

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



FILED

Order Instituting Rulemaking to Continue
Electric Integrated Resource Planning and
Related Procurement Processes.

Rulemaking 20-05-003
(Filed May 7, 2020)

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**FORM ENERGY, INC. COMMENTS IN RESPONSE TO
ADMINISTRATIVE LAW JUDGE'S RULING SEEKING COMMENTS ON
ADDITIONAL PROPOSAL FOR A RELIABLE AND CLEAN POWER
PROCUREMENT PROGRAM**

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**FORM ENERGY, INC. COMMENTS IN RESPONSE TO ADMINISTRATIVE LAW
JUDGE'S RULING SEEKING COMMENTS ON ADDITIONAL PROPOSAL FOR A
RELIABLE AND CLEAN POWER PROCUREMENT PROGRAM**

In accordance with the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), Form Energy, Inc. (“Form Energy”) hereby submits these comments in response to the *Administrative Law Judge’s Ruling Seeking Comments on Additional Proposal for a Reliable and Clean Power Procurement Program* (“Ruling” or “Proposal”), issued by Administrative Law Judge (“ALJ”) Julie A. Fitch on June 23, 2026, as modified by the *Email Ruling Partially Granting Joint Investor-Owned Utilities’ Request for an Extension of Time for Comments* issued by ALJs Fitch and Rizzo on July 10, 2026.

Form Energy appreciates the opportunity to provide these comments on the June 23rd proposed alternative for implementing the RCPPP. Under each section heading, Form identifies the questions posed in the Ruling that are addressed, at least in part, by Form’s comments in that section.

I. The proposal to drive RCPPP procurement through an optimized IRP-derived portfolio, rather than siloed compliance requirements, is a significant improvement, with important caveats.

[Responsive to questions 1 (workable framework?), 3 (preferable to ad hoc approach?) and 19 (relationship to RA?)]

Form Energy supports the alternative proposal’s new direction that seeks to optimize clean energy goal compliance and reliability outcomes for customers. Specifically, the proposal

would rely on the resource mix identified through the Preferred System Plan (“PSP”) and/or Transmission Planning Process (“TPP”) base case portfolio to drive RCPPP procurement, rather than treating reliability and clean energy compliance as two independent, unconnected exercises.¹ This is an important shift because the RCPPP framework otherwise was at risk of producing a portfolio of resources where the capacity resources needed for reliability could not produce the needed clean energy, and the clean energy procured could not provide the needed reliability value.² The alternative proposal seeks to integrate both requirements in the most cost-effective and holistic way possible, with the benefit of IRP and TPP analyses, informed by robust and accurate data about resource characteristics.

Form Energy agrees that, ideally, the IRP process, culminating in an adopted PSP portfolio, is the one venue in California's current planning architecture where exactly this kind of joint optimization of clean energy and reliability should occur. It therefore makes sense to rely on that process to inform procurement, so long as the IRP process is accurate and comprehensive.

Form Energy also supports that proposal’s approach of viewing RA compliance as a short-term “check” against an already-established long-term procurement trajectory, rather than the primary driver of that trajectory. As stated in prior comments, the RA slice-of-day program does not produce a long-term forward-looking view of optimal resource outcomes, tailored to achieving clean energy and reliability goals at the least overall cost. Asking a short-term reliability check to also perform the function of long-term portfolio planning would stretch the RA construct beyond its design purpose.

Form Energy emphasizes that, despite the proposed improvements to the framework outlined in the alternative proposal, its success will depend completely on the accuracy of the

¹ Ruling at 4-7 (Section 2.1, Rationale).

² See Form Energy, Inc. Comments on the ALJ's Ruling Seeking Comments on RCPPP Staff Proposal, R.20-05-003 (July 15, 2025) ("Form July 2025 Comments") at 3-5 (Section II.A).

underlying IRP modeling and resource accreditation methodology that determine what the PSP and TPP portfolios actually contain. Sections III and IV of these comments address specific improvements needed on that front, particularly with respect to how multi-day storage is characterized and valued. But Form believes that the structural choice to link procurement to an optimized portfolio, rather than to a second, disconnected set of compliance metrics, is the right one.

II. The Commission should adopt distinct resource type and resource attribute categories for RCPPP Procurement, with multi-day storage as a specific category.

[Responsive to question 5 (Need based on identified resources and attributes?)]

