

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



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Application of Pacific Gas and Electric Company for Compliance Review of Utility Owned Generation Operations, Portfolio Allocation Balancing Account Entries, Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel Procurement, and Other Activities for the Record Period January 1 Through December 31, 2024.

Application No. 25-02-013

(U 39 E)

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S  
PROTEST TO THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY**

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## SUMMARY OF RECOMMENDATIONS

- The Commission<sup>1</sup> should set this matter for hearing to fully examine the issues raised by PG&E's Application and other issues that may arise during the course of this proceeding.
- The Commission should modify PG&E's proposed list of scoping issues to expressly indicate a thorough review of PG&E's attempts to sell excess RA consistent with its Bundled Procurement Plan in 2024 is in scope in this proceeding. Specifically, the Commission should modify PG&E's proposed list of scoping issues as follows:
  5. Whether PG&E administered resource adequacy procurement and sales consistent with its Bundled Procurement Plan, including whether PG&E made reasonable attempts to sell excess RA consistent with its Bundled Procurement Plan
- The Commission should adopt CalCCA's proposed procedural schedule.

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<sup>1</sup> Acronyms and defined terms used in the Summary of Recommendations are defined in the body of this protest.

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
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Application of Pacific Gas and Electric Company for Compliance Review of Utility Owned Generation Operations, Portfolio Allocation Balancing Account Entries, Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel Procurement, and other Activities for the Record Period January 1 Through December 31, 2024.

Application No. 25-02-013

(U 39 E)

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S  
PROTEST TO THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY**

The California Community Choice Association<sup>2</sup> (CalCCA) hereby protests the relief sought in the above-captioned *Application of Pacific Gas and Electric Company (PG&E) for Compliance Review of Utility Owned Generation Operations, Portfolio Allocation Balancing Account Entries, Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel Procurement, and Other Activities for the Record Period January 1 Through December 31, 2024 (U 39 E)* (Application) pursuant to Rule 2.6 of the Rules of Practice and Procedure of the California Public Utilities Commission.

In its Application, PG&E requests the California Public Utilities Commission (Commission) find:

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<sup>2</sup> 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.

1. That it prudently administered and managed its utility-owned generation (UOG) facilities in compliance with all applicable rules, regulations, and Commission decisions;
2. That it achieved least-cost dispatch of its energy resources and economically-triggered demand response programs pursuant to Standard of Conduct No. 4 (SOC 4);
3. That the entries recorded in the Energy Resource Recovery Account (ERRA) and the Portfolio Allocation Balancing Account (PABA) are reasonable, appropriate, accurate and in compliance with Commission decisions;
4. That its fuel procurement and hedging activities complied with its 2014 Bundled Procurement Plan (BPP);
5. That its Greenhouse Gas Compliance Instrument Procurement complied with the 2014 BPP;
6. That its resource adequacy (RA) sales complied with the Bundled Procurement Plan (BPP);
7. That the costs incurred and recorded in the Green Tariff Shared Renewables Memorandum Account (GTSRMA), Green Tariff Shared Renewables Balancing Account (GTSRBA), Disadvantaged Communities – Single-Family Solar Homes (DAC-SASH) balancing account (DACSASHBA), Disadvantaged Communities Green Tariff Balancing Account (DACGTBA), Community Solar Green Tariff Balancing Account (CSGTBA), and Centralized Local Procurement Sub-Account (CLPSA) in the New System Generation Balancing Account (NSGBA) are reasonable and in compliance with applicable tariffs and Commission directives; and
8. That the contract amendments related to the Alpine Solar, Agua Caliente Solar, and Daggett 2 BESS projects, and the Poblano Energy Storage Project, are reasonable and approved.<sup>3</sup>

The impact of PG&E's Application on both departed and bundled customers requires careful consideration under the applicable standards of review. In ERRA Compliance proceedings, PG&E, as the applicant, has the burden of proof<sup>4</sup> and must satisfy that burden based on a preponderance of the evidence.<sup>5</sup>

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<sup>3</sup> See Application at 20.

<sup>4</sup> Decision (D.) 12-12-030 at 42; Application at 4.

<sup>5</sup> See D.16-04-006; Application at 4.

CalCCA protests the Application on the grounds the utility has fallen short of demonstrating the entirety of the relief PG&E seeks meets its burden. CalCCA has identified certain issues below that should prevent immediate adoption of the relief requested in the Application, including in particular:

- 1) PG&E's RA sales activity during the record year, including its efforts to sell excess RA; its transfer of excess RA from the PABA to the NSGBA; and corresponding accounting entries;
- 2) The reasonableness of PG&E's contract amendments related to the Alpine Solar, Agua Caliente Solar and Daggett 2 BESS projects, and the Poblano Energy Storage project, and the vintaging of those contracts for purposes of cost recovery;
- 3) Changes to PG&E's retained capacity formula in the Retained RA Tracker; and
- 4) PG&E's use of "banked" renewable energy credits from prior years to meet its Minimum Retained Renewable Portfolio Standard (RPS) requirement in the record year, and its allocation of the value of those credits to Power Charge Indifference Adjustment (PCIA) vintages.

CalCCA respectfully requests the Commission set this matter for hearing to fully examine these issues together with any other issues that may arise during the course of this proceeding. CalCCA further requests the Commission modify PG&E's proposed list of scoping issues to expressly indicate a thorough review of PG&E's 2024 RA activities is in scope in this proceeding.

