

Decision 19-09-007 September 12, 2019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Rulemaking 18-07-003

**DECISION ON NEW COMMUNITY CHOICE AGGREGATORS' 2018
RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLANS
AND LIBERTY POWER HOLDINGS' REQUEST FOR WAIVER**

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**DECISION ON NEW COMMUNITY CHOICE AGGREGATORS' 2018
RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLANS
AND LIBERTY POWER HOLDINGS' REQUEST FOR WAIVER**

Summary

This decision deems as final and accepts the 2018 Renewables Portfolio Standard (RPS) Procurement Plans (Plans) submitted by six new Community Choice Aggregators (CCAs) but cautions the CCAs that more detail is required in their 2019 Plans. Since they have already filed draft 2019 Plans, and they contain the same deficiencies as the 2018 Plans, the CCAs will be required to amend their 2019 Plans to conform to this decision as well as Decision (D.) 19-02-007, issued February 28, 2019. A later decision on all 2019 Procurement Plans will outline the timing for filing of final 2019 Plans, including those of the new CCAs. The six affected CCAs are the following: City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy (New CCAs). Each of these CCAs will start providing electricity to customers in 2020.

These CCAs' 2018 RPS Procurement Plans were scant on information. In Decision 19-02-007, we cautioned other CCAs that submitted similar Plans that we expected more detail in the 2019 Plans. The first five CCAs above submitted Plans that state they expect to execute one or more contracts but have not done so; will pursue arrangements with experienced suppliers; do not yet know how much they will procure; and will solicit resources in 2019. Western Community Energy gave more detail, said that it has not completed any procurement and has a forecasted RPS position of 0% in the 2018-2020, but nonetheless intends to be in compliance for the period.

The RPS Plans mandated by Public Utilities Code Section 399.13(a)(1) must explain specifically how the filer plans to meet its RPS requirements. In their

final 2019 Plans, the affected CCAs will be required to address whether they will hold a solicitation in 2019, how many megawatts they intend to procure during the year, how many megawatts they intend to procure long term, the resources they intend to procure in particular portfolio content categories set forth in the RPS statute, their “Net RPS Procurement Need,” the steps planned to reach it, and the appropriate minimum margin of procurement, upcoming participation in solicitations, or other needed forms of procurement. Although the New CCAs’ 2018 Plans do not provide this information, because they will not serve customers until 2020, and have already filed draft 2019 RPS Plans, we will not require revision of the 2018 Plans. Rather, we will accept the New CCAs’ Plans as final for 2018. There is ample time for the New CCAs to submit compliant 2019 RPS Plans before they start serving load in 2020. This is also appropriate because D.19-02-007 accepted other CCAs’ 2018 Plans that mirror those of the New CCAs addressed here.

This decision also grants the request of Liberty Power Holdings, LLC (Liberty Power) for a limited, conditional waiver from the submission of future RPS Procurement Plans until such time that Liberty Power resumes serving retail load. However, we deny Liberty Power’s request to be excused from filing RPS Compliance Reports.

This proceeding remains open.

1. CCA RPS Requirements

The RPS program requires that all load serving entities, including the six CCAs addressed in this decision, serve electric load with a specified percentage of renewable energy in each “compliance period.” The compliance period at issue here (compliance period 3) spans the years 2017-2020. CCAs

must submit annual RPS Plans to the Commission and meet most of the same RPS compliance requirements as other load-serving entities.

The assigned Commissioner and Administrative Law Judge (ALJ) set forth the requirements for 2018 RPS Plans in a June 21, 2018 *Assigned Commissioner and Assigned Administrative Law Judge's Ruling Identifying Issues and Schedule of Review for 2018 Renewables Portfolio Standard Procurement Plans* (2018 RPS ACR). In relevant part, the ACR required CCAs to include the following RPS information in their 2018 Procurement Plans:¹

¹ The table featured here appears in the Commission's California Renewables Portfolio Standard Annual Report, November 2018, submitted to the Legislature pursuant to Public Utilities Code Section 913.4, available at https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Energy_-_Electricity_and_Natural_Gas/Renewables%20Portfolio%20Standard%20Annual%20Report%202018.pdf. The ACR identifies these items using the 6.1, 6.2 *et seq.* numbering in the summary table, but due to a numbering error refers to them as 5.1, 5.2 *et seq.* in the body of the ACR. Any reference to 6.1, 6.2 *et seq.* in this decision incorporates by reference as if fully set forth herein the descriptions in the ACR numbered 5.1, 5.2 *et seq.*