Form Energy supports the Ruling's proposal to structure the RCPPP procurement requirement around resource type or resource attribute categories, rather than a single, undifferentiated capacity requirement.³

Because multi-day storage (MDS) shifts large quantities of energy across multiple days, rather than within a single daily cycle as is the case with short-duration storage, it serves a distinct function on the grid. Specifically, it allows utilities to address the extended periods of increased loads or renewable scarcity that shorter-duration resources cannot. And, it translates into a distinct portfolio value by providing firm, dispatchable capacity similar to a natural gas peaker plant, but without combustion emissions. Further, it can reduce the volume of other resources that may otherwise be required by a portfolio of resources to meet the same reliability and clean energy targets, by allowing for greatly upsized abilities to capture renewable generation to be dispatched when needed, over extended timeframes. Because MDS serves a materially different function on the grid than short-duration storage, it makes sense to include it as a separate category of resources, based on its attributes.

³ Ruling at 7-10 (Section 2.2, Need Determination).

Multi-day storage is also distinct from long-duration storage in the 10- to 24-hour range, and the two should not be treated as a single undifferentiated category. Short-duration, long-duration, and multi-day storage exhibit materially different cost structures (*e.g.* capital cost per kilowatt of capacity, capital cost per kilowatt-hour of energy, round-trip efficiency, etc.), and each tier plays a distinct role in a least-cost portfolio. As an example, the U.S. Department of Energy's *Pathways to Commercial Liftoff* report for long-duration energy storage recognizes this distinction directly, dividing the market into short-duration, inter-day (10–36 hour), and multi-day/week (36–160+ hour) segments, each with its own cost and performance trajectory.⁴ Additionally, multiple states have adopted the same approach by statute, including Michigan's 2023 energy storage and clean energy act, which establishes short-duration, long-duration, and multi-day storage as separate statutory categories,⁵ Massachusetts' 2024 Clean Energy Grid Act, which sets separate procurement targets for mid-duration (4 to 10 hours), long-duration (more than 10 to 24 hours), and multi-day (more than 24 hours) storage resources,⁶ and Virginia's HB 895 (2026), that set energy storage targets for short-duration, long-duration (greater than 10 hours) and specific goals for multi-day storage (*i.e.* long-duration with duration in excess of 24 hours).⁷ The Commission should adopt the same approach here, treating multi-day storage as its own category, distinct from both short-duration storage and 10- to 24-hour long-duration storage.

A California Energy Commission (CEC)-funded study prepared by E3 and Form Energy confirms the unique benefits and operations of MDS at a portfolio level. That study showed that to meet the state's least-cost pathways for SB 100, the state may need to rely on between 5 and

⁴ U.S. Department of Energy, *Pathways to Commercial Liftoff: Long Duration Energy Storage* (March 2023).

⁵ Mich. Pub. Act 235 of 2023, § 103; Michigan Public Service Commission, Case No. U-21571, Order (Feb. 8, 2024).

⁶ 2024 Mass. Acts, ch. 239, §§ 94–98 (adding Mass. Gen. Laws ch. 164, § 83E).

⁷ <https://lis.blob.core.windows.net/files/1222206.PDF>

37 GW of LDES by 2045, depending on the policy scenario, with associated reductions in curtailment, emissions, and land-use impacts from avoided overbuild of other resources.⁸ A procurement framework that does not recognize MDS as its own category risks failing to capture this value, either by underprocuring the resource or by evaluating it against a generic storage benchmark that does not reflect what it actually contributes to the portfolio.

III. ELCC calculations for multi-day storage need to be corrected before the RCPPP proposal is implemented.

[Responsive to question 12 (ELCC approach?)]

- A. The Commission should make clear that it will not perpetuate a flawed “multiplier methodology” to estimate multi-day storage ELCC values in the RCPPP framework.*

In its most recent TPP process, the Commission Staff estimated ELCC values for storage durations beyond 8 hours using a multiplier approach. Under that approach, longer-duration storage receives an ELCC value derived from a scalar adjustment to 8-hour storage's ELCC, rather than a value calculated directly for the resource's own duration. Form Energy believes the approach is unreasonable and has produced arbitrary results. This approach understates the reliability value of multi-day storage and, in any event, is discriminatory because it applies a fundamentally different methodology to one type of storage resource that differs from others. Because the Ruling proposes to translate marginal ELCC values derived from this portfolio directly into net qualifying capacity requirements for procurement compliance, the accuracy of that underlying calculation should be of primary concern. Without correction, it could drastically undervalue a resource that is important to maintaining overall portfolio costs and enabling the state to meet its clean energy goals.

