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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program.

Rulemaking 18-07-003

**ASSIGNED COMMISSIONER AND ASSIGNED ADMINISTRATIVE LAW JUDGE'S
RULING IDENTIFYING ISSUES AND SCHEDULE OF REVIEW FOR 2020
RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLANS**

Summary

Pursuant to the authority provided in Public Utilities (Pub. Util.) Code § 399.13(a)(1),¹ today's Ruling identifies the 2020 Renewables Portfolio Standard (RPS) Procurement Plan filing requirements for all retail sellers of electricity and sets a schedule for the Commission's review of the 2020 RPS Procurement Plans (RPS Plans).

¹ Pub. Util. Code § 399.13(a)(1) orders the Commission to "direct each electrical corporation to annually prepare a renewable energy procurement plan... to satisfy its obligations under the renewables portfolio standard" as well as "require each electrical corporation to review and update its renewable energy procurement plan... The commission shall require all other retail sellers to prepare and submit renewable energy procurement plans..." All subsequent code section references are to the Pub. Util. Code unless otherwise indicated.

The definition of “retail seller” in Pub. Util. Code § 399.12(j) includes the electrical corporations, as defined in Pub. Util. Code § 218, community choice aggregators (CCAs),² and electric service providers (ESPs).³

This ruling sets June 1, 2020, as the procedural date to submit the draft 2020 RPS Plans to the Commission. Attachment A of this ruling provides a procedural schedule for the 2020 RPS Plans.

While RPS Plans are filed in 2020, they are forward-looking. Accordingly, the 2020 RPS Plans should describe procurement activities 10 years into the future with a focus on near-term details. In particular, the Commission is interested in reviewing how the retail sellers plan to meet the Senate Bill (SB) 350 requirement that requires 65 percent of RPS procurement to come from long-term contracts of 10 or more years.

For procedural efficiency, all 2020 RPS Plans must follow the consistent numbering convention, as outlined in Table 1 to draft the 2020 RPS Plans. Additionally, at the time of filing, the 2020 RPS Plan must be accompanied by an officer verified checklist using the uniform template specified in Attachment B.

The electrical corporations subject to this Ruling are Pacific Gas & Electric Company (PG&E), Southern California Electric Company (SCE), San Diego Gas & Electric Company (SDG&E), PacifiCorp, Bear Valley Electric Services (BVES), and Liberty Utilities (CalPeco) LLC. All current CCAs and any CCA that intends to serve customers in 2020 and 2021 are subject to this Ruling (Attachment D). Attachment C identified the ESPs subject to this Ruling.

² Pub. Util. Code § 399.12(j)(2) states that “A community choice aggregator shall participate in the renewables portfolio standard program subject to the same terms and conditions applicable to an electrical corporation.”

³ Pub. Util. Code § 399.12(j)(3) states that “The electric service provider shall be subject to the same terms and conditions applicable to an electrical corporation pursuant to this article.”

This Ruling follows the format of past Rulings initiating the annual RPS procurement process, with refinements to incorporate lessons learned from previous RPS Plan submissions and the changes due to the current market and regulatory conditions. Consistent with Pub. Util. Code §§ 399.13(a) and 399.13(c) and the requirements in SB 350 (De León, Stats. 2015, ch. 547) (SB 350) and SB 100 (De León, Stats. 2018, ch. 312) (SB 100), which extend, increase, and modify RPS procurement rules, the Commission will issue a decision on the proposed RPS Plans by the end of the year.⁴ For CCAs and ESPs, the Commission's decision will determine if the submitted RPS Plans comply with this Ruling and the requirements of Pub. Util. Code § 399.13.

1. General Requirements for 2019 RPS Procurement Plans

In Decision (D.) 12-11-016, the Commission refined the RPS procurement process as part of its implementation of SB 2 (1X) (Simitian, Stats. 2011, ch.1). In 2015, SB 350 increased the RPS procurement requirement and modified the RPS procurement rules. The Commission issued D.17-06-026 implementing SB 350's requirement that beginning January 1, 2021, at least 65 percent of the procurement a retail seller counts toward the RPS requirement of each compliance period shall be from its contracts of 10 years or more in duration or ownership or ownership agreements for eligible renewable energy resources.⁵ SB 100 has accelerated RPS requirements to 60 percent retail sales from qualified

⁴ Pub. Util. Code § 399.13(c) states that "The commission shall review and accept, modify, or reject each electrical corporation's renewable energy resource procurement plan prior to the commencement of renewable energy procurement pursuant to this article by an electrical corporation. The commission shall assess adherence to the approved renewable energy resource procurement plans in determining compliance with the obligations of this article."

⁵ D.17-06-023, Ordering Paragraph 2.

renewable resources by 2030 and a planning goal of 100 percent of the state's electricity to come from carbon-free resources by 2045.

Consistent with statutory requirements and the Commission's decisions, the investor-owned utilities (IOUs), CCAs, and ESPs must comply with the requirements outlined in Section 5 of this Ruling. Small and multi-jurisdictional utilities are subject to a subset of the requirements, as described in Sections 2 and 3 of this Ruling.

Attachment A sets the procedural schedule for the Commission's review of the 2020 RPS Plans. Updates to the filed 2020 RPS Plans may be provided consistent with the schedule at Attachment A. Table 1 is the template to be used for 2020 RPS Plans. All RPS Plans must be filed using a completed checklist, as shown in Table 5 of Attachment B.

**2. Multi-Jurisdictional Utilities with 60,000 or Fewer Customers
(Subject to Public Utilities (Pub. Util.) Code § 399.17)**

RPS procurement requirements for multi-jurisdictional utilities and their successors⁶ allow these utilities to meet their RPS procurement obligations without regard to the portfolio content category limitations in Pub. Util. Code § 399.16.⁷

PacifiCorp is permitted to use an IRP prepared for regulatory agencies in other states to satisfy its annual California RPS Plan requirement so long as the IRP complies with the requirements specified in Pub. Util. Code § 399.17(d). PacifiCorp prepares its IRP on a biennial schedule, filing its plan with the

⁶ PacifiCorp is a multi-jurisdictional utility for RPS purposes. CalPeco is a successor entity under § 399.17 and not a multi-jurisdictional utility because it has customers only in California.

⁷ Pub. Util. Code § 399.17(b).

Commission in odd-numbered years. It will file a supplement to this plan in 2020.

As required by D.08-05-029, PacifiCorp must file and serve its IRP in Rulemaking (R.) 06-05-027 or its successor proceeding. Pursuant to D.11-04-030, in years that PacifiCorp does not file an IRP, a comprehensive supplement to its IRP is filed. This supplement is to include an analysis of how the IRP and supplement comply with the requirements in § 399.17(d). PacifiCorp filed its IRP in 2019; therefore, it will file its comprehensive supplement in 2020. The complete supplement shall provide the information required in Sections 5.1-5.12 and 5.14-5.15 of this Ruling.

CalPeco will prepare an RPS Plan subject to the same requirements as a small utility under § 399.18, as outlined in Section 3.

3. Small Investor-Owned Utilities with Fewer than 30,000 Customers (Subject to Pub. Util. Code § 399.18)

§ 399.18(b) addresses small IOUs with less than 30,000 customers and allows compliance with the RPS procurement obligations without regard to the portfolio content category limitations in § 399.16.

A small utility must file an RPS Plan according to § 399.13(a)(5), tailored to account for the low RPS procurement requirement and the limited resources of a small utility.

Accordingly, BVES shall prepare the RPS Plan providing the information required in Sections 5.1-5.12 and 5.14-5.15 of this Ruling.⁸

⁸ Mountain Utilities, described in § 399.18(a)(2), was purchased by Kirkwood Public Utility per D.11-06-032. Mountain Utilities is no longer considered a retail seller subject to the Commission's RPS jurisdiction.

4. ESPs and CCAs

SB 350 modified the RPS Plan filing requirements for ESPs and CCAs to be consistent with § 399.13(a)(5).⁹ Accordingly, each ESP and CCA must file a proposed RPS Plan that complies with all Sections of this Ruling.