**I. CALCCA HAS A DIRECT, CLEAR, REAL, PRESENT, TANGIBLE, AND PECUNIARY INTEREST IN THE OUTCOME OF THIS PROCEEDING**

As noted above, CalCCA represents the interests of 24 community choice aggregators (CCAs) in California, including 11 CCAs that serve PG&E's delivery service customers. Except for San Jose Clean Energy (SJCE) and CleanPowerSF, each of those 11 CCAs is governed by a

Board of Directors, comprised of elected officials who represent the individual cities and counties the CCA serves, or an elected City Council. CleanPowerSF is the CCA for the City and County of San Francisco, which the San Francisco Public Utilities Commission operates. SJCE is the City of San José's CCA program, which the San José Energy Department administers. While CalCCA's advocacy frequently benefits both bundled and unbundled customers, the CCAs are the sole advocates for their customers and their local energy programs before this Commission.

CCA customers receive generation services from their local CCA and receive transmission, distribution, billing, and other services from investor-owned utilities. As such, CCA customers in PG&E's service territory must pay the same electric distribution, transmission and non-bypassable rates as PG&E's bundled customers. However, CCA customers pay CCA-specific generation rates, which vary and are partially influenced by local mandates to increase electric vehicle use, procure and maintain clean electricity portfolios that in many cases exceed state requirements for renewable generation, and achieve other local goals.

CCA and other unbundled customers are also subject to several non-bypassable charges, including the PCIA. The Commission adopted the PCIA to ensure that when investor-owned utility (IOU) customers depart from bundled service and receive their electricity from a non-IOU provider, such as a CCA, "those customers remain responsible for costs previously incurred on their behalf by the IOUs—but only those costs."<sup>6</sup>

The Commission initially determined the level of the PCIA during the 2024 record period in D.23-12-022 based in part on a forecast of the above-market costs stemming from PG&E's generation portfolio over the course of that year. Prior to D.18-10-019, the PCIA rate was set only based on forecasts and not trued-up for unbundled customers—only bundled customers' rates were

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<sup>6</sup> See D.18-10-019 at 3.

subject to a true-up. Decision 18-10-019 requires that PG&E true up the forecasted costs (net of forecasted market revenues or imputed revenues) approved in D.23-12-022 with the actual recorded costs (net of actual market revenues or imputed revenues) for PCIA-eligible resources.<sup>7</sup> It also requires PG&E to true up the revenues it forecasted it would receive from both bundled and departing load customers over the course of 2024 with the actual revenues it received.<sup>8</sup> This true-up occurs by comparing the forecasted costs and revenues to the recorded costs and revenues within the PABA.

As noted in more detail below, issues relating to whether the entries that PG&E recorded in the PABA (and the ERRRA) are reasonable, appropriate, accurate, correctly stated, and in compliance with Commission decisions are within scope in ERRRA Compliance proceedings, including this docket.<sup>9</sup> Moreover, PG&E's management of its generation portfolio and its third-party contracts, including its management, procurement, and sales of its RA and RPS resources, as well as its compliance with Commission-approved procurement and resource sales frameworks, directly impact the costs and revenues recorded to the PABA, which in turn impacts PCIA rates. To the extent PG&E's management of its generation portfolio and third-party contracts during the record period was not reasonable or in compliance with Commission decisions, CCA customers (customers of CalCCA's members) might have paid higher PCIA rates than they should have paid. CalCCA therefore has a direct, clear, real, present, tangible, and pecuniary interest in the outcome of this proceeding.

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<sup>7</sup> See *id.* at Ordering Paragraphs (OPs) 7 and 8.

<sup>8</sup> *Id.*

<sup>9</sup> See *Assigned Commissioner's Scoping Memo and Ruling*, A.24-02-012 (June 12, 2024), at 3; Application at 20.

Finally, it is important to note that the true-up of the PCIA via the PABA reflects the full amount of above-market costs recovered from *both* bundled service and departing load customers. All above-market costs for PG&E's PCIA-eligible generation portfolio are paid by both bundled and unbundled customers, which share a portion of the PCIA revenue requirement obligations. The ERRA revenue requirement includes the remaining, at-market portion of the forecasted procurement costs for PG&E's bundled customers. Therefore, as will become evident over the course of this proceeding, many of CalCCA's interests in this case are closely aligned not only with those of PG&E's unbundled customers, but also with those of PG&E's remaining bundled customers.

## **II. GROUNDS FOR PROTEST**

CalCCA has identified several preliminary issues in the Application that impact the interests described above. CalCCA is still examining the Application, conducting discovery,<sup>10</sup> and communicating with PG&E to better understand and analyze the utility's recorded entries for 2024. CalCCA reserves the right to address and protest additional issues within the scope of this proceeding as they arise through continued review, analysis, discovery, and investigation of all aspects of the Application and supporting testimony.

### **A. PG&E's Record Year RA Sales Activity Impacts CalCCA's Interests**

PG&E's testimony presents the utility's RA activities during the 2024 record period.<sup>11</sup> PG&E's RA procurement and sales activities, as well as its accounting of Sold RA, Unsold RA, and Retained RA in the PABA, impacts the PCIA rates CCAs' customers pay. Therefore, as in prior ERRA Compliance proceedings, CalCCA will investigate PG&E's 2024 RA activities and

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<sup>10</sup> As of the filing of this Protest, CalCCA has already issued 48 discovery requests to PG&E, in addition to its Master Data Request.

