commit additional time beyond a two hourly monthly meeting to flesh out and refine any such recommendations.

Additionally, adoption of changes to practices, programs, or tariffs will necessarily require oversight and approval from the Commission, including formal notice and comment. If there is a concurrent proceeding, it is not at all clear how or why a working group should operate independent of that proceeding rather than reporting directly to it.

In summary, there is great value in ensuring forums exists in which issues may be identified for follow up, and a working group may be brought together to effectively address a specific matter or congruent constellation of issues. However, it may appropriately be the Energy Division staff who serve as the best point of collection and coordination for topics raised by stakeholders across various venues, convening a Rule 21 working group as appropriate and with participation determined by the individual topic.

Response to Staff Questions: *Does the proposed expedited process improve upon existing methods for dispute resolution? To what extent will the proposed expedited process be used by interconnection applicants? What are the potential costs and benefits of the expedited process, and to whom will they accrue?*

In general, expedited resolution of interconnection issues benefits all parties – Applicants benefit from reduced delays including the costs associated maintaining unresolved project applications and earlier ability to offer projects at known cost to customers and procuring agencies, utilities benefit from reduced impacts on interconnection studies associated with unresolved applications stuck in the interconnection queue, and ratepayers benefit from lower energy prices when supplier costs and barriers to competitive market participation are reduced.

Due to the legislative restriction limiting the scope of disputes to compliance with the established tariff and other factors outlined above, the Clean Coalition does not expect this proposed process to be fully utilized with much frequency or for it to have much direct Process' impact on system and project costs, timeframes, or outcomes. However, establishing this expedited process will both offer a reasonably accessible option to applicants for compliance issues and signal to the market that at least these issues will be addressed quickly when necessary, and this supports greater market participation and competition that benefits ratepayers.

While the total costs of the program will be utterly negligible relative to the total costs of providing electric power, such costs as may also be mitigated. While there is value in the panel meeting together in person, it may not warrant the cost of travel and per diem allowances. A great deal can be addressed effectively through electronic communication and virtual meetings. We recommend the Commission encourage these and other measures for efficient use of ratepayer dollars in time and expense management for all panelists.

Respectfully submitted,

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CLEAN COALITION INFORMAL REPLY COMMENTS ON STAFF CONCEPT PAPER FOR AN EXPEDITED INTERCONNECTION DISPUTE RESOLUTION PROCESS

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RE: Clean Coalition Informal Reply Comments on Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process

I. INTRODUCTION

In response to the May 30th 2017 email request from Energy Division Staff requesting informal comments regarding the *Staff Concept Paper for an Expedited Interconnection Dispute Resolution Process* and in response to the opening comments of stakeholders, the Clean Coalition submits these informal reply comments.

The Clean Coalition is a nonprofit organization whose mission is to accelerate the transition to renewable energy and a modern grid through technical, policy, and project development expertise. The Clean Coalition drives policy innovation to remove barriers to procurement and interconnection of distributed energy resources ("DER")—such as local renewables, advanced inverters, demand response, and energy storage—and we establish market mechanisms that realize the full potential of integrating these solutions. The Clean Coalition also collaborates with utilities and municipalities to create near-term deployment opportunities that prove the technical and financial viability of local renewables and other DER.

II. COMMENTS

A limited number of opening comments were submitted by stakeholders, and upon review the Clean Coalition broadly supports the thoughtful individual recommendations by each party suggesting clarifications and refinements in the proposed dispute resolution process.

The Joint Utilities provided the most detailed comments with arguably the most far-reaching implications. We appreciate the issues raised in these comments and offer the following brief reply.

Section 769.5(a): Limiting Eligibility After Interconnection Agreement.

Joint Utilities state: "Per Section 769.5(a) and 769.5(b)(8), the scope of EDP [Expedited Dispute Process]-eligible disputes must be limited to disputes that concern compliance with identifiable, established interconnection rules that arise while an interconnection customer's Interconnection Request application is being processed. EDP-eligibility should end once the Interconnection Request application has been processed and is supplanted by an executed interconnection agreement."[1]

We acknowledge that 769.5(a) does refer to "disputes over interconnection applications", and not to Interconnection Agreements entered into by parties at the conclusion of the application process. However, while the code does authorize the specific expedited resolution process in relation to applications, it does not explicitly prohibit use of this process for interconnection disputes associated with compliance with the Interconnection Agreements. While we do not offer a legal opinion, it may reasonably be understood that Interconnection Agreements arise out of the applications from which they originated. As such, disputes over an interconnection application might be considered to encompass all activities associated with that application, including subsequent agreements and work planned or performed. Other parties comments reflect similar positions.