The CCAs play an increasingly significant role in meeting state greenhouse gas reduction goals. By 2021, CCAs and ESPs will serve 48 percent of the load in California's three IOU service territories.¹⁰ Therefore, it is essential for reliability purposes that the Commission is fully informed of all procurement across the state. In D.19-02-007, the Commission directed CCAs and ESPs to "include more granular information regarding planning" to demonstrate that they will comply with the RPS requirements, including imminent sharp increases in long-term procurement requirements."¹¹

This Ruling directs the CCAs and ESPs to include RPS information in their 2020 RPS Plans in response to Pub. Util. Code § 399.13(a)(5)¹² and previous CPUC decisions.¹³ Reporting this information will provide the Commission, the Legislature, and the public with a complete picture of the state's RPS program to support electric reliability as the state heads toward 100 percent zero-carbon energy. For the state to fully understand the impact of procuring zero-carbon

⁹ See Pub. Util. Code § 399.13(a).

¹⁰ Data is derived from the California Energy Commission's (CEC) 2018-19 Integrated Energy Policy Report and CCA Implementation Plans certified by the Commission including CCAs that have not yet begun serving load. The data shows that by 2021, IOU load will have departed to CCAs and ESPs in the following percentages by: PG&E: 63 percent; SCE: 38 percent; SDG&E: 42 percent.

¹¹ D.19-02-007 at Ordering Paragraph 19.

¹² Pub. Util. Code § 399.13(a)(5) requires information on: renewable supply and demand, compliance delays, solicitations to procure renewable energy, project development status updates, price adjustment mechanisms, and project failure risk.

¹³ RPS Decisions can be accessed at: www.cpuc.ca.gov/rps_decisions_proceedings

resources, CCAs and ESPs should also include cost information in their RPS Plans, in the same manner as covered by the IOUs, and as described in Section 5.14.

All new CCAs and ESPs are required to file RPS Plans when they register with the Commission or 90 days before the commercial operation, whichever is first.¹⁴ Accordingly, all new registering CCAs and ESPs should file their RPS Plans with the Commission at the time of registration, as well as provide service of their RPS Plan to the Service List. All new CCAs and ESPs that filed RPS Plans upon Registration with the Commission are also required to file an RPS Plan as outlined in this Ruling.¹⁵

The Commission will reject RPS Plans from a retail seller that does not provide adequate details on the required information.¹⁶ A retail seller that does not comply with the requirements for RPS Plans may be subject to fines pursuant to a citation program adopted by the Commission, or existing statutory provisions.¹⁷

5. Specific Requirements for 2020 RPS Plans

The 2020 RPS Plans should comply with the requirements set out in this section of the Ruling. Table 1 summarizes the parts of the RPS Plan that each retail seller must comply with within its filing.

¹⁴ D.17-12-007 at Ordering Paragraph 4.

¹⁵ These new CCAs include Butte Choice Energy, City of Santa Barbara, Clean Energy Alliance, San Diego Community Power, and San Joaquin Valley Clean Energy Organization

¹⁶ In D.19-12-042 (at Ordering Paragraph 6 and Ordering Paragraph 15) the CPUC rejected several Load Serving Entities' 2019 RPS Plans for insufficient or incomplete information.

¹⁷ See Pub. Util. Code Sections 2101-2105, 2107, 2108 and 2114.

An officer must verify the 2020 RPS Plan using the uniform template in Attachment B. Completing the checklist with an officer verification will ensure correctness, consistency, and completeness at the time of filing the 2020 RPS Plan.

Pursuant to D.19-12-042,¹⁸ Energy Division Staff held a workshop on February 27, 2020 to address redundancies in the quantitative information reported in the RPS Plans and RPS Compliance Reports.

Seven parties served informal comments on March 19, 2020.¹⁹ Three parties served informal reply comments on April 2, 2020.²⁰ It was clear from stakeholder feedback that current statutory and reporting requirements require the retail sellers to file quantitative information in both the RPS Plans and RPS Compliance Reports. To address the redundancy issue, Staff has simplified some quantitative reporting templates while maintaining the integrity of the reporting requirements. Retail sellers shall use the revised templates for their 2020 RPS Plans.²¹

Based on stakeholder comments, the revisions to the templates include: eliminating historical compliance period data, standardizing energy units across all templates to megawatt-hours (MWh), effectuating a unique ID system for RPS contracts, and implementing data validations based on stakeholder comments. Additional details on the specific changes to the Procurement Plan quantitative

¹⁸ D.19-12-042, Ordering Paragraph 21

¹⁹ The parties include: Joint IOUs, Joint CCAs, California Association of Small and Multi-Jurisdictional Utilities (CASMU), Shell, Public Advocates Office, CleanPowerSF, and AReM/UC Regents.

²⁰ The parties include: Joint IOUs, Joint CCAs, and Public Advocates Office.

²¹ The templates are accessible at: https://www.cpuc.ca.gov/Utility_Scale_RFO/

templates are available for reference on the RPS website.²² Energy Division Staff will organize a webinar to answer questions on the revised RPS Plan templates in advance of the RPS Plan due date.

The RPS Plans must include all information required by statute and as specified in this ruling, including quantitative analysis supporting the retail seller's assessment of its portfolio and future procurement decisions. Narrative explanations should help explain the quantitative analysis. Responses to Section 5.5 shall be provided in a numerical/quantitative format to support the written responses to Sections 5.4, 5.5, 5.7, and 5.9. The information in the RPS Plans should be non-confidential, to the greatest extent possible, and well supported with underlying assumptions, references, and citations.

When filed with the Commission, each proposed 2020 RPS Plans must achieve the following:

1. To ensure compliance with Table 1, all RPS Plans must be accompanied by a Checklist provided in Table 4, Attachment B;
2. Describe the overall plan for procuring RPS resources to satisfy the RPS program requirements while minimizing cost and maximizing value to customers, as well as demonstrating how retail sellers comply with direction for RPS planning in SB 350, SB 100, and SB 901 (Dodd, Stats. 2018, ch.626). This includes, but is not limited to, any plans for building retail seller-owned resources, investing in renewable resources, and engaging in the sales of RPS eligible resources;
3. The various aspects of the RPS Plan themselves must be consistent. For instance, the bid solicitation protocol documents should be consistent with any statements and

²² See the RPS website here: https://www.cpuc.ca.gov/Utility_Scale_RFO/

calculations regarding a retail seller's renewable net short position;²³

4. The plans should be thorough in describing and addressing procurement and sales of RPS eligible resources that demonstrate reliability and align with the state's policy goals. The RPS Plan format requires responses that provide both summaries and the detailed descriptions necessary to understand how a retail seller's planning and procurement strategies address state goals and satisfy statutory requirements. For the IOUs, the Commission may accept or reject proposed contracts based on consistency with the approved plan, including any calculation of RPS procurement net short position;²⁴ and
5. All retail sellers should follow the format and numbering convention directed in Table 1. Uniform format and templates will enable parties, bidders, and the Commission to easily access, review and compare the RPS Plans. All sections should be numbered in the same way, without skipping any sections for ease of Commission review.

²³ As of the date of this Ruling, the methodology can be found in the May 21, 2014 Ruling, Administrative Law Judge's (ALJ) Ruling on Renewable Net Short, issued in R.11-05-005.

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M091/K331/91331194.PDF>

²⁴ Pub. Util. Code § 399.13 (d).

