



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

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Order Instituting Rulemaking to Oversee the
Resource Adequacy Program, Consider
Program Refinements, and Establish
Forward Resource Adequacy Procurement
Obligations.

R.23-10-011

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S
COMMENTS ON THE PROPOSED DECISION ON TRACK 2 ISSUES**

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SUMMARY OF RECOMMENDATIONS

- Allow for the earlier adoption of the 2026 PRM if Energy Division and stakeholders can complete a thorough vetting of the modeling results in advance of the Track 3 timeline;
- Recognize the significant impact changes to the PRM can have on both reliability and affordability;
- Adopt a UCAP methodology with corresponding updates to remove forced outages from the PRM and prioritize resource-specific UCAP values and a methodology that does not impact existing contracts;
- Adopt the Proposed Decision's reforms to the existing local RA CPE framework with the opportunity to review their effectiveness at the end of 2027; and
- The Commission should clarify its directive to retain local RA requirements.

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The California Community Choice Association¹ (CalCCA) submits these comments pursuant to Rule 14.3 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure² on the proposed *Decision on Track 2 Issues*³ (Proposed Decision), dated October 29, 2024.

I. INTRODUCTION

CalCCA supports the Proposed Decision, with modifications as discussed herein. The Proposed Decision declines to adopt the planning reserve margin (PRM) for 2026 within Track 2, and instead: (1) authorizes Energy Division to undertake further revision of the analysis;

¹ California Community Choice Association represents the interests of 24 community choice electricity providers in California: Apple Valley Choice Energy, Ava Community Energy, Central Coast Community Energy, Clean Energy Alliance, Clean Power Alliance of Southern California, CleanPowerSF, Desert Community Energy, Energy For Palmdale’s Independent Choice, Lancaster Energy, Marin Clean Energy, Orange County Power Authority, Peninsula Clean Energy, Pico Rivera Innovative Municipal Energy, Pioneer Community Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Santa Barbara Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy.

² *State of California Public Utilities Commission, Rules of Practice and Procedure, California Code of Regulations Title 20, Division 1, Chapter 1* (May 2021): <https://webprod.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/rules-of-practice-and-procedure-may-2021.pdf>.

³ Proposed *Decision on Track 2 Issues*, Rulemaking (R.) 23-10-011 (Oct. 29, 2024): <https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=544346125>.

and (2) establishes a regular cadence for updating loss-of-load expectation (LOLE) modeling. As expressed by CalCCA and many other parties,⁴ taking more time to investigate the 2026 PRM is the right approach as many outstanding issues and questions remain with the analysis presented thus far. The Proposed Decision states that the Commission will rule on the 2026 PRM in Track 3, which should provide enough time for additional analysis and any needed revisions to instill confidence in the modeling results. The proposed schedule should not preclude an earlier ruling if the Commission can complete a thorough vetting with stakeholders in advance of Track 3. Changes to the PRM can have large impacts on reliability and affordability, and it is prudent to take the time needed to ensure the modeling results are accurate and the resulting requirements can be met with the available Resource Adequacy (RA) fleet.

The Proposed Decision also declines to adopt major reforms to the local RA central procurement entity (CPE) framework, a prudent decision at this time given load-serving entities (LSE) are entering the first compliance year for the slice-of-day (SOD) RA framework. The Proposed Decision instead makes changes to the existing framework, including modifying the CPE procurement timeline on an interim basis. The additional notice will provide LSEs with more certainty regarding their CPE allocations and allow LSEs to factor those allocations into their procurement. The Proposed Decision also rejects other CPE proposals, including: (1) a soft-offer price cap for offers to the CPE; and (2) a mandatory contract transfer from CPEs to LSEs looking to purchase resources already procured by CPEs. These proposals would have negatively impacted RA affordability and, in the case of the mandatory contract transfer proposal, increase

⁴ See *California Community Choice Association, Ava Community Energy, Pacific Gas and Electric Company, Shell Energy North America (US), L.P., MRW Associates, on behalf of Alliance for Retail Energy Markets, Gridwell Consulting, on behalf of Microsoft Corporation, Protect Our Communities Foundation, The California Environmental Justice Alliance, and Sierra Club's Joint Notice of Ex Parte Communication*, R.23-10-011 (Oct. 23, 2024) (Joint Ex Parte Communication): <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M543/K610/543610801.PDF>.

uncertainty LSEs have about their CPE allocations. Finally, the Proposed Decision invites discussions on replacing local gas resources within the Integrated Resource Planning (IRP) proceeding, which is the correct venue for this discussion given the interactions between resource and transmission planning.