Interconnection Agreements establish firm equipment requirements, however significant uncertainty remains unless the project is participating in the Pilot Program for the Cost Envelope Option.[2] There is potential for disputes to arise during the construction and certification phase, especially if unforeseen circumstances impact the planned work or project equipment. If these issues cannot be resolved through the informal process, and alternative to the ADR process is warranted, and utilization of the Panel would be appropriate where such disputes are technical rather than legal in substance. In reviewing the Dispute Notice and Application, a determination

[1] Joint Utility comments at 1 and 7

[2] D.16-06-052

may be made as to whether the type of dispute is appropriate for the Panel, thereby allowing expedited resolution.

Section 769.5(b)(3): Informal Dispute Resolution Requirements and Schedule

The Joint IOUs note that Section 769.5(b)(3) requires parties to have first engaged in informal dispute resolution prior to being eligible for the formal expedited process, and recommend that Rule 21's existing Section K.2.a should serve as the informal dispute resolution process.

Clean Coalition is sympathetic to the concerns raised here, and note that K.2.a provides a dispute resolution process with a similar timeline to the new PUC Sec 769.5. As such, 769.5 may be intended to replace the lengthy ADR or external mediation process, not the 45 day K.2.a process. However, the important differences between K.2.a and 769.5 are a) K.2.a does not ensure resolution of the dispute, and b) does not utilize independent experts. The 769.5 process might therefore be seen as adding certainty and impartiality to the existing expedited process.

As we previously noted, parties engaging in good faith and informal processes are frequently able to resolve issues efficiently, and we do not want to discourage or replace this opportunity. SCE notes that 90 issues brought to their interconnection Ombudsman have been "successfully addressed", and only one of the 16 times parties have utilized K.2.a has the dispute has been referred to ADR. These figures suggest some success but the outcomes are distinctly inconclusive since the delays associated with the ADR option strongly discourage its use.

We therefore **support** the use of K.2.a as proposed by the Joint Utilities as an eligibility requirement prior to a party bringing a dispute before the 769.5 Panel. This will also mean that parties have had ample opportunity to refine the issues and gather together the information required by the Panel.

However, because new understanding may well arise through the initial dispute process, we **oppose** the Joint IOU recommendation that the 769.5 Panel application "must limit its scope to issues identified when the party initiated the informal dispute resolution process".[3] The informal process permits Parties time to understand their disputed issues, which in turn permits them the opportunity to resolve issues and/or crystalize the remaining areas of dispute. Through

[3] Joint IOU opening comments at 4.

this process, issues may be redefined and new issues may arise beyond those initially identified. The informal process offers some opportunity to both identify and address these issues during party conferences without initiating a new K.2.a request and starting a new 45 day timeline. We propose instead that the application to the Panel limit its scope to "issues identified by parties in the informal dispute resolution process". Applicants will have natural incentive to address any new issues arising during that informal process, with additional meetings as warranted, rather than adding at least 60 days more to refer the process to the Panel.

This will likely reduce the number of disputes submitted to the Panel and reduce the number of issues contested in a dispute, thus promoting efficient dispute resolution while conserving the CPUC's and the subpanel's limited resources.

Sec 769.5(b)(8): Scope of eligible disputes – Rules versus Methods.

Fundamentally there are two classes of dispute – engineering and compliance. Engineering disputes address the accuracy of analysis performed in studies and engineering conclusions. Compliance disputes address factual performance and interpretation of rules such as established in tariffs and contracts. The former is the purview of engineers, the later of legal and regulatory experts.