⁸ Assessing the Value of Long-Duration Energy Storage in California. California Energy Commission, Publication No. CEC-500-24-003.

Form Energy supports marginal ELCC as the general accreditation method for RCPMP, and recommends that those ELCC values remain unbounded (*i.e.* not artificially constrained). But marginal ELCC serves the purpose intended by the RCPMP only if it is calculated directly for each resource duration, using a portfolio developed through modeling methodology that accurately values each resource's characteristics, including multi-day dispatch and non-consecutive charging periods. Specifically, the Commission should calculate ELCC surfaces directly for 12-, 24-, and 100-hour storage, rather than deriving those values from a multiplier applied to shorter-duration storage. Form Energy asks that the Commission make it clear that it will make this shift when it adopts a RCPMP framework.

Additionally, the Commission should make other important improvements. ELCCs should be calculated endogenously, within the capacity expansion modeling itself. This best-practice approach helps overcome serious shortcomings of using the conventional ELCC/PRM framework in a long-term planning context, which considers only limited interactive effects among resources. Additionally, its modeling should take into account changing reliability risks, looking beyond near-term system conditions, to include future years that reflect changing loads, resources needs, and import ability over time. The commission's current capacity expansion modeling process, which uses 36 non-consecutive sample days, is not able to accurately co-optimize multi-day storage and renewable resources together and capture their portfolio interactions across seasons. As a result, the resultant portfolio may undervalue multi-day storage's ability to lower GHG emissions and provide system reliability. If the PSP is to become the basis for accreditation in the RCPMP process, the commission should urgently prioritize expanding the chronology within the capacity expansion model to incorporate all 8,760 hours of dispatch within a year. If that is not possible at this time, the commission should

incorporate at a minimum weeklong periods of chronological modeling with state-of-charge linking between periods within the RESOLVE model.

B. The Commission should model paired resources, in order to accurately assess the charging capabilities of long-duration and multi-day storage.

The marginal ELCC study underlying RCPMP accreditation should also model paired resources. That is, it should model storage of all durations paired with renewable charging power, as distinct categories, rather than evaluating standalone storage and standalone renewables in isolation. This is critical to accurately assess the ability of long-duration and multi-day storage resources to meet loads. It is also important so that renewables, when paired with storage, are able to be relied upon as firm resources, where appropriately matched with loads during grid stress events. Marginal ELCC values are highly sensitive to portfolio composition and configuration. And, as the grid saturates with unpaired short-duration storage, the marginal capacity value of all storage declines, particularly during multi-day, low-renewable periods that only longer-duration storage or paired configurations can address.

Pairing storage with renewables also better captures the reliability contribution of both components relative to their standalone accreditation. Including a separate paired-resource category for every duration of storage would ensure that storage receives accreditation signals reflecting its actual system value, rather than signals shaped by the availability of free charging energy within a given co-optimized portfolio. Without such a category, LSEs will lack the accreditation signals needed to make cost-effective procurement decisions, developers will not receive accurate market signals to build the resources required to achieve a least cost system, and the portfolio may systematically understate the reliability value that pairing provides.

C. The Commission should ensure that the marginal ELCC study does not unfairly restrict charging capability of long duration resources.

As the Commission's own Marginal ELCC Study slides for the 2024-2027 IRP cycle note, a portfolio developed to meet clean energy and reliability requirements simultaneously may rely heavily on energy-only renewable resources, risking a charging insufficiency in the marginal ELCC study that in turn understates storage's accreditation.⁹ Since multi-day storage can take advantage of excess energy and charge across a period of weeks or months, there is no need to constrain the resources that can contribute charging power based on availability during critical hours. The Commission should immediately cease the restriction of energy-only charging for multi-day storage in order to ensure fair accreditation in the marginal ELCC study.

IV. The need determination underlying RCPMP procurement should be tested against a broader set of reliability metrics than just loss-of-load expectation.

[Responsive to question 1 (Workable framework?)]

The Ruling proposes to test the PSP and TPP base case portfolios—the same portfolios that would set the RCPMP need determination—against a reliability standard of less than 0.1 days per year loss of load expectation (“LOLE”).¹⁰ LOLE captures how often a loss-of-load event is expected to occur, but not how long such an event lasts or how much load goes unserved when it does. A portfolio can satisfy an LOLE standard while remaining poorly suited to withstand the kind of extended, multi-day events—prolonged heat waves, multi-day renewable lulls—that pose the greatest risk to reliability and impose the greatest cost on customers when they occur.