CalCCA therefore supports and recommends adoption of the Proposed Decision, with the following modifications. The Commission should:

- Allow for the earlier adoption of the 2026 PRM if Energy Division and stakeholders can complete a thorough vetting of the modeling results in advance of the Track 3 timeline;
- Recognize the significant impact changes to the PRM can have on both reliability and affordability;
- Adopt an unforced capacity (UCAP) methodology with corresponding updates to remove forced outages from the PRM and prioritize resource-specific UCAP values and a methodology that does not impact existing contracts;
- Adopt the Proposed Decision’s reforms to the existing local RA CPE framework with the opportunity to review their effectiveness at the end of 2027; and
- The Commission should clarify its directive to retain local RA requirements.

II. THE PROPOSED DECISION SHOULD BE MODIFIED TO ALLOW FOR AN EARLIER ADOPTION OF THE 2026 PRM IF A THOROUGH VETTING OF THE MODELING RESULTS IS COMPLETED IN ADVANCE OF THE TRACK 3 TIMELINE

The Proposed Decision states that “additional vetting and further analysis of the issues raised by parties is needed” before adopting the PRM for 2026.⁵ It authorizes Energy Division to undertake further revision of the 2026 PRM analysis and distribute it to the service list in early December 2024.⁶ CalCCA strongly supports the Commission’s conclusion that more work is needed before adopting the 2026 PRM. Track 2 of this proceeding has revealed numerous

⁵ Proposed Decision at 11.

⁶ *Ibid.*

questions and issues that the Commission and stakeholders must resolve before the 2026 PRM is ready for adoption.⁷

The Proposed Decision states that the Commission will consider the revised PRM analysis in Track 3 of this proceeding. The Scoping Ruling for Track 3 established a schedule for Track 3 that includes a proposed decision in May 2025 and a final decision in June 2025.⁸ This schedule should allow enough time for parties to vet and gain confidence in the modeling. While achieving confidence in the modeled results should be the primary objective of this effort, the Commission should not preclude earlier adoption of the 2026 PRM if the Commission and stakeholders can thoroughly vet the new results in advance of May 2025. Given the uncertainty surrounding the 2026 PRM and the large variations resulting from each iteration, it is important that LSEs can reasonably predict their requirements well in advance so they can adjust their procurement to changes in the PRM. CalCCA's Opening Comments⁹ on the revised SOD calibration tool recommended targeting a March 2025 proposed decision and an April 2025 decision to provide this needed clarity. The Commission should modify the Proposed Decision to not prevent an earlier PRM determination if parties can thoroughly vet the results in advance of the Track 3 schedule.

⁷ See Joint Ex Parte Communication, Attachment at Slide 5.

⁸ See *Assigned Commissioner's Amended Scoping Memo and Ruling*, R.23-10-011 (Nov. 1, 2024) at 4 (Scoping Ruling): <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M544/K652/544652400.PDF>.

⁹ See *California Community Choice Association's Opening Comments on Administrative Law Judge's Ruling on Revised Slice of Day Calibration Tool and Comment Schedule*, R.23-10-011 (Sept. 9, 2024) at 3: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M539/K999/539999623.PDF>.

III. THE PROPOSED DECISION SHOULD BE MODIFIED TO RECOGNIZE THAT CHANGES TO THE PRM CAN HAVE A SIGNIFICANT IMPACT ON BOTH RELIABILITY AND AFFORDABILITY

In response to party recommendations for the Commission to formally adopt an 0.1 LOLE standard for the RA program, the Commission notes the passage of AB 2368¹⁰ and states “[t]he 0.1 LOLE reliability standard is currently used by Energy Division in the RA LOLE modeling and we plan to continue to use that standard going forward.”¹¹ CalCCA agrees with the Commission that the 0.1 LOLE is the “general industry standard”¹² and supports using the 0.1 LOLE reliability standard for LOLE modeling and planning.

When the Commission sets the PRM based on that modeling, the Commission must also factor in both reliability and affordability considerations. As explained in CalCCA’s August 23, 2024, Reply Comments,¹³ the per year cost of increasing the PRM should be justified by a corresponding decrease in the expected societal cost of power outages. At the time CalCCA filed its reply comments, the estimated cost of a one percent increase in the PRM was \$60 million per year.¹⁴ Since CalCCA’s Reply Comments were filed, the RA market price benchmark has increased from \$15.23 per kw-month to \$40.31 per kw-month.¹⁵ With this updated benchmark, increasing the PRM by one percent results in an estimated \$158 million increase in RA costs per

¹⁰ See Proposed Decision at 19: “Assembly Bill 2368 was recently passed, which provides that the Commission shall determine the most efficient and equitable means to ‘[e]nsuring that the resource adequacy program can reasonably maintain a standard measure of reliability, such as a one-day-in-10-year loss-of-load expectation or a similarly robust reliability metric adopted by the commission, and use it for planning purposes.’”