<sup>11</sup> See PG&E Prepared Testimony at 8-6 to 8-9; 12-11 to 12-15.

determine whether those activities and associated accounting entries are reasonable, appropriate, correct, and consistent with applicable Commission decisions.

Based on its preliminary review of PG&E's Application and supporting testimony, however, CalCCA is particularly concerned by PG&E's use of excess RA to meet its system reliability incremental procurement targets in 2024<sup>12</sup>—an issue that parallels the core controversy between CalCCA and PG&E in PG&E's pending 2022 ERRRA Compliance proceeding (A.23-02-018).<sup>13</sup> While PG&E is permitted to use excess RA from existing PCIA-portfolio resources to meet the incremental procurement targets established by D.21-03-056 and D.21-12-015 to address summer reliability concerns, PG&E may do so *only after* making reasonable attempts to sell that excess RA to other load-serving entities (LSE), such as CCAs.<sup>14</sup> Those transfers result in a credit to PABA and a debit to NSGBA.<sup>15</sup> The reasonableness of PG&E's attempts to sell excess RA, and its accounting entries reflecting both RA sales and any transfers of excess RA from the PABA to the NSGBA, therefore affect CCAs' interests.

CalCCA will investigate PG&E's 2024 RA activities—including its efforts to identify excess RA, its attempts to sell excess RA capacity once it identified excess RA, and its transfer of excess RA capacity to the Reliability OIR subaccount of the NSGBA—to ensure PG&E optimized its RA portfolio, made reasonable attempts to sell excess RA capacity to other LSEs, conducted RA sales using the processes described in its BPP, and made the appropriate entries to its balancing accounts. As CalCCA explains in more detail in Section III of this Protest, PG&E's record period

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<sup>12</sup> *See id.* at 12-15.

<sup>13</sup> CalCCA also investigated the same issue in PG&E's pending 2023 ERRRA Compliance case (A.24-02-012), and following its review, did not dispute PG&E's sales activities during the record year.

<sup>14</sup> *See* PG&E Prepared Testimony at 12-15.

<sup>15</sup> *Ibid.*

RA activity, including each of the issues listed above, are relevant to multiple scoping issues PG&E identifies in its Application, including proposed Scoping Issues 1, 3 and 5.

**B. PG&E’s Alpine Solar, Agua Caliente Solar, Daggett 2 BESS, and Poblano Energy Storage Project Contract Amendments Impact CalCCA’s Interests**

PG&E requests Commission review and approval of four contract amendments in this proceeding. The first three contracts are with projects owned by Clearway Energy (Alpine Solar, Agua Caliente Solar, and Daggett 2 BESS), and the fourth is with Poblano Energy Storage, LLC (collectively, “contract amendments”). The Commission should evaluate not only whether those amendments are reasonable and should be approved, but whether those amendments reflect material modifications from the contracts’ original terms, requiring re-vintaging of the contracts for purposes of cost recovery.

A key tenet of the Commission’s PCIA framework is that when customers of IOUs depart from bundled service and receive their electricity from a non-IOU provider, such as a CCA, “those customers remain responsible for costs previously incurred on their behalf by the IOUs—but only those costs.”<sup>16</sup> Departed customers are not responsible for procurement costs associated with resource commitments made after they have departed. To effectuate this policy in the context of renegotiated and amended contracts, the Commission has indicated that a contract should be assigned a new vintage year when the utility modifies material terms of a resource generation contract.<sup>17</sup>

The vintaging of a contract turns on when the utility made the contractual commitment and relatedly when utility customers have departed for purposes of determining “responsibility” for

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<sup>16</sup> See D.18-10-019 at 3.

<sup>17</sup> See Resolution E-4841 at 10 (determining, following review of Ivanpah solar contracts and amended terms, that the amendments did not affect material terms and therefore declining to examine the vintaging of the contracts).

causing the utility to enter into the contractual commitment.<sup>18</sup> The Commission has determined, with respect to power purchase agreements, that a resource “commitment” is made in relation to the execution and effectiveness of the underlying contract.<sup>19</sup> In the context of an *amended* contract, the Commission has implicitly acknowledged that changes to a contract that are “the result of a buy-out, buydown or renegotiation” would affect customer cost responsibility, whereas “Commission ordered” extensions would not affect customer cost responsibility.<sup>20</sup>

PG&E’s contract amendments therefore impact CalCCA’s interests because those amendments could trigger a change in the set of customers that are responsible for the costs associated with the underlying contract. CalCCA will issue discovery to examine the four contract amendments PG&E submits for Commission review in this proceeding, and to evaluate whether those amendments include material modifications. To the extent the amendments include material modifications to the underlying contract, CalCCA may address the proper vintaging of the contracts through testimony and/or briefing, as necessary. This issue is reflected in PG&E’s proposed list of Scoping Issues as Scoping Issue 7.

### **C. PG&E’s Retained RA Accounting Impacts CalCCA’s Interests**

PG&E commits resources to meet its RA obligations on behalf of its bundled customers. When a resource’s capacity is assigned to PG&E for meeting its bundled customer RA program obligations, it is considered “Retained” RA. In contrast, when a resource’s capacity is sold to

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<sup>18</sup> See D.04-12-048 at 55 (explaining that a CCA customer would be responsible for certain costs until the IOU’s responsibility to plan on behalf of that CCA customer ends); D.08-09-012 at 59 (stating “[t]he law permits the recovery of stranded costs from those customers who are responsible for stranded costs related to resource and contractual commitments made by the IOU up until the time of the customer’s departure and . . . departing customers should bear no cost responsibility for such commitments the IOU makes after their departure.”)

