



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 Reforms and Refinements, and
Establish Forward Resource Adequacy
Procurement Obligations.

Rulemaking 25-10-003

**COMMENTS OF THE PUBLIC ADVOCATES OFFICE ON THE ORDER
INSTITUTING RULEMAKING**

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I. INTRODUCTION

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits the following comments in response to the California Public Utilities Commission (Commission) *Order Instituting Rulemaking* (OIR), Rulemaking (R.) 25-10-003, issued October 15, 2025.¹ The OIR is the successor proceeding to the prior resource adequacy (RA) proceeding, R.23-10-011. The preliminary scope of the OIR continues the general scope of the prior RA proceeding. This proceeding will provide guidance related to the RA program, program refinements, and the forward local and flexible RA procurement obligations applicable to load-serving entities (LSEs) beginning with the 2027 compliance year.²

Cal Advocates supports the OIR's preliminary categorization of the proceeding as ratesetting. The Commission should modify the proposed OIR schedule as follows:

- Include already-planned-for dates on the proceeding schedule for the loss-of-load-expectation (LOLE) study process and add opportunity for formal comments on the LOLE study and its associated proposed Inputs and Assumptions (I&A); and
- Provide additional time for opening and reply comments on party proposals

II. DISCUSSION

A. Schedule for OIR

1. **The Commission should modify the proposed schedule to include specific dates for the LOLE study process and an opportunity for formal comments on the LOLE study and its associated proposed I&A.**

The OIR states: ³

¹ Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M583/K934/583934825.PDF>.

² OIR at 3–5.

³ OIR at 4, citing Decision (D.) 25-06-048, *Decision Adopting Local Capacity Obligations for 2026-2028, Flexible Capacity Obligations for 2026, and Program Refinements*, June 26, 2025 at 35; issued in R.23-10-011, *Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Reforms and Refinements, and Establish Forward Resource Adequacy Procurement Obligations*. Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M571/K237/571237404.PDF>.

Energy Division is expected to submit proposed Inputs and Assumptions for a new LOLE study in March 2026, and complete a new RA LOLE study for the 2028 RA year in July 2026.

The OIR’s preliminary scope of issues references these dates; however, the OIR does not include these dates in its preliminary schedule. The Commission should add the specific LOLE dates to the final OIR schedule. This addition would be consistent with D.25-06-048, which announced the Commission’s intention to provide specific deadlines for modeling.⁴ The OIR does not mention whether parties will have an opportunity to comment on the LOLE study I&A or the study itself.⁵ The previous I&A for the 2026 LOLE study year was subject to a single opportunity for parties to serve informal comments to the service list for the RA rulemaking.⁶ These informal comments were not included on the proceeding docket and thus were not part of the formal record of the proceeding. The absence of the informal comments from the proceeding docket limited access and awareness of those comments and weakened the comments’ ability to inform the record. Similarly, the lack of opportunity for reply comments limited discussion of identified stakeholder concerns.

The LOLE study informs the RA planning reserve margin (PRM) and is likely the most consequential single source of information in the rulemaking, both in terms of ratepayer cost for RA procurement to meet the PRM and for ensuring system reliability. Consequently, stakeholder input on this study is extremely important. The Commission

⁴ D.25-06-048 at 33-34:

In the future, the Commission intends to establish a deadline for submission of studies or analyses for consideration, as well as requirements for transparency and submission of documentation sufficient for stakeholders to evaluate the assumptions and results. The establishment of similar deadlines and transparency requirements for Energy Division Staff, as well as parties, will be included in the scoping memo for future phases of the RA proceeding.

⁵ D.25-06-048 at 38 states that “The 2028 LOLE study will be submitted into the successor RA proceeding for stakeholder evaluation and consideration.” However, D.25-06-048 does not explicitly direct formal stakeholder comments for either the 2028 LOLE study or its associated I&A.

