

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

**ENERGY DIVISION**

**Agenda ID #24248  
RESOLUTION E-5458  
July 2, 2026**

**R E S O L U T I O N**

Resolution E-5458. Liberty Utilities (CalPeco Electric) Request for Expedited Approval of Request for Proposals for Energy Supply and Energy Management Services

**PROPOSED OUTCOME:**

- Authorizes Liberty Utilities (CalPeco Electric) to Conduct a Request for Proposals for Energy Supply and Energy Management Services.

**SAFETY CONSIDERATIONS:**

- There are no safety considerations associated with this resolution.

**ESTIMATED COST:**

- There are no costs associated with this request.

By Advice Letter Liberty 287-E, Filed on March 6, 2026.

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**SUMMARY**

This Resolution authorizes Liberty Utilities (CalPeco Electric) (“Liberty”) to conduct a Request for Proposals (“RFP”) for energy management services and related supply arrangements for its service territory to follow the end of the existing Energy Services Agreement (“ESA”) with NV Energy. Once Liberty has selected the least-cost-best-fit option, Liberty is required to file a subsequent Tier 3 Advice Letter (“AL”) requesting approval of the energy service products and associated costs.

## **BACKGROUND**

Liberty currently obtains its electricity via a full-service ESA with NV Energy.<sup>1</sup> The existing ESA was filed in December 2025 and approved by the Commission via AL 279-E on January 7, 2026,<sup>2</sup> under a framework approved in Liberty's Integrated Resource Plan (IRP) on July 29, 2024.<sup>3</sup> The ESA extension most recently approved in January 2026 was an extension to prior ESA agreements dating back to 2009. The existing ESA is cost-based and provides Liberty with favorable distribution charges and demand charge rates, along with some renewable power which provides Renewable Energy Credits to support Liberty's compliance with California's Renewable Portfolio Standard ("RPS") requirements. The ESA permits Liberty to add new renewable and in-system projects. In the most recently extended ESA, Liberty and NV Energy negotiated an extension of the ESA "until additional transmission in the northern portion of NVE's balancing authority area becomes available through the Greenlink Project,"<sup>4</sup> which is expected for May 2027.

In the current Advice Letter, AL 287-E, Liberty requests approval to initiate the process to solicit a new service provider for energy management services and related supply arrangements for its service territory in light of the notification that the existing ESA would not be extended. Liberty AL 287-E states that during the negotiations for another extension of the full-service ESA, NV Energy informed Liberty that it could no longer provide a further extension. Liberty states in the AL 287-E, that it must immediately depart from the CPUC approved Liberty IRP plan and "issue a [new] solicitation for a suite of services."<sup>5</sup>

NV Energy further informed Liberty that it must arrange for its own supply when the Greenlink-West Transmission line is completed, which is currently estimated to be May 2027. The current NV Energy ESA, approved in January 2026, will end when NV Energy's new Greenlink-West transmission line is operational, or May 2027, whichever is later.

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<sup>1</sup> Advice Letter 287-E, Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc. (AL 287-E), filed March 6, 2026, p. 1.

<sup>2</sup> Advice Letter 279-E, Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Approval of 2026 Energy Services Agreement with Sierra Pacific Power Company, dba NV Energy, filed Dec. 4, 2025.

<sup>3</sup> Liberty Utilities (CalPeco Electronic) LLC (U-933-E) 2022 Integrated Resource Plan (2022 IRP Plan). The 2022 IRP Plan was approved in D.24-02-047 and AL 239-E (Effective date: July 29,2024).

<sup>4</sup> AL 279-E, p. 1.

<sup>5</sup> AL 287-E, p. 3.

The Greenlink-West line will add additional transmission into the northern portion of NVE's balancing authority. When the ESA with NV Energy is terminated, an alternate energy provider will be able to deliver energy to Liberty under an existing FERC-jurisdictional NV Energy Network Integration Transmission Service Agreement (NITSA) that is effective through 2048.<sup>6</sup>

Liberty serves approximately 49,000 electric customers in and around the California side of the Lake Tahoe Basin with a peak load of 141 MW. Its service territory is geographically compact and generally encompasses the western portions of the Lake Tahoe Basin. Liberty does not operate within the California Independent System Operator ("CAISO") balancing authority area ("BAA"). Instead, it is located within the NV Energy BAA and has very limited connections to the CAISO. Unlike most California retail sellers, Liberty is a nighttime, winter-peaking utility. Further, given Liberty's location, it has few industrial customers, but larger seasonal loads associated with ski resorts and hotels.<sup>7</sup> Other than the Kings Beach diesel asset used for emergency conditions, all of the generation serving Liberty's load is located in the state of Nevada.<sup>8</sup>

The electricity market in Northern Nevada is competitive, as a number of entities are seeking to add large loads, such as data centers, into the area. NV Energy is itself seeking to add a significant quantity of new resources, including renewables and storage. Transmission service is therefore constrained for new connections, which will only be partially alleviated when Greenlink-West comes online. This additional demand is what led NV Energy to terminate its service agreement with Liberty.<sup>9</sup>

Liberty states that it has submitted the AL 287-E request pursuant to its Integrated Resource Plan (IRP) submissions made in September 2020 and November 2022.<sup>10</sup> In its 2022 IRP submission, Liberty states that it would continue indefinitely as a full-services customer of NV Energy because that service structure provided the best outcome for customers under various scenarios analyzed by Liberty. Accordingly, the last approved

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<sup>6</sup> AL 287-E, pp. 1-2.