As noted in our opening comments and those of the Joint Utilities, the proposed dispute resolution process may be severely limited because the scope of the Panel's review appears to be restricted to issues regarding compliance.[4] This would appear to restrict the Panel to determining only whether the utility actions and requirements are allowable, i.e. not in conflict with the tariff. Most disputes are likely to center not on whether utility actions are in violation of the tariff, but whether they are reasonable, cost efficient and necessarily required under the tariff to ensure safe and reliable interconnection.

The interconnection rules as established in the tariff define thresholds, timelines, and responsibilities that are rarely in dispute, while often deferring the interpretation of study results and mitigation to engineering judgment. When disputes do arise, they are most frequently regarding whether a costly utility requirement is necessary or whether the applicant's alternative

[4] Sec 769.5. (b) (8) "The scope of the review panel's review shall be limited to issues regarding compliance with the established interconnection rules"

is sufficient to meet the engineering safety and reliability standards and utility operational requirement while assigning appropriate cost responsibility. Addressing these disputes would be useful and appropriate for the expertise envisioned of members the technical panel called for in the legislation and Sec 769.5(b)(1), and both the Commission and Joint Utilities call for licensed Professional Engineers with technical expertise in distribution interconnections.

The proposed Dispute Resolution Panel holds out great potential to address such disputes, but appears to be restricted by statute from doing so in a manner which appears to contradict the required technical composition of the panel and the goals of many supporters. The Commission should clarify whether it has the authority to utilize the recommendations of the Panel to address technical disputes relating to reasonableness and engineering necessity.

Sec 769.5(b)(8): Scope of eligible disputes – Cost Reasonableness

While questions regarding reasonableness of costs are very important to address, and we strongly encourage the Commission to do so, this panel is neither staffed to address these questions, nor is it the appropriate venue. Both those costs associated with agreed upon engineering work and other interconnection related costs such as maintenance and replace charges should be addressed in formal proceedings.

Section 769.5(b)(6): Interested Persons

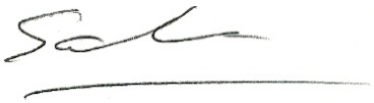
The Joint IOUs recommend limiting the definition of "interested person" and restricting the opportunity to submit comments to parties who have first shown a demonstrable interest in the dispute.[5] The Clean Coalition opposes this recommendation. Engagement in proceedings and development of comments is a significant effort and is not undertaken lightly or without substantial motivation. As such, the development and submission of comments in a dispute may well be considered in of itself a demonstration and showing of interest. It is hypothetically possible that illegitimate or nuisance filings may occur, but inhibiting participation by creating additional and vague requirements and barriers to participation is a costly solution to a problem that has not been demonstrated to exist. We recommend deferring action on this matter – the Commission can address the issue if and when it is shown to warrant action.

[5] Joint IOU comments at 10

III. CONCLUSION

The Clean Coalition appreciates the Commission staff's very worthwhile efforts in developing the Concept Paper and solicting stakeholder comment. We look forward to working with the Commission and interested parties to implement the Expedited Dispute Resolution process.

Respectfully submitted,



Kenneth Sahm White
Director, Policy & Economic Analysis
Clean Coalition

Dated: 30 June 2017

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12/14/17
04:59 PM

A1712022

September 21, 2017

Re: RESOLUTION ALJ-347. Adopting an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861.

Energy Division
California Public Utilities Commission
Attn: ALJ Michelle Cooke
505 Van Ness Avenue
San Francisco, CA 94102

cc: Service Lists R.11-09-011 and R.17-07-007

CLEAN COALITION COMMENTS ON PROPOSED RESOLUTION ADOPTING AN EXPEDITED INTERCONNECTION DISPUTE RESOLUTION PROCESS

I. INTRODUCTION

The Clean Coalition submits these comments in response to the *draft Resolution of Administrative Law Judge (ALJ) Michelle Cooke regarding Adopting an Expedited* Interconnection *Dispute Resolution Process as Authorized by Assembly Bill 2861*, dated September 5, 2017, pursuant to Pub. Util. Code § 311(g) Rule 14.5 of the Rules of Practice and Procedure.