Table 1
Summary of Requirements for 2020 RPS Procurement Plans

	Large IOUs	Subject to §§ 399.17 & 399.18	ESPs and CCAs
1. Major Changes to RPS Plan	X	X	X
2. Executive Summary	X	X	X
3. Summary of Legislation Compliance	X	X	X
4. Assessment of RPS Portfolio Supplies and Demand	X	X	X
4.A. Portfolio Supply and Demand	X	X	X
4.A.1. Portfolio Optimization	X	X	X
4.B. Responsive to Policies, Regulations, and Statutes	X	X	X
4.B.1 Long-term Procurement	X	X	X
4.C. Portfolio Diversity and Reliability	X	X	X
4.D. Lessons Learned	X	X	X
5. Project Development Status Update	X	X	X
6. Potential Compliance Delays	X	X	X
7. Risk Assessment	X	X	X
8. Renewable Net Short Calculation	X	X	X
9. Minimum Margin of Procurement (MMoP)	X	X	X
9.A. MMoP Methodology and Inputs	X	X	X
9.B. MMoP Scenarios	X	X	X
10. Bid Solicitation Protocol	X	X	X
10.A. Solicitation Protocols for Renewables Sales	X	X	X
10.B. Bid Selection Protocols	X	X	X
10.C. LCBF Criteria	X	X	X
11. Safety Considerations	X	X	X
12. Consideration of Price Adjustments Mechanisms	X	X	X
13. Curtailment Frequency, Forecasting, Costs	X		X
14. Cost Quantification	X	X	X
15. Coordination with the IRP Proceeding	X	X	X
Appendix A: Redlined Version of the Draft 2020 RPS Plan	X	X	X

5.1. RPS Plan Section 1: Summary of Major Changes

A table identifying major changes between the 2019 and 2020 RPS Plans must be provided (*see* Table 2 below). A description supporting these significant changes should not reprint the two plans with strike-out and underlined inserts. Instead, it should explain and justify the reasonableness for each considerable change from 2019 to 2020.

If a CCA did not submit an RPS Plan in 2019, then it must include any differences between previously certified CCA Implementation Plan and the proposed 2020 RPS Plan.

Table 2
Major Changes from Final 2019 RPS Procurement Plan to
Draft 2020 RPS Procurement Plan
(Illustrated using examples)

Plan Reference	Plan Section	Summary /Justification of Change
<i>e.g., 2020 Draft RPS Plan: Section 4.B.1</i>	<i>e.g., Assessment of RPS Portfolio Supplies and Demand: Long-Term Procurement</i>	<i>e.g., Added discussion of retail seller's current and planned long-term solicitation strategies</i>
<i>e.g., 2020 Draft RPS Plan: Section 4</i>	<i>e.g., Assessment of RPS Portfolio Supplies and Demand: Alignment with Load Curves</i>	<i>e.g., Added discussion load curve evaluation and resource diversity considerations, pursuant to the guidance in the 2020 ACR</i>
<i>e.g. 2020 Draft RPS Plan: Section 15</i>	<i>e.g., Coordination with the IRP Program</i>	<i>e.g., Added language describing how planned RPS procurement aligns with preferred portfolio in 2020 IRP filing, according to the guidance in the IRP Proceeding</i>

5.2. RPS Plan Section 2: Executive Summary – Key Issues

All filings should include a high-level summary of the key issues discussed in the RPS Plans.

5.3. RPS Plan Section 3: Compliance with Recent Legislative Impact on Regulatory Changes

This section should include a summary of how a retail seller's RPS Plan complies with relevant legislation, such as SB 350, SB 100, and SB 901. Retail sellers should not write a general summary of the legislative requirements, but instead, specify how its planned renewable energy procurement comports with the state's orders and guidelines.

5.4. RPS Plan Section 4: Assessment of RPS Portfolio Supplies and Demand - §§ 399.13(a)(5)(A), 399.13(b), Compliance to D.17-06-026 Implementing SB 350's Requirement for Long-term Procurement

As a forward-looking document, the RPS Plan should explain planning for current and future years, with significant focus and details for the 2021 procurement cycle. The Commission will carefully review how retail sellers plan to meet the 65 percent procurement to be derived from long-term contracts of 10 or more years in the 2020 RPS Plans.

§ 399.13(a)(5)(A) provides that the renewable energy procurement plan shall include an assessment of annual or multiyear portfolio supplies and demand to determine the optimal mix of eligible renewable energy resources with deliverability characteristics that may consist of peaking, dispatchable, baseload, firm, and as-available capacity.

Accordingly, all retail sellers must provide a written assessment of their annual and multi-year portfolio supply and demand concerning RPS

requirements, the RPS program, and the RPS program's overall goals to determine the retail seller's optimal mix of eligible renewable energy resources.

Retail sellers that have not yet begun to serve load are required to describe their planned procurement forecast for 2021 procurement cycle. The information from retail sellers will help determine their preparedness to serve load in a manner that will reliably meet RPS goals.

4.A. Portfolio Supply and Demand: The assessment should consider, at a minimum, a 10-year time frame with a thorough near-term planning horizon that accounts for both portfolio supply and demand. This written description must include the retail seller's need for RPS resources with specific deliverability characteristics, (e.g., peaking, dispatchable, baseload, firm, and as-available capacity), as well as any additional factors, such as ability and willingness to be curtailed, operational flexibility. The retail seller's RPS Plan must also explain how the quantitative analysis provided in response to Section 5.5 supports the assessment. Lastly, it should describe how procurement or sales planned for the period covered by the 2020 RPS Plans is consistent with the evaluation of supply and demand.

4.A.1. Portfolio Optimization: All retail sellers should describe how they are planning to optimize portfolios. Portfolio Optimization descriptions should include goals, strategies, solicitations, and coordination efforts across retail sellers. If the Commission issues a decision on Portfolio Optimization in its Power Charge Indifference Adjustment (PCIA)²⁵ proceeding within a time frame to allow retail sellers to review the decision and the overlapping issues in RPS, then retail sellers should incorporate how the Commission's guidance and orders

²⁵ R.17-06-026, PCIA Phase 2, Working Group 3 is addressing Portfolio Optimization.

in that proceeding align with the retail seller's proposed procurement activities in its RPS Plan.

4.B. RPS Plan Responsiveness to Commission Policies and Regional Policies: All retail sellers should explain how their RPS Plan comports with CPUC policies, guidance, and orders. Also, retail sellers should describe whether any unique regional attributes impact RPS Plan development (*e.g.*, If a CCA has established goals that exceed state's RPS mandates or an IOU is addressing once-through cooling retirements). Retail sellers should include information on their strategies and planning mechanisms to achieve those goals through their RPS procurement activities.

4.B.1. Long-term Procurement: RPS Plans should address the requirement set out in D.17-06-026 that 65 percent of each retail seller's procurement counted towards the RPS requirement be from contracts (or ownership or ownership agreements) with term lengths of 10 years or more in duration. RPS Plans should describe how retail sellers will ramp up from the previous long-term contracting requirement of 0.25 percent to 65 percent long-term procurement.

The long-term contracting of at least ten years gives developers a certainty to finance new renewable energy projects, ensure reliability, and avoid system shortfalls. The CPUC encourages early planning on long-term procurement to hedge for delays in project development for new renewable build and potential project performance issues. Inadequate long-term procurement planning can impact the risk profile of a retail seller's portfolio and the state achieving its renewable mandates. Retail sellers should consider the risk that an eligible renewable energy resource will not be built, or that construction will be delayed, with the result that electricity will not be delivered as required by the contract. Retail sellers should describe how the need to minimize compliance risks and

project delays informs their long-term procurement planning decisions. RPS Plans should describe a timeline for how retail sellers plan to ramp up from the previous long-term contracting requirement of 0.25 percent to the current 65 percent long-term procurement requirement.

4.C. Portfolio Diversity and Reliability: Resource diversity can support reliability by ensuring that renewable procurement complements system needs. All retail sellers should describe (1) how their renewable procurement decisions consider portfolio diversity and (2) how planned RPS portfolio diversity would contribute to grid reliability in the 10-year planning horizon. The retail sellers must also explain how their proposed renewable energy portfolio will align with expected load curves and durations, as well as how it optimizes cost, value, and risk for customers. The diversity assessment should also identify and incorporate impacts of overall energy portfolio and system requirements (*e.g.*, reliability, not just RPS portfolio requirements). The written description should explicitly and specifically address, both qualitatively and quantitatively, how the retail seller determines its portfolio diversity to address issues of renewable integration, new resource development risks, under-utilization of existing RPS-eligible generation, increases in transportation electrification, and maximizing ratepayer value. Retail sellers should address whether and how they are considering advanced emerging technologies such as hybrid battery storage, offshore wind, or other emerging technologies. If retail sellers are not considering advanced emerging technologies, explain why.