<sup>7</sup> *Liberty Utilities (CalPeco Electric) (U-933-E) 2022 Integrated Resources Plan Public Version*, November 1, 2022, at 1; (Liberty 2022 IRP) filed in R.20-05-003. Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K071/498071350.PDF>.

<sup>8</sup> Liberty 2022 IRP, p. 25-29.

<sup>9</sup> AL 287-E, pp. 2-3.

<sup>10</sup> Filed in R.20-05-003. Available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K071/498071350.PDF>.

IRP assumed a continuing forward resource planning approach utilizing full-services arrangements with NV Energy which incorporate Liberty's renewables production from its Luning and Turquoise solar projects, plus additional renewables, conventional energy and balancing by NV Energy.<sup>11</sup>

Liberty stated in AL 287 that a Tier 3 AL is appropriate here because Liberty's adopted IRP stated that a Tier 3 AL was previously sufficient for approval of an extension of the ESA with NV Energy.<sup>12</sup> Liberty states that its request to change full-service providers does not raise important policy questions as it is effectively a continuation of the current full-services resourcing approach approved for Liberty, only the provider will change. Liberty proposes to issue a solicitation for a suite of services from qualified bidders to ensure supply sufficiency, continue compliance with the RPS program, manage transmission and resource scheduling, and assist Liberty in developing a portfolio that benefits customers. Liberty states it will address its longer-term resourcing strategy in its next non-standard IRP submission in 2026.<sup>13</sup>

Liberty requests that the Commission authorize it to commence finding a replacement for the NV Energy ESA with agreement(s) secured via competitive solicitation for similar services to supply and manage the energy and capacity needs of its customers. This will include provision and scheduling of supply from within (or imported through) the NV Energy balancing authority under the current NITSA. It will involve the integration of Liberty's existing renewable resources, potentially additional renewables and/or RECs, as well as other balancing and reliability requirements applicable within the NV Energy balancing authority per FERC-approved tariffs. Liberty proposes an initial term of five years, with an option to extend on mutual agreement. Liberty believes this term is appropriate because of the effort to coordinate and secure reasonable resource options that will provide continuity over time.

Liberty notes that upon completion of the solicitation, evaluation, and agreement negotiation processes, Liberty will present the proposed agreement(s) for Commission approval via a Tier 3 AL referencing the request made here, and the Commission will review the request to determine if the results are just and reasonable. Liberty further notes that it will present confidential information regarding the proposals received and its analysis of which suite of arrangements best serves customers' interests. Finally, Liberty asserts that it will then follow-up in the current IRP docket with additional

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<sup>11</sup> Liberty 2022 IRP, p. 8.

<sup>12</sup> Liberty 2022 IRP, p. 1, 8, 27.

<sup>13</sup> AL 287-E, pp.3-4.

description of how it intends to achieve state policies on renewables and decarbonization over the much longer planning horizon contemplated by the IRP.

## **NOTICE**

Notice of AL 287-E was made by publication in the Commission's Daily Calendar. Liberty states that a copy of the AL was mailed and distributed in accordance with Section 4 of General Order 96-B.

## **PROTESTS**

AL 287-E was timely protested by Small Business Utility Advocates (SBUA), the Public Advocate's Office (Cal Advocates), and Tahoe SPARK on March 26, 2026.

In their Protest, SBUA notes that Liberty describes NV Energy's decision to end the ESA as a "surprise," when a 2024 filing by NV Energy stated that NV Energy was going to terminate service to Liberty in 2025, and older documentation shows a clear intent for service to Liberty to wind down. SBUA states that Liberty should have included consideration of this issue in its general rate case which Liberty filed in September 2024. SBUA believes that Liberty should explain what steps it took to prepare for the end of service from NV Energy and what steps Liberty will take to obtain a secure and diversified portfolio. SBUA believes workshops and hearings should be held, and longer-term options should be investigated including a connection to the CAISO, having Liberty help fund solar/battery projects as virtual power plants, and having Liberty develop its own large-scale renewable power resources.<sup>14</sup>

Cal Advocates protests AL 287-E on the grounds that the requested relief is unreasonable and, in part, inappropriate for the AL process.<sup>15</sup> Cal Advocates urges the Commission to reject Liberty AL 287-E and instead require Liberty to (1) submit its eventual contract pricing for Commission approval, and (2) conduct a two-phase transitional RFP: first, to solicit bundled offers (meaning the full energy services NV

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<sup>14</sup> Small Business Utility Advocates' Protest of Liberty Utilities (CalPeco Electric) LLC (U-933 E) – Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc., filed March 26, 2026.

<sup>15</sup> Office of Public Advocates Protest to Liberty Utilities (CalPeco Electric) LLC's (U 933-E) Tier 3 Advice Letter 287-E, Request for Expedited Approval of its Request for Proposals for Short-Term Energy Supply and Management Services for Electric Supply Following Expiration of Existing Full Services Agreement with NV Energy, Inc, filed March 26, 2026, (Cal Advocates Protest).

