BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program.	Rulemaking 24-01-017

COMMENTS OF THE PUBLIC ADVOCATES OFFICE ON ADMINISTRATIVE LAW JUDGE'S RULING INVITING COMMENTS

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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) *Administrative Law Judge's Ruling Inviting Comments* (Ruling), filed October 26, 2026.[1] The Ruling notes that Decision (D.) 26-07-008[2] reaffirmed certain requirements for Resource Adequacy (RA) contracts, specifically for the Day-Ahead Market Enhancement (DAME) products (Reliability Capacity and Imbalance Reserves), and invites parties to respond to specific questions on the applicability of certain RA-related provisions to new Renewables Portfolio Standard (RPS) contracts.

II. DISCUSSION

A. Ruling Question 1: *Should the provisions described above apply to new RPS contracts that convey RA capacity/benefits to the investor-owned utility [IOU]? Please explain why or why not.*

Yes, the provisions described in D.26-07-008 that set compensation and bidding rules for RA capacity participation in the DAME products should apply to any new RPS contracts that also provide RA capacity. The RA rules for DAME products (along with other aspects of RA compliance) are separate and distinct from RPS products, even when a single contract has provisions that allocate both RA and RPS attributes. The fact that an IOU has a contract that bundles RA together with RPS attributes does not change the IOU's obligation to meet the Commission's rules for the RA program's treatment of the DAME products.[3] If new RPS contracts that also include RA do not include the compensation and bidding rule language required for RA capacity participation in the

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[1] Available at: https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M625/K852/625852130.PDF.

[2] D.26-07-008, *Decision Adopting Local Capacity Obligations for 2027-2029, Flexible Capacity Obligations for 2027, and Program Refinements*, July 2, 2026; issued in Rulemaking 25-10-003, *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/M610/K575/610575803.PDF.

[3] D.26-07-008, Ordering Paragraphs 15 and 16 at 200-201.

DAME products, then those contracts would not be eligible to contribute to the IOU's RA compliance.

B. Ruling Question 2: *If yes, please specify which of the utility pro formas should include these provisions.*

The IOUs filed RPS Procurement Plans (RPS Plans) with the Commission on June 12, 2026, before the Commission adopted D.26-07-008 on July 2, 2026. These RPS Plans include each IOU's pro forma contract for RPS products. Parties filed comments on the RPS Plans; however, the Commission has not yet issued a decision and thus the IOUs' pro formas for next year remain unapproved. The Commission should direct the IOUs to file amended RPS Plans that, for any pro forma that delivers RA attributes or products, contain provisions that explicitly address the requirements of D.26-07-008.

III. CONCLUSION

The Commission should adopt the recommendations herein.

Respectfully submitted,

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