¹¹ See *Ibid.*

¹² *Ibid.*

¹³ See *California Community Choice Association’s Reply Comments on Administrative Law Judge’s Ruling Modifying Track 2 Schedule*, R.23-10-011 (Aug. 23, 2024) at 4-5 (Reply Comments): <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M538/K612/538612858.PDF>.

¹⁴ *Id.*

¹⁵ *Market Price Benchmark Calculations 2024 REVISED* (Nov. 5, 2024).

year.¹⁶ With a value of lost load of \$10-14/ kilowatt-hour (kWh) of unmet load found in a recent survey of California residents,¹⁷ a \$158 million per year increase in costs is warranted if it avoids at least 11,000 megawatt-hour (MWh) per year of unmet load. Energy Division's LOLE study finds that a 1-in-10 LOLE results in at most 160-492 MWh of unmet load, far below the level required to economically justify any further increase in PRM.¹⁸

Before adopting the PRM, the Commission must first carefully substantiate the results of its modeling and evaluate if there are sufficient RA resources to actually meet the PRM based upon 0.1 LOLE. If there are insufficient RA resources to meet a PRM based upon a 0.1 LOLE, the Commission must: (1) provide opportunities for penalty waivers or adjust the PRM to prevent extraordinary RA costs; and (2) address the need for new capacity within the IRP proceeding.

IV. THE PROPOSED DECISION SHOULD ADOPT A UCAP METHODOLOGY WITH CORRESPONDING UPDATES TO REMOVE FORCED OUTAGES FROM THE PRM AND PRIORITIZE RESOURCE-SPECIFIC UCAP VALUES AND A METHODOLOGY THAT DOES NOT IMPACT EXISTING CONTRACTS

The Proposed Decision states, "Energy Division should coordinate with [the California Independent System Operator (CAISO)] to develop a UCAP accreditation methodology for thermal power plants and battery electric storage systems for consideration in advance of the 2028

¹⁶ Average peak managed load across 2026 is 36,283 megawatts (MW) in each month (CEC IEPR 2023 Planning Forecast). Assuming CPUC-jurisdictional loads are 90% of the CAISO peak, the average CPUC peak is 32,655 MW. The incremental cost of a 1% increase in the PRM, assuming RA costs of the current market price benchmark of \$40.31/kW-mo., is therefore $32,655 \text{ MW} \times 12 \text{ mo./yr.} \times 40.31 \text{ /kW-mo.} \times 1000 \text{ kW/MW} \times 1\% = \158 million/yr. The cost impact could be greater if scarcity in the RA market drives prices higher as the PRM goes higher.

¹⁷ Gorman and Callaway (2024) conducted an open-ended stated-preference experiment with California residents to estimate household willingness-to-pay (WTP) to avoid outages. They calculated an average VoLL of \$10–14/kWh, within the range of estimates in prior work. Gorman, W. and D. Callaway. "Do notifications affect households' willingness to pay to avoid power outages? Evidence from an experimental stated-preference survey in California." *The Electricity Journal* 37, no. 3 (2024): 107385.

¹⁸ See *California Community Choice Association's Reply Comments on Administrative Law Judge's Ruling Modifying Track 2 Schedule*, R.23-10-011 (Aug. 23, 2024) at 5: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M538/K612/538612858.PDF>.

RA compliance year and to submit a revised UCAP proposal in Track 3 of this proceeding.”¹⁹

The Commission’s commitment to developing a UCAP counting methodology in the near future is welcome. Parties to this proceeding and stakeholders participating in the CAISO’s RA-related stakeholder initiatives have long discussed the benefits of UCAP, which include: (1) better incentives to resources to perform maintenance that supports reliable resource operation; (2) the ability for LSEs to assess the reliability of specific resources when making contracting decisions rather than spreading forced outage rates through the PRM; and (3) simplifying the RA program and allowing the CAISO to eliminate its Resource Adequacy Availability Incentive Mechanism. The Commission should adopt the Proposed Decision’s direction to coordinate with the CAISO to develop a UCAP proposal for Track 3 of this proceeding.

In doing so, the Commission must recognize that capacity accreditation and the PRM are inextricably linked. When using UCAP capacity accreditation, the Commission must ensure that the PRM does not cover forced outages because they are already accounted for in resources’ net qualifying capacity (NQC). It should also ensure that the Commission and the CAISO define UCAP in a way that does not have unintended impacts on existing contracts.²⁰

The Proposed Decision also states:

¹⁹ Proposed Decision at 21.