Energy is supplying)<sup>16</sup> covering the remainder of 2027 and all of 2028, and second, to solicit both bundled and unbundled offers (offers for the individual components of the ESA for the attributes that Liberty seeks) for 2029 and 2030. Specifically, Cal Advocates proposes that in phase one, Liberty should solicit offers for the balance of calendar year 2027 and all of 2028, which would include the bundled attributes that Liberty proposes. Cal Advocates proposes that in phase two Liberty should solicit offers for 2029 and 2030 for the bundled offers and unbundled offers. Cal Advocates also suggests that in phase two the Commission should require Liberty to assess the potential for cost-effective staff development opportunities to provide certain services directly, as well as the potential for cost-effective procurement strategies that may emerge if NV Energy participates in the California Independent System Operator Corporation's (CAISO) Extended Day-Ahead Market (EDAM).<sup>17</sup> Cal Advocates argues that this phased approach is superior to the approach in Advice Letter 287-E, because a single-phase RFP with a 5-year term for a full services contract risks locking in high prices unnecessarily for five years. The risk of high prices in this contract is greater due to the duress Liberty is under, the expected tight market conditions of 2026, and the bespoke level of services Liberty is seeking in the proposed RFP, which could be provided by few potential parties.<sup>18</sup>

Cal Advocates' alternative procurement proposal would have Liberty submit one Tier 3 AL for Commission approval of phase one contracts and a second Tier 3 AL for Commission approval of phase two contracts, followed by Liberty filing an application for Commission approval of a procurement framework for Liberty's procurement needs in 2031 and beyond. Cal Advocates further suggests that the Commission consider a consolidated proceeding to establish a procurement framework for both Liberty and Golden State Water Company's Bear Valley Electric Service Division (U913E) (Bear Valley).<sup>19</sup>

Tahoe Spark protests AL 287-E pursuant to General Order 96-B, Section 7.4.2, which permits protests where an AL: (1) violates a statute, Commission rule, or prior Commission decision; (2) raises significant policy issues requiring Commission review;

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<sup>16</sup> Cal Advocates uses "bundled" and "unbundled" to refer to the aggregation of various energy commodities, capacity commodities, and other services in Liberty's proposed "one-stop suite" procurement approach. This nomenclature does not refer to utility customers that receive "bundled" generation services on top of distribution and transmission services.

<sup>17</sup> On April 3, 2026, after the Cal Advocates Protest was filed, the Nevada PUC approved NV Energy's plan to join the day-ahead market (EDAM). See [Nevada PUC approves NV Energy plan to join day-ahead market | Utility Dive](#).

<sup>18</sup> Cal. Advocates Protest, p. 7.

<sup>19</sup> Cal Advocates Protest, pp. 9-13.

(3) presents material factual disputes inappropriate for the advice letter process; or  
(4) affects public safety or the reliability of electric service. Tahoe Spark contends that AL 287-E meets all of these criteria and therefore cannot be approved through the ministerial AL process.

Tahoe Spark argues that the Commission has continued to approve rate increases, cost recovery, and infrastructure investments for Liberty without a transparent process or a current, integrated evidentiary record. They also highlight that Liberty operates in California and is subject to both state regulation and federal oversight due to its interstate activities, yet it is not integrated into CAISO and is excluded from California's broader energy modeling frameworks. Tahoe Spark specifically notes that the California Energy Commission does not incorporate Liberty into its demand and growth projections, and the Commission instead relies on statewide averages that do not reflect Liberty's distinct load profile, which is characterized by nighttime and winter peaks.

Tahoe Spark argues that the AL process is inappropriate for this matter, as it involves significant policy questions, contested factual issues, and changes that materially affect service quality, reliability, or safety. Tahoe Spark concludes that Liberty's situation reflects a broader failure of oversight, an inadequate evidentiary record, and insufficient protection for California ratepayers in the face of an increasingly opaque and risky procurement structure. For these reasons, Tahoe Spark maintains that AL 287-E cannot be approved through the AL process.<sup>20</sup>

Tahoe Spark alleges that Liberty failed to disclose earlier knowledge of risks to its procurement arrangements, calling this a material omission intended to bypass proper regulatory review. Tahoe Spark argues that such issues cannot be addressed through the AL process and instead require a formal proceeding.

Tahoe Spark further argues that Liberty's situation presents the same conditions that existed during the California energy crisis of 2000 for PG&E, SCE, and SDG&E, and the same solution should be applied here: California Department of Water Resources (DWR) should take over procurement for Liberty. Tahoe Spark further asserts that Liberty's operations remain inconsistent with a 2018 FERC determination, and emphasizes the Commission's ongoing duty to ensure reliable service, transparent cost structures, and reasonable rates (citing PUC sections 451, 701, 728, and 1708).

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<sup>20</sup> Protest of Tahoe Spark to Advice Letter 287-E of Liberty Utilities (CalPeco Electric) LLC, (Tahoe Spark Protest), pp. 1-4.

Tahoe Spark concludes that the Commission should reject or suspend AL 287-E, and open a formal proceeding to reconsider Liberty's procurement structure, to require a full disclosure from Liberty of all the relevant facts, and to develop a Liberty demand model and a Liberty system model. Tahoe Spark envisions this proceeding would consider structural alternatives including potentially integrating Liberty into CAISO, creation of a CCA, coordination of procurement with the DWR, and other potential remedies.<sup>21</sup>

### **Reply and Letter of Support to Protests**

Liberty timely filed Replies to Protests on April 2, 2026, and Sierra Club (Tahoe Area Group of the Sierra Club) timely filed a letter of support of Tahoe Spark's Protest on April 1, 2026.

In their Letter of support the Sierra Club asserts that Tahoe Spark's Protest of AL 287--E, "raises serious and well documented- concerns about Liberty Utilities' procurement instability, lack of transparency, and the growing risks facing the seven rural California counties dependent on this isolated and unintegrated electric system."<sup>22</sup> Sierra Club further notes that Liberty's procurement structure is unstable and incompatible with California's planning framework, and that California has no planning model for Liberty's system or any verified dataset.

