

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

Rulemaking 10-05-006
(Filed May 6, 2010)

**MOTION OF L. JAN REID TO STRIKE THE TESTIMONY SUBMITTED BY
THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR**

I. Introduction

L. Jan Reid respectfully submits this motion pursuant to Rule 11.1 of the California Public Utilities Commission's ("Commission's") Rules of Practice and Procedure to strike the written testimony of Mark Rothleder. Mr. Rothleder's testimony was served on July 1, 2011 on behalf of the California Independent System Operator (CAISO).

As explained below, Mr. Rothleder's testimony should be stricken because it is based on the CAISO's Renewable Integration Model (RIM) and the CAISO has failed to fully comply with Public Utilities Code (PUC) §1822 regarding its RIM.

In his testimony, Mr. Rothleder states that: (Rothleder Testimony, p. 2)

I will describe the results of the ISO's evaluation of potential operational and resource capacity needs driven by the state of California's requirement that load serving entities (LSEs) develop 33% renewable resource portfolios by 2020. For the purposes of this testimony, I will refer to this requirement as "33% RPS" and the ISO's study of operational requirements and market impacts at 33% RPS in 2020, using its renewable integration model, as the ISO's "33% integration study."

Thus, all of Mr. Rothleder's testimony is based on the CAISO's RIM.

II. Legal Requirements

PUC §1821 defines the following terms:

(a) “Computer model” means a computer program.

...

(e) “Verify” means to assess the extent to which the computer model mimics reality.

PUC §1822 requires that:

1822. (a) Any computer model that is the basis for any testimony or exhibit in a hearing or proceeding before the commission shall be available to, and subject to verification by, the commission and parties to the hearing or proceedings to the extent necessary for cross-examination or rebuttal, subject to applicable rules of evidence . . . The commission shall afford each of these electricity demand models or forecasts the evidentiary weight it determines appropriate. . . .

(b) Any testimony presented in a hearing or proceeding before the commission that is based in whole, or in part, on a computer model shall include a listing of all the equations and assumptions built into the model.

(c) Any data base that is used for any testimony or exhibit in a hearing or proceeding before the commission shall be reasonably accessible to the commission staff and parties to the hearing or proceeding to the extent necessary for cross-examination or rebuttal, subject to applicable rules of evidence, as applied in commission proceedings.

...

(f) Each party shall have access to the computer programs and models of each other party to the extent provided by Section 1822. The commission shall not require a utility to provide a remote terminal or other direct physical link to the computer systems of a utility to a third party.

III. Procedural Background

Reid has raised this issue four times in the instant rulemaking: three times in pleadings and once at a pre-hearing conference (PHC). Reid did not file a motion to strike the CAISO's comments earlier in the instant proceeding because PUC §1822 addresses models used in testimony, not models used in comments or workshops. A list of references to Reid's statements concerning the CAISO's compliance with PUC §1822 is provided in Table 1 below.

Table 1: Citations to Reid's Pleadings

Document Title	Document Date	References
Comments of L. Jan Reid on Renewable Integration Models	September 21, 2010	pages 2-5
Comments of L. Jan Reid on Renewable Integration Models	November 22, 2010	pages 2-5
Reply Comments of L. Jan Reid on Renewable Integration Models	December 3, 2010	pages 2, 4
PHC Transcript	December 20, 2010	page 146, lines 13-24

IV. Reid's Discovery Request

As mentioned previously, the CAISO has failed to fully comply with PUC §1822. On January 16, 2011, Reid sent a discovery request to the CAISO concerning the CAISO's Renewable Integration Model. The CAISO timely responded to Reid's discovery request on February 1, 2011. The CAISO's response is included as Attachment A to this pleading.

In questions 1-3 of his discovery request, Reid asked the CAISO to provide:

1. A working copy of the model used by the CAISO pursuant to PUC §1822 (a).
2. A listing of all of the equations and assumptions built into the CAISO's RIM pursuant to PUC §1822 (b).
3. An electronic copy of any and all data bases used by the CAISO's RIM pursuant to PUC §1822 (c).

Although the CAISO provided a complete answer to questions 4-7 in Reid's discovery request, the CAISO did not fully provide the information requested by Reid in questions 1 and 2.

In its response to Reid Question 2, the CAISO referred Reid to the document titled "Integration of Renewable Resources: Technical Appendices for California ISO Renewable Integration Studies Volume 1." The Technical Appendices is a draft document that did not contain a list of all of the equations and assumptions built into the model as required by PUC §1822 (b). However, the CAISO did provide at least some (if not all) of the equations used in creating certain inputs to the model.

In its response to Question 3, the CAISO provided Reid with a link to the input files and other related data. The CAISO does not state that these input files constitute all of the data bases used in CAISO's RIM. Thus, the CAISO may or may not have fully complied with PUC §1822 (c) in its response to Question 3.

It is certain that the CAISO has failed to:

1. Make its computer model available and subject to verification by the parties in the proceeding and the Commission as required by PUC §1822 (a).

2. Provide a listing of all the equations and assumptions built into the model as required by PUC §1822 (b).
3. Provide access to the CAISO's computer programs and models as required by PUC §1822 (f).

V. Conclusion

For the reasons given herein, the Administrative Law Judge should strike the testimony of CAISO witness Mark Rothleder in Track I of this proceeding.

* * *

Dated July 26, 2011, at Santa Cruz, California

/s/ _____
L. Jan Reid
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VERIFICATION

I, L. Jan Reid, make this verification on my behalf. The statements in the foregoing document are true to the best of my knowledge, except for those matters that are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Dated July 26, 2011, at Santa Cruz, California.

/s/

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