<sup>19</sup> See, e.g., D.08-09-012 at 66 (“We will also adopt SCE’s related proposal that ‘the time a commitment is made’ is when the IOU executes a contract. . . .”).

<sup>20</sup> See D.05-01-031 at 39.

another LSE, the RA is considered “Sold” RA, and when a resource’s capacity is not sold or used by PG&E, it is considered “Unsold” RA.<sup>21</sup> PG&E records Retained RA in the PABA at the market price benchmark, and records Sold RA in the PABA at the sales price for each Sold RA transaction.<sup>22</sup> PG&E’s RA entries, therefore, directly impact the PCIA rates CCA customers pay.

The Commission’s RA program includes three distinct obligations: System, Local, and Flexible RA. In its testimony, PG&E indicates it has “updated the retained capacity formula in the Retained RA Tracker to improve the accuracy of PG&E’s 2024 Retained RA accounting entries to reflect the use of the three RA benchmark types (i.e., market price benchmark values for System RA, Local RA, and Flex RA).”<sup>23</sup> But PG&E does not explain how it has changed the retained capacity formula or elaborates on the impact of its modifications. CalCCA will investigate PG&E’s changes to the retained capacity formula to determine whether those changes are reasonable, appropriate, accurate and consistent with prior Commission decisions. This issue is relevant to PG&E’s proposed Scoping Issue 3: “Whether the entries recorded in the Energy Resource Recovery Account and the Portfolio Allocation Balancing Account are reasonable, appropriate, accurate and in compliance with Commission decisions.”

**D. PG&E’S Use of Banked Renewable Energy Credits to Meet Its Minimum Retained RPS Requirement Impacts CalCCA’s Interests**

In its 2024 ERRR Forecast case (similar to the 2023 ERRR Forecast case), PG&E explained its bundled customer Retained RPS position for 2024 would be lower than its Minimum Retained RPS requirement (RPS compliance target) for the same year.<sup>24</sup> PG&E proposed to use

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<sup>21</sup> See PG&E Prepared Testimony at 8-8.

<sup>22</sup> *Ibid.*

<sup>23</sup> See PG&E Prepared Testimony at 12-12.

<sup>24</sup> See A.23-05-012, PG&E Prepared Testimony at 9-17 to 9-24.

banked Renewable Energy Credits (REC) from prior years to meet its projected shortfall and to value the REC transfer at the RPS Adder for the forecast year (PG&E’s “Minimum Retained RPS Methodology”).<sup>25</sup> The Commission approved PG&E’s proposed Minimum Retained RPS Methodology in D.23-12-022.<sup>26</sup>

In its testimony in this proceeding, PG&E presents its Sold, Unsold and Retained RPS, as well as its Minimum Retained RPS recorded to the PABA in 2024.<sup>27</sup> As anticipated, PG&E used surplus RECs from years prior to 2024 to meet its Minimum Retained RPS requirement.<sup>28</sup> CalCCA will investigate PG&E’s RPS entries to the PABA, including the quantities of banked RECs PG&E transferred, the value PG&E assigned to those RECs, and the impact of those transfers on PCIA vintages, to ensure PG&E’s entries are reasonable, appropriate, accurate and consistent with prior Commission decisions, including D.23-12-022. These issues are relevant to PG&E’s proposed Scoping Issue 3: “Whether the entries recorded in the Energy Resource Recovery Account and the Portfolio Allocation Balancing Account are reasonable, appropriate, accurate and in compliance with Commission decisions.”

#### **E. Other Issues that Require Further Investigation and Analysis**

CalCCA hopes to work with PG&E over the course of this proceeding to review PG&E’s workpapers and better understand, investigate, and potentially submit testimony regarding various components of the Application, including but not limited to:

- Whether PG&E’s accounting of costs associated with various procurements are correctly, appropriately, and accurately recorded to ERRA and PABA in compliance with Commission decisions;

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<sup>25</sup> *Id.*

<sup>26</sup> *See* D.23-12-022 at OPs 1, 3.

<sup>27</sup> *See* PG&E Prepared Testimony at Table 12-1, page 12-7.

<sup>28</sup> *See id.* at 12-8.

- Whether the contract amendments PG&E describes in its testimony (beyond the contract amendments discussed above) reflect material modifications from their original terms and therefore should be revintaged;
- The resolution of PG&E’s internal audit of PCIA customer vintaging processes and controls;
- Whether PG&E’s accounting of CAISO settlement charges and revenues are correctly, appropriately, and accurately recorded to ERRA, PABA and other balancing accounts in compliance with Commission decisions;
- PG&E’s unrealized sales and revenues from 2024 PSPS events and its associated accounting; and
- GTSR-related issues such as whether revenue from GTSR customers was booked to the correct balancing accounts.