Sierra Club notes that rural and mountain communities are facing escalating costs without transparency and there is no integrated record to evaluate whether these costs are reasonable or duplicative. They further note that an AL process is inappropriate for policy questions or changes that materially affect reliability or safety, such as this, and that Liberty's structure currently undermines California's climate goals and disproportionately harms rural working class and tribal communities across the Sierra.

Sierra Club concludes by echoing the same actions requested by Tahoe Spark: opening a full CPUC proceeding, initiating bi-state and federal coordination, integrating all Liberty-served counties into statewide planning, considering creating a CCA or public power authority, and finally, ensuring transparent accountable procurement for 2027 and beyond.

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<sup>21</sup> Tahoe Spark Protest, pp. 9-16

<sup>22</sup> Sierra Club Letter of Support for Tahoe Spark's Protest of Advice Letter 287-E – Liberty Utilities, April 1, 2026 (Sierra Club Letter), p. 1.

In Liberty's Reply, it addresses the issue of timing, emphasizing that timing exigencies support utilization of the AL process. Liberty applauds Cal Advocates' recognition that time is of the essence. In response to Tahoe Spark and SBUA protests requesting a formal proceeding, Liberty notes that the actions sought by these parties would undercut Liberty's ability to have sufficient time to solicit bids, evaluate the bids, and negotiate arrangements before presenting them to the Commission for approval.

In reply to Cal Advocates, on the issue of whether it viewed a second Tier 3 AL for approval of the preferred contracts "optional", Liberty clarifies that it will present any agreement to the Commission via Tier 3 AL for approval and it did not consider that step optional.<sup>23</sup> In reply to Cal Advocates' proposal that Liberty consider unbundled offers in addition to bundled full-service contracts in its RFO, Liberty responds that the RFP is intended to evaluate various potential arrangements, not solely a single, full-service requirements provider. Liberty revised and attached updated red-lined solicitation materials which further emphasize that unbundled services are being solicited.

With respect to Cal Advocates' proposal that the solicitation should be held in two phases, Liberty is opposed. Two short term RFPs, according to Liberty, would constrain its ability to develop a longer-term supply strategy that will be presented to the Commission via the IRP and a later application. The lack of certainty of the start date (due to the inability to know the operational dates of the Greenlink-West) means that first phase described by Cal Advocates may be very short, which raises risk for the counterparties. Additionally, Liberty argues the five-year term will provide the necessary time for Liberty to establish a cost-effective path for its longer term supply strategies.<sup>24</sup> Liberty notes that it had discussed potential generation and storage developments in prior IRP submissions, however unexpected events and expenses, including wildfire hardening, insurance requirements, global market disruptions, and import tariffs, caused Liberty to redirect resources and pursue a continuation of the full services from NV Energy instead.

In response to Cal Advocates' request that Liberty be required to file an application for Commission approval of a procurement framework for Liberty's procurement needs for 2031 and beyond, Liberty states that it agrees with Cal Advocates that any supply arrangements following the initial five-year term should be presented through a formal approval process, likely via an application. Liberty further notes that the question of

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<sup>23</sup> Liberty's Reply to Protests of AL 287-E Energy Supply Request for Proposals, filed April 2, 2026, (Liberty Reply), pp. 1-2.

<sup>24</sup> Liberty Reply, p. 3.

whether the Commission should establish a streamlined process for small and multi-jurisdictional utilities (SMJUs) does not need to be resolved in the context of this AL and can instead be taken up in a broader proceeding. Liberty notes that it intends to review the large IOUs' bundled procurement plan (BPP) filings submitted on June 1, 2026, in the IRP docket and will address in its August IRP submission whether a streamlined procurement process or another mechanism would benefit its customers.

Liberty rejects SBUA's assertion that Liberty does not pay close attention to NV Energy and further asserts Liberty was in ongoing negotiations with NV Energy on a potentially longer-term ESA consistent with the November 2022 IRP plan.<sup>25</sup> Liberty believes the longer-term extension would have been agreed to except for the recent boom in data centers. Liberty asserts that it intends to articulate its longer term procurement strategy in its IRP submission due in August 2026, which will update the Greenlink-West development schedule and Liberty's analysis of potential developing utility resources and adding in-house capabilities for scheduling and maintaining a compliant portfolio for its customers. Liberty foresees other regulatory changes in the broader western energy markets which may not be resolved until the end of that five-year period.

In response to the issues raised by Tahoe Spark and SBUA regarding ratemaking and customer impacts Liberty states that it appreciates these concerns and acknowledges their affordable impact but does not believe they are relevant to this AL and should be disregarded.

Liberty concludes its Reply by noting that the AL is requesting limited transitional authority for Liberty to conduct a competitive solicitation for replacement of electric supply to be in place following the expiration of its existing ESA with NV Energy, which does not prejudice any future Commission determinations. Further they note that delaying authority to solicit for energy supply products would compress procurement timelines and increase the likelihood of adverse outcomes.<sup>26</sup>

## **DISCUSSION**

The Commission has reviewed AL 287-E, the confidential Exhibits, prior AL filings, the Protests of SBUA, Cal Advocates, and Tahoe Spark, and the Replies of the Sierra Club and Liberty. The Commission finds that the interest of ratepayers are best met with

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<sup>25</sup> Liberty Reply, p. 3.