4.D. Lessons Learned: For all retail sellers, the supply and demand assessment should describe and incorporate RPS lessons learned, including RPS trends and future trends.

New CCAs and ESPs are not exempt from this section and should look to lessons learned across other retail sellers to demonstrate how they will mitigate risk. For example, retail sellers can look to previous lessons learned, such as coordination on joint procurement, long-lead planning, and ratable procurement. It is insufficient to state that a retail seller has not yet learned any lessons, as all retail sellers should be engaged in prudent and proactive risk mitigation to ensure its customers receive safe and reliable electric service. Descriptions for lessons learned should address, at a minimum, risk assessment, procurement planning, and approaches to long-term procurement.

**5.5. RPS Plan Section 5: Project Development
Status Update - § 399.13(a)(5)(D)**

Current CPUC forecasts show a need for developing new renewable resources to meet system needs, RPS requirements, and greenhouse gas goals.²⁶ Accordingly, all retail sellers should provide a narrative describing how they are on track to address these goals. Retail sellers should use the Project Development Status Update template²⁷ to report development status updates for all RPS-eligible resources currently under contract (or retail seller-owned) but not yet delivering generation. This status update should include all projects that have been contracted but are not, however, online and should differentiate

²⁶ See D.20-03-028 for more information on the adopted Reference System Portfolio for the 2019-2020 IRP cycle.

²⁷ The Project Development Status Update template is posted on the CPUC's RPS website: http://cpuc.ca.gov/Utility_Scale_RFO/

projects based on whether they are in the pre-construction, construction, or post-construction development phase. The data should include at a minimum:

- 1) names of new facilities contracted with;
- 2) capacity procured;
- 3) length of contract;
- 4) facility location;
- 5) commercial online date;
- 6) technology type;
- 7) contract start and end dates;
- 8) expected annual generation;
- 9) total contract volume; and
- 10) status of any required new transmission line or transmission upgrades for each facility.

The status updates must also be reflected in the quantitative analysis in response to Section 5.5. Given this analysis, retail sellers should explain how their project development updates will impact their RPS net short and its procurement decisions for the next two years and on a 10-year planning horizon.

**5.6. Plan Section 6: Potential Compliance Delays -
§ 399.13(a)(5)(B)**

Describe in a narrative form any potential issues that could impact a retail sellers' RPS compliance and the relationship, if any, to project development delays, reduced generation, and compliance delays. Potential issues could include, but are not limited to:

- inadequate transmission capacity;
- permitting delays;
- insufficient eligible renewable energy resources supply;
- unanticipated curtailment; and
- unanticipated increase in retail sales.

Describe the steps taken to account for and minimize these potential compliance delays. The potential compliance delays included in the written description must be reflected in the quantitative analysis provided in response to Section 5.6. Given this analysis, discuss how the potential compliance delays will impact the retail seller's RPS net short, progress towards 65 percent long-term procurement, and its procurement decisions. If the retail seller does not anticipate any potential compliance delays, provide a justification using the information reported in Sections 5.1, 5.2, 5.5, and 5.6.

5.7. RPS Plan Section 7: Risk Assessment - § 399.13(a)(5)(F)

§ 399.13(a)(5)(F) provides that the renewable energy procurement plan shall include an assessment of the risk that an eligible renewable energy resource will not be built, or that construction will be delayed, with the result that electricity will not be delivered as required by the contract.

Provide a written assessment of the risk in the RPS portfolio in relation to RPS compliance requirements. Potential risks to consider are, but not limited to, developer, permitting, transmission development, supply chains, and financing. Retail sellers should address how the risks could impact achieving the long-term procurement requirement and overall RPS requirements. The results of the retail seller's risk assessment must be provided in the written description and must be reflected in the quantitative analysis provided in response to Section 5.7. Also, retail sellers should provide details of the modeling and model(s) used (*e.g.*, deterministic, stochastic.)²⁸ to conduct annual risk assessments of their entire

²⁸ Examples of two different approaches to risk modeling include deterministic models for expected and standard variabilities (*e.g.* project failure rates and expected project delays) and stochastic models for uncertain variabilities (*e.g.* retail sales fluctuations, project failure rates, curtailment, RPS generation variability).

RPS portfolio, including the specific inputs and assumptions to their risk assessment model. This assessment should evaluate a range of risk factors, such as those described above regarding compliance delays, as well as, but not limited to, the following:

- lower than expected generation;
- load departure/growth;
- variable generation; and
- resource availability (*e.g.*, biofuel supply, water, etc.).

Finally, risk assessment of portfolio and RPS Plan should also address overall system reliability, considering how the retail seller's portfolio supports or undermines system reliability and impacts on eligible renewable energy resource projects currently under contract. Responses will be deemed deficient if they state the retail seller has no risks or that they only acknowledge that risk exists, and they will monitor their respective renewable projects. A thorough risk assessment should include a historical understanding of lessons learned, considering current trends and forecasts, as well as utilizing probabilistic and statistical models that ascertain what could occur.

**5.8. RPS Plan Section 8: Renewable Net Short Calculations -
§§ 399.113(a)(5)(A), (D), and (F)**

Based on the analysis provided in Section 7, discuss how the risk assessment will impact the retail seller's RPS net short and its procurement decisions. In addition to the written descriptive responses to Sections 4 through 7 of the RPS Plan in Table 1, provide quantitative data, methodologies, and calculations the retail seller relied upon to assess the retail seller's RPS portfolio needs and RPS procurement net short. This quantitative analysis must consider the relevant qualitative discussion in Sections 7, Table 1. Any RPS-eligible

procurement that has or will occur outside of the RPS program should also be included.²⁹

As stated above, the portfolio assessment should be for a minimum of 10 years in the future. The responses must be clear regarding the quantitative progress made towards RPS requirements and the specific risks to the retail sellers' RPS Procurement Portfolios. Risks may include but are not limited to, project development, transmission development, regulatory, and market risks.

Retail sellers must complete the quantitative response based on the most recently directed renewable net short (RNS) methodology Ruling, following the instructions for data input in Attachment A (Table 8).³⁰ The quantitative response must be provided in the Excel spreadsheet template that is posted on the RPS website.³¹ As outlined in the RNS Ruling, retail sellers must use their internal risk analyses to make appropriate adjustments to their procurement and explain how this mitigates risk on all projects in their respective RPS portfolios. Retail sellers should provide a narrative of how the results of their risk assessments described in Section 7 of their 2020 RPS Plans have been incorporated into their 2020 RNS calculations.

²⁹ For example, RPS-eligible procurement to replace generation from the retired San Onofre Nuclear Generation Station that will be applied towards RPS requirements should be included.

³⁰ As of the date of this Ruling, the methodology directed in the ALJ's May 21, 2014 Ruling, ALJ's Ruling on RNS, issued in R.11-05-005, is the most recent RNS methodology:

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M091/K331/91331194.PDF>.

³¹ The RNS template is provided on the CPUC's RPS procurement website:

http://cpuc.ca.gov/Utility_Scale_RFO/.

5.9. Section 9: “Minimum Margin” of Procurement - § 399.13(a)(4)(D)

Retail sellers shall define in their proposed 2020 RPS Plans a minimum margin of over-procurement (MMoP) assumed above the minimum procurement level. The MMoP is necessary to comply with the RPS program’s requirement for retail sellers to mitigate the risk that renewable projects under contract are delayed or terminated. All retail sellers must define their criteria and provide a rationale for why its proposed minimum margin is reasonable.