²⁰ To do so, CAISO’s previous UCAP proposal in the RA Enhancements initiative, for example, defines the terms “NQC” and “Deliverable Qualifying Capacity” in a manner that would not disrupt existing contracts while aligning the must-offer obligation and counting rules with the new UCAP method. The CAISO should retain such an approach so that the implementation of UCAP does not result in the renegotiation of existing contracts. CAISO Resource Adequacy Enhancements, *Draft Final Proposal – Phase 1 and Sixth Revised Straw Proposal*, at 74: <https://stakeholdercenter.caiso.com/InitiativeDocuments/DraftFinalProposal-SixthRevisedStrawProposal-ResourceAdequacyEnhancements.pdf>.

... it may not be feasible for a final UCAP methodology to be at a resource-specific level unless a procedure is developed to correct anomalous or missing data from specific plants, and therefore, additional class groupings should be considered. We encourage Energy Division to coordinate with CAISO to develop data acquisition and analysis procedures using alternative public sources, to the extent possible, for a UCAP methodology and to develop a protocol with CAISO to account for missing or outlier data.²¹

The Commission and CAISO should prioritize collecting the unit-specific data needed such that the UCAP methodology adopted is resource-specific. One primary benefit of UCAP is that generators are incentivized to be available to keep their UCAP values high. That benefit is diminished if the methodology averages forced outage rates and applies class average forced outage rates uniformly to all resources regardless of their individual performance. While class-average values may be necessary in some cases (e.g., for new resources without outage data), the Commission and CAISO should seek to minimize these cases given the benefits of resource-specific values.

V. THE PROPOSED DECISION'S REFORMS TO THE EXISTING LOCAL RA CPE FRAMEWORK WITH THE OPPORTUNITY TO REVIEW THEIR EFFECTIVENESS AT THE END OF 2027 SHOULD BE ADOPTED

CalCCA strongly supports the Proposed Decision declining to make major reforms to the local RA CPE framework and instead focusing on refinements to the existing framework. CalCCA's proposal to modify the CPE procurement timeline adopted by the Proposed Decision will provide LSEs with more certainty about their CPE allocations and allow them to factor those allocations into their procurement. The Commission should adopt the proposal to lock in CPE procurement allocations to LSEs one year earlier on an interim basis, effective 2025, with an opportunity to review the proposal's effectiveness at the end of 2027. The Commission should also adopt PG&E's proposal to provide additional information in their annual compliance reports

²¹ Proposed Decision at 23.

to provide greater transparency into the CPE procurement activities in local areas at the resource-specific level.

While CalCCA has expressed concerns with PG&E's proposal for the CPE to receive aggregate information about LSE contracts with local resources, the Commission should adopt PG&E's proposal on an interim basis in 2025, and provide the opportunity to review its effectiveness at the end of 2027. CalCCA's concerns stem from LSEs' ability to sell or show resources for compensation.²² The Proposed Decision acknowledges these concerns, noting the role the Independent Evaluator and Cost Allocation Mechanism Procurement Review Group will play in reviewing bids and selections.²³ With current market conditions, the PG&E proposal may not materially impact the ability for LSEs to sell or show resources for compensation to the CPE. However, as RA market scarcity lessens and LSEs have increased opportunities to transact RA resources, this may not be the case. For this reason, the Commission should modify the Proposed Decision to adopt PG&E's proposal on an interim basis, effective 2025, with an opportunity to review its effectiveness at the end of 2027 along with the modified CPE timeline.

VI. THE COMMISSION SHOULD CLARIFY ITS DIRECTIVE TO RETAIN LOCAL RA REQUIREMENTS

The Commission should clarify in its final decision who holds the Local RA requirements it proposes to retain. Section 4.4 of the Proposed Decision rejects a proposal by Alliance for Retail Energy Markets to eliminate local RA requirements in their entirety. The Proposed Decision notes that "system RA requirements alone cannot target local reliability areas

²² See *California Community Choice Association's Opening Comments on Administrative Law Judge's Ruling Modifying Track 2 Schedule*, R.23-10-011 (Aug. 8, 2024) at 12-14: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M537/K980/537980895.PDF>, and *California Community Choice Association's Reply Comments on Administrative Law Judge's Ruling Modifying Track 2 Schedule*, R.23-10-011 (Aug. 23, 2024) at 12-13: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M538/K612/538612858.PDF>.

²³ See Proposed Decision at 38.