Summary

- Clean Coalition supports the draft Resolution
- We recommend small but potentially significant refinements regarding:
    - Submission of additional information and dispute forfeiture
    - Sub-Panel disclosure of economic interests
    - Rule 21 Working Group schedule and participation

II. DESCRIPTION OF THE PARTY

The Clean Coalition is a nonprofit organization whose mission is to accelerate the transition to renewable energy and a modern grid through technical, policy, and project development expertise. The Clean Coalition drives policy innovation to remove barriers to procurement and interconnection of distributed energy resources (DER)—such as local renewables, advanced inverters, demand response, and energy storage—and we establish market mechanisms that realize the full potential of integrating these solutions. The Clean Coalition also collaborates with utilities and municipalities to create near-term deployment opportunities that prove the technical and financial viability of local renewables and other DER.

III. COMMENTS

The Clean Coalition very much appreciates the efforts of the Energy Division in developing an Expedited Dispute Resolution Process as Authorized by Assembly Bill 2861, and refining the Staff Proposal in response to stakeholder comments. We support the revised proposal, and offer the following comments and recommendations.

Scope

The draft Resolution finds that a dispute may be considered eligible for the Expedited Process when there is an unresolved disagreement between the applicant and utility regarding whether one or both parties' actions are compliant with

established interconnection rules and/or are reasonable, cost efficient and necessarily required under those rules to ensure safe and reliable interconnection.[1]

We support including issues of reasonableness and cost efficiency in relation to compliance with established interconnection rule. As noted in prior comments, these are often the matters of dispute, and it is clearly in the interest of the Commission and ratepayers to encourage reasonable and cost-efficient application of rules and tariffs. Including these factors in the scope of dispute resolution will properly encourage early attention to these factors and thereby support optimal interpretation of rules and minimize the likelihood of disputes between parties.

Sub-Panel Review and Recommendation

Review

The Sub-Panel is empowered to request any necessary information or materials from the applicant and utility involved in the dispute beyond the documents initially provided, and parties are required to provide this information within 3 business days or risk forfeiture of their position, although the Sub-Panel may choose to make a decision based on the information which was provided.[2] While expeditious response is inherently necessary for this dispute resolution process, the uncertainty regarding summary forfeiture or decision based on available information is unwarranted. Additionally, there may well be circumstances in which it is impractical to deliver the requested information in whole within a mere 3 days.

We recommend that parties be required to respond to the extent possible within 3 days, but allowed to also request a little additional time to prepare the information if good cause is shown. The Sub-Panel may then choose to proceed based on the information received, or grant the extension.

We recommend that summary forfeiture only apply if a party is wholly unresponsive.

[1] Proposed Resolution, September Staff Proposal at 8-9.
[2] Ibid at 12.

Interconnection Dispute Resolution Panel

Disclosure of Economic Interests

When disclosing economic interests, it would be appropriate for disclosure to include not only interests related to the applicant, but also interests related to the utilities subject to the dispute resolution process. We therefore recommend the following modifications as underlined to the disclosure terms presented in the Proposed Resolution:[3]

Any investment or business position in, or income from, any of the following:

1. An entity seeking to provide any product or service associated with a generating facility <u>or utility</u> whose interconnection is subject to the Panel's review.
2. A parent or a subsidiary of an entity seeking to provide any product or service associated with a generating facility <u>or utility</u> whose interconnection is subject to the Panel's review.

We note that many non-utility technical experts provide services, or are associated with entities that provide services to both utilities and potential applicants. As such, it may not be practical to consistently select panel members with no such affiliations, nor is there any requirement to do so. Under these circumstances however, such associations should be disclosed, and may, at the Energy Division's discretion, be considered a factor in selection both for the pool and when assigning individuals to address specific disputes.

Rule 21 Working Group

The role and scope of the Working Group is appropriately defined, reflecting concerns raised in prior comments.

We suggest including a mechanism for Energy Division to modify the schedule and in-person requirements of the Working Group based on experience and need over

[3] ibid, at 17.

time. Requiring an engineer from each utility to attend a monthly meeting in person for the foreseeable future establishes a significant time and travel burden on engineering staff and may impact both their interconnection work and ratepayer costs. While the ratepayer costs are de minimis relative to overall utility budgets, the general principles of efficient use of ratepayer funds should always be considered.