9.A. Minimum Margin Methodology and Inputs: Proposed 2020 RPS Plans for all retail sellers shall include a narrative and quantitative description of their methodology and inputs regarding the retail seller’s proposed MMoP metric. The methodology should be representative of and consistent with the retail seller’s inputs, assumptions, and risk assessment in RPS Plan Sections 4 through 7. Also, the metric should be used to calculate the retail seller’s procurement needs pursuant to the quantitative information reported in RPS Plan Section 8.

9.B. Minimum Margin Scenarios: Describe any sensitivities or scenarios used to calculate the proposed MMoP for the 2021 procurement cycle and RPS Compliance Period 4 (2021-2024). If the retail seller’s assumed MMoP is not used in calculating a retail seller’s net short provided in response to RPS Plan Section 8, then the retail seller’s RPS Plan will be rejected.

Reasons and assumptions should be supported with quantitative information and should explain the implementation timeline for meeting their higher renewable energy goals.

5.10. RPS Plan Section 10: Bid Solicitation Protocol, Including Least-Cost Best-Fit (LCBF) Methodologies - § 399.13(a)(5)(C), D.04-07-029, D.11-04-030, D.12-11-016, D.14-11-042, and D.16-12-044.

Pursuant to § 399.13(a)(5)(C), 2020 RPS Plans must include a bid solicitation protocol setting forth the need for eligible renewable energy resources of each deliverability characteristic required online dates, and locational preferences, if any.

Solicitations shall be consistent with the portfolio supply and demand assessment provided in Section 4 and the retail seller's RNS position in Section 8. Additionally, solicitations should be specific regarding what quantity of products are being requested (or offered) and the required deliverability characteristics, online dates, term lengths, and locational preferences. Retail sellers should describe whether they are participating in joint solicitations with other retail sellers, and this information should be consistently reported across all relevant retail sellers' RPS Plans for accuracy and easy comparison.

10.A. Solicitation Protocols for Renewables Sales: If selling eligible renewable energy products is part of a 2020 RPS Plan, then a solicitation protocol setting forth this process should also be included. Each IOU should include a framework for determining the quantity of RPS volumes to sell in each solicitation, the target price, and the price floor. The IOUs should also include a section on lessons learned from its sale of excess RPS volumes authorized under its 2019 RPS Plans.

10.B. Bid Selection Protocols: The bid solicitation protocols for procuring and selling should include an overview of the solicitation process, a solicitation schedule, and pro forma agreement(s). All retail sellers should include a detailed description of their bid selection process and evaluation methodology, which

should be consistent with D.04-07-029, D.11-04-030, D.12-11-016, D.14-11-042, and D.16-12-044. Retail sellers stated bid selection criteria should align with all sections of their RPS Plan, especially regarding stated needs, goals, and preferences retail seller.

For IOUs, if a renewable auction mechanism procurement process is planned to be used, then a pro forma agreement for that process should be included. Additionally, if any sales or other types of procurement is planned and needs a specific pro forma agreement (*e.g.*, short-term procurement), then a description of the bidding protocol should also be included.

All retail sellers should provide descriptions of any ongoing, planned, and proposed solicitation processes, including solicitation materials, retail sellers should provide recent, current, and future solicitation materials to the Commission, including a link, if one exists, to the public website where public materials can be found for all relevant solicitations.

10.C. LCBF Criteria: The LCBF methodology used must be consistent with relevant Commission decisions.³² In particular, retail sellers shall include a detailed description of their bid evaluation methodologies and “best fit” attributes considered, pursuant to § 399.13(a)(9),³³ for bids that are valuable for

³² See D.04-07-029, Opinion Adopting Criteria for the Selection Least-Cost and Best-Fit Renewable Resources (July 8, 2004); D.11-04-030, Decision Conditionally Accepting 2011 Renewables Portfolio Standard Procurement Plans and Integrated Resource Plan Supplements (Apr. 14, 2011); D.12-11-016, Decision Conditionally Accepting 2012 Renewables Portfolio Standard Procurement Plans and Integrated Resource Plan Off-Year Supplement (Nov. 8, 2012); D.14-11-042, Decision Conditionally Accepting 2014 Renewables Portfolio Standard Procurement Plans and an Off-Year Supplement to 2013 Integrated Resource Plan (Nov. 20, 2014); D.16-12-044, Decision Accepting Draft 2016 Renewables Portfolio Standard Procurement Plans (Dec. 15, 2016).

³³ Pub. Util. Code § 399.13(a)(9) requires that in soliciting and procuring eligible renewable energy resources, each retail seller consider the best-fit attributes of resource types that ensure a balanced resource mix to maintain the reliability of the electrical grid.

their portfolio. All retail sellers should list and describe their bid evaluation criteria (*e.g.*, energy value, congestion cost, locational preference, term length, ability to be curtailed, operational flexibility) and how bids will be valued and evaluated based on their evaluation methodology. Retail sellers shall also describe how their solicitations and procurement decisions will give preference to renewable energy resources located in specific communities, as required by Pub. Util. Code § 399.13(a)(8). All retail sellers should discuss their approach to implementing their proposed criteria and protocols and describe how their LCBF methodologies address state policies related to equity, safety, the environment, and economic development.³⁴ Any qualitative measures in the LCBF methodology should also be described, both in terms of the criteria and application.³⁵

5.11. RPS Plan Section 11: Safety Considerations

As stated in D.13-11-024, all entities filing RPS Plans must incorporate a section on safety considerations regarding the procurement of electricity. The Commission directive was made pursuant to its authority under § 451, which provides, in pertinent part, as follows:

³⁴ Pub. Util. Code § 399.13(a)(8) requires the following:

“In soliciting and procuring renewable energy resources for California-based projects, each electrical corporation shall give preference to renewable projects that provide environmental and economic benefits to communities afflicted with poverty or high unemployment, or that suffer from high emission levels of toxic air contaminants, criteria air pollutants and greenhouse gas emissions.”

³⁵ As noted in the November 9, 2018 Assigned Commissioner’s Scoping Memo and Ruling issued in R.18-07-003, the Commission is revising and updating the least-cost best-fit methodology for evaluating RPS-eligible procurement. Parties submitted comments on the staff paper on LCBF reform and further Commission action will follow. Thus, parties should limit comments on this Ruling to the particulars of the 2018 RPS Procurement Plans’ proposed LCBF methodologies in relation to the current rules.

Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities,...., as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

Safety considerations are an ongoing requirement to be addressed in all RPS Plans. In describing the specific factors for safety, retail sellers should also describe procurement activities designed to address (or otherwise impact) vegetation management, wildfire mitigation efforts, decommissioning facilities at the end of useful life, potential climate change impacts and design for adaptation, and impacts during Public Safety Power Shut-off (PSPS) events. For instance, SB 901 outlines the relevant requirements for expanding biomass procurement for those retail sellers with existing forest biomass contracts. For those retail sellers that are not undertaking forest biomass procurement, please explain why not. The Commission will reject RPS Plans that respond that they have no safety considerations or those that provide no information on safety.

5.12. RPS Plan Section 12: Consideration of Price Adjustment Mechanisms - § 399.13(a)(5)(E)

§ 399.13(a)(5)(E) requires that the renewable energy procurement plans include consideration of mechanisms for price adjustments associated with the costs of key components for eligible renewable energy resource projects with online dates more than 24 months after the date of contract execution.

Pursuant to § 399.13(a)(5)(E), describe how price adjustments (*e.g.*, index to key components, index to Consumer Price Index, price adjustments based on exceeding transmission or other cost caps) will be considered and potentially incorporated into contracts for RPS-eligible projects with online dates occurring more than 24 months after the contract execution date. Retail sellers should

discuss how any price adjustments will maximize value for ratepayers and minimize potential risks to ratepayers.