As Form Energy has previously recommended, the Commission should supplement LOLE with metrics that capture the duration and magnitude of reliability events. Specifically, this should include Expected Unserved Energy (EUE) and Loss of Load Hours (LOLH),

⁹ CPUC, *Reliability Filing Requirements for Load Serving Entities' 2024-26 IRP Plans—Results of Marginal ELCC Studies* (slides), at 51-56.

¹⁰ Ruling at 5, 7 (Section 2, Background; Section 2.2, Need Determination).

consistent with the Energy Systems Integration Group's 2024 recommendations for modernizing resource adequacy criteria.¹¹ That recommendation applies with particular force here. Because the PSP/TPP reliability test now determines not just whether the system is reliable in the aggregate, but which specific resource types RCPPP will require LSEs to procure, a need determination built on LOLE alone risks undervaluing exactly the resources that are best suited to address extended, high-magnitude events that regularly occur rather than brief, frequent ones. Form Energy notes that the NERC has also moved toward this recommendation as a best practice. Recognizing that traditional Loss of Load Expectation (LOLE) fails to capture the duration and magnitude of energy shortfalls across all hours, NERC has advocated for a multi-metric reliability framework that augments LOLE with LOLH and EUE.¹²

Should the Commission decline to broaden the reliability metrics used in the underlying need determination, it should at minimum ensure that resources demonstrated to perform well during extended, multi-day stress events are captured in a distinct resource category under the framework proposed in Section II above. Doing so would prevent a single, frequency-based reliability metric from obscuring the value that duration- and magnitude-sensitive resources provide, even if that value is not separately measured at the portfolio level.

V. The need determination should explicitly account for local, as well as system-wide, reliability requirements.

[Responsive to question 5 (Need based on identified resources and attributes?)]

The Ruling's need determination methodology tests the PSP and TPP base case portfolios against a system-wide reliability standard, but neither the Ruling nor the IRP separately

¹¹ Form July 2025 Comments at 5-6 (Section III.B); Energy Systems Integration Group, New Resource Adequacy Criteria for the Energy Transition: Modernizing Reliability Requirements (2024) at 15-21.

¹² North American Electric Reliability Corporation, Evolving planning criteria for a sustainable power grid (Workshop Report) (2024), *available at* <https://www.nae.edu/File.aspx?id=322052&v=39f1c49a>

addresses local capacity requirements. Yet a substantial share of the state's total reliability requirement (by the Commission's own calculations, roughly half) is driven by local capacity needs rather than system-wide needs, and much of that local requirement continues to be met by existing gas-fired generation. A procurement framework built to optimize cost, reliability, and GHG reduction at the system level, while leaving roughly half of the state's total reliability requirement outside that optimization, cannot fully achieve the goals the Ruling sets for RCPPP.

Form Energy has previously recommended that local capacity requirements be integrated into the resource procurement need determination, consistent with the 2022-2023 CPUC IRP's identification of this as a future modeling goal.¹³ That recommendation applies with equal force here because this Ruling's need determination now translates directly into binding procurement obligations. Excluding local capacity from that determination risks locking in continued reliance on the existing gas fleet in local areas, and forecloses the opportunity to bring the same clean, firm, flexible resources contemplated for system-wide needs to bear on local reliability as well. By folding local reliability considerations into the IRP optimization and need determination, the Commission can potentially lower system costs by encouraging the development of resources that provide maximal reliability value and avoid other resource needs. The Commission should extend the need determination and resource categorization framework proposed in this Ruling to explicitly include local capacity requirements alongside system-wide requirements.

VI. The penalty for non-compliance with resource-specific procurement categories should be based on the cost of the highest-cost resource in the portfolio.

[Responsive to questions 14 (penalty based on net CONE?) and 15 (penalty based on highest-cost marginal resource?)]

The alternative proposal provides that an LSE falling below the minimum procurement level for a given resource category would be penalized, and suggests that the penalty could be

¹³ Form July 2025 Comments at 6-7 (Section II.D).

based on the cost of the highest-cost marginal resource in the portfolio.¹⁴ Form Energy supports this approach.

Clean firm capacity resources are likely to be on the margin with respect to new resource needs in California now and into the future. Thus, setting the penalty at the highest-cost marginal resource helps send an appropriate price signal for resources that fall below that cost and serve the needed reliability function.

VII. The proposed framework's treatment of DWR central procurement for long-lead-time resources should be preserved.

[Responsive to question 6 (workable for CPE procurement for LLT resources?)]

