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Cc:

Bcc:

Subject: R11-05-005 (RPS) REQUEST DENIED - Clean Coalition request to file reply to
SCE

To Service List for R11-05-005

Mr. Hunt: your request to file a reply is denied. Please file a notice of ex parte communication to the
extent required regarding the below email. Thank you.

Regina M. DeAngelis

Administrative Law Judge

California Public Utilities Commission

415.703.2011

From: tam.hunt@gmail.com [mailto:tam.hunt@gmail.com] **On Behalf Of** Tam Hunt

Sent: Wednesday, August 31, 2011 11:41 AM

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Subject: R.11-05-005 (RPS) Clean Coalition request to file reply to SCE response to CREST program motion

ALJ DeAngelis and Mattson,

The Clean Coalition requests permission to file a reply to SCE's Aug. 30 response to our motion on

modification of the CREST program PPA (attached). SCE makes a number of inaccurate statements that require a reply and we believe the Commission's decision-making process will benefit from the additional information that we can provide.

In particular,

- Procedurally, a modified CREST PPA should already have been implemented if SCE had not suspended its stakeholder process. Stakeholders had identified the CREST PPA issues within the 1st year (since 2009) after the original Resolution but had been working directly with SCE to solve this issue rather than filing a Modification.
- The Clean Coalition has been calling for some time for the Commission to take action on CREST and SB 32 in time to allow for developers to utilize the substantial federal tax benefits that will not be usable unless developers can obtain PPAs well before the end of 2011
- We now recommend that SCE adopt the PG&E AB 1969 PPA, with ministerial modifications only, due to the fact that the Commission has already approved that PPA
- A new stakeholder process will not be required as the PG&E PPA underwent a thorough process and was approved by the Commission
- SCE's response fundamentally misses the core issue of financeability of the PPA as a prerequisite for moving forward on projects in a manner sufficient to obtain the Federal Section 1603 benefits. We can provide ample evidence of this issue if given permission to respond.
- SCE's proposed timeline for SB 32 implementation is insufficient for obtaining Section 1603 benefits and puts over 150 MW of projects at risk.
- SCE's contention that developers are trying to lock in above-market prices, rather than acting through a sincere concern about federal tax benefits expiring, is without merit. Many developers have invested significant time and money in the CREST program and it is bad policy and wrong to not fix obvious problems with the existing CREST program after such efforts have been taken to utilize the existing FIT program.

Sincerely,

Tam Hunt, Policy Advisor and Attorney
Clean Coalition (formerly FIT Coalition)
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