Table 1: Summary of 2018 RPS Procurement Plan Requirements for CCAs

Criteria	Description
6.1 Assessment of RPS Portfolio Supplies and Demand	Details the RPS portfolio and technology mix and the percentage of power served with renewable resources. The demand assessment focuses on retail sales and annual procurement need.
6.2 Project Development Status Update	Update of development of RPS-eligible resources currently under contract. These resources may be either in development, under construction, or online.
6.3 Compliance Delays	Rationale for potential delays in achieving compliance with the RPS program.
6.4 Risk Assessment	Evaluation of risks associated with retail sales, generation, project failure, curtailment events, and project delays.
6.5 Quantitative Information	Quantitative information, such as retail sales forecasts, renewable net short calculations, and annual procurement data.
6.8 Price Adjustment Mechanisms	Include perspective on price-adjustment mechanisms in contracts and evaluate what impacts they will have on ratepayers.
6.10 Cost Quantification	Annual summary of actual and forecasted RPS procurement costs and generation by technology type. (Requested)
6.13 Safety Considerations	Information on RPS contract provisions related to safety of a facility's operations, construction, and decommissioning. ²

Decision (D.) 19-02-007 directed that CCA RPS Plans must comply with four additional requirements – Sections 6.6, 6.7, 6.9 and 6.10 -- that had previously only applied to Investor Owned Utilities. Therefore, all CCAs, including the six new CCAs at issue in this decision, will also be required to furnish the following additional information in their final 2019 RPS Procurement Plans:

² The 2018 RPS ACR also required CCAs to discuss changes to their prior Plans, and provide red-lined versions of their prior Plans reflecting the changes, and discuss safety considerations (Categories 6.11, 6.12) but these provisions are irrelevant here since the CCAs at issue are new to the RPS program.

Table 2: Summary of Additional Requirements for CCAs' 2019 RPS Procurement Plans

Criteria	Description
6.6 "Minimum Margin" of Procurement	Analysis of data on minimum margin of procurement, defined as the minimum amount of renewables needed to address anticipated project failure or delay.
6.7 Bid Solicitation Protocol, Including Least Cost Best Fit Methodologies	Bid solicitation protocols for procuring additional RPS resources.
6.9 Curtailment Frequency, Costs, and Forecasting	Detail on curtailment activities (e.g., economic curtailment) and how curtailment has affected RPS planning and compliance.
6.10 Cost Quantification	Annual summary of actual and forecasted RPS procurement costs and generation by technology type. ³

In addition, Decision 19-06-023 sets forth revised procurement targets for 2021 and subsequent years that must be used in final 2019 RPS Procurement Plans.

2. CCAs' Filings

As indicated in their 2018 Plans, the online dates and required procurement percentages for the New CCAs are as follows:

Table 3: Annual RPS Position of New CCAs (%)

Online Date	CCA	Actuals	Forecasted		
		2018	2019	2020	2021
September 2020	City of Baldwin Park	N/A	N/A	33%	36%
June 2020	City of Commerce	N/A	N/A	33%	36%
September 2020	City of Hanford	N/A	N/A	33%	36%
September 2020	City of Palmdale	N/A	N/A	33%	36%
September 2020	City of Pomona	N/A	N/A	33%	36%
April 2020	Western Community Energy ⁴	N/A	N/A	0%	0%

³ Cost Quantification information was "requested" in CCAs' 2018 RPS Procurement Plans, but D.19-02-007 requires this information in 2019 RPS Procurement Plans.

⁴ Western Community Energy did not update its renewable net short calculations to reflect its RPS targets, but gave intended RPS procurement percentages in its 2018 RPS Procurement Plan as 33% by December 31, 2020, 44% by 2024, 52% by 2027, and 60% by 2030.

The New CCAs were required to submit 2018 Plans and met the deadline for doing so. Decision 17-12-007 directed CCAs to file their 2018 RPS Procurement Plans upon registering with the Commission or 90 days prior to delivering load, whichever happens first. All of the new CCAs received a registration certification letter from the Energy Division. The New CCAs submitted their Implementation Plans and Statements of Intent between November and December 2018.⁵ They submitted their 2018 RPS Procurement Plans in April and May 2019.⁶ The New CCAs all stated that they intend to serve residential and/or commercial load during the 2017-2020 compliance period, starting in 2020.