The Ruling accounts for long lead-time resources procured by the Department of Water Resources as a central procurement entity by subtracting any such contracted resources, expected online within the relevant five-year window, from the total need determination before allocating the remainder to LSEs.¹⁵ Form Energy supports retaining this treatment. It avoids double-counting between centralized and LSE-driven procurement, and preserves DWR's role in securing resources that have been determined to be beneficial to the state. However, we encourage the Commission to clarify in the RCPPP that nothing in the RCPPP design should discourage LSEs from taking their own action to procure additional quantities of these resources in the future in compliance with any need determinations resulting from the RCPPP.

VIII. The Commission should improve upon its existing definition of "Clean Firm" resources, rather than importing its legacy definition into the RCPPP framework.

[Responsive to question 5 (Need based on identified resources and attributes?)]

¹⁴ Ruling at 13-14 (Section 2.6, Enforcement).

¹⁵ Ruling at 8-9 (Section 2.2, Need Determination).

The Ruling refers to “clean firm” resources with “specific capacity factors” as one of the resource categories that could be used to structure RCPMP procurement requirements.¹⁶ In the past, the Commission has also stated that “firm clean” resources must have a capacity factor of at least 80 percent, must not be subject to use limitations, or be weather-dependent.”¹⁷ Defined this way, the category of “clean firm” risks being built around baseload-style, continuous operation, even though that is not the most useful metric for whether a resource should be deemed to be able to meet loads reliably during periods of grid stress without emissions. Without modification, the Commission would simply be importing into the RCPMP a baseload resource model traditionally associated almost solely with resources like nuclear and geothermal, and overlooking the ability of other resources to also provide the attributes the Commission should actually be seeking.

An annual capacity-factor threshold tied to average operation over a year, would exclude resources that provide firm, dispatchable clean capacity without running at a high, steady annual capacity factor, including long-duration storage and alternative fuel-based generation. This is inappropriate because it would exclude resources that are firm based on their ability to meet loads during periods of grid stress, simply because they do not run enough hours over the course of a year to meet a high annual capacity factor. When considering “clean firm” attributes of resources, the question should be whether such resources can, whether stand-alone or paired with other resources, be dispatched to reliably meet loads during defined periods of extended grid stress. Additionally, resources that are energy limited or weather-dependent should be

¹⁶ Ruling at 8 (Section 2.2, Need Determination).

¹⁷ See Decision Requirement Procurement to Address Mid-Term Reliability (Rulemaking 20-05-003) (July 30, 2021), available at <https://www.google.com/url?q=https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M389/K603/389603637.PDF&sa=D&source=docs&ust=1786577913361374&usg=AOvVaw3PXKFatQVJfdEvAK-ZnLz6>

considered to be “clean firm” if they can, either individually or in combination with other resources, be firm enough to meet loads over defined extended grid stress periods.

To be clear, the Commission should define clean firm resources based on a different performance standard than annual capacity factor. Specifically, clean firm resources should be defined as those with demonstrated physical ability to provide output at rated capacity during specified conditions or periods of grid stress (e.g. multi-day heat waves, winter cold periods with low solar output, transmission contingencies, or similar other extended periods of grid stress). A definition built around these attributes would identify the resources RCPPP’s clean firm category is meant to capture, rather than a definition built around the operating profile of a narrower set of traditional baseload technologies. Additionally, if the Commission were to optimize resource needs over the full 8,760 hours of the year, and align capacity expansion and reliability analyses, it will have a more accurate picture of the types of clean and firm resources it needs for the most cost-effective and compliant portfolio for customers.

IX. The Commission should ensure that its contract and facility approval processes do not jeopardize the proposed compliance timeline.

[Responsive to questions 10 (requirement for 100 percent of resource under contract three years out?) and 11 (requirement for 100 percent of required resources online within five years?)]

Under the Ruling's proposed compliance schedule, LSEs must have 100 percent of their allocated resources under long-term contract by the third year following adoption of the relevant PSP/TPP portfolio, and those resources must be online and producing by the fifth year. That schedule leaves only two years between the contracting deadline and the online deadline for underlying projects to complete permitting, financing, and construction. If Commission review and approval of utilities’ procurement contracts, or of proposed utility-owned generation, adds substantial time on top of that two-year window, the construction timeline actually available to

developers will be compressed further, jeopardizing the online-by-year-five requirement the Ruling proposes to enforce with significant penalties.