We anticipate that remote participation will be common among many stakeholders, in which case similar participation would be equally effective from utility representatives. Likewise, we expect that scheduling monthly 2-hour web conference meetings, supplemented by 4-hour in person meetings occurring 2-4 times a year may well prove a more effective schedule. We recommend explicitly allowing Energy Division staff to propose such modifications to the Working Group and to implement them after soliciting feedback from participating stakeholders.

IV. CONCLUSION

We appreciate the Commission's attention and parties' history of diligent work in addressing the issues associated with interconnection and offer these comments to further those ends.

Respectfully submitted,



Kenneth Sahm White
Director, Economic and Policy Analysis
Clean Coalition

Dated: September 21, 2017



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A1712022

September 26, 2017

Re: RESOLUTION ALJ-347. Adopting an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861.

Energy Division
California Public Utilities Commission
Attn: ALJ Michelle Cooke
505 Van Ness Avenue
San Francisco, CA 94102

cc: Service Lists R.11-09-011 and R.17-07-007

CLEAN COALITION REPLY COMMENTS ON PROPOSED RESOLUTION ADOPTING AN EXPEDITED INTERCONNECTION DISPUTE RESOLUTION PROCESS

I. INTRODUCTION

The Clean Coalition submits these reply comments in response comments served by parties regarding the *draft Resolution of Administrative Law Judge (ALJ) Michelle Cooke regarding Adopting an Expedited* Interconnection *Dispute Resolution Process as Authorized by Assembly Bill 2861*, dated September 5, 2017, pursuant to Pub. Util. Code § 311(g) Rule 14.5 of the Rules of Practice and Procedure.

Summary

- Clean Coalition supports the draft Resolution.
- Joint IOUs comments recommend several modifications to the Staff Proposal which are aligned with the recommendations of the Clean Coalition, with one exception.
- We strongly disagree with Joint IOUs request *requiring* that the interconnection process be halted during the dispute resolution process.
- However, we support putting the process on pause when agreed by *both* parties.
- We support the Staff Proposal's optional expedited informal dispute resolution timeline.

II. COMMENTS

The Clean Coalition very much appreciates the efforts of the Energy Division in developing an Expedited Dispute Resolution Process as Authorized by Assembly Bill 2861, and refining the Staff Proposal in response to stakeholder comments. We support the revised proposal, as reflected in our opening comments.

Comments were ordered distributed to Service Lists R.11-09-011 and R.17-07-007. Clean Coalition only received service of comments from the Joint Utilities, and offers the following response.

Reply to Joint IOUs

Joint IOUs comments[1] recommend several modifications to the Staff Proposal which are aligned with the recommendations of the Clean Coalition, with two exceptions. Joint IOUs request that the interconnection process be halted during the dispute resolution process[2], and Joint IOUs oppose the use of an expedited informal dispute resolution option described in the Staff Proposal[3].

[1] Joint Comments of Southern California Edison Company on Draft Resolution ALJ-347, September 21, 2017.
[2] Ibid. at 1-4.
[3] Ibid. at 5.

1. We strongly disagree with establishing a requirement for the process to be halted, however we support putting the process on pause when agreed by <u>both</u> parties.

Applicants are subject to external deadlines that may be jeopardized by a 60-day delay. Many procurement processes require projects to have completed various phases of the interconnection application, study, or agreement process in order to be eligible to engage in the procurement process, and the scheduled window for participation is often narrow. As such, applicants are frequently not in control of the schedule for when to begin or complete the formal interconnection process. Applicants must spend months and tens of thousands of dollars to identifying appropriate siting and establish site control before they can submit an interconnection application[4], and often cannot begin that work until after a procurement process is announced and its requirements established. Likewise, once a contract is entered into, it will have deadlines for commencement of delivery of energy, and in many cases utility service departments have seasonal availability to perform work; an interconnection processing delay can result in a much longer scheduling delay where utility construction is required.

If an applicant is necessarily subject to a 60-day delay in their interconnection, this will create a substantial risk and effective penalty for some applicants, creating a situation in which the applicant is forced to either bear the burden of delay or bear the burden of foregoing the dispute process, disadvantaging the applicant in both cases.

