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 (Filed January 25, 2024)

MOTION OF AVA COMMUNITY ENERGY FOR LEAVE TO FILE SUR-REPLY COMMENTS ON PACIFIC GAS AND ELECTRIC COMPANY'S DRAFT 2026 RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN

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Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Ava Community Energy ("Ava") respectfully moves for leave to file the sur-reply comments attached to this motion as Attachment A ("Sur-Reply"). The Sur-Reply responds to the reply comments filed by Pacific Gas and Electric Company ("PG&E") on July 27, 2026, concerning PG&E's Draft 2026 Renewables Portfolio Standard ("RPS") Procurement Plan ("PG&E Draft 2026 RPS Plan").[1]

I. RELIEF REQUESTED

Ava respectfully requests that the Administrative Law Judge ("ALJ") grant Ava leave to file the Sur-Reply and deem it filed as of the date of the ALJ's ruling on this motion. The Sur-Reply is brief and limited to matters raised in PG&E's Reply Comments. Its principal purpose is to inform the Commission that, following the close of the comment cycle, Ava and PG&E worked together and reached an understanding that addresses the core informational concern Ava raised in its opening comments.

II. BACKGROUND

The Ruling set July 13, 2026 as the deadline for comments on the draft 2026 RPS Procurement Plans and July 27, 2026 as the deadline for reply comments, and anticipates a

[1] Reply Comments of Pacific Gas and Electric Company (U 39 E) on Draft 2026 Renewables Portfolio Standard Procurement Plans (Public Version), filed July 27, 2026 ("PG&E Reply Comments").

Commission vote on a proposed decision in the fourth quarter of 2026.[2] The Ruling does not provide for further rounds of comments.

In its opening comments, Ava explained how PG&E's short-term sales from its Power Charge Indifference Adjustment ("PCIA")-eligible RPS portfolio on a "pre-allocation" basis can materially reduce the volumes that participating load-serving entities ("LSEs") receive through the Voluntary Allocation and Market Offer ("VAMO") framework, and how that uncertainty affects LSEs' Commission-required RPS procurement planning.[3] Ava supported PG&E's proposal to conduct short-term sales from its retained bundled customer share at indexed pricing,[4] and requested that the Commission direct PG&E to provide VAMO offtakers with regular information regarding projected portfolio generation and anticipated impacts on VAMO shares.[5]

In its Reply Comments, PG&E asked the Commission to "[d]etermine that granular, monthly forecasting is unreasonable and not required by the Voluntary Allocation contracts, and direct PG&E to continue to work with its counterparties on forecasting solutions."[6] In support of that request, PG&E advanced several arguments that were not presented in its Draft 2026 RPS Plan, including that:

1. LSEs should not rely on any VAMO deliveries, or on any forecast of VAMO volumes, for RPS planning or compliance purposes;7

[2] Assigned Commissioner and Assigned Administrative Law Judge's Ruling Identifying Issues and Schedule of Review for 2026 Renewables Portfolio Standard Procurement Plans, issued March 27, 2026 ("Ruling"), Attachment A (setting July 13, 2026 for comments and July 27, 2026 for reply comments, and anticipating a Commission vote on a proposed decision in the fourth quarter of 2026).

[3] Comments of Ava Community Energy on Draft 2026 Renewables Portfolio Standard Procurement Plans, filed July 13, 2026 ("Ava Opening Comments"), at 1-4, 7-9.

[4] *Id.* at 8 (supporting PG&E's proposal to prioritize short-term sales from its bundled customer share at pricing indexed to the final PCC 1 Market Price Benchmark).

[5] *Id.* at 9.

[6] PG&E Reply Comments at 1.

[7] *Id.* at 11 ("This language confirms that Ava cannot reasonably rely on the Voluntary Allocation contract for any guaranteed RPS compliance volumes. Thus, reliance on any VAMO deliveries is extremely risky at best."); *id.* at 12 ("PG&E does not recommend that any forecast of Voluntary Allocation volumes be relied upon for LSEs' RPS planning or decision making purposes.").

2. Market notices, public advice letters, and service of those advice letters on the RPS service list—which the Draft 2026 RPS Plan describes as only features of PG&E's sales process—provide VAMO counterparties adequate notice to independently assess the impact of PG&E's sales on their portfolios;[8]
3. An annual, non-binding, year-ahead forecast of VAMO generation volumes would be a sufficient response to Ava's concerns;[9] and
4. Specific provisions of the Commission-approved Voluntary Allocation pro forma confirmation, together with the timing of Renewable Energy Credit ("REC") creation, render monthly delivery forecasting infeasible and unnecessary.10

PG&E also stated that it had conducted outreach to Ava and was "committed to reaching a solution without the involvement of the Commission."[11]

Since the filing of reply comments, Ava and PG&E have worked together to address Ava's concerns. As a result of that collaborative effort, PG&E is willing to prepare a forecast of monthly contract volumes, aggregated by technology type, specific to Ava as an offtaker under the VAMO framework. PG&E would provide the forecast in the spring, with an updated forecast in the fall, corresponding to PG&E's Energy Resource Recovery Account ("ERRA") forecast and update. The forecasts would be of generation volumes, not delivery volumes. The Sur-Reply describes this understanding and its relationship to the issues raised in the Reply Comments.