5.13. RPS Plan Section 13: Curtailment Frequency, Cost, and Forecasting - § 399.13(a)(5)(B) and 399.15(b)(5)

In D.14-11-042, the Commission approved curtailment terms and conditions in PG&E's, SCE's, and SDG&E's pro forma contracts; required multiple bid variants related to economic curtailment; and directed reporting on curtailment frequency, forecasting, and costs. As retail sellers become more numerous and diverse, and as the state moves towards the electricity sector becoming 100 percent carbon-free, all retail sellers need to report their unique experiences and issues related to economic curtailment, as well as any actions and analysis needed to forecast curtailment events. The Commission recognizes the inherent challenge of long-term forecasting of negative pricing events. Retail sellers should, however, provide strategies tailored to their portfolio and region to show how they are managing exposure to negative pricing events, overgeneration, economic curtailment, and implementation of best practices used by other retail sellers.

Given the increase in renewable development and curtailment on the system in recent years, retail sellers should provide information in their RPS Plans on the following topics as they relate to their current and future RPS procurement. Retail sellers should not simply outline general issues with curtailment but should explain how they are actively addressing challenges related to curtailment events and include information on:

1. Factors having the most impact on the projected increases in incidences of overgeneration and negative market price hours;

2. Written description of quantitative analysis of forecast of the number of hours per year of negative market pricing for the next 10 years;
3. Experience, to date, with managing exposure to negative market prices and or lessons learned from other retail sellers in California;
4. Direct costs incurred, to date, for incidences of overgeneration and associated negative market prices; and
5. An overall strategy for managing the overall cost impact of increasing incidences of overgeneration and negative market prices.

5.14. RPS Plan Section 14: Cost Quantification

Pursuant to SB 836 (Padilla, Stat. 2011, ch. 600, § 1)³⁶ and SB 2 (1X), the Commission provides annual reports to the California Legislature that include aggregated cost data on all procurement contracts for eligible renewable energy resources approved by the Commission.³⁷ To support the Commission's reporting to the Legislature under §§ 913.3 and 913.4, PG&E, SCE, SDG&E, BVES, CalPeco, and PacifiCorp are required to include the information described in Table 3, below, in their proposed 2020 RPS Plans. For the Commission to have complete information for statewide electric procurement costs, CCAs and ESPs must also include this information in their 2020 RPS Plans.

While the Commission does not set rates for the CCAs and ESPs or approve their contracts, Pub. Util. Code § 399.12(j)(2) states that “[a] community

³⁶ Adding § 911 to the Pub. Util. Code.

³⁷ The Padilla Report: Costs and Savings for the Renewable Portfolio Standard in 2018 (pursuant to Public Utilities Code Section 913.3) (May 1, 2018). This report can be found at: http://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/About_Us/Organization/Divisions/Office_of_Governmental_Affairs/Legislation/2018/MASTER%202018%20PADILLA%20REPORT_FINAL.pdf

choice aggregator shall participate in the renewables portfolio standard program subject to the same term and conditions applicable to an electrical corporation.” The same applies to ESPs pursuant to §§ 399.12(j)(3). Therefore, CCAs and ESPs should follow the same RPS planning requirements as Electrical Corporations. Further, the Commission uses cost data submitted in the RPS Plans to develop the annual RPS Costs and Cost Saving report.³⁸ This cost information is essential to understand the impact of retail seller procurement on the cost of renewables and renewable cost trends in California.

All retail sellers shall respond using the standardized Cost Quantification template and should indicate if they are awaiting contract approval either by the Commission or their local governments or executive boards as instructed in the template. Responses should be non-confidential to the greatest extent possible. All retail sellers should use the Cost Quantification template that is available on the CPUC’s RPS Procurement website.³⁹

³⁸ Pub. Util. Code Section 913.3 requires the CPUC to produce an annual RPS cost report to the legislature. The report is posted on the CPUC’s RPS website:

https://www.cpuc.ca.gov/RPS_Reports_Data/

³⁹ The Cost Quantification template is posted on the CPUC’s RPS website:

http://cpuc.ca.gov/Utility_Scale_RFO/

Table 3
RPS Procurement and Sales Information
Related to Cost Quantification

	Item	Description
1.	Actual Direct Expenditures and Revenue- per year	Total dollars expended and received for all Renewable Energy Credit (REC) ⁴⁰ transactions for every year from 2003 to the present year. Figures shall be reported by resource and technology type and reported for each year.
2.	Actual REC Procurement (MWh) - per year	Total REC procurement for every year from 2003 to the present year, including any REC sales. Amounts shall be reported by resource and technology types and reported for each year.
3.	Forecast Direct Expenditures and Revenue - per year	Total forecasted dollars expended and received for all REC transactions to date (and approved to date for the utilities). Forecasts Direct Expenditures shall be reported by resource and technology type and reported for each year from 2018-2030.
4.	Forecast REC Procurement (MWh) - per year	Total forecasted REC procurement to date (and approved to date for the utilities), including any planned REC sales. Forecasts shall be reported by resource and technology types and reported for each year.
5.	Incremental Utility Rate Impact - per year	Total actual and forecasted annual utility rate impacts from RPS procurement from 2003-2030.

5.15. RPS Plan Section 15: Conformance with the IRP Proceeding

The IRP proceeding (R.16-02-007) is the primary venue for implementing the SB 100 requirements related to resource planning for the electric sector.

While the Commission has determined that the RPS and IRP proceedings should

⁴⁰ For all information provided in response to Table 2, REC-only contracts should be listed separately.

align beginning with the IRP 2021-2022 cycle, nevertheless we expect consistent information on RPS planning across the respective proceedings.

Under this section, all retail sellers should explain in the table format below (Table 4) how the information in their 2020 RPS Plans due June 1, 2020, will align with information to be included in their IRP filings due September 1, 2020, as required by D.20-03-028. The IRP process and reporting need to align with retail sellers’ existing RPS obligations (*e.g.*, renewable resource valuation, and target setting). Commission Decision D.19-12-042 described the timeframe for aligning the RPS and IRP filings.⁴¹ Given the complexities of aligning these requirements,

All retail sellers should use Table 4 below to summarize how their 2020 RPS Plan and planned renewable procurement would conform with the determinations made in the IRP Proceeding (R.16-02-007), including the balanced and diverse set of resources identified in the most recent reference system portfolio adopted by the Commission.⁴² Tables should provide concise narratives for the respective proceedings (IRP and RPS) to allow a direct comparison that the Commission can easily follow and determine consistency with adopted IRP optimal portfolios and planning assumptions.

Table 4
Alignment of IRP and RPS Planning

IRP Section Subsection	RPS Alignment in IRPs
III. Study Results	Retail sellers should explain how the RPS resources they plan to procure, outlined in their RPS Plan, will align with each

⁴¹ D.19-12-042, Ordering Paragraph 22.

⁴² See Decision D.20-03-028, which adopts an optimal reference system portfolio for the 2019-2020 IRP cycle.

<p>A. Preferred and Conforming Portfolios</p>	<p>portfolio to be developed in their IRP. In addition to the list of the IRP portfolios developed and portfolio descriptions submitted for Commission approval and certification in 2020 IRP Plans, this should include:</p> <ol style="list-style-type: none"> 1. Existing RPS resources that the retail seller owns or contracts. 2. Existing RPS resources that the retail seller plans to contract with in the future. 3. New RPS resources that the retail seller plans to invest in.
<p>IV. Action Plan A. Proposed Activities</p>	<p>Retail sellers should describe how they propose to use RPS resources to implement their Preferred Portfolio. Narratives should include:</p> <ol style="list-style-type: none"> 1. Proposed RPS procurement activities as required by Commission decision or mandated procurement. 2. Description of RPS resources identified in the Study Results section that correspond to proposed activities. 3. Procurement plans, potential barriers, and resource viability for each new RPS resource identified.
<p>IV. Action Plan B. Procurement Activities</p>	<p>The retail seller should describe the solicitation strategies for the RPS resources that will be included in their Preferred Portfolio. This description should include:</p> <ol style="list-style-type: none"> 1. The type of solicitation. 2. The timeline for each solicitation. 3. Desired online dates. 4. Other relevant procurement planning information, such as solicitation goals and objectives.
<p>IV. Action Plan C. Potential Barriers</p>	<p>Retail sellers should provide a summary of the barriers that will be identified in their Preferred Portfolio as they relate to RPS resources. The section should include:</p> <ol style="list-style-type: none"> 1. Key market, regulatory, financial, or other resource viability barriers or risks associated with the RPS resources coming online in retail sellers' Preferred Portfolios.