<sup>26</sup> Liberty Reply, pp. 4-5.

approval of the RFP for energy supply and energy management services as set forth in AL-287, with modification as detailed below.

Below we address each key topic/issue raised by parties:

### **Appropriateness of AL Process**

Tahoe Spark's protest argues that General Order 96-B does not permit use of the AL process for matters involving significant policy, safety, or contested factual issues, or changes that materially affect service quality or reliability. It contends that AL 287-E raises such issues (including system reliability, wildfire-related public safety, exposure to interstate wholesale markets and the prudence of Liberty's procurement strategy) and therefore requires a formal proceeding with discovery, testimony, and evidentiary development.<sup>27</sup> Similarly, the SBUA's protest asserts that the AL process is insufficient and recommends that the Commission instead hold workshops and hearings given the "fundamental change" to Liberty's business model.<sup>28</sup> The Sierra Club also states in its letter of support that the issues raised in AL 287-E are not appropriate for resolution through the AL process.

Cal Advocates notes that requiring Liberty to file an application and hold hearings with so little time left risks having nothing under contract for Liberty customers when the deadline arrives. Thus, Cal Advocates believes that the AL process is appropriate here because of the pressing need to have some electric service under contract.<sup>29</sup>

Liberty asserts that AL 287-E is consistent with the resource planning approach adopted in its 2020 and 2022 IRP submissions, which assumed Liberty would continue as a full-service customer using a portfolio that includes renewable generation, conventional energy, and balancing services. Liberty contends that a Tier 3 AL is appropriate because the request does not raise new policy issues and largely continues the Commission approved full-service framework, with only the provider changing.

Liberty contends that a process longer than the AL process would risk having no power under contract when NV Energy terminates its services. Liberty has until May 2027 (or the completion of the Greenlink-West Transmission line, whichever is later) to secure electric service. Liberty files this pursuant to its IRP plan, which discusses Liberty's

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<sup>27</sup> Tahoe Spark Protest, pp. 18-19.

<sup>28</sup> SBUA Protest, p. 4.

<sup>29</sup> Cal Advocates Protest, p.9, fn.39, and p.2 (Relief sought is "inappropriate for the advice letter process," so Cal Advocates recommends the Commission should require two Tier 3 Advice Letters. pp. 2, 9-10.

intention to remain with NV Energy as a supplier, and the path forward once NV Energy is no longer a supplier.<sup>30</sup>

We find that the AL process is appropriate here based upon the following considerations. As Liberty notes, the requested approach is consistent with the resource planning approach adopted in its 2020 and 2022 IRP submissions,<sup>31</sup> and would provide Liberty with options to obtain the services it needs (as approved by the Commission), with only the provider changing.<sup>32</sup> We agree with Cal Advocates that requiring Liberty to file an Application and hold hearings with so little time left risks having nothing under contract for Liberty customers when the NV Energy ESA expires.<sup>33</sup> The request before the Commission is a prudent and practical step in light of circumstances – and will provide interested parties a subsequent process to review the results of the solicitation and to provide the CPUC comments before any contract resulting from the solicitation is approved. Therefore, we find Liberty’s request to issue an RFP for replacement energy services given the urgency of replacement and the consistency of the approved procurement approach in IRP, is necessary and appropriate.

#### **RFP Requirements (Solicitation Products and Durations of Contracts), Consultation with ED and Contract(s) Approval**

In AL 287-E Liberty proposed an RFP which would seek proposed services for a minimum 5-year term beginning June 1, 2027. The scope of services laid out in the proposed RFP documents included services such as: energy supply, acting as a scheduling coordinator, submitting transmission service reservations on the OATI WestTrans system, issuing E-tags, managing transmission rights, ancillary service charges and associated tariffs, and meeting Resource Adequacy requirements.<sup>34</sup>

Cal Advocates’ Protest took exception to the length of the proposed contract, and what it would contain. Instead of one “5 year minimum” contract for a full services contract, Cal Advocates preferred a two-phase plan in which Liberty would hold an RFP for the first phase (balance of 2027-2028) for a full services (or “bundled”) contract, submit the preferred contract for Commission approval via Tier 3 AL, then solicit offers in a second RFP for either unbundled or bundled services for the period of 2029-2030. This would, Cal Advocates suggests, potentially save ratepayers money because the current prices

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<sup>30</sup> 2022 IRP Plan, Preferred Conforming Portfolios, pp. 19-22.

<sup>31</sup> AL 287-E, p. 2.

<sup>32</sup> AL 287-E, p. 3.

<sup>33</sup> Cal Advocates Protest, p.9, fn.39, and pp. 2, 9-10.

<sup>34</sup> AL 287-E, Exhibit 1, p.10.

are high and, because few providers are offering bundled services, there is less competition. In its Reply, Liberty clarified that its RFP is not solely seeking bundled services, and added the following language to its RFP:

Proposals may include all or a portion of the services described. Liberty is open to evaluating all-inclusive offerings as well as standalone service components, which may be considered individually or combined to best meet the needs of Liberty and its customers.<sup>35</sup>

The Commission finds that Liberty's clarification and updates to its RFP language adequately address Cal Advocates' concerns regarding the products and services that should be sought in the RFP. By not constraining the RFP to a bundled product, Liberty will be able to value bundled and unbundled products appropriately and select the least cost best fit products and services.