In many cases, and quite possibly most cases, the dispute will not involve an issue which would impact work that would be completed during the 60-day dispute resolution period. Disputes can involve billings, construction requirements that will not occur until well after the dispute period would be completed, or the interpretation of results of studies already undertaken. In each of these cases there is no risk associated with continuing the interconnection process in parallel with the dispute resolution process, and no benefit to delay. As such, a blanket requirement that all disputes

[4] Based on Clean Coalition survey of participants in California IOU interconnection processes, typical pre-application costs for a 1 MW project are $35,000, and rarely below $18,000, extending over at least 3 and typically 7 months.

automatically trigger a halt to an applicant's interconnection progress is unwarranted and frankly unfair.

In consideration of these facts, we recommend that the interconnection process be paused only by mutual agreement of both parties. Where there is no agreement to pause, the interconnection process should proceed per established tariff schedules.

Further, to the extent that there are costs associated with possibly repeating studies or other work as a result of the ruling of the dispute resolution panel, we recommend that those cost be borne by the losing party. This cost assignment will encourage both parties to minimize risk by actively seeking mutually agreeable resolution, or, where appropriate, mutually agreeing to delay work that may be wasted.

2. We support the Staff Proposal's option to shorten the existing informal processes prior to initiating the formal expedited process.

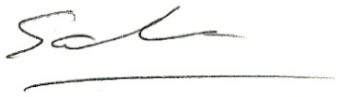
Regarding the use of an expedited informal dispute resolution option described in the Staff Proposal, we support the Staff Proposal's efforts to shorten the existing informal processes defined in Section K.2.a of Rule 21 precisely because the purpose of this process is to expedite resolution of disputes. *Requiring* disputants to engage in informal processes lasting more than two months under K.2.a is clearly contrary to the goals of AB 2861. Staff offer an expedited option, not a requirement. The Staff Proposal already allows disputants to make a mutual request to Energy Division to extend deadlines associated with the informal dispute resolution process,[5] and this should be sufficient.

III. CONCLUSION

We appreciate the Commission's attention and parties' history of diligent work in addressing the issues associated with interconnection and offer these comments to further those ends.

[5] Staff Proposal at 8.

Respectfully submitted,



Kenneth Sahm White
Director, Economic and Policy Analysis
Clean Coalition

Dated: September 26, 2017

Hours Log: K.S.White

Rule 21 Dispute Resolution, ALJ-347

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ALJ-347	Rule 21 Dispute Resolution	Review CPUC staff Expedited Dispute Resolution concept paper	6/13/17	1.75
ALJ-347	Rule 21 Dispute Resolution	Outreach and discussion on CPUC staff Expedited Dispute Resolution concept paper	6/20/17	1
ALJ-347	Rule 21 Dispute Resolution	Draft Response to CPUC staff request for comments on Expedited Dispute Resolution concept paper	6/22/17	4.25
ALJ-347	Rule 21 Dispute Resolution	Email with SCE re: Expedited Dispute Resolution party outreach	6/26/17	0.15
ALJ-347	Rule 21 Dispute Resolution	Call with SCE re: Expedited Dispute Resolution concept paper comments and reply	6/27/17	0.75
ALJ-347	Rule 21 Dispute Resolution	Review party comments on CPUC Expedited Dispute Resolution concept paper	6/28/17	2.25
ALJ-347	Rule 21 Dispute Resolution	Draft Reply to party comments on CPUC Expedited Dispute Resolution concept paper	6/28/17	2
ALJ-347	Rule 21 Dispute Resolution	final Draft and edit Reply to party comments on CPUC Expedited Dispute Resolution concept paper	6/30/17	3.75
ALJ-347	Rule 21 Dispute Resolution	Review and prepare comments on draft Resolution ALJ-347	9/19/17	2.25
ALJ-347	Rule 21 Dispute Resolution	Draft comments on draft Resolution ALJ-347	9/21/17	2.5
ALJ-347	Rule 21 Dispute Resolution	Review party comments on draft Resolution ALJ-347 for reply	9/22/17	1.25
ALJ-347	Rule 21 Dispute Resolution	Draft Reply comments on draft Resolution ALJ-347	9/26/17	2
			Total	**23.9**