### **III. ISSUES, CATEGORIZATION OF PROCEEDING, NEED FOR HEARINGS AND PROPOSED PROCEDURAL SCHEDULE**

#### **A. The Commission Should Modify PG&E’s Proposed List of Scoping Issues to Expressly Indicate a Thorough Review of PG&E’s 2024 RA Activities is in Scope in this Proceeding**

- 1. In its pending 2022 and 2023 ERRA Compliance Proceedings, PG&E has opposed a thorough review of its record year RA activities and asserted that review is beyond the scope of the proceeding.**

PG&E’s Application proposes the following issues for consideration in this proceeding:<sup>29</sup>

- 1) Whether PG&E, during the record period, prudently administered and managed the following, in compliance with all applicable rules, regulations, and Commission decisions, including but not limited to Standard of Conduct No. 4 (SOC 4):
  1. Utility-Owned Generation Facilities, including for the 2023 Belden and Caribou 1 Powerhouse outages and two 2023 Diablo Canyon Power Plant maintenance outages; and
  2. Qualifying Facilities (QF) Contracts and Non-QF Contracts;

If not, what adjustments, if any, should be made to account for imprudently managed or administered resources?

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<sup>29</sup> See Application at 17-18.

- 2) Whether PG&E achieved least-cost dispatch of its energy resources and economically-triggered demand response programs pursuant to SOC 4;
- 3) Whether the entries recorded in the Energy Resource Recovery Account and the Portfolio Allocation Balancing Account are reasonable, appropriate, accurate, and in compliance with Commission decisions;
- 4) Whether PG&E's greenhouse gas instrument procurement complied with its Bundled Procurement Plan;
- 5) Whether PG&E administered resource adequacy procurement and sales consistent with its Bundled Procurement Plan;
- 6) Whether the costs incurred and recorded in the following accounts are reasonable and in compliance with the applicable tariffs and Commission directives:
  1. Green Tariff Shared Renewables Memorandum Account;
  2. Green Tariff Shared Renewables Balancing Account;
  3. Disadvantaged Community – Single Family Solar Affordable Homes Balancing Account;
  4. Disadvantaged Community – Green Tariff Balancing Account;
  5. Community Solar Green Tariff Balancing Account;
  6. Centralized Local Procurement Sub-Account and;
- 7) Whether the contract amendments related to the Alpine Solar, Agua Caliente Solar, and Daggett 2 BESS Projects, and the Poblano Energy Storage Project, are reasonable and should be approved;
- 8) Whether there are any safety considerations raised by PG&E's Application, and;
- 9) Review of unrealized sales and revenues from PG&E's 2024 PSPS events.

The Commission adopted a substantially similar list of scoping issues in PG&E's pending 2022 ERRR Compliance proceeding.<sup>30</sup> Over the course of that proceeding, however, PG&E has repeatedly taken the position that parties' attempts to investigate its 2022 RA sales efforts beyond

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<sup>30</sup> *Assigned Commissioner's Scoping Memo and Ruling, A.23-02-018 (June 2, 2023), at 2-3.*

the solicitations required by its BPP are beyond the scope of that proceeding.<sup>31</sup> In a similar vein, in PG&E's 2023 ERRA Compliance proceeding, PG&E again opposed CalCCA's efforts to clarify that a thorough review of PG&E's attempts to sell excess RA was in scope in that proceeding.<sup>32</sup>

CalCCA disagrees with PG&E's interpretation of the scope of ERRA Compliance proceedings and maintains that the scope permits a review of PG&E's attempts to sell excess RA in the record year, including *but not limited to* the RA sales solicitations required by PG&E's BPP.<sup>33</sup> The *Administrative Law Judge's Ruling Re-Opening Discovery for California Community Choice Association* in A.23-02-018 confirms CalCCA's view. That ruling, which followed extended motion practice regarding the scope of PG&E's 2022 ERRA Compliance proceeding—authorized CalCCA to initiate discovery on the issues of:

- PG&E's RA sales solicitations in 2022;
- PG&E's transfer of excess RA from its PCIA eligible resource portfolio to its Cost Allocation Mechanism (CAM) portfolio; and

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<sup>31</sup> *Motion to Strike Portions of the Prepared Direct Testimony of Brian Shuey on behalf of the California Community Choice Association by Pacific Gas and Electric Company*, A.23-02-018 (Oct. 6, 2023), at 4-6; *Pacific Gas and Electric Company's (U 39-E) Response to the Motion of the California Community Choice Association for Official Notice*, A.23-02-018 (Jan. 25, 2024), at 3-4; *Pacific Gas and Electric Company's (U 39-E) Response to the Motion of the California Community Choice Association for Commission Review of Administrative Law Judge's Evidentiary Rulings*, A.23-02-018 (Mar. 11, 2024), at 12-24; *Joint Report by Pacific Gas and Electric Company (U 39 E) and the California Community Choice Association*, A.23-02-018 (Feb. 14, 2024), at 2-3.

<sup>32</sup> *PG&E Reply to Protests*, A.24-02-012 (Apr. 15, 2024).

<sup>33</sup> *California Community Choice Association's Response to Pacific Gas and Electric Company's Motion to Strike*, A.23-02-018 (Oct. 23, 2023); *California Community Choice Association's Motion to Offer Exhibits into Evidence and Admit into the Record*, A.23-02-018 (Jan. 18, 2024); *California Community Choice Association's Motion for Commission Review of Administrative Law Judge's Evidentiary Rulings*, A.23-02-018 (Feb. 23, 2024).