	2. Key risks associated with the potential retirement of existing RPS resources on which the retail seller intends to rely in the future.
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All Retail sellers in the RPS proceeding are required to become parties to the IRP proceeding (R.16-02-007). We recommend that other RPS parties also become parties to R.16-02-007 (or subsequent proceeding) as some of the RPS/IRP coordination and alignment is likely to be initiated in that proceeding. Comments on this ruling should be limited to the particulars of the RPS Procurement Plans.

5.16. Appendix A: Redlined Version of Draft 2020 RPS Plans Required

A “redlined” version of the 2020 RPS Plan that helps the Commission Staff to identify the changes from the 2019 RPS Plan must be included with the 2020 RPS Plans. All retail sellers must provide a redlined copy for the Commission’s Energy Division Staff and any party who requests a copy.

6. Revising RPS Citation Program

This ruling seeks comments from the parties in this proceeding on the merits of developing a staff proposal to amend the current RPS citation program. Commission Staff proposes to begin a process wherein the RPS citation program will expand to include issuing citations for non-compliant Draft and Final RPS Plans.

The current RPS citation program, initiated by Resolution E-4257 and updated by Resolution E-4720, authorizes Commission staff to penalize retail sellers for non-compliance with mandatory filing deadlines and reporting requirements of the RPS program. The citation program currently applies to the Annual RPS Compliance Reports, Project Development Status Reports, Final

Verified RPS Compliance Reports, and failure to comply with a Commission staff request for information or documentation related to the implementation of the RPS program.⁴³ A Staff proposal would expand this citation program to include late Draft RPS Plans and late deficient Final RPS Plans.⁴⁴

To satisfy the requirements under the PRS program, retail sellers have a statutory obligation to prepare an annual renewable energy procurement plan.⁴⁵ In the past some, retail sellers have submitted deficient draft RPS Plans and missed filing deadlines. For instance, in D.19-12-042, the Commission rejected 12 out of the 26 CCA Draft RPS Plans and 16 out of 18 ESP Draft RPS Plans as deficient, thereby ordering the missing information in their Final 2019 RPS Plan submission. Under D.19-12-042, the CPUC could have pursued enforcement action and penalties, but this would entail considerable time and effort and require multiple new adjudicatory proceedings.⁴⁶

Staff proposes to begin a process to update the RPS citation program to apply to retail sellers that do not comply with the orders on RPS Plans.

Parties are invited to comment on the issues Staff should consider before developing a proposal to expand the current RPS citation program, as well as the questions listed below. The comments are due according to the schedule in Attachment A.

⁴³ See Appendix A of Resolution E-4720 (<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M154/K308/154308588.PDF>).

⁴⁴ RPS Plans are late when they are not filed by the due date. The due date for draft RPS Plans is set in the Assigned Commissioner and ALJ Ruling on RPS Plans. The due date for Final RPS Plans is set in the decision approving/modifying/rejecting the RPS Plans. Deficient RPS Plans are those missing relevant details and information required for the Commission to approve/modify the RPS Plan.

⁴⁵ Pub. Util. Code § 399.13(a)

⁴⁶ See Pub. Util. Code Sections 2101-2105, 2107, 2108 and 2114.

1. What issues may lead to late draft RPS Procurement Plans?
2. What issues may lead to late Final RPS Procurement Plans?
3. What issues may lead to deficient Final RPS Procurement Plans?
4. Are current penalty amounts in the RPS Citation program reasonable to apply for submittal of late or deficient RPS Procurement Plans, to deter violations? If not, what should the penalty amount be for late or deficient RPS Plans?
5. Is the proposal to include RPS Procurement Plan filings in the existing RPS Citation Program reasonable to ensure quality Plans that provide sufficient detail about each service area? Please explain.
6. Are there other mechanisms or modifications that the CPUC should consider to enable timely and compliant submission of RPS Plans?
7. Is there any other feedback to consider when expanding the Citation Program?

7. Resources for RPS Plans

The Commission staff has compiled a list of resources on the CPUC's website for reference in developing RPS Plans. Staff encourages retail sellers to review the resources posted on the CPUC's RPS Procurement webpages,⁴⁷ which include this Ruling, the templates required for submission, and a Frequently Asked Questions for RPS Plan submissions.

8. Requirements for Data Submissions

All retail sellers must submit the native file versions of the required Microsoft Excel spreadsheets for the RNS calculations, Project Development

⁴⁷ The CPUC RPS Procurement website is located here:

https://www.cpuc.ca.gov/utility_Scale_RFO/

Status Update, and Cost Quantification to Energy Division staff through the CPUC's Secure File Transfer Protocol (FTP). This submission is in addition to including the required data in the retail sellers' RPS Plan.

To access the FTP site, retail sellers should create an account on the FTP website: <https://kwftp.cpuc.ca.gov/> to do so. Retail sellers must use the CPUC's secure FTP to send all Microsoft Excel spreadsheets to rpscompliance@cpuc.ca.gov.

9. Submission of Information with A Claim of Confidentiality

The information in the RPS Plans should be non-confidential, to the greatest extent possible. If there is a request for confidential treatment of information, this Ruling affirms that procedures outlined in D.06-06-066⁴⁸ that are applicable when ESPs or IOUs request confidential treatment of information are also relevant to CCAs. Specifically, unless expressly directed by another ruling or Commission decision, CCAs should use the procedures outlined in D.06-06-066 when requesting confidential treatment of information, including using the ESP Matrix. Provided that the requesting CCA meets the requirements of D.06-06-066, the information shall be entitled to the same confidentiality protections that would apply to an ESP. In addition to following CPUC filing requirements, retail sellers are directed to use the CPUC's secure FTP to send Energy Division unredacted copies of all RPS Plan documents, including Microsoft Excel spreadsheets, to rpscompliance@cpuc.ca.gov.

⁴⁸ D.06-06-066 was modified by D.07-05-032 and D.08-04-023. The references to D.06-06-066 include modifications made by D.07-05-032 and D.08-04-023.

10. Schedule

Parties may file comments and reply comments in response to this Ruling, and the RPS Plans per the schedule outlined in Attachment A. After reviewing the record in the proceeding; the Commission will accept, modify, or reject each plan or Supplement as required by §§ 399.13(a)(1) and (c).

11. *Ex Parte* Communications

Ex parte communications are permitted as described in Pub. Util. Code §§ 1701.1 and 1701.3. Parties and interested persons are advised that, to the extent that the requirements of Rule 8.1 *et seq.* deviate from Pub. Util. Code §§ 1701.1 and 1701.3, as amended by SB 215, effective 1/1/2017, the statutory provisions govern.

In a ratesetting proceeding involving hearings, *ex parte* communications are permitted only if consistent with certain restrictions and are subject to reporting requirements. (*See* Pub. Util. Code § 1701.3(c) and Rules 8.2, 8.3, and 8.5.) Parties must electronically serve the assigned Commissioner and the ALJ all three-day notices required by Rule 8.2(c)(2) for all *ex parte* meetings with decision-makers.

IT IS RULED that:

1. As required by Section 399.13(a)(5) of the Public Utilities Code, Pacific Gas & Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall each file, by June 1, 2020, a proposed 2020 Renewables Portfolio Standard Procurement Plan that addresses the elements stated herein.
2. As required by Section 399.13(a)(5) of the Public Utilities Code, Bear Valley Electric Service Company, and Liberty Utilities LLC shall file, by June 1, 2020, a proposed 2020 Renewables Portfolio Standard Procurement Plan that addresses the elements stated herein.