Remaining unresolved, however, is that Liberty and Cal Advocates do not agree on the solicited product duration time period. Liberty asserts that a five-year term will provide the necessary time to establish a cost-effective path for its longer term supply strategies. It also asserts that a forced two-phase structure creates uncertainty and procurement risk and want flexibility to procure longer-term arrangements. Cal Advocates asserts that ratepayers would pay less with an RFP for a short contract (balance of 2027 plus all of 2028), followed by an RFP for a three-year contract (2029-2031).

This difference between Liberty and Cal Advocates can be reconciled by modifying the RFP to include shorter duration terms. Currently, Liberty's proposed RFP is seeking proposals with a minimum term of five years with an option to renew.<sup>36</sup> If Liberty changes the RFP to a minimum term of 1.5 years, while accepting proposals of longer term lengths, this will allow shorter term products to offer in and be evaluated against longer term products. Through its bid evaluation process, Liberty can then select the least-cost best-fit contracts that meet its customers' needs. We find that modifying Liberty's RFP request from a minimum of five years to a minimum of 1.5 years will address Cal Advocates' concerns while also providing Liberty the flexibility to meet its longer-term needs. We direct Liberty to change its RFP language to state that the contract duration will be a minimum of 1.5 years.

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<sup>35</sup> Liberty Reply, Exhibit 1, p. 2.

<sup>36</sup> Liberty Reply, Exhibit 1, p. 4.

In order to ensure that Liberty's RFP and bid evaluation processes are overseen by the Commission, Liberty is required to consult with Energy Division and Cal Advocates Staff (joint staff) during the process of the RFP. Liberty is required to meet with joint staff at least four times over the course of the RFP launch, bid evaluation, and contract(s) selection process at key junctures, ahead of Liberty filing a Tier 3 AL seeking contract(s) approval. The consultation with joint staff will function similarly to a Procurement Review Group (PRG) processes established pursuant to AB 57 (Wright, 2002) for the three large investor-owned utilities that the Commission regulates.<sup>37</sup> PRGs are advisory bodies to the utilities and traditionally provide consultation on proposed procurement solicitations, evaluation of contract proposals, and use that the consultation process to ensure that procurement processes align with established policies and best practices. In the absence of an established PRG process for Liberty Utilities, the joint staff consultations will ensure ongoing RFP activities and procurement developments can be discussed as Liberty Utilities moves through selecting a new vendor that will result in a future contract to be submitted via Advice Letter.

The Confidential Exhibits setting forth the terms and conditions for the RFP should be revised to reflect the shorter permissible contract term discussed above. Within 30 days of adopting this decision, Liberty shall establish a distribution list for its joint staff meetings, that will include Energy Division and Cal Advocates Staff.

### **Energy Services Contract Approval**

Liberty stated in AL 287-E that upon completion of the solicitation, evaluation and agreement negotiation processes, "Liberty will present the proposed agreement(s) for Commission approval via a Tier 3 AL referencing the request made here, and showing that the results are just and reasonable. Liberty will present confidential information regarding the proposals received and its analysis of which suite of arrangements best serves customers' interests."<sup>38</sup>

In Cal Advocates' protest, Cal Advocates asserts that Liberty's statements that Liberty may, "at its sole discretion," submit a "Final Stage Agreement" that "lacks only specified energy and/or capacity price(s) for the [p]roducts and [s]ervices to be provided . . . ." are insufficient.<sup>39</sup> Cal Advocates notes that Liberty's proposal to

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<sup>37</sup> See generally, D.02-08-071, which established the PRGs for the IOUs in 2002, as part of the transfer of procurement responsibility from DWR back to the IOUs.

<sup>38</sup> AL 287-E, p. 4.

<sup>39</sup> Cal Advocates Protest, p. 5, citing AL 287-E, Exhibit 1, p. 7.

potentially seek Commission approval without final contract pricing would sidestep the Commission's oversight over Liberty's procurement processes and outcomes and that "Without pricing information, the Commission cannot execute its fundamental obligation to ensure that Liberty's rates are just and reasonable."<sup>40</sup>

Liberty's Reply clarified that any contracts procured as a result of the RFP will be submitted to the Commission via a Tier 3 AL for approval of costs. As a result, the Commission will have the opportunity to review the reasonableness of the proposed replacement agreement(s), and parties will be able to object if they find the proposed agreement(s) lack merit. As part of their Tier 3 AL contract(s) approval submission, Liberty must include the final prices of its contracted products and services for Commission review and approval.

### **Longer Term Procurement Needs**

While Cal Advocates supports the use of a Tier 3 AL for this procurement, it is concerned that this may be a repeating cycle: "the Commission should not set Liberty on a path of indefinite Tier 3 advice letter submissions for future procurement contracts and transaction approvals, beyond the transitional 2027-2030 time frame."<sup>41</sup> Liberty agrees that "supply arrangements following the initial five-year term should be presented via a formal process, presumably an application."<sup>42</sup>

Liberty also notes that after filing its Tier 3 AL for energy services contract approval, it will articulate its longer-term procurement strategy and analysis, presenting additional details in the upcoming non-standard IRP submission currently due on August 10, 2026 in R.25-06-019.<sup>43</sup>

The Commission agrees with Cal Advocates and Liberty regarding the need to file an Application for longer term procurement planning needs. The Commission finds that an Application is the appropriate method for subsequent supply authority following the procurement obtained via this RFP. We also expect Liberty to file its IRP plan in August 2026 reflecting further details into its long term procurement strategy. The Commission will review the IRP plan as part of a formal IRP proceeding.

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<sup>40</sup> Cal Advocates Protest, p. 5.