- PG&E’s attempts to sell excess existing, PCIA-eligible RA resources through the commercial processes of its BPP.<sup>34</sup>

As CalCCA’s pleadings filed in PG&E’s 2022 ERRA Compliance proceeding explain in detail, PG&E’s record-year RA activities, including the timing and manner of its efforts to sell excess RA through both solicitations and other sales processes permitted by the BPP, are relevant to Scoping Issues 1, 3 and 5 in the 2022 ERRA Compliance proceeding, which substantially mirror PG&E’s proposed Scoping Issues 1, 3 and 5 in this proceeding.<sup>35</sup>

**2. PG&E’s record year RA activities, including the timing and manner of its efforts to sell excess RA, are relevant to the question of whether PG&E prudently managed its RA portfolio (Scoping Issue 1).**

Proposed Scoping Issue 1 in the Application, asks “[w]hether PG&E, during the record period, prudently administered and managed the following, in compliance with all applicable rules, regulations, and Commission decisions, including but not limited to SOC 4: a) Utility-Owned Generation Facilities, including the 2023 Belden and Caribou 1 Powerhouse outages and two 2023 maintenance outages at Diablo Canyon Power Plant; b) Qualifying Facilities (QF) Contracts and Non-QF Contracts. If not, what adjustments, if any, should be made to account for imprudently managed or administered resources?”<sup>36</sup>

At a high level, Scoping Issue 1 requires the Commission to evaluate whether PG&E prudently administered and managed its generation portfolio (UOG and contracted resources) in the record year. As a part of that broad evaluation, the Commission must assess whether PG&E

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<sup>34</sup> *Administrative Law Judge’s Ruling Re-Opening Discovery for California Community Choice Association*, A.23-02-018 (Jul. 26, 2024).

<sup>35</sup> *California Community Choice Association’s Motion to Offer Exhibits into Evidence and Admit into the Record*, A.23-02-018 (Jan. 18, 2024), at 7-16; *California Community Choice Association’s Motion for Commission Review of Administrative Law Judge’s Evidentiary Rulings*, A.23-02-018 (Feb. 23, 2024), at 11-23.

<sup>36</sup> See Scoping Memo at 2.

administered and managed its RA resources prudently. That prudence assessment, in turn, includes assessing whether PG&E made reasonable efforts to ensure it received value for all its RA resources, a key consideration in determining whether PG&E has prudently managed its generation portfolio.

The Commission applies several standards to assess the prudence of PG&E’s management and administration of its generation portfolio, including SOC 4, the Commission’s Good Utility Practice standard and the “reasonable manager” standard.<sup>37</sup> SOC 4 requires utilities to prudently administer all contracts and generation resources and dispatch the energy in a least-cost manner.<sup>38</sup> The Commission has stated that prudent contract administration consistent with SOC 4 requires the utility “dispose of economic long power”—in other words, sell excess resources—among other activities.<sup>39</sup> In a similar vein, the “Good Utility Practice” standard requires utilities act consistent with:

“[A]ny of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition.”<sup>40</sup>

Lastly, the broad “reasonable manager” standard requires utilities act in a manner that “comport[s] with what a reasonable manager of sufficient education, training, experience and skills using the tools and knowledge at his disposal would do when faced with a need to make a decision and

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<sup>37</sup> See, e.g., D.20-12-036 at 9 (in SDG&E’s 2018 ERRR Compliance proceeding, finding SDG&E complied with the Good Utility Practice and reasonable manager standards).

<sup>38</sup> See D.02-10-062, Conclusion of Law 11.

<sup>39</sup> See D.02-12-074 at 54; see also D.05-04-036 at 24.

<sup>40</sup> See D.02-12-069, Attachment A at 5.

act.”<sup>41</sup> Each of these standards permit the Commission to review whether the utility maximized the value of its RA resources for the benefit of its customers during the record period.

In addition, as referenced in Scoping Issue 1, the Commission must determine whether PG&E managed its resource portfolio in compliance with all applicable Commission decisions, including D.21-12-015. Decision 21-12-015 requires PG&E make reasonable attempts to sell its excess RA capacity to other LSEs before counting that capacity towards its incremental system reliability procurement targets.<sup>42</sup> PG&E’s efforts to sell its excess RA during the summer of the record year and realize the value of those resources for the benefit of its customers, therefore, is relevant to the assessment the Commission must make under Scoping Issue 1.

In its 2022 ERRA Compliance proceeding, PG&E argues D.21-12-015 “does not create a separate or additional requirement beyond Appendix S” and asserts Appendix S “is the upfront reasonableness standard by which PG&E’s compliance is measured for the management and sale of RA in this proceeding.”<sup>43</sup> In support, PG&E points to Commission Resolution 4998-E approving Appendix S and the Commission’s subsequent disposition of PG&E’s Advice Letters 6306-E and 6306-E-A (collectively, “Appendix S Justification ALs”), claiming that disposition “affirms that Appendix S contains the CPUC-approved upfront reasonableness standard for conducting RA sales, including in connection with the Emergency Reliability OIR procurement orders.”<sup>44</sup> In essence, PG&E suggests the Commission cannot scrutinize its RA sales activities during the record period in an ERRA Compliance proceeding beyond confirming PG&E carried out the solicitations required by Appendix S.

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<sup>41</sup> See D.90-09-088 at 499.

<sup>42</sup> See D.21-12-015 at 183-184.

<sup>43</sup> *PG&E Motion to Strike*, A.23-02-018 (Oct. 6, 2023), at 4.

<sup>44</sup> *Id.* at 6.

PG&E overstates the effect of Resolution 4998-E and the Commission’s disposition of the Appendix S Justification ALs. Nothing in Resolution 4998-E or the Commission’s disposition of the Appendix S Justification ALs narrows the scope of ERRA Compliance proceedings or precludes parties (and the Commission) from investigating whether PG&E prudently managed its RA sales during the record period.

Ultimately, PG&E’s management of its generation portfolio—and specifically the efficiency of PG&E’s sales of excess RA—directly contributes to the rates customers pay. That is because PG&E’s sales of RA from its PCIA portfolio drive the quantity of Sold and Unsold RA it records, which in turn impacts PG&E’s PABA balance—a key component of the PCIA rates PG&E’s customers (bundled and unbundled) pay. In addition, the reasonableness of PG&E’s attempts to sell excess RA has larger implications for other LSEs in its service territory, who face penalties if they do not procure sufficient RA to meet compliance obligations. Under the constrained conditions that characterize the state’s RA market, PG&E’s efforts to maximize its sales of excess RA are especially relevant to whether PG&E prudently managed its resource portfolio—not only to lower costs to customers but also to ensure excess capacity is available to meet regional RA needs.

Finally, while the Commission may evaluate changes to PG&E’s Bundled Procurement Plan in the recently opened PCIA OIR (R.25-02-005),<sup>45</sup> this ERRA Compliance proceeding is the only appropriate proceeding for the Commission to review the prudence of PG&E’s management of its RA portfolio during the summer of the record year. Section 454.5(d)(2) expressly permits the Commission to “establish a regulatory process to verify and ensure that each contract was

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<sup>45</sup> *Order Instituting Rulemaking to Update and Reform Energy Resource Recovery Account and Power Charge Indifference Adjustment Policies and Processes*, R.25-02-005 (Feb. 26, 2025), at 24.

administered in accordance with the terms of the contract[.]”<sup>46</sup> That process is the ERRA Compliance process. In an ERRA Compliance proceeding, parties can contest whether PG&E followed SOC 4 and prudently managed its resources in making RA sales during the record year. Because the question involves actions PG&E should have taken, but did not pursue (*i.e.*, a retrospective review of PG&E’s actions during the record year), the ERRA Compliance application and review process is the only available forum for parties to probe that question.

**3. PG&E’s record year RA activities, including the timing and manner of its efforts to sell excess RA, are relevant to whether PG&E’s entries recorded in the PABA are reasonable, appropriate, accurate, and in compliance with Commission decisions (Scoping Issue 3)**

Proposed Scoping Issue 3 in the Application asks “[w]hether the entries recorded in the ERRA and the [PABA] are reasonable, appropriate, accurate, and in compliance with Commission decisions.”<sup>47</sup> The Commission has broad latitude to consider PG&E’s activities impacting those entries. Among the myriad activities informing Scoping Issue 3 is PG&E’s transfer of excess RA capacity from the PCIA to CAM in 2024, and associated accounting entries, which PG&E describes in its Prepared Direct Testimony.<sup>48</sup> The reasonableness of PG&E’s attempts to sell excess RA during the summer of 2024 is well-within the scope of this proceeding because that issue ultimately impacts the entries PG&E made to its balancing accounts, including the PABA during the 2024 record period. Those entries directly contribute to the rates PG&E’s customers ultimately pay.

To be more specific, PG&E’s attempts to sell its excess RA impact not only the magnitude of PG&E’s credit to PABA resulting from the transfer of excess RA to CAM, but also the actual

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<sup>46</sup> Cal. Pub. Util. Code § 454.5(d)(2).

<sup>47</sup> See Scoping Memo at 2-3.

<sup>48</sup> See PG&E Prepared Testimony at 12-15.

amount of RA capacity PG&E sold during the record year. Ultimately, PG&E's Actual Sold RA (compared to the amount of Sold RA it had forecasted it would sell) is a key factor driving whether an over- or under-collection exists in the PABA, which in turn drives the revenue requirement for the following year's PCIA rates that PG&E's customers pay.<sup>49</sup>

The facts of PG&E's attempts to sell excess RA during the summer of the record year therefore go to whether PG&E's PABA entries are "reasonable, appropriate, accurate, and in compliance with Commission decisions." Put differently, should the Commission find PG&E's attempts to sell its excess RA capacity were *not* reasonable, and could have resulted in a different PABA balance at the end of the record year due to increased sales of RA, it might determine PG&E's PABA entries were not "reasonable, appropriate, accurate and in compliance with Commission decisions."

**4. PG&E's record year RA activities, including the timing and manner of its efforts to sell excess RA, are relevant to whether PG&E administered resource adequacy sales consistent with its BPP (Scoping Issue 5)**

Scoping Issue 5 asks "[w]hether PG&E administered resource adequacy procurement and sales consistent with its [BPP]."<sup>50</sup> Facts related to PG&E's RA sales in 2024—including PG&E's RA positions; the calculation of its RA positions; the timing of PG&E's calculation of its RA position; the timing and outcomes of its RA solicitations; and PG&E's attempts to sell its excess RA capacity through both solicitations and other non-solicitation transactions—are each relevant

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<sup>49</sup> PG&E's PCIA rates are set in the ERRA Forecast proceeding based on: (1) the Indifference Amount (the difference in the forecast year between the cost of PG&E's supply portfolio and the market value of that portfolio); and (2) the year-end balance in the PABA. The Indifference Amount and the year-end PABA over- or under-collection are added together to form the PABA revenue requirement underlying PCIA rates.

