

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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Application of Pacific Gas and Electric Company  
(U39E) for Review of the Disadvantaged  
Communities – Green Tariff, Community Solar  
Green Tariff and Green Tariff Shared Renewables  
Programs.

A.22-05-022

And Related Matters.

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**REPLY COMMENTS OF THE JOINT COMMUNITY CHOICE AGGREGATORS AND  
CITY AND COUNTY OF SAN FRANCISCO ON THE PROPOSED DECISION  
MODIFYING GREEN ACCESS PROGRAM TARIFFS AND ADOPTING A  
COMMUNITY RENEWABLE ENERGY PROGRAM**

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OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company (U39E) for Review of the Disadvantaged Communities – Green Tariff, Community Solar Green Tariff and Green Tariff Shared Renewables Programs.	A.22-05-022
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**REPLY COMMENTS OF THE JOINT COMMUNITY CHOICE AGGREGATORS AND CITY AND COUNTY OF SAN FRANCISCO ON THE PROPOSED DECISION MODIFYING GREEN ACCESS PROGRAM TARIFFS AND ADOPTING A COMMUNITY RENEWABLE ENERGY PROGRAM**

**I. Introduction**

Pursuant to Rule 14.3(d) of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, Ava Community Energy (“Ava”)<sup>1</sup>, Clean Power Alliance of Southern California (“CPA”), the City and County of San Francisco, acting by and through its Public Utilities Commission (“CleanPowerSF”), Lancaster Choice Energy (“LCE”), Marin Clean Energy (“MCE”), Peninsula Clean Energy Authority (“PCE”), Pico Rivera Innovative Municipal Energy (“PRIME”), San Diego Community Power (“SDCP”), San Jacinto Power (“SJP”), and San José Clean Energy (“SJCE”) (collectively, the “Joint Community Choice Aggregators” or “Joint CCAs”) hereby submit these reply comments.

**II. The Disadvantaged Communities Green Tariff Cost Containment Cap Should Reflect the Option to Include Paired Battery Storage**

The Joint CCAs support the Proposed Decision’s (“PD”) conclusion that it is reasonable to update the cost containment cap for the modified Disadvantaged Communities Green Tariff

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<sup>1</sup> Previously East Bay Community Energy (“EBCE”). Ava filed its Notice of Party Name Change on January 17, 2024.

(“DAC-GT”) program so that it reflects current market prices and developer costs.<sup>2</sup> However, it is important that the new cap reflect modifications to the DAC-GT program included in the PD, including the voluntary inclusion of storage in DAC-GT solicitations.<sup>3</sup> As such, the Joint CCAs support the Public Advocates Office’s (“Cal Advocates”) proposal to revise the PD to specify that the cost containment cap proposal must contain an option for projects to include paired battery storage.<sup>4</sup> The Joint CCAs are not proposing a specific methodology for including storage in these comments but rather are emphasizing the importance of ensuring that storage is considered as the methodology for updating the cap is developed. Additionally, the Joint CCAs reiterate that Ordering Paragraph 4 should be revised to ensure that both IOUs and participating CCAs shall work together to develop this proposal. Finally, the Joint CCAs oppose Solar Landscape’s proposal that the cost cap be made public, as consideration of this has not previously been raised in the record and a public cost cap would incentivize developers to bid projects at the highest allowable price and unnecessarily inflate program costs.<sup>5</sup>

### **III. The Eligibility Criteria for the Modified DAC-GT Program Should be Clarified to Include CSGT Community Sponsors and Resolution E-5212**

In its opening comments, Pacific Gas and Electric Company (“PG&E”) requests that the PD be revised to make it clear that current non-income qualified CSGT customers should not be transitioned to the modified DAC-GT program.<sup>6</sup> PG&E’s proposal would also result in community sponsors being excluded from the modified DAC-GT program. Community sponsors

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<sup>2</sup> Proposed Decision at 134.

<sup>3</sup> *Id.* at 129.

<sup>4</sup> Opening Comments of the Public Advocates Office on the Proposed Decision Modifying Green Access Program Tariffs and Adopting a Community Renewable Energy Program (“Cal Advocates Opening Comments”) at 4.

<sup>5</sup> Opening Comments of Solar Landscape Origination, LLC on Proposed Decision at 7.

<sup>6</sup> Opening Comments of Pacific Gas and Electric Company to the Proposed Decision Modifying Green Access Program Tariffs and Adopting a Community Renewable Energy Program (“PG&E Opening Comments”) at 4.

invested time and resources in the CSGT program to encourage shared solar development in their communities. Removing sponsors from the program upon consolidation unreasonably penalizes them for their participation and risks decreased sponsor trust and participation in future Commission programs. Therefore, the PD should be clear that all CSGT community sponsors may transition into the modified DAC-GT.

Additionally, the Joint CCAs agree with PG&E's request that the PD be revised to clarify that DAC-GT resources may be sited within five miles of any "DAC-GT-eligible community" as defined under Resolution E-5212<sup>7</sup> which expanded DAC-GT customer eligibility.<sup>8</sup> The Joint CCAs agree that there is nothing in the record that would warrant changes to the eligibility criteria as outlined in E-5212.