The City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, and City of Pomona identified California Choice Energy Authority, or CalChoice, as a potential facilitator of their energy resource planning and procurement activities. CalChoice is a California Joint Powers Authority, the members of which include operational and soon-to-be operational Community Choice Aggregators located throughout Southern California. These five CCAs have submitted nearly identical RPS Procurement Plans, summarized as follows:

⁵ Implementation Plan and Statement of Intent submitted 11/30/2018 by City of Baldwin Park, 11/30/2018 by City of Commerce, 12/26/2018 by City of Hanford, 12/17/2018 by City of Palmdale, 11/30/2018 by City of Pomona, and 3/20/2019 by Western Community Energy. Letters of certification available here: <https://www.cpuc.ca.gov/general.aspx?id=2567>

⁶ 2018 RPS Procurement Plan submitted 4/15/2019 by City of Baldwin Park, 4/15/2019 by City of Commerce, 4/17/2019 by City of Hanford, 4/15/2019 by City of Palmdale, 4/15/2019 by City of Pomona, and 5/8/2019 by Western Community Energy.

- Upcoming procurement efforts are expected to result in the execution of one or more renewable energy supply contracts or varying term lengths and structures. No contracts have been executed.
- CCA will seek to minimize the risk of delivery failure by pursuing supply arrangements with experienced and financially stable suppliers with successful track records.
- CCA has not yet defined its intended margin of over-procurement for requisite renewable energy supply.
- Renewable energy solicitations for requisite energy resources are expected in 2019.

The procurement details submitted by Western Community Energy – which did not identify CalChoice as a potential partner – are as follows:

- Intends to commence serving customers on April 1, 2020. No anticipated customer count given. Expected retail sales not explicitly reported in Western Community Energy's 2018 RPS Procurement Plan but stated in an appendix as roughly 1,564 gigawatt hours.
- Has not completed any RPS procurement but expects to achieve a 50% renewables target by 12/31/2026 and 60% by 12/31/2030. Interim positions were reported as 44% by 2024, 52% by 2027, and 60% by 2030.
- Plans to over-procure to account for variability in load and uncertainty in supply and will go to the market to procure short-term RECs to meet possible shortfalls.
- Plans to conduct bid solicitations for procurement that focuses on carbon-free resources.
- Board of Directors has elected to offer a 100% renewable product option for its customers.
- Has a forecasted RPS position of 0% in compliance period 3 but asserts it intends to be in compliance.

3. Deficiencies in CCAs' 2018 RPS Procurement Plans that they Must Address in their 2019 RPS Plan Filings

The filings of the CCAs at issue in this decision are inadequate for the following reasons. While we accept the filings and deem them complete for 2018, the CCAs must submit more detailed 2019 Plans addressing the issues in this decision and D.19-02-007. The discussion below refers to the requirements for 2018 Plans set forth in the 2018 RPS ACR.

6.1 Assessment of RPS Portfolio Supplies and Demand – Section 399.13(a)(5)(A)

In category 6.1, the ACR requires CCAs' Plans to do the following:

Provide a written description assessing annual and multi-year portfolio supplies and demand in relation to RPS requirements, the RPS program, and the RPS program's overall goals to determine the retail seller's optimal mix of eligible renewable energy resources. The assessment should consider, at a minimum, a 20-year time frame with a detailed 10-year planning horizon that takes into account both portfolio supplies and demand. This written description must include the retail seller's need for RPS resources with specific deliverability characteristics, such as, peaking, dispatchable, baseload, firm, and as-available capacity as well as any additional factors, such as ability and/or willingness to be curtailed, operational flexibility, etc. It must also explain how the quantitative analysis provided in response to Section 6.5 supports the assessment.

This written description must also explain how the proposed renewable energy portfolio will align with expected load curves and durations, as well as how it optimizes cost, value, and risk for customers. Where applicable, the assessment should also identify and incorporate impacts of overall energy portfolio and system requirements (not just RPS portfolio requirements), recent legislation, other Commission proceedings, other agencies' requirements, and other policies or issues that would impact RPS demand and procurement.

The written description should also explicitly and specifically address, both qualitatively and quantitatively, to the extent possible, how the retail sellers intend to increase the diversity in its portfolio overall, to address issues of renewable integration, under-utilization of RPS-eligible generation, forecasted transportation electrification, and maximizing ratepayer value. For CCAs specifically, the description should include information on how planned RPS procurement is consistent with its previously submitted implementation plans, and if applicable, expansion plans. For expanding CCAs, the section should include a combination of quantitative data on how increased customer demand and load served will affect its RPS procurement and load forecasts and an explanation of how the CCA plans on serving that load with existing or future procurement.