<sup>41</sup> Cal Advocates Protest, p. 10.

<sup>42</sup> Liberty Reply, p. 4.

<sup>43</sup> Liberty's Reply, p. 4.

Cal Advocates suggests a consolidated proceeding with Bear Valley in the review of the two companies' procurement plans to create a framework for smaller utilities. While we like the idea of a consolidated proceeding to establish a procurement framework for these small and multi-jurisdictional utilities (SMJUs), we also agree with Liberty that this matter does not need to be addressed in this AL, but will be addressed in the upcoming IRP or through other Commission action.

### **Sufficiency and Transparency of Procurement and Ratemaking**

Tahoe Spark raises issues about the sufficiency and transparency of Liberty's procurement and ratemaking proceedings before the Commission. Tahoe Spark argues that the Commission has continued to approve rate increases, cost recovery, and infrastructure investments for Liberty without a transparent process or a current, integrated evidentiary record. They also highlight that Liberty operates in California and is subject to both state regulation and federal oversight due to its interstate activities, yet it is not integrated into CAISO and is excluded from California's broader energy modeling frameworks. Tahoe Spark specifically notes that the California Energy Commission does not incorporate Liberty into its demand and growth projections, and the Commission instead relies on statewide averages that do not reflect Liberty's distinct load profile, which is characterized by nighttime and winter peaks. Tahoe Spark asserts that the Commission has approved procurement decisions that do not benefit Liberty's ratepayers, including substations in Nevada outside the Liberty service area. Tahoe Spark believes that the lack of any demonstrated connection between demand, procurement, and retail rate recovery means that the Commission has approved rates that have no evidential basis for ratemaking.

Sierra Club also raises these same issues in its reply.

Tahoe Spark further notes that:

Liberty's procurement practices are already the subject of federal concern. FERC has denied Liberty's attempts to shield its procurement arrangements from review (162 FERC 61,003 Docket No. ER17-1620-002 Issued January 18, 2018), yet Liberty continues to operate in a manner inconsistent with that order.<sup>44</sup>

Tahoe Spark refers to this FERC case and Liberty's failure to follow that Order as evidence of Liberty's failures to be transparent or reasonable.<sup>45</sup>

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<sup>44</sup> Tahoe Spark Protest, at 18.

<sup>45</sup> Tahoe Spark Protest, at 18 and see generally throughout Tahoe Spark Protest.

Liberty does not directly respond to these issues in its reply, stating they are not “relevant to this AL, which requests authority to undertake a solicitation process in an expedited manner.”

We agree with Liberty that these issues are not relevant to this AL request as Liberty is seeking to find replacement energy services to urgently replace its expiring NV Energy ESA. Further, our approval to launch an RFP is not approving any costs at this time. Parties will be allowed the opportunity to dispute costs associated with any selected contracts in the subsequent Tier 3 AL requesting contract approval. Parties will also be able to submit comments regarding Liberty’s IRP filing due in Aug. 2026. On the FERC matter raised in the protests, it is not clear from our review whether Liberty is out of compliance or complying with the FERC case, which is outside our jurisdiction.

The Commission finds the issues raised by Tahoe Spark and Sierra Club are outside the scope of the approval requested in AL 287-E.

### **Whether Liberty Was Sufficiently Proactive in Planning for Replacement Needs**

SBUA and Tahoe Spark assert that Liberty failed to adequately monitor or prepare for the eventuality of NV Energy terminating service, and believe that hearings should be held on this matter. It is clear from the record that NV Energy’s intention to serve the retail customers of Liberty was not open-ended, but Liberty maintains in its defense that it has been closely following NV Energy and non-public negotiations, which gave them a different assessment of how long-term service would continue. Further Liberty notes that once it was certain that the NV Energy ESA would not be extended for the longer term, Liberty filed AL 287-E as soon as possible.<sup>46</sup>

We acknowledge the concerns raised by these parties. However, the adopted 2022 IRP plan identified the use of the AL process to continue the extension of the NV Energy ESA contract, as it best met the needs of Liberty customers.<sup>47</sup> In AL 287-E, Liberty states that it attempted to negotiate for this longer term agreement but failed to do so, stating “[a]bsent the unexpected and unprecedented large load developments in northern Nevada, Liberty believes that NV Energy would have been amenable to providing continued full-service energy supplies.”<sup>48</sup> While we agree with parties’ concerns that Liberty should have been more proactive in planning, the request before us is that they

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<sup>46</sup> Liberty Reply, p. 2.

<sup>47</sup> Liberty 2022 IRP Plan, p.1.

<sup>48</sup> Liberty Reply, p. 3.

need to find replacement energy services as early as May 2027. The Commission finds that disallowing Liberty to take action to solicit for replacement energy service needs will not address the concerns raised by SBUA and Tahoe Sparks regarding Liberty's lack of forward procurement planning.

### **DWR Procurement Authority Request**

Tahoe Spark asserts that Liberty's system and energy demand is not modeled, and that procurement is opaque, and that the lack of any connection between demand, procurement, and retail rate recovery means that the Commission has approved rates that have no evidential basis for ratemaking. For these reasons, Tahoe Spark believes that DWR should assume procurement responsibilities for Liberty.<sup>49</sup>

The issues raised in Tahoe Spark's protest are outside the scope of the AL, and do not need to be reached to decide whether Liberty should be allowed to proceed with an RFP. The Commission is also not approving any request regarding rates in this Resolution. There will be a subsequent process to determine whether the contract(s) that result from the RFP are just and reasonable and should be approved.