⁶ *E-mail Ruling Extending Deadline for Comments on Inputs and Assumptions in Resource Adequacy Loss of Load Expectation Study*, March 26, 2024; filed in R.23-10-011. Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M528/K399/528399592.PDF>.

should add an opportunity for formal opening and reply comments to the final schedule of the proceeding, for both the LOLE study and the I&A. The Commission should schedule opening comments 20 days after Energy Division issues the I&A, in March 2026, and reply comments 10 days after opening comments. Similarly, the Commission should schedule opening comments 20 days after Energy Division issues the new RA LOLE study for the 2028 RA year and reply comments 10 days after opening comments. The opportunity for meaningful stakeholder input on the LOLE process is a priority for Cal Advocates. The schedule of the proceeding should include formal opening and reply comments on the LOLE study and I&A documents.

2. The Commission should modify the proposed OIR schedule to provide additional time for stakeholders to submit comments on party proposals.

The OIR's proposed schedule states that party proposals for the RA program are due January 23, 2026, with comments on proposals due February 13 and reply comments due March 2.⁷ Energy Division workshop(s) are scheduled for Late January 2026.⁸ Track 1 of the predecessor RA proceeding allowed 49 days for stakeholders to provide comments on party proposals.² The Commission should allow additional time for stakeholders to consider proposals and discussions at the "Late January 2026" workshops such that stakeholders can provide robust responses and fully consider workshop discussions. Cal Advocates recommends that the Commission shift the schedule for

⁷ OIR at 6.

⁸ OIR at 6.

² Track 1 of the predecessor RA proceeding (R.23-10-011) had proposals due January 19, 2024 and comments on proposals due March 8, 2024; a period of 49 days. (*Assigned Commissioner's Scoping Memo and Ruling*, December 18, 2023 at 7; filed in R.23-10-011, available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M521/K589/521589385.PDF>.)

Tracks 2 and 3 of that proceeding had periods of 65 and 45 days. (Respectively, *Administrative Law Judge's Ruling Modifying Track 2 Schedule*, June 26, 2024 at 1; filed in R.23-10-011, available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M534/K332/534332050.PDF>, and *Assigned Commissioner's Amended Scoping Memo and Ruling*, November 1, 2024 at 4; filed in R.23-10-011, available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M544/K652/544652400.PDF>.)

submitting comments on party proposals to early March 2026 with reply comments due roughly 17 days later.

The following schedule reflects Cal Advocates' proposed modifications to the OIR schedule. Text in **bold** is changed from the OIR's proposed schedule.

EVENT	DATE
Comments on OIR filed	20 days from the issuance of OIR
Reply comments on OIR filed	30 days from the issuance of OIR
Prehearing Conference	November 17, 2025 10:00 a.m.
Scoping Memo issued	December 2025
Party proposals filed	January 23, 2026
Workshop(s) conducted by Energy Division	Late January 2026
Comments on proposals filed	Early March 2026
Reply comments filed	17 days from comment deadline¹⁰
Energy Division issues proposed I&A for LOLE study	March 2026¹¹
Comments on I&A filed	20 days from I&A issuance
Reply comments on I&A filed	30 days from I&A issuance
CAISO publishes draft LCR and FCR Report	April 2026
Comments on draft LCR Report filed	Late April/Early May
CAISO publishes final LCR and FCR Report	May 2026
Comments on final LCR and FCR Reports filed	Mid-May 2026
Proposed Decision	May 2026
Final Commission Decision	June 2026
Energy Division issues LOLE study	July 2026

¹⁰ This 17-day timeline matches the proposed timing in the OIR at 6.

¹¹ The OIR at 4 describes Energy Division's submission of the proposed I&A in March 2026 and an LOLE study in July 2026. Cal Advocates' proposed schedule for issuance of the proposed I&A and comments and reply comments on I&A does not change the OIR's proposed timing of those releases.

Comments on LOLE study filed	20 days from LOLE study issuance
Reply comments on LOLE study filed	30 days from LOLE study issuance

III. CONCLUSION

The Commission should modify the proposed OIR schedule to (1) include formal comment cycles for the LOLE study and the I&A; and (2) include additional time for comments on party proposals for the RA program.

Respectfully submitted,

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