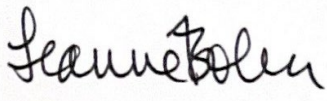
with the same granularity as local RA requirements, and thus cannot ensure that sufficient resources are procured in local areas”.²⁴ The Commission, on this basis, “decline[s] to dismantle the CPE framework *or eliminate the local RA requirements*”.²⁵

The context of the discussion suggests an intent to place the RA requirement on the CPE, which reflects the actual practice today. That is, Southern California Edison Company (SCE) and Pacific Gas and Electric Company (PG&E), in their roles of CPE, will bear responsibility for compliance with local RA requirements, but the requirement does not extend to SCE and PG&E in the roles as LSEs nor to any other LSE. Only LSEs in the San Diego Gas & Electric service territory, where there is no CPE, will continue to have a local RA requirement. The Commission should thus clarify that the local requirements are the responsibility of the CPE.

VII. CONCLUSION

CalCCA appreciates the opportunity to submit these comments and requests adoption of the recommendations proposed herein. For all the foregoing reasons, the Commission should modify the proposed decision as provided in Appendix A, attached hereto.

Respectfully submitted,



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November 18, 2024

²⁴ See Proposed Decision at 26.

²⁵ See Proposed Decision at 27 [emphasis supplied].

**APPENDIX
TO
CALIFORNIA COMMUNITY CHOICE ASSOCIATION’S
COMMENTS ON THE PROPOSED DECISION ON TRACK 2 ISSUES**

**PROPOSED CHANGES TO FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDERING PARAGRAPHS**

Proposed text deletions show as ~~**bold and strikethrough**~~

Proposed text additions show as **bold and underlined**

FINDINGS OF FACT

1. Additional vetting and further analysis of Energy Division’s revised PRM analysis is needed **because of the significant impact changes to the PRM can have on reliability and affordability.** The data gathering and reconciliation for the inputs and assumptions that underlie the LOLE study are time-consuming and resource intensive.

NEW: In the SCE and PG&E service territories, the CPE is the only entity with a responsibility to procure Local RA.

CONCLUSIONS OF LAW

2. Consideration of the revised PRM analysis and the 2026 PRM should be deferred to Track 3 of this proceeding **at the latest.**

4. PG&E’s proposal to eliminate the non-compensated self-showing option may provide a more reliable, efficient way for the CPEs to obtain information about what local resources are under contract by LSEs. PG&E’s proposal to eliminate the non-compensated self-showing option should be adopted, with modifications, **on an interim basis to be reevaluated at the end of 2027.**

NEW: A Local RA requirement is retained for the CPEs in the PG&E and SCE service territories but the requirement does not extend to PG&E and SCE in their roles as LSEs nor to any other individual LSE

ORDERING PARAGRAPHS

1. Energy Division is authorized to undertake a further revision of the planning reserve margin (PRM) analysis to correct errors identified in comments and to distribute it to the service list in this proceeding in early December 2024. The revised PRM analysis will be considered by the Commission in Track 3 of this proceeding **at the latest.**

3. The non-compensated self-showing option of the central procurement entity (CPE) framework is eliminated, effective 30 days from the issuance date of this decision. For self-shown capacity

that has been committed to the CPEs, the CPEs shall send a letter to load-serving entities with an existing and/or active attestation within 30 days of the issuance of this decision, nullifying any remaining commitments and stating that the commitments shall no longer be relied on for purposes of satisfying the CPE's compliance obligations. A template for the CPEs' letter is attached to this decision as Appendix A. **This process will be reevaluated by the end of 2027.**

4. Energy Division is authorized to collect additional information from load-serving entities (LSEs) regarding local Resource Adequacy (RA) capacity that is under contract in an LSE's portfolio. Energy Division is authorized to collect the following information from each LSE about its local RA capacity under contract:

- (1) Resource ID
- (2) Local Area
- (3) Contract Start/End Date
- (4) Resource Technology Type
- (5) Contracted Monthly Megawatt (MW) Capacity for the 3-Year Forward Period

For the 2026 RA compliance year, Energy Division is authorized to send data requests in January 2025, with responses to be submitted by the LSE by February 1, 2025. Energy Division will aggregate and anonymize the information and provide the data to the CPEs for use in the CPEs' annual solicitation and procurement process. **This process will be reevaluated by the end of 2027.**

NEW: Energy Division is authorized to coordinate with CAISO to develop a UCAP accreditation methodology for thermal power plants and battery electric storage systems with associated revisions to the PRM for consideration in advance of the 2028 RA compliance year and to submit a revised UCAP proposal in Track 3 of this proceeding.