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[8] *Id.* at 11, 13 ("PG&E's counterparties are amply made aware of any proposed sales activity through market notices and regulatory filings, and should conduct their own assessments . . . ."). cf. PG&E Draft 2026 RPS Plan at 16 (short-term sales under the requested index-pricing authority "will seek approval via the Tier 1 Advice Letter Process"), 114 ("PG&E also notices in sales solicitations to its market contacts, which includes counterparties to its VAMO and other sales transactions.").

[9] *Id.* at 9, 12-13.

[10] *Id.* at 10-12 (discussing Sections 2.5 and 2.6 of the Commission-approved Voluntary Allocation pro forma confirmation, lagged meter data, and REC creation in the Western Renewable Energy Generation Information System).

[11] *Id.* at 9 ("PG&E has conducted outreach to Ava on this matter and is committed to reaching a solution without the involvement of the Commission."); *id.* at 13.

III. GOOD CAUSE EXISTS TO GRANT LEAVE TO FILE THE SUR-REPLY

A. PG&E's Reply Comments Raised New Arguments to Which Ava Has Had No Opportunity to Respond

Reply comments were the final round of comments under the Ruling. PG&E's Draft 2026 RPS Plan did not advance these arguments; to the contrary, it acknowledged that pre-allocation sales "may create volume uncertainty for LSEs reliant on those allocations through the VAMO process."[12] The arguments first appeared in PG&E's Reply Comments, and several of them—particularly the assertion that LSEs should not rely on VAMO deliveries for RPS planning—bear directly on how the Commission administers the VAMO framework within its RPS planning process. Absent leave to file the Sur-Reply, Ava will have had no opportunity to address these arguments, and the Commission would be asked to act on a request for a determination regarding VAMO forecasting based on a record that reflects only one party's view.

B. The Record Should Reflect the Parties' Subsequent Resolution

PG&E's Reply Comments indicated that discussions between PG&E and Ava were ongoing and that PG&E was committed to reaching a solution outside of the Commission's process. Those discussions have now produced an understanding. The Commission has encouraged investor-owned utilities and LSEs to work together to improve the timeliness of VAMO forecast data,[13] and the Sur-Reply allows the Commission to take that collaborative outcome into account. Without it, the record would present as a live dispute an issue that the parties have largely resolved, and would leave pending PG&E's request for a Commission determination that may no longer be necessary.

Ava files this motion now, rather than earlier, because the parties used the period following reply comments to work toward the solution that PG&E's Reply Comments

[12] PG&E Draft 2026 RPS Plan at 16; *see also id.* at 57 ("sales from the pre-allocation share impact volumes that were sold in VAMO transactions").

[13] Resolution E-5216 at 16 ("[C]ounterparties are free to negotiate a reasonable data delivery timeline and we encourage IOUs and LSEs to continuously work together throughout the duration of a Voluntary Allocation contract to speed up the delivery of timely forecast and meter data.") (as quoted in PG&E Reply Comments at 12, n.33).

contemplated. The Sur-Reply could not have described that understanding before it was reached. Because the Ruling anticipates a Commission vote on a proposed decision in the fourth quarter of 2026,[14] granting leave now will allow the Sur-Reply to be considered without affecting the schedule.

C. The Sur-Reply Will Assist the Commission

The issues addressed in the Sur-Reply go directly to the integrity of LSEs' RPS procurement planning, the administration of the VAMO framework, and the flow of operational information among retail sellers that participate in that framework. The Sur-Reply is narrowly tailored: it describes the parties' forecasting understanding, briefly clarifies the record on the role of expected VAMO deliveries in Commission-required RPS planning, and identifies how the Commission may reflect the parties' resolution in its decision. It does not introduce new factual evidence or seek new relief beyond the scope of Ava's opening comments.

D. No Party Will Be Prejudiced

Granting this motion will not disrupt the procedural schedule, and the Sur-Reply is limited to issues raised in PG&E's Reply Comments. The Sur-Reply does not address the issues raised by the Public Advocates Office, the only other party that filed opening comments on PG&E's Draft 2026 RPS Plan.[15] Ava has conferred with PG&E regarding this motion, and PG&E does not oppose the relief requested. Any party may respond to this motion within the time provided by Rule 11.1(e). Granting leave will promote a complete and accurate record.

IV. CONCLUSION

For the foregoing reasons, Ava respectfully requests that the ALJ grant Ava leave to file the Sur-Reply attached as Attachment A and deem it filed as of the date of the ruling granting this motion.

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[14] Ruling, Attachment A.

[15] PG&E Reply Comments at 1 (noting that only the Public Advocates Office and Ava filed opening comments on PG&E's Draft 2026 RPS Plan).

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Respectfully submitted,

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