Additionally, for all retail sellers, the supply and demand assessment should describe and incorporate RPS lessons learned over the past year, including RPS trends and potential future trends. Lastly, it should describe how procurement or sales planned for the period covered by the 2018 RPS Procurement Plans is consistent with the assessment of supplies and demand.

The CCAs' 2018 Procurement Plans do not meet this requirement for the following reasons:

- While the New CCAs' *Implementation Plans* submitted in 2018 include detailed supply and capacity requirements, their RPS *Procurement Plans* do not. The Procurement Plans should provide more detail (at least the detail in the Implementation Plans).
- The New CCAs do not include forecast methodology for retail sales or analysis on deliverability characteristics in their Procurement Plans.
- The New CCAs should identify and incorporate impacts of overall energy portfolio and system requirements, recent legislation, other Commission proceedings, other agencies'

requirements, and other policies or issues that would impact RPS demand and procurement.

- The New CCAs should include timelines for issuing request for proposals for supply contracts (which some of them include in their Implementation Plans but exclude from their RPS Procurement Plans).

6.3 Potential Compliance Delays - § 399.13(a)(5)(B)

Category 6.3 requires CCAs to do the following:

Describe in narrative form any potential issues that could delay RPS compliance, including, but not limited to, inadequate transmission capacity, permitting delays, insufficient eligible renewable energy resources supply, unanticipated curtailment, unanticipated increase in retail sales, and the relationship, if any, to project development delays, reduced generation, and compliance delays. Describe the steps taken to account for and minimize these potential compliance delays. The potential compliance delays included in the written description must be reflected in the quantitative analysis provided in response to Section 6.5. Given this analysis, discuss how the potential compliance delays will impact the retail seller's RPS net short and its procurement decisions. If the retail seller does not anticipate any potential compliance delays, provide a justification for why using the information reported in Sections 6.1, 6.2, 6.5 and 6.6.

The New CCAs' Plans do not meet this requirement. The Plans at issue do not describe any potential compliance delays or provide justification for why no compliance delays are anticipated. The New CCAs' 2019 Plans must include this information.

6.4 Risk Assessment - § 399.13(a)(5)(F)

Category 6.4 requires the CCAs to do the following:

Provide a written assessment of the risk in the RPS portfolio in relation to RPS compliance requirements. Risk assessment should describe risk factors such as those described above regarding compliance delays, as well as, but not limited to, the

following: lower than expected generation, variable generation, resource availability (e.g., biofuel supply, water, etc.), and impacts to eligible renewable energy resource projects currently under contract. The risk assessment provided in the written description must be reflected in the quantitative analysis provided in response to Section 6.5. Given this analysis, discuss how the risk assessment will impact the retail seller's net short and its procurement decisions. If the retail seller does not anticipate any potential compliance risks, provide a justification for why using the information reported in Sections 6.1-6.3.

Only Western Community Energy partially complies with this requirement. The other New CCAs' 2018 RPS Plans do not explain the CCAs' plans to rely on the Commission and the California Independent System Operator (CAISO) to address uncertainty in load forecasts and potential supply disruptions caused by generator outages and/or transmission contingencies, although their Implementation Plans do include this information. Further, the CCAs' Implementation Plans discuss the benefits and minimized risk of diverse resource portfolios, but this discussion is not included in their 2018 RPS Plans. The New CCAs should remedy these omissions in their final 2019 Procurement Plans.

6.5 *Quantitative Information - §§ 399.113(a)(5)(A), (D), and (F)*

Category 6.5 requires the CCAs to do the following:

In addition to the written descriptive responses to Sections 6.1 through 6.4, provide quantitative data, methodologies, and calculations relied upon to assess the retail seller's RPS portfolio needs and RPS procurement net short. This quantitative analysis must take into account, where appropriate, the quantitative discussion requirement by Sections 6.1-6.4, above. Any RPS-eligible procurement that has or will occur outside of the RPS program should also be included. As stated above, the portfolio assessment should be for a minimum of 20 years in the future. The responses must

be clear regarding the quantitative progress made towards RPS requirements and the specific risks to the retail sellers' RPS Procurement Portfolios. Risks may include, but are not limited to, project development, regulatory, and market risks. The quantitative response must be provided in an Excel spreadsheet based on the most recently directed renewable net short methodology.