#### **IV. Any Newly Adopted Community Renewable Energy Program Should be Open to All Customers Including CCA Customers**

As noted by the Joint CCAs in opening comments, based on the language in Assembly Bill 2316 and the PD's conclusion that all customers will be eligible to enroll as subscribers in the new Community Renewable Energy program ("CRE"), it is clear that CCAs may participate in the CRE.<sup>9</sup> However, Southern California Edison Company ("SCE") proposes that the final decision "clarify that the utilities should offer developers the option to select either the PURPA Standard Offer Contract or ReMAT as their 'Foundational Tariff'" in implementing the CRE.<sup>10</sup>

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<sup>7</sup> *Id.* at 5.

<sup>8</sup> Resolution E-5212 at 15 (expanding customer eligibility to (i) all eligible DACs from prior versions of CalEnviroScreen, beginning from the time at which a Program Administrator's DAC-GT implementation advice letter is approved, as well as (ii) all California Indian Country."

<sup>9</sup> Opening Comments of the Joint Community Choice Aggregators and City and County of San Francisco on the Proposed Decision Modifying Green Access Program Tariffs and Adopting a Community Renewable Energy Program ("Joint CCA Opening Comments") at 3.

<sup>10</sup> Opening Comments of Southern California Edison Company on the Proposed Decision of Administrative Law Judge Hymes Modifying Green Access Program Tariffs and Adopting a Community Renewable Energy Program ("SCE Opening Comments") at 3.

SCE's proposal effectively excludes additional tariffs from eligibility as a CRE foundational tariff.<sup>11</sup> The Joint CCAs reject SCE's recommendation as it would unreasonably limit CCAs from participating in the CRE. First, pursuant to Decision 21-12-032, CCAs are ineligible to participate in the ReMAT program. Second, CCAs are not subject to PURPA and therefore do not offer PURPA Standard Offer Contracts. Requiring CCAs to offer investor-owned utility ("IOU") tariffs, instead of tariffs which reflect that specific CCA's costs, would be inappropriate and strongly disincentivize CCA participation. The PD should be clarified to confirm that interested CCAs may create and utilize their own tariffs for any newly adopted community energy program. The CRE should not be limited to only the IOUs' PURPA Standard Offer Contracts or ReMAT tariffs.

**V. The Timeline for Modified DAC-GT Advice Letters Should be Adequate and Consistent Across all Program Administrators**

The Joint CCAs support PG&E's request that the modifications to DAC-GT program tariffs be due through an Advice Letter 90 days after the Final Decision as opposed to 60 days.<sup>12</sup> The Joint CCAs would also support SCE's proposal for the modified DAC-GT Advice Letter to be due 120 days after issuance of a Final Decision as well as the request for 150 days from the approval of the modified DAC-GT tariff advice letters to facilitate a workshop to discuss the California Distributed Generation Statistics ("DGStats") website reporting.<sup>13</sup> The Joint CCAs believe that both of these proposals will better allow the Program Administrators to update their tariffs according to the PD. The Joint CCAs support a timeline that allows adequate time for necessary modifications and is consistent across the Program Administrators.

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<sup>11</sup> *Id.*, Appendix A at 22.

<sup>12</sup> PG&E Opening Comments at 4.

<sup>13</sup> SCE Opening Comments at 10-11.

**VI. Public Utility Code Sec. 769.3(c) Evaluation Criteria Do Not Apply to DAC-GT and CSGT; DAC-GT Meets Public Utility Code Sec. 769.3(b) Standards**

The Joint CCAs disagree with Cypress Creek Renewables, LLC’s (“Cypress Creek’s”) implication that the evaluation criteria in Public Utility Code Section 769.3(c) are applicable to the DAC-GT and CSGT programs.<sup>14</sup> Cypress Creek fails to establish that the six criteria in Section 769.3(c) are applicable to DAC-GT through their own statutory interpretation and fails to respond to the analysis previously provided by the Joint CCAs establishing that the DAC-GT and CSGT programs are not subject to these requirements.<sup>15</sup> Accordingly, the Commission should maintain its conclusion from the PD that Section 769.3(c) is not applicable to DAC-GT and CSGT in their final decision in the instant proceeding.<sup>16</sup> Additionally, the Joint CCAs disagree with party comments that assert that the DAC-GT program does not meet the standard of “robust participation by low-income customers” if those comments refer to the metric of Public Utilities Code Section 769.3(b)<sup>17</sup> as the Joint CCAs have already demonstrated robust participation in the program pursuant to Public Utilities Code Section 769.3(b).<sup>18</sup>

**VII. Conclusion**

The Joint CCAs thank the Commission for its consideration of the matters set forth in these comments.

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<sup>14</sup> Comments of Cypress Creek Renewables, LLC on the Proposed Decision Modifying Green Access Program Tariffs and Adopting a Community Renewable Energy Program at 14.

<sup>15</sup> See Reply Brief of the Joint Community Choice Aggregators and City and County of San Francisco.

<sup>16</sup> Proposed Decision at 25-27.

<sup>17</sup> See Clean Coalition Opening Comments at 1 (“As written, the PD will not result in a new community renewables program capable of meeting the legislatively mandated requirements in AB 2316... (e.g., robust participation by low-income customer groups.”).

<sup>18</sup> See Exhibit JCC-001: Prepared Testimony on Behalf of the Joint Community Choice Aggregators and City and County of San Francisco (“Joint CCA Opening Testimony”).

April 2, 2024

Respectfully Submitted,

/s/ Brittany Iles

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