### **COMMENTS**

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review. Any comments are due within 20 days of the date of its mailing and publication on the Commission's website and in accordance with any instructions accompanying the notice. Section 311(g)(2) provides that this 30-day review period and 20-day comment period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day review and 20-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

### **FINDINGS AND CONCLUSIONS**

1. Liberty serves approximately 49,000 electric customers in and around the California side of the Lake Tahoe Basin with a peak load of 141 MW.

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<sup>49</sup> Tahoe Spark Protest, pp. 1-4, 9-16.

2. Liberty does not operate within the California Independent System Operator (CAISO) balancing authority area (BAA) but is located within the NV Energy BAA, for which the CAISO serves as the Reliability Coordinator. Liberty has very limited electrical connections to the CAISO.
3. Liberty currently obtains its electricity via a full-service Energy Service Agreement (ESA) with NV Energy.
4. The full-service ESA with NV Energy will end on May 2027, when NV Energy's new Greenlink-West transmission line is expected to be operational.
5. The Greenlink-West line will add additional transmission into the northern portion of NV Energy's balancing allowing for alternative energy providers to supply Liberty with energy services.
6. Liberty filed AL 287-E on March 6, 2026, requesting approval to issue a Request for Proposal (RFP) for energy supply and energy services.
7. Issuing an RFP for replacement energy services is consistent with Liberty's resource planning approach adopted in its 2020 and 2022 IRP submissions, and would provide Liberty with full-service options (as approved by the Commission), with only the provider changing.
8. Requiring Liberty to file an Application and hold hearings with little time left risks having nothing under contract for Liberty customers when the NV Energy ESA expires.
9. Liberty's request to issue an RFP for replacement energy services given the urgency of replacement and prior practice of Liberty's procurement approach approved its IRP submissions, is appropriate.
10. Liberty's RFP should not be restricted to bundled energy service products, allowing Liberty to value bundled and unbundled products appropriately and select the least cost best fit products and services.
11. Modifying the RFP to a minimum term of one and half years, while accepting proposals of longer term lengths, will allow shorter term products to offer in and be evaluated against longer term products.
12. Liberty's proposed minimum five-year term for the Request for Proposals should be reduced to a minimum of one and half years to address California Public Advocates' cost concerns and still provide Liberty with flexibility to meet its longer-term needs.

13. The Confidential Exhibits setting forth the terms and conditions for the RFP should be revised to reflect the shorter permissible contract term discussed above.
14. To ensure that Liberty's RFP and bid evaluation processes are overseen by the Commission, Liberty is required to establish a cadence of at least four meetings to meet with Joint Staff in an advisory capacity that will include Energy Division and Cal Advocate Staff.
15. The meetings with joint staff will function similarly to a Procurement Review Group (PRG) process established for the three large IOUs that the Commission regulates.
16. Liberty is required to meet with joint staff at least four times over the course of the RFP launch, bid evaluation, and contract(s) selection process at key junctures - ahead of Liberty filing a Tier 3 AL seeking contract(s) approval.
17. Within 30 days following the adoption of this decision, Liberty shall establish a distribution list for its joint staff meetings that will include Energy Division and Cal Advocates Staff.
18. Any contracts procured as a result of the RFP will be submitted to the Commission via a Tier 3 AL for approval of costs.
19. As part of their Tier 3 AL contract(s) approval submission Liberty must include the final prices of its contracted products and services for Commission review and approval.
20. An Application is the appropriate method for subsequent supply authority following the procurement obtained via this RFP.
21. Disallowing Liberty from taking action to solicit for replacement energy service needs will not address the concerns raised by SBUA and Tahoe Sparks regarding Liberty's lack of forward procurement planning action.
22. The Issues raised in protests regarding the sufficiency and transparency of Liberty's procurement and ratemaking proceedings, and whether DWR should be involved in centralized procurement are outside the scope of the approval requested in AL 287-E and these protests should be dismissed.
23. The issues of reasonableness and ratepayer protection can be fully considered in the Tier 3 Advice Letter that Liberty will file once the Request for Proposals is completed.

**THEREFORE IT IS ORDERED THAT:**

1. Liberty Advice Letter 287-E is approved with the modifications identified in this Resolution.
2. Liberty is authorized to issue a Request for Proposals for bundled and unbundled energy supply and energy management services.
3. Liberty shall revise the minimum term of the Request for Proposals from a minimum of five years to a minimum of one and half years.
4. Within 30 days of adoption of this decision, Liberty shall establish a joint staff distribution list, that will include Energy Division and Cal Advocates Staff, and circulate a procurement consultation schedule to the distribution list.
5. Liberty is required to meet with the joint staff group at least four times over the course of the Request for Proposal launch, bid evaluation, and contract(s) selection process at key junctures - ahead of Liberty filing a Tier 3 Advice Letter seeking contract(s) approval.
6. Liberty is required to file a subsequent Tier 3 Advice Letter seeking Commission approval of any energy service products and associated costs procured through the Request for Proposals, and must include in that filing the final prices of its contracted products and services for Commission review and approval.
7. The protests of the Small Business Utility Advocates (SBUA) and Tahoe SPARK are dismissed for being outside the scope of the relief requested in the Advice Letter.

This Resolution is effective today.

The foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on July 2, 2026; the following Commissioners voting favorably thereon:

Commissioner Signature blocks to be added  
upon adoption of the resolution

Dated \_\_\_\_\_, at <Voting meeting location>, California