The CCAs' Plans do not meet this requirement because Section 6.5 requires quantitative analysis to assess need for RPS resources with specific deliverability characteristics. The six new CCAs provide no forecast methodology for retail sales or analysis on deliverability characteristics in their Plans.

Further, the CCAs are required to supply quantitative data, methodologies, and calculations relied upon to assess the retail sellers' RPS portfolio need and RPS procurement net short for 20 years in the future. However, the New CCAs relied solely on the Renewable Net Short Excel template to satisfy this section. For five of the six new CCAs, the template attributes all RPS-eligible procurement to pre-approved generic RECs which are generated from the Commission's pre-approved RPS procurement programs such as: Renewable Auction Mechanism solicitations, Renewable Feed-in-Tariff, and Solar Photovoltaic Programs. However, there is no evidence from any CCA's RPS Procurement Plan that they have contracts to acquire RECs from these programs, and there is no discussion of how much, or when, this renewable electricity will actually be available to the New CCAs through these programs.

Finally, the ACR requires that CCAs spell out the quantitative progress made towards RPS requirements and the specific risks to the retail sellers' RPS procurement portfolios. This requirement is not satisfied by any of the CCAs;

they simply stated that they will seek direction from their governing agencies on resource planning.

4. Required Next Steps

The six new CCAs must remedy the foregoing deficiencies, and include all items discussed in this decision and in D.19-02-007 in their final 2019 RPS Procurement Plans. Many of the concerns noted in the six new CCAs' 2018 RPS Procurement Plans are the same as those observed in earlier CCA filers' 2018 Procurement Plans. As a result, D.19-02-007 required all CCAs to include four additional requirements in their 2019 RPS Procurement Plans, aligning the requirements for IOUs, CCAs and Electric Service Providers (ESP).

Hence, in their final 2019 Procurement Plans, all CCAs, including the six at issue here, must address all categories identified in D.19-02-007, including the following:

	Large IOUs	Utilities subject to §§ 399.17 and 399.18	ESPs and CCAs
6.1 Assessment of RPS Portfolio Supplies and Demand	X	X	X
6.2 Project Development Status Update	X	X	X
6.3 Potential Compliance Delays	X	X	X
6.4 Risk Assessment	X	X	X
6.5 Quantitative Information	X	X	X
6.6 "Minimum Margin" of Procurement	X	X	X
6.7 Bid Solicitation Protocol, Including Least Cost Best Fit Methodologies	X	X	X
6.8 Consideration of Price Adjustment Mechanisms	X	X	X
6.9 Curtailment frequency, costs, and forecasting	X		X
6.10 Cost Quantification	X	X	X
6.11 Important Changes to Plans Noted	X	X	X
6.12 Redlined Copy of Plans Required	X	X	X
6.13 Safety Considerations	X	X	X

As we said for existing CCAs listed in D.19-02-007, the information the New CCAs submitted in their 2018 RPS Procurement Plans is not sufficient to meet the requirements for 2019 RPS Procurement Plans.

5. Liberty Power Request for Waiver from Submission of Plan in 2018-2020

Liberty Power Holdings LLC (Liberty Power) filed a July 20, 2018 request for a limited, conditional waiver from the submission of future RPS compliance filing requirements until such time that Liberty Power resumes serving retail load. It stated it has not served any California retail electric load since December 29, 2016 when all its accounts voluntarily returned to utility bundled service. While it states that it has maintained its status as a registered ESP since that time, it does not currently plan to resume retail service in California. No party opposed the request.

This decision grants Liberty Power's request in part by excusing it from filing an RPS Procurement Plan. The waiver will expire immediately if and when Liberty Power resumes serving load in California and thereby incurs RPS procurement obligations. This decision denies Liberty Power's request to be exempt from filing RPS Compliance Reports or making submissions other than the RPS Procurement Plan itself, in order to ensure accurate record-keeping and account for the potential of serving load during a portion of the compliance period.

6. Categorization and Need for Hearing

The Scoping Memo confirmed the categorization of this proceeding as ratesetting and that hearings are needed. Although no hearings were necessary on the issues addressed in this decision, the proceeding remains open and hearings may be needed on other issues in this proceeding.

