BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

FILED
08/14/26
04:59 PM
R2005003

Order Instituting Rulemaking to Continue Electric Integrated Resource Planning and Related Procurement Processes.	R. 20-05-003 (Filed May 7, 2020)

OPENING COMMENTS OF INDEPENDENT ENERGY PRODUCERS ASSOCIATION ON ADMINISTRATIVE LAW JUDGE'S RULING ON ADDITIONAL PROPOSAL FOR A RELIABLE AND CLEAN POWER PROCUREMENT PROGRAM

Sara Fitzsimon
Policy Director
Attorney at Law
Independent Energy Producers Association
P.O. Box 1287
Sloughhouse, CA 95683-9998
(916) 606-3234
sara@iepa.com

August 14, 2026

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Electric Integrated Resource Planning and Related Procurement Processes.	R. 20-05-003 (Filed May 7, 2020)

OPENING COMMENTS OF INDEPENDENT ENERGY PRODUCERS ASSOCIATION ON ADMINISTRATIVE LAW JUDGE'S RULING ON ADDITIONAL PROPOSAL FOR A RELIABLE AND CLEAN POWER PROCUREMENT PROGRAM

I. INTRODUCTION

The Independent Energy Producers Association ("IEP") hereby submits its opening comments on the *Administrative Law Judge's Ruling Seeking Comments on Additional Proposal for a Reliable and Clean Power Procurement Program* ("Proposal"), pursuant to the extended schedule authorized in the Administrative Law Judge's email ruling of July 10, 2026.

Although there are promising aspects to the Proposal, IEP finds that "Option 1: Reliability for New and Existing Resources" as presented in the Staff Proposal published April 25, 2025, meets the stated goals of the Reliable and Clean Power Procurement Program ("Option 1").[1] Option 1 would support the achievement of both reliability and greenhouse gas ("GHG") emission reduction goals at least cost because it includes the procurement of existing and repowered resources that do not require costly development and are ready to compete in the market to fulfill the attributes required to serve future load. IEP respectfully opposes the advancement of the Proposal as is because it is resource-restrictive, stranding repowered and

[1] CPUC. Reliable and Clean Power Procurement Program. https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-power-procurement/long-term-procurement-planning/the-reliable-and-clean-power-procurement-program. Accessed August 3, 2026.

existing resources, and does not adequately plan for long lead-time ("LLT") resources. However, with IEP's proposed amendments to the Proposal, as outlined in our responses to "Section 4. Questions for Parties," this Proposal could become a workable program that sends market signals to independent power producers, developers, and operators to build and invest in resources that meet the needs of our future grid.

II. QUESTIONS FOR PARTIES: SELECT IEP RESPONSES

1. Does this ruling describe a workable framework for an RCPPP that will achieve the goals of IRP, pursuant to SB 350? Why or why not?

i. Overall, this Proposal works to achieve the goals of SB 350, to increase California's renewable electricity procurement goal (as updated by SB 100[2]) to 60 percent by 2030 but must be revised to include existing and repowered resources, carbon capture and sequestration ("CCS") retrofit resources as well as account for LLT resources like offshore wind, geothermal, and long duration energy storage ("LDES"). Including these resources will close the gap between how much new renewable resources load-serving entities (LSEs) would need to procure in addition to what is currently on the grid to reach our SB 350 and SB 100 goals. As of June 2026, there are 38+ gigawatts of installed renewable resources within the California Interconnection System Operator ("CAISO") balancing authority alone.[3] Most of these resources have been installed in the last ten years, likely have ten to fifteen more years of operational life, and have

[2] Senate Bill 100 (De León, 2018).

[3] California ISO. "Key Statistics - Jun 2026." https://www.caiso.com/library/key-statistics. Accessed August 3, 2026.

the potential to produce more efficiently for many more years following a repower. The same logic applies to non-renewable resources, which either have additional years of operating life and/or can be repowered. Including these resources in a forward-looking, rolling procurement plan is essential to meeting our SB 350 and SB 100 goals.

2. **Will the proposal described in this ruling be simpler to implement than other proposals under consideration? Why or why not? Compare and contrast benefits and costs as directly as possible.**

    i. This Proposal will be more difficult to implement than Option 1 because existing, repowered, and CCS retrofit resources will be missing. This will not support reliability in the long-term because these resources will be expected to remain online by relying on short-term Resource Adequacy Program and selling energy into the CAISO markets. Selling only into these markets will likely be insufficient to ensure continued operations, while new resources will have long-term contracting opportunities in the RCPPP.

3. **Is this ruling's proposal preferable to the current ad hoc procurement order process? Why or why not? Compare and contrast benefits and costs as directly as possible.**

    i. This Proposal is preferable to the current ad hoc process because it would be predictable and consistent, creating necessary market signals for developers that their resources will be contracted to meet load. Market signals are critical for developers to be sure that their projects are financially viable for their operational life. Therefore, to encourage continued investment in California and to ensure maintenance of existing assets, the Proposal should be amended to include existing, repowered, and CCS retrofit resources. Without the assurance of these resources being included in the RCPPP, resources that are new today might not have strong enough market signals to continue developing, risking the state's GHG emissions and reliability goals.

4. No comment.

5. If the Commission were to implement the proposal in this ruling, should the need determination be based on specific identified resources or resource attributes? How (in general) and how (specifically) should the procurement need be expressed?

i. IEP supports attribute-based need determination for a forward-looking, rolling procurement program. Need determinations are best filled by resources that meet the attributes identified as meeting the needs. Limiting this program by identifying the specific resources that are eligible to meet the need determination, rather than identifying the specific attributes, disincentivizes developing technologies to come to market. The Commission should determine what attributes are necessary to meet the needs of expected load and provide the forum to add or adjust those attributes as new needs are identified.

6. Comment on whether this ruling's proposal is workable in its relationship to any potential CPE procurement for LLT resources.

i. As communicated by President Alice Reynolds in her letter to the Department of Water Resources ("DWR") on February 24, 2025,[4] relating to CPUC AB 1373 Procurement Request, pre-bid activities for the first geothermal solicitation are to begin in late 2026. If these activities do not materialize by late 2026, the Commission should take action to ensure the resources identified in Decision ("D.") 24-08-064 are contracted by July 2028. If the DWR—which was tasked with procuring specific resources, including 1,000 MW of geothermal—does not engage in pre-bid activities by late 2026, the resources will not be procured, and the need will not be met. LSEs do not have these resources on their radar for procurement because they are the responsibility of the DWR to procure. IEP is concerned these resources will be stranded and requests consideration of this risk within the Commission's planning.

ii. The Commission should determine the overall RCPPP need before assuming the delivery of centrally procured LLT resources, then allocate and phase-in the LSE credits against objective milestones, with full credit only when delivery is sufficiently certain.

iii. In relation to the RCPPP going forward, IEP wants to emphasize that attribute-based procurement is preferred, and the timeline for compliance should reflect the reality of LLT resource development. The Proposal recommends a two-tier compliance cadence: (1) three years after the adoption of the TPP base case portfolio and / or the PRP portfolio, the LSEs would need to show 100 percent

[4] President Alice Reynolds, California Public Utilities Commission. Letter to Deputy Director, Delphine Hou, California Department of Water Resources. "CPUC AB 1373 Procurement Request." February 24, 2025.

of the resources required by their individual allocation are under contract for T+4; and (2) by T+4 those resources would be required to be online and delivering to the grid to meet the individual allocation of each LSE.[5] D.24-08-064 predicts the range for LLT resources is between five and eleven years out from the solicitation.[6] Further, this compliance cadence does not align with the reality of the CAISO interconnection queue. Although CAISO has implemented impactful reforms through the Interconnection Process Enhancements ("IPE") initiative, the queue is incredibly delayed due to re-studies and influx of interconnection requests. Under this Proposal, LLT resources would be severely disadvantaged because under CAISO's new IPE, commercial interest points are highly valued. LSEs would be pressured into contracting with short to mid-term development resources to receive commercial interest points to meet the T+4 compliance deadline.

iv. Requiring resources to be online and delivering power severely limits the potential for LTT resources to meet the compliance requirements under this Proposal. IEP respectfully recommends the online and delivery date be at minimum T+6 years and allow for timeline extensions due to delays outside of the developers' control—for example equipment shortages and transmission buildout.

7. Comment on the proposal for a smaller buffer than included in the Staff Proposal from April 2025.

---

[5] Proposal, page 11.

[6] D.24-08-064, Table 2, page 64.

i. As stated in our Opening Comments to the Staff Proposal, we do not support a buffer that would result in a planning reserve margin that is higher than a one-day-in-ten-years loss of load expectation ("0.1 LOLE").

8. Is it appropriate to require the LSEs to procure resource and/or resource attributes with minimum and maximum levels within a range (e.g., 80-120 percent, 40-150 percent)? Propose appropriate minimum and maximum ranges, provide your rationale, and/or explain why this proposal is unworkable.

i. IEP supports a minimum resource attribute requirement but does not support a maximum range. The minimum range should be based on the attributes most needed for the current RCPPP cycle; therefore, the minimums should be adjusted if needed each RCPPP cycle.

9. Comment on this ruling's proposal for need allocation to specific LSEs.

i. The need allocation should reflect each LSE's contribution to critical hours and conditions, not annual energy alone, with baseline accounting to avoid double-counting and allow transfers.

10. Comment on the proposed requirement for 100 percent of required resources to be under contract three years out.

i. IEP supports contracting beginning three years out—T +2—with replacement contracts and/or cure periods if a project fails, or an extension is needed for documented reasons outside of a developer's or LSE's control.

11. Comment on the proposed requirement for 100 percent of required resources to be online within five years from the date the need is identified and allocated.

i. IEP finds that a 100 percent online timeline within five years from the date the need is identified will exclude LLT resources. IEP supports an online and deliverable requirement to begin in T+6, with extensions allowed for documented reasons outside of a developer's control.

12. Comment on the reasonableness of the proposed cadence and sequencing of work to support the proposed framework, including (but not necessarily limited to) ELCC development, net CONE calculation, and procurement data filings.

i. All proposed inputs should be developed through workshops, allowing various stakeholders to provide input and ensure a transparent process. Only after the inputs are developed using stakeholder input should solicitations begin.

13. Comment on the reasonableness of using marginal ELCC accreditation toward the procurement requirements for the resources identified in this proposal.

i. If the Commission uses marginal ELCC for accreditation, it should be for all resources, including existing, repowered, and CCS retrofitted resources, with limited bounding. A resource's marginal ELCC should be locked in at the time of contracting until the next biennial update with a cure window.

14. **Comment on the proposal to penalize non-compliance with contracting requirements with an administrative penalty and suggest a basis for this calculation.**

i. IEP does not find penalties necessary within the RCPPP program and respectfully recommends maintaining the RA compliance rules.[7]

15. No comment.

16. No comment.

17. **Comment on the proposal to move to a four-year interval for consideration of individual LSE IRPs.**

i. The Proposal states that the LSEs base case portfolio will be formed by the Preferred System Plan ("PSP") and the Transmission Planning Process ("TPP") (which is of concern to IEP and outlined in our final response). CAISO is actively changing the transmission planning process from an annual to a biennial cycle, set to start in 2030.[8] If the Proposal goes forward with using the PSP and TPP data, then the four-year interval for IRPs won't include the most current data. IEP proposes the IRP follow the same cycle as the TPP if it is to base the procurement actions within the RCPPP at least partially on the TPP.

18. **Comment on the relationship of this proposal to the FERC Order 1920 proposals.**

---

[7] CPUC. "Resource Adequacy Penalties and Citations." https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-power-procurement/resource-adequacy-homepage/resource-adequacy-penalties-and-citations. Accessed August 4, 2026.

[8] CAISO. "Board Approved 2025-2026 ISO Transmission Plan." May 19, 2026.

i. The Commission should align the timing of the RCPPP with CAISO's recently amended cadence in response to FERC Order 1920.

19. Comment on the relationship of this proposal to the RA program.

i. IEP agrees that the RCPPP should be separate from, yet coordinated with, the RA program. IEP finds it necessary to maintain different accreditation methodologies between the short-term RA and long-term IRP process. IEP supports the discussion under the "Rationale" section of the Proposal[9] that highlights the need for different accreditation methodologies between the RA program and the RCPPP. IEP is publicly opposed to a bill in the legislature, Assembly Bill 2266 (Schultz), that proposes that the Commission should choose one accreditation methodology for both the RA and IRP programs by 2030. This is problematic for all reasons stated in the Proposal, and we appreciate the explanation offered within.

20. Comment on the relationship of this proposal to the RPS program.

i. IEP supports the Proposal's recommendation to not change the RPS program. Additionally, the Commission should ensure that the RCPPP includes a mechanism that ensures clean resources are a part of the program by extending eligibility beyond RPS to all clean resources, including CCS retrofits.

21. Please comment on anything else that is not already covered in the list above.

i. IEP seeks clarity on whether, under this Proposal, the procurement compliance will recognize resources that deliver to the California-based balancing

---

[9] Proposal, page 4.

authorities beyond CAISO. Under this Proposal, the Renewables Portfolio Standard ("RPS") remains unchanged, meaning LSEs can procure resources from all five balancing authorities for RPS compliance. In the "Rationale" section of the Proposal, it appears that the final RCPPP portfolio will be determined only from CAISO inputs: "LSE plans that form the basis of the PSP portfolio and / or the TPP base case portfolio...should drive procurement actions by LSEs in support of the overall optimal resource portfolio identified and approved by the Commission."[10] This leads the reader to question whether the RCPPP compliance includes resources that are delivered to balancing authorities that are not within CAISO but within the other balancing authorities within California—Balancing Authority of Northern California (BANC), Los Angeles Department of Water and Power (LADWP), Imperial Irrigation District (IID), and the Turlock Irrigation District (TID).

ii. IEP respectfully recommends the Proposal adds CCS retrofitted resources to the RCPPP program eligibility. LSEs should be able to procure CCS retrofitted resources under a clean, firm needs determination to meet RCPPP compliance requirements. Although the Proposal does not expressly prohibit CCS retrofitted resources, it does not mention them and IEP has advocated for their inclusion in the RCPPP program in both our comments related to the Staff Proposal and within our Ex Parte communications.

[10] "Proposal," page 7.

III. CONCLUSION

IEP appreciates the thorough Proposal and the opportunity to respond to questions for stakeholders. The Proposal should be amended to adjust the deliverability timelines so that LLT resources can realistically be considered for the RCPPP, should include existing, repowered, and CCS retrofit resources, and make a needs determination based on resource attributes rather than resources. With these changes and consideration of our supporting comments, this Proposal would be an excellent program that would help developers, owners, and operators of independent power to invest confidently in the projects the best fit the needs of the future load. We look forward to the comments of our colleagues and our opportunity to reply to parties' comments.

Date: August 14, 2026

/s/ Sara Fitzsimon

Sara Fitzsimon
Policy Director
Attorney at Law
Independent Energy Producers Association
P.O. Box 1287
Sloughhouse, CA 95683-9998
(916) 606-3234
sara@iepa.com