<sup>50</sup> See Scoping Memo at 3.

to Scoping Issue 5, because those facts go to whether PG&E conducted RA sales consistent with Appendix S of its BPP.

In its 2022 ERRA Compliance proceeding, PG&E has argued Scoping Issue 5 permits only a review of whether PG&E complied with the mandatory solicitations *required* by Appendix S of its BPP,<sup>51</sup> and that scrutiny of PG&E’s RA activities beyond those mandatory solicitations would constitute a collateral attack on the Commission’s prior decisions.<sup>52</sup> PG&E’s position is unsupported. While the Commission’s prior decisions affirm PG&E’s sales framework, nothing in those decisions insulates PG&E from scrutiny of its treatment of excess RA during the record period consistent with that framework—including its sales of RA through both solicitations and other transactions beyond solicitations—in an ERRA Compliance proceeding.

**5. While PG&E’s record year RA activities are relevant to multiple of the scoping issues proposed in PG&E’s Application, to avoid parties rehashing scoping arguments in this proceeding, the Commission should clarify that a thorough review of PG&E’s attempts to sell excess RA is within the scope of this proceeding.**

As explained above, the facts of PG&E’s attempts to sell excess RA are relevant to multiple scoping issues proposed in PG&E’s Application. The bottom line is that there is simply no other proceeding in which the Commission might conduct a backward-looking assessment of those activities and scrutinize their impacts on bundled and unbundled customers.

In the interest of clarity, however, and to avoid parties rehashing the same scoping arguments they made in PG&E’s 2022 ERRA Compliance proceeding, CalCCA recommends the Commission modify PG&E’s proposed list of scoping issues to expressly indicate a thorough review of PG&E’s attempts to sell excess RA in 2024—including the timing and manner of its

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<sup>51</sup> See *PG&E Response to CalCCA’s Motion for Commission Review*, A.23-02-018 (Mar. 11, 2024), at 17.

<sup>52</sup> *Id.* at 12-17.

sales of excess RA through both the solicitations required by PG&E’s sales framework and through any other means permitted by that sales framework—is in scope of this proceeding. The following specific revision to PG&E’s proposed Scoping Issue 5 would achieve this end:

5. Whether PG&E administered resource adequacy procurement and sales consistent with its Bundled Procurement Plan, including whether PG&E made reasonable attempts to sell excess RA consistent with its Bundled Procurement Plan

**B. The Commission Should Categorize This Proceeding As Ratesetting**

CalCCA agrees with the categorization of this proceeding as ratesetting.<sup>53</sup>

**C. The Commission Should Set This Matter for Evidentiary Hearing**

While CalCCA shares PG&E’s hope to resolve the issues raised by this Application without hearings,<sup>54</sup> CalCCA agrees that evidentiary hearings may be necessary to present facts related to those issues, and therefore requests that the Commission set this matter for hearing.

**D. The Commission Should Adopt CalCCA’s Proposed Procedural Schedule**

PG&E’s proposed procedural schedule would require CalCCA (and Cal Advocates and other intervenors) to file testimony on September 15, 2025, for PG&E to file rebuttal testimony on October 20, 2025, and for all parties to conduct settlement negotiations and prepare for evidentiary hearings thereafter. While PG&E’s proposed schedule resembles its proposal from last year’s ERRA Compliance proceeding (and CalCCA supported that proposal with minor modifications), the Commission should not adopt PG&E’s proposal here. PG&E’s proposed schedule clusters testimony filings and an evidentiary hearing at the very time that the IOUs’ expedited ERRA Forecast proceedings are most busy (the September to November time frame). In recent years, those proceedings have been even busier than usual in the fall. Parties have been required to not

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<sup>53</sup> See Application at 17.

<sup>54</sup> See *id.*

only review and address the IOUs’ Fall Updates (an accelerated process that occurs annually) but also digest and respond to new policy proposals in those Updates, while also responding to Administrative Law Judge rulings requesting comments on substantive issues related to the Forecast cases. In short, the September to November time frame tends to be particularly demanding for anyone involved in the IOUs’ ERRA Forecast proceedings. CalCCA’s small team of experts and counsel are involved in all three IOUs’ ERRA Forecast proceedings (in addition to those IOUs’ ERRA Compliance proceedings). Therefore, CalCCA respectfully requests the Commission adopt a procedural schedule for this case that minimizes procedural deadlines in the September to November time frame. CalCCA presents its proposed procedural schedule below.

<b>Event</b>	<b>PG&amp;E Proposal</b>	<b>CalCCA Proposal</b>
<b>Application Filed</b>	<b>February 28, 2025</b>	<b>February 28, 2025</b>
Cal Advocates and Intervenor Testimony	September 15, 2025	July 16, 2025
Rebuttal testimony served	October 20, 2025	August 18, 2025
Evidentiary Hearings	November 17-21, 2025	Week of August 25, 2025
Concurrent Opening Briefs	December 19, 2025	December 19, 2025
Concurrent Reply Briefs	January 20, 2026	January 20, 2026
Proposed Decision	Q1 2026	Q1 2026
Final Decision	Q1 2026	Q1 2026

#### **IV. COMMUNICATIONS**

CalCCA consents to “email only” service and requests that the following individuals be added to the service list for A.25-02-013 on behalf of CalCCA:

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**V. CONCLUSION**

For all the foregoing reasons, CalCCA respectfully requests the Commission set this matter for hearing to fully examine the issues discussed above.

Respectfully submitted,



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Dated: April 4, 2025