3. As required by Section 399.17(d) of the Public Utilities Code, PacifiCorp Company may use its Integrated Resource Plan (IRP) supplement to satisfy the requirement to prepare a renewable energy procurement plan. PacifiCorp shall file, by June 1, 2020, its 2020 IRP supplement in Rulemaking 18-07-003 or its successor proceeding.

4. As required by Sections 399.13(a)(5) and 399.12(j)(2) of the Public Utilities Code, each Community Choice Aggregator, shall file, by June 1, 2020, a proposed 2020 Renewables Portfolio Standard Procurement Plans to address the elements stated herein.

5. As required by Sections 399.13(a)(5) and 399.12(j)(3) of the Public Utilities Code, each Electric Service Provider shall file a proposed 2020 Renewables Portfolio Standard Procurement Plan to address the elements stated herein.

6. The procedural schedule for the Commission's consideration of the 2020 Renewables Portfolio Standard Procurement Plans and Supplement is outlined in Attachment A. This schedule may be adjusted as needed by the assigned Commissioner or Administrative Law Judge.

7. All retail sellers shall include an officer verified checklist using the uniform template in Attachment B, which is also the template that should be used to draft their 2020 Renewables Portfolio Standard Procurement Plans, responding to all sections unless otherwise noted on the template in Table 1 of this ruling.

Dated May 6, 2020, at San Francisco, California.

/s/ CLIFFORD RECHTSCHAFFEN
Clifford Rechtschaffen
Assigned Commissioner

/s/ MANISHA LAKHANPAL
Manisha Lakhanpal
Administrative Law Judge

ATTACHMENT A

Attachment A

**Procedural Schedule
2020 Renewables Portfolio Standard
Procurement Plans**

Row #	ITEM	DATE
1	Assigned Commissioner's Ruling setting scope and schedule for annual RPS Procurement Plans	4/24/20
2	IOUs, Small Utilities, ESPs and CCAs file Proposed (Draft) annual RPS Procurement Plans	6/1/20
3	Comments on RPS Procurement Plans and Staff Proposal on revising RPS citation program filed	6/26/20
4	Motions requesting evidentiary hearing (note: If a motion is filed and granted, the ALJ may need to issue a revised schedule.)	7/10/20
5	Reply comments on RPS Procurement Plans and Staff proposal on revising RPS citation program filed	7/13/20
6	Motion to update RPS Procurement Plans [note 1 below]	8/3/20
7	Projected date for issuance of Proposed Decision	Fourth Quarter 2020
8	Projected date for Commission vote on Proposed Decision	Fourth Quarter 2020
9	IOUs, Small Utilities, ESPs and CCAs file final annual RPS Procurement Plans	Fourth Quarter 2020
10	IOUs issue Request for Offers for Solicitations or otherwise pursue approved RPS Procurement Plan	14 days after Final RPS Plan filings, unless extended by Energy Division

Note 1: Updates are not intended to alter the form and format of the Plan but may be appropriate for limited elements based on changed circumstances or recent information (e.g., new legislation, recent Commission decision, new regulation of the California Independent System Operator, harmonization of definitions within contract for specific terms).

(END OF ATTACHMENT A)

ATTACHMENT B

Attachment B
2020 RPS Procurement Plan Checklist and RPS Plan Template

The Checklist must be filed with the RPS Procurement Plan and include verification

2020 RPS Procurement Plan Checklist- Task Completed

Retail seller name:	YES/ NO	NOTES
1. Major Changes to RPS Plan		
2. Executive Summary		
3. Summary of Legislation Compliance		
4. Assessment of RPS Portfolio Supplies and Demand		
4.A. Portfolio Supply and Demand		
4.A.1. Portfolio Optimization		
4.B. Responsive to Policies, Regulations, and Statutes		
4.B.1 Long-term Procurement		
4.C. Portfolio Diversity and Reliability		
4.D. Lessons Learned		
5. Project Development Status Update		
6. Potential Compliance Delays		
7. Risk Assessment		
8. Renewable Net Short Calculation		
9. Minimum Margin of Procurement (MMoP)		
9.A. MMoP Methodology and Inputs		
9.B. MMoP Scenarios		
10. Bid Solicitation Protocol		
10.A. Solicitation Protocols for Renewables Sales		
10.B. Bid Selection Protocols		
10.C. LCBF Criteria		
11. Safety Considerations		
12. Consideration of Price Adjustments Mechanisms		
13. Curtailment Frequency, Forecasting, Costs		
14. Cost Quantification		
15. Coordination with the IRP Proceeding		
Appendix A: Redlined Version of the Draft 2020 RPS Plan		

Officer Verification

I am an officer of the reporting organization herein and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true. The spreadsheet templates used within this filing have not been altered from the version issued or approved by Energy Division.

Executed on [insert date] at [insert City and State].

[Insert Electronic version of Signature]

[Insert Name, Title, Organization and Contact Information]

(END OF ATTACHMENT B)

ATTACHMENT C

Attachment C

List of Registered ESPs Required to File 2020 RPS Procurement Plans as of the Date of This Ruling

1. 3 Phases Renewables, Inc.
2. American PowerNet Management, LP
3. Calpine Energy Solutions, LLC
4. Calpine PowerAmerica-CA, LLC
5. Commercial Energy of Montana, Inc. (dba Commercial Energy of California)
6. Constellation NewEnergy, Inc.
7. Direct Energy Business
8. EDF Industrial Power Services (CA), LLC
9. EnerCal USA, LLC (dba Yep Energy, Y.E.P.)
10. Gexa Energy California, LLC*
11. Just Energy Solutions, Inc.
12. Liberty Power Delaware, LLC*
13. Liberty Power Holdings, LLC *
14. Mansfield Power and Gas, LLC*
15. Palmco Power CA, LLC*
16. Pilot Power Group, Inc.
17. Praxair Plainfield, Inc.*
18. Shell Energy North America (US), LP
19. Tenaska Power Services Co.*
20. Tenaska California Energy Marketing*
21. The Regents of the University of California
22. Tiger Natural Gas, Inc.

* The Commission determined in D.13-11-024, D.17-12-007, D.19-02-007, D.19-07-007, and D.19-12-042 that Liberty Power Delaware, LLC, Praxair Plainfield, Inc., Palmco Power CA, Liberty Power Holdings, LLC, Mansfield Power and Gas, and Tenaska Power, Tenaska California Energy Marketing, and Gexa Energy California, do not need to file RPS Procurement Plans if they continue not serving any retail customers. If any of the ESPs begins to serve retail customers in the future, it must immediately file an RPS Procurement Plan. The Commission determined in D.19-02-007 that new ESPs must file their RPS plans

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upon registering with the Commission or 90 days prior to delivering load, whichever event occurs first.

(END OF ATTACHMENT C)

ATTACHMENT D

Attachment D

**List of Active CCAs Required to File 2020 Procurement Plans
as of the Date of this Ruling**

1. Apple Valley Choice Energy
2. Butte Choice Energy
3. City of Baldwin Park
4. City of Commerce
5. City of Palmdale
6. City of Pomona
7. City of Santa Barbara
8. City of Santa Paula
9. Clean Energy Alliance
10. Clean Power Alliance of Southern California
11. CleanPowerSF
12. Desert Community Energy
13. East Bay Community Energy
14. King City Community Power
15. Lancaster Choice Energy
16. Marin Clean Energy
17. Monterey Bay Community Power
18. Peninsula Clean Energy
19. Pico Rivera Innovative Municipal Energy
20. Pioneer Community Energy
21. Rancho Mirage Energy Authority
22. Redwood Coast Energy Authority
23. San Diego Community Power
24. San Jacinto Power
25. San Jose Clean Energy
26. San Joaquin Valley Clean Energy Organization
27. Silicon Valley Clean Energy
28. Solana Energy Alliance
29. Sonoma Clean Power Authority
30. Valley Clean Energy Alliance
31. Western Community Energy

* The Commission determined in D.17-12-007 that new CCAs must file their RPS plans upon registering with the Commission or 90 days prior to delivering load, whichever event occurs first.

(END OF ATTACHMENT D)