To prevent the approval process itself from becoming the binding constraint on an otherwise workable timeline, the Commission should establish clear, expedited advice letter processes for utilities to submit agreements for approval, to be resolved by the Commission ideally within six months.

X. The Commission should tie its implementation of the RCPPP to additional needed improvements in its IRP modeling capabilities.

[Responsive to questions 1 (workable framework?)]

Beyond correcting how ELCC values are calculated for storage resource durations, Form Energy urges the Commission to use this moment in the IRP proceeding as an opportunity to make additional investment in the underlying capacity expansion modeling that produces the PSP and TPP portfolios, given the critical role they will play in the state. The Commission should optimize a full, chronological 8,760-hour year. Or, at a minimum if this is not presently possible, the Commission should use minimum week-long representative periods with state-of-charge linking between periods in the capacity optimization model. The Commission should also move toward calculating ELCC values endogenously within the capacity expansion model itself, rather than relying on the conventional, iterative PRM/ELCC framework currently in use, consistent with methods already implemented by other leading industry modelers.¹⁸ These modeling investments are foundational to the RCPPP framework's success because even a

¹⁸ See, e.g., The Brattle Group, Modeling Storage and Resource Adequacy in Capacity Expansion Models (July 2024), available at <https://www.brattle.com/wp-content/uploads/2024/08/Brattle-EPRI-LDES-07-15-2024.pdf>; See also *Beyond Capacity Credits: Adaptive Stress Period Planning for Evolving Power Systems*, National Renewable Energy Laboratory, available at <https://docs.nrel.gov/docs/fy24osti/89386.pdf>, and *Iterative Portfolio Optimization: An essential tool for reliable and clean electricity planning*, Sylvan Energy Analytics and GridLab (December 2024) available at https://gridlab.org/wp-content/uploads/2024/12/GridLab-Sylvan_Iterative-Portfolio-Optimization.pdf

well-designed procurement mechanism will underprocure the resources California actually needs if the portfolio optimization underlying it cannot see their full value.

XI. Responsiveness to the Ruling's Questions for Parties

For convenience, short responses are provided for each of the questions identified above that relate to Form's comments.

Question 1: *"Does this ruling describe a workable framework for an RCPMP that will achieve the goals of IRP, pursuant to SB 350? Why or why not?"*

Yes, provided each resource is given an appropriate ELCC value, and the reliability metrics used to test the underlying PSP/TPP portfolio are broadened beyond LOLE alone to capture the duration and magnitude of reliability events.

Question 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."*

Yes, because linking procurement to an appropriately optimized IRP-derived portfolio would be more direct and efficient than reconciling separate, siloed compliance requirements to drive procurement.

Question 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?"*

Need determination should be based on resource attributes, with multi-day storage established as a distinct category, with local capacity needs addressed, and "clean firm" defined by dispatchability and guaranteed availability during multi-day periods of grid stress rather than an annual capacity-factor threshold.

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

The proposed subtraction mechanism for DWR-contracted long lead-time resources is workable and should be maintained as proposed.

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

This requirement is workable only if the Commission also commits to an expeditious contract and facility approval process that does not consume the limited construction window it leaves.

Question 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."*

This deadline is achievable only if contract and facility review does not further compress the two-year construction window between the contracting and online deadlines.

Question 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."*

The proposed cadence is reasonable only if marginal ELCC values are calculated directly for each storage duration and as an outcome of the capacity expansion optimization itself, rather than through the current multiplier approach, and if the ELCC study also models paired storage-renewable configurations.

Question 14: *"Comment on the proposal to penalize non-compliance with online resource requirements using a net CONE calculation."*

Supported, because a net CONE-based penalty is necessary to provide an appropriate investment signal for LSEs to contract for non-emitting resources that are truly firm and capable of addressing reliability on the margin.

Question 15: *"Comment on the proposal to penalize failure to procure a minimum of non-lowest-cost resource procurement at the level of the highest-cost marginal resource."*

Supported, because a penalty set below the cost of the highest-cost resource in the category would allow LSEs to under-procure that category more cheaply than complying, and put customers at risk.

Question 19: *"Comment on the relationship of this proposal to the RA program."*

Treating RA as a short-term compliance check, rather than the driver of long-term RCPPP procurement, correctly reflects the RA program's intended short-term function.

XII. Conclusion

Form Energy appreciates the opportunity to file these comments, and looks forward to continued engagement around the RCPPP.

Respectfully submitted this 14th day of August, 2026,

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