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Cc:

Bcc:

Subject: RE: R.11-05-005: Section 399.20 Program -- Request for Extension of Time

Judges DeAngelis and Mattson:

Without expressing any opinion with regard to the merits of the Clean Coalition's proposal, the Interstate Renewable Energy Council believes that issues of due process and substantial fairness prevent substantive issues from being decided via email correspondence.

Best Regards,

Kevin Fox, for the Interstate Renewable Energy Council

On Thu, Jul 14, 2011 at 5:16 PM, Tam Hunt <tam.hunt@gmail.com> wrote:

Judge DeAngelis and Mattson,

In response to PG&E's request for extension of time, the Clean Coalition is deeply concerned over any further delays in SB 32 implementation, but we believe that the interests of all parties may be accommodated and we do not oppose the request for extension if mitigating measures are taken along the lines we suggest below.

Specifically, we request, after discussions with a number of parties, that the IOUs be required to submit Advice Letters concurrently with their comments, in which limited aspects of SB 32 may be implemented in such a way that an operational program is created in 2011 with sufficient time for developers to utilize the significant federal tax benefits that expire at the end of the year. Under the Commission's proposed approach, it seems very unlikely that an operational program will be available in 2011, prompting our alternative proposal.

The utilities are already required to file Advice Letters in this proceeding so the limited changes we recommend should not significantly the burden of compliance with this requirement.

We initially raised the Advice Letter approach at Monday's PHC and there was no opposition.

We suggest that interim Advice Letter implementation include (to be fleshed out in our comments due July 21):

- Immediate increase of project size to 3 MW
- Pricing for the remainder of 2011 to be based upon the 2009 MPR + TOD.
- Amendment of PPAs in line with the proposed CREST PPA and party comments on the proposed PPA

These simple measures will implement key aspects of SB 32 and allow numerous potential projects to take advantage of the expiring section 1603 cash grant program and the expiring 100% bonus depreciation, which are jointly very substantial tax benefits.

Creating an operational SB 32 program in 2011 will provide substantial economic benefits to the state and provide a new procurement opportunity for many of the existing projects in the WDAT and CAISO queues.

Market response to this opportunity will also provide essential market pricing data for use in determining the final SB 32 pricing methodology and full implementation of SB 32 in 2012.

Sincerely,

Tam Hunt, J.D.
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[\(805\) 214-6150](tel:8052146150)
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On Thu, Jul 14, 2011 at 2:13 PM, Marc D. Joseph
<MDJoseph@adamsbroadwell.com> wrote:

The Coalition of California Utility Employees also supports the IOUs' proposal.

Marc D. Joseph
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Subject: R.11-05-005: Section 399.20 Program -- Request for Extension of
Time

ALJs DeAngelis and Mattson:

By this e-mail, San Diego Gas & Electric Company, Southern California Edison Company, and Pacific Gas and Electric Company (jointly "IOUs") respectfully request an extension of time to file proposals and responses to the issued raised in ALJ DeAngelis' *Administrative Law*

Judge's Ruling Setting Forth Implementation Proposal for SB 32 and SB 2 1X Amendments to Section 399.20, issued June 27, 2011 (“ALJ Ruling”). Specifically, the IOUs request a 30-day extension so that proposals and responses, including draft form contracts, would be filed August 22, 2011, rather than July 21, 2011.

The ALJ Ruling includes 28 detailed questions regarding the implementation of Public Utilities Code Section 399.20 to create a Feed-In Tariff (“FIT”) for small renewable generating facilities that are 3 megawatts or less in size. On July 11, ALJ Mattson conducted a Pre-Hearing Conference (“PHC”) regarding the ALJ Ruling and Section 399.20 implementation generally. At the PHC, ALJ Mattson clarified that the IOUs were expected to file draft form contracts with their July 21 comments. ALJ Mattson also clarified that parties should submit detailed pricing and other proposals to implement Section 399.20. The IOUs and other parties expressed concern about the timing given the significant amount of effort required to respond to the 28 issues in the ALJ Ruling, prepare detailed proposals, and to submit draft form contracts.

While the IOUs understand and support the Commission’s interest in expeditiously implementing Section 399.20, adopting a schedule that does not provide sufficient time to prepare meaningful responses and proposals, and to develop form contracts, will not benefit the parties or the Commission. All of the parties in this proceeding need time to develop well thought out and considered proposals. The IOUs have the additional responsibility of developing form contracts, which requires detailed and time-consuming work to make sure that each of the elements of Section 399.20 is incorporated, while developing a form contract that is understandable for developers and comprehensive to protect the interests of customers.

In addition, certain aspects of the Section 399.20 program and draft form contracts may be impacted by the Commission's decision on the Draft Resolution implementing the Renewable Auction Mechanism ("RAM") Program. *See* Draft Resolution E-4414. The RAM Program draft resolution was issued yesterday and may be acted on at the Commission's August 18, 2011 meeting. It makes sense for the parties to consider the outcome of the RAM program draft resolution before submitting comments and draft form contracts.

The IOUs respectfully request a 30-day extension to respond to the ALJ Ruling, including providing proposals for implementing Section 399.20, and to submit draft form contracts. After the responses and contracts are submitted on August 22, the parties and Commission can conduct a workshop on August 31 or September 1, as described in the ALJ Ruling, to provide an overview of comments, proposals and draft contracts. At that time, the Commission can determine the appropriate next steps, whether it includes additional briefing or additional working groups to review and finalize the form contracts.

Earlier today, consistent with Commission Rule 11.6, the IOUs sent an e-mail to all of the parties in this proceeding asking if they would agree to the proposed extension. TURN, DRA, IEP, and Jan Reid indicated that they supported the IOUs' proposal. The Solar Alliance indicated that it did not oppose the IOUs' proposal. CEERT, the California Farm Bureau Federation, and Agricultural Energy Consumers Association do not oppose an extension, but proposed "an extension for opening comments to that date (August 5), then a workshop to be held later in August, with no reply comments, but rather post-workshop comments instead." The IOUs do not support CEERT's proposal as it does not provide sufficient time to develop comprehensive Section 399.20 proposals and draft form contracts.

Given the short time before responses to the ALJ Ruling are due, the IOUs also respectfully request that the ALJs act quickly on this request.

Thank you for your consideration.

Georgetta Baker

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