BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Implement Assembly Bill 825 Related to Independent Regional Organization.	Rulemaking 26-09-009

AMERICAN CLEAN POWER – CALIFORNIA REPLY COMMENTS ON THE ORDER INSTITUTING RULEMAKING TO IMPLEMENT ASSEMBLY BILL 825 RELATED TO INDEPENDENT REGIONAL ORGANIZATION

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November 6, 2026

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Pursuant to Rule 6.2 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, and the modified schedule included in the *Administrative Law Judge's Ruling Modifying Comment Schedule on Order Instituting Rulemaking*, issued on September 28, 2026, American Clean Power – California ("ACP-California") submits the following reply comments on the Order Instituting Rulemaking to Implement Assembly Bill 825 Related to Independent Regional Organization ("OIR").

I. The Commission should adopt a two-phase schedule that enables issuance of a timely decision on Phase 1 questions.

There is broad agreement among stakeholders that the schedule adopted for this proceeding should enable the Commission to complete actions necessary to facilitate the planned investor-owned utility ("IOU") participation in the Regional Organization for Western Energy ("ROWE") market by the legislative authorization date of January 1, 2028.[1] As prescribed in Public Utilities Code section 345.6(c), the Commission will initially need to make "a determination through a formal decision…that the requirements in subdivisions (a) and (b) have been satisfied" before IOUs can participate in the ROWE market. As parties point out, this determination will need to be made early enough in 2027 for the ROWE and the IOUs to complete any necessary activities well ahead of the January 2028 implementation date.[2]

ACP-California supports this approach. The Commission should establish a schedule that enables a final decision, with time for implementation, to enable IOU participation in

[1] See e.g. California Independent System Operator ("CAISO") Opening Comments at 3; Southern California Edison Company ("SCE") and Pacific Gas and Electric Company ("PG&E") Opening Comments at 2-3.

[2] See e.g. Western Power Trading Forum and the Independent Energy Producers Association Opening Comments at 3-5.

ROWE as of January 2028. The OIR schedule appropriately includes a workshop in February 2027. ACP-California agrees with the recommendation of the Public Advocates Office ("Cal Advocates") that the schedule include both opening and reply post-workshop comments.[3]

Many parties also recommend that the Commission bifurcate this proceeding into two phases.[4] ACP-California agrees. A two-phase proceeding will ensure that the initial review tasks identified within Issue 1 of the OIR are completed on time, and that the remaining tasks identified within Issues 2-4 are given the thoughtful attention and due process they deserve.

Some parties have further suggested in opening comments that Phase 1 of this proceeding could include initial consideration of some issues that are beyond the limited scope of the Commission's determination on Issue 1. For example, San Diego Gas & Electric Company ("SDG&E") suggests that the discrete question of rules addressing portfolio content category 1-eligible transactions could be efficiently handled in Phase 1.[5] ACP-California does not oppose considering this issue in Phase 1, as it is narrow in scope and relatively straightforward, as a legal and regulatory matter.

However, it will be important to keep the scope of matters considered in Phase 1 limited to what can be accomplished within the limited time available.

II. Issues related to the potential creation of an RA market by the ROWE should be addressed in Phase 2.

Assembly Bill 825 makes it very clear that IOU participation in the ROWE will not change the authority of the Commission "regarding resource adequacy, integrated resource planning, or procuring resources under Section 380, 454.51, 454.52, or any other law." Some parties have specifically noted the importance of taking a deliberate approach to the question of how the Commission should consider whether to authorize an IOU's participation in a potential resource adequacy ("RA") program administered by the ROWE.[6] ACP-California agrees that

[3] Cal Advocates Opening Comments at 8.

[4] See e.g. SCE/PG&E Opening Comments at 3; California Community Choice Association Opening Comments at 3-4; Environmental Defense Fund/Natural Resources Defense Council/Coalition of California Utility Employees and the California State Association of Electrical Workers Opening Comments at 5.

[5] SDG&E Opening Comments at 5.

[6] Cal Advocates Opening Comments at 5-6; Alliance for Retail Energy Markets Opening Comments at 3-5.

this, and other questions concerning potential impacts on programs currently administered by the Commission, should be examined carefully in the second phase of this proceeding, with participation by all interested stakeholders.

ACP-California appreciates the opportunity to comment on this OIR and looks forward to working with the Commission staff and other parties on the successful implementation of this landmark legislation.

DATED: November 6, 2026

Respectfully submitted,

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