7. Comments on Proposed Decision

The proposed decision of ALJ Thomas in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on August 28, 2019 by CalChoice, San Diego Gas and Electric/Pacific Gas and Electric (SDG&E/PG&E) and Shell Energy North America (Shell). SDG&E and Southern California Edison (SCE) filed reply comments on September 3, 2019.

CalChoice provides support to the cities of Baldwin Park, Commerce, Hanford, Palmdale, and Pomona and agrees to add the required additional detail to the 2019 RPS Plans of the those New CCAs.

SDG&E/PG&E ask for the New CCAs to refile revised draft 2019 RPS Plans on an expedited basis and to provide parties with time to comment on the New CCAs' revised draft 2019 RPS Plans instead of having the revisions incorporated when they file their final RPS Plans pursuant to the upcoming RPS Procurement Plan decision. We deny the request regarding filing revised draft 2019 RPS Plans; D.19-02-007 did not require re-filing for the other CCAs' 2018 RPS Plans, and SDG&E/PG&E offer no reason to order a different process for the New CCAs. Regarding the request for time to comment on revised 2019 RPS Plans, that request is denied at this time without prejudice to SDG&E/PG&E's right to renew it via motion once the New CCAs file their final 2019 Plans.

Shell's comments contest the Commission's jurisdiction to collect cost information from CCAs and Energy Service Providers (ESPs). SDG&E's and SCE's reply comments contest Shell's arguments.

The Commission considered and rejected Shell's jurisdictional argument in its decision on the Power Charge Indifferent Adjustment (PCIA) paid by customers of CCAs and ESPs, and we reiterate excerpts of that decision here. CCAs and ESPs are required to submit cost information in several programs, including RPS:

[Shell and others'] arguments fail for several reasons. Mostly they conflate the Commission's inability to set their prices with our duty to collect that price information....

The Commission has jurisdiction over long term procurement of energy resources that will supply energy service when and where needed. The Commission is also charged with developing Demand Response products encouraging distributed generation. This jurisdiction is so comprehensive that it includes questions of public health and safety arising from our duty to assure that customers receive adequate utility services at just and reasonable rates and justifies our direction that [Load Serving Entities] must provide the information to the Commission. (*See* Cal. Const, Art. 12; Public Utilities Code § 451; *P.G.&E. Corporation v. Public Utilities Commission* (2015) 237 Cal.App.4th 812.)

In addition to that comprehensive jurisdiction, this Commission is obligated to study the [Resource Adequacy (RA)] market and to report to the legislature costs relating to the RPS program. Public Utilities code Section 380(b)(1) requires the Commission to:

- (b) In establishing resource adequacy requirements, the commission shall achieve all of the following objectives:
 - (1) Facilitate development of new generating capacity and retention of existing generating capacity that is economic and needed....

These same parties are also required to provide RPS cost data to enable "the commission [to] release to the Legislature for the preceding calendar year the costs of all electricity procurement contracts for eligible renewable energy

resources," More specifically, the "Director of Energy Division is authorized to require retail sellers to submit appropriate documentation, including but not limited to copies of renewables portfolio standard procurement contracts, to support the information in any report submitted." And the Director of Energy Division has, in fact, required submission of those contracts. Again, given the information sought by this Decision is needed to satisfy the Commission's obligation to comply with the RPS program, among other obligations, the ESPs and CCAs already have a duty to provide this information.

Contrary to the position that the Commission has no jurisdiction to obtain pricing information or is attempting to "expand [the Commission's] regulatory control over the activities of ESPs," the duties imposed on the Commission are separate and apart from a CCAs' or ESPs' ability to set their own prices paid or charged. In other words, the Commission's requiring the data, and the ESPs' and CCAs' providing the data, has nothing to do with setting ESPs' or CCAs' retail rates. Actual contract prices provide the most accurate and timely indications of current and forward energy supply conditions, which are clearly within the Commission's jurisdiction to require.

Based on the Commission's comprehensive jurisdiction over the state's long-term energy supply portfolio, [Shell and others'] position that the Commission cannot require ESPs or CCAs to reveal contract/price information ... requires a crabbed and incomplete reading of the Public Utilities Code. D.18-10-019 at 74.⁷

⁷ The Commission also has authority to provide the information discussed in this decision pursuant to Public Utilities Code Section 701. Applications for Rehearing of D.18-10-019 are currently pending. Reference to D.18-10-019 is not intended to either dispose of these rehearing applications or to prejudge them.

8. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Sarah R. Thomas and Nilgun Atamturk are the assigned ALJs in this proceeding.

Findings of Fact

1. CCAs City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy furnished 2018 RPS Procurement Plans that state they will start serving load in 2020.

2. CCAs City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy furnished 2018 RPS Procurement Plans that lacked detail required by the 2018 RPS ACR.

3. CCAs City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy have filed their draft 2019 RPS Procurement Plans.

4. Liberty Power Holdings, LLC is an ESP that ceased serving any retail load on December 29, 2016.

Conclusions of Law

1. Because the New CCAs will not serve load until 2020; have already filed draft 2019 RPS Plans; and D.19-02-007 accepted other CCAs' 2018 Plans that mirror those of the New CCAs, it is appropriate to deem the 2018 RPS Procurement Plans of CCAs City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy as final and accepted.

2. In their final 2019 RPS Procurement Plans, CCAs City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy should meet all of the following requirements:

	Large IOUs	Utilities subject to §§ 399.17 and 399.18	ESPs and CCAs
6.1 Assessment of RPS Portfolio Supplies and Demand	X	X	X
6.2 Project Development Status Update	X	X	X
6.3 Potential Compliance Delays	X	X	X
6.4 Risk Assessment	X	X	X
6.5 Quantitative Information	X	X	X
6.6 “Minimum Margin” of Procurement	X	X	X
6.7 Bid Solicitation Protocol, Including Least Cost Best Fit Methodologies	X	X	X
6.8 Consideration of Price Adjustment Mechanisms	X	X	X
6.9 Curtailment frequency, costs, and forecasting	X		X
6.10 Cost Quantification	X	X	X
6.11 Important Changes to Plans Noted	X	X	X
6.12 Redlined Copy of Plans Required	X	X	X
6.13 Safety Considerations	X	X	X

3. The New CCAs should address the deficiencies in their 2018 RPS Procurement Plans identified in this decision in their final 2019 RPS Procurement Plans. The information submitted in the New CCAs’ 2018 RPS Procurement Plans is not be sufficient to meet the requirements for 2019 RPS Procurement Plans.

4. In accordance with D.13-11-024, it is reasonable to grant ESP Liberty Power’s request for a limited, provisional waiver of its obligation to submit an RPS Procurement Plan, if the waiver expires immediately if and when Liberty Power resumes serving load.

5. It is not reasonable to exempt registered ESPs from the requirement to file RPS Compliance Reports, and Liberty Power’s request for a waiver is denied to

the extent it pertains to reports and required submissions other than the RPS Procurement Plan.

6. The Commission has jurisdiction to require the information set forth in this decision.

O R D E R

IT IS ORDERED that:

1. Pursuant to Public Utilities Code Section 365.1(c)(1), the 2018 Renewables Portfolio Standard (RPS) Procurement Plans filed by the following community choice aggregators are accepted and deemed final: City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy.

2. In their final 2019 RPS Procurement Plans, community choice aggregators City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy shall include the following information, as explained in this decision and Decision 19-02-007, adopted February 28, 2019.

	ESPs and CCAs
6.1 Assessment of RPS Portfolio Supplies and Demand	X
6.2 Project Development Status Update	X
6.3 Potential Compliance Delays	X
6.4 Risk Assessment	X
6.5 Quantitative Information	X
6.6 "Minimum Margin" of Procurement	X
6.7 Bid Solicitation Protocol, Including Least Cost Best Fit Methodologies	X
6.8 Consideration of Price Adjustment Mechanisms	X
6.9 Curtailment frequency, costs, and forecasting	X
6.10 Cost Quantification	X

6.11 Important Changes to Plans Noted	X
6.12 Redlined Copy of Plans Required	X
6.13 Safety Considerations	X

3. The final 2019 Renewable Portfolio Standard (RPS) Procurement Plans of community choice aggregators City of Baldwin Park, City of Commerce, City of Hanford, City of Palmdale, City of Pomona and Western Community Energy shall provide the detail required in this decision.

4. The Motion for Provisional Waiver from future RPS compliance filing requirements is granted in favor of Liberty Power Holdings, LLC, as it applies to the Renewables Portfolio Standard (RPS) Procurement Plans. The requirement to file annual RPS Compliance Reports and other RPS required submissions remains unchanged.

5. Rulemaking 18-07-003 remains open.

This order is effective today.

Dated September 12, 2019, at Los Angeles, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners