

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

Order Instituting Rulemaking to Continue)	
Implementation and Administration of California)	Rulemaking 11-05-005
Renewables Portfolio Standard Program)	(Filed May 5, 2011)
)	

NOTICE OF *EX PARTE* COMMUNICATIONS

Pursuant to Rule 8.4 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, the city of Cerritos hereby gives notice of the following *ex parte* communications.

The communications occurred on August 31, 2011 at approximately 4:45 p.m., and consisted of brief, successive meetings between Scott Blaising, counsel to Cerritos, and Michael Colvin, energy advisor for Commissioner Mark Ferron, and Sepideh Khosrowjah, chief of staff for Commissioner Michael Florio. (Commissioner Florio also participated in the 5-minute meeting between Blaising and Ms. Khosrowjah.) In addition, Blaising also left a copy of a one-page handout for Scott Murtishaw, energy advisor for Commissioner Michael Peevey. With the exception of the communication with Mr. Murtishaw, the communications were oral, occurred at the San Francisco office of the Commission and also included a one-page handout (a copy of which is attached to this notice). Blaising initiated the meetings.

Mr. Blaising stated that Cerritos supports the proposed decision of assigned Administrative Law Judge Anne Simon. The proposed decision grants Cerritos's request that Cerritos continue to be treated as a publicly owned utility (POU) for purposes of implementing the Renewables Portfolio Standard (RPS) program. The handout describes certain reasons for Cerritos's support of the proposed decision, including the fact that Cerritos first began providing

community aggregation service in mid-2005 and during this time Cerritos has complied with the RPS and resource adequacy requirements applicable to POUs (including the obligation to regularly report to the California Energy Commission).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Blaising". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott Blaising
Ryan Bernardo
BRAUN BLAISING McLAUGHLIN, P.C.
915 L Street, Suite 1270
Sacramento, California 95814
(916) 682-9702
blaising@braunlegal.com

September 6, 2011

Counsel for the City of Cerritos

**Proposed Decision of ALJ Anne Simon
in Response to the City of Cerritos's Motion (R.11-05-005)**

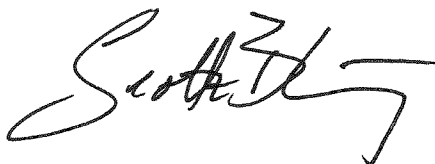
Commission Meeting: September 8, 2011 [Consent Calendar; Item 17]

- The Proposed Decision grants the city of Cerritos's request that Cerritos continue to be treated as a publicly owned utility (POU) for purposes of implementing the Renewables Portfolio Standard (RPS) program.
 - Cerritos supports the Proposed Decision and asks that it be adopted as-written.
- Cerritos was authorized by AB 80 (Stats 2002, ch 837) to provide a unique form of direct access service known as "community aggregation" (*not* community choice aggregation). Cerritos only provides service within its city limits, serving a small amount of load (~15 MWs) consisting of city, school district and economic development customers. To carry out this service, Cerritos formed a municipal electric utility.
- Cerritos first began providing community aggregation service in mid-2005 and during this time Cerritos has complied with the RPS and resource adequacy requirements applicable to POUs. In this regard, Cerritos regularly reports to the California Energy Commission (CEC).
- Cerritos submitted a motion in December 2010 asking that the Commission allow Cerritos, as a community aggregator, to continue to be treated as a POU for RPS purposes.
 - No party in the RPS rulemaking proceedings (R.08-08-009 and R.11-05-005), other than Southern California Edison (SCE) objected to Cerritos's request.
- The Proposed Decision holds that "[t]he fair and efficient administration of the RPS program will be advanced by maintaining the existing reporting relationship between Cerritos and the CEC, and allowing Cerritos to continue to be subject to CEC oversight as the RPS program evolves under SB 2 (1X)."
 - In light of the expansion of the CEC's role under SB 2 (1X), the Proposed Decision finds that "[f]rom this Commission's perspective, there is no benefit to the RPS program in disturbing the *status quo*, in which Cerritos reports to the CEC pursuant to § 387, in order to require Cerritos to be treated like either a CCA or an ESP under our jurisdiction."
- Cerritos supports the Proposed Decision and requests that it be adopted as-written.

VERIFICATION

I, Scott Blaising, am counsel for the city of Cerritos and am authorized to make this Verification on its behalf. I declare under penalty of perjury that the statements in the foregoing copy of the *Notice of Ex Parte Communications*, filed in R.11-05-005, are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. In addition, as allowed under Rule 1.11(d), this Verification is being submitted by me, as counsel, on behalf of Cerritos because Cerritos is located in a county other than the county in which my office is located.

Executed on September 6, 2011 at Elk Grove, California.

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Scott Blaising
BRAUN BLAISING MCLAUGHLIN, P.C.

Counsel for the City of Cerritos