



## **DRA**

*Division of Ratepayer Advocates  
California Public Utilities Commission*

**JOSEPH P. COMO**  
Acting Director

505 Van Ness Avenue  
San Francisco, California 94102  
Tel: 415-703-2381  
Fax: 415-703-2057

<http://dra.ca.gov>

October 31, 2011

CPUC, Energy Division  
Attention: Tariff Files, Room 4005  
505 Van Ness, Avenue  
San Francisco, CA 94102

Subject: **DIVISION OF RATEPAYER ADVOCATES COMMENTS  
ON ALTERNATE DRAFT RESOLUTION E-4433**

### **BACKGROUND**

On July 19, 2011 PG&E filed Advice Letter (AL) 3876-E, requesting approval of a Power Purchase Agreement (PPA) between PG&E and Mojave Solar, an affiliate of Abengoa, LLC. The proposed PPA is a 25-year contract for a 250-megawatt concentrating solar power parabolic trough project. Its annual output will be approximately 617 gigawatt-hours starting in July of 2014. On September 19, 2011, the CPUC issued two Draft Resolutions on this AL. Draft Resolution Option A rejects the proposed PPA while Draft Resolution Option B approves it with modifications. On October 11, 2011 the CPUC issued Alternate Draft Resolution E-4433 which approves the Project without modifications.

### **DISCUSSION**

DRA has previously stated its opposition to this project on the basis of its extremely high price, in its protest to the Advice Letter and in its comments on Draft Resolutions E-4433 Options A and B. Therefore, in these comments DRA will focus solely on the Alternate Draft Resolution. DRA believes that, should the Commission decide to approve this Project in opposition to DRA's arguments, it should approve it via Draft Resolution E-4433 Option B rather than the Alternate Draft Resolution.

Option B at least shields ratepayers from the worst-case scenario in which substantial transmission upgrades would be performed to make Abengoa fully Resource Adequacy (RA)-deliverable and the transmission upgrades were not used by any other project. The cost of the transmission project necessary for Abengoa to be deemed fully deliverable is estimated to be \$352 million dollars.<sup>1</sup>

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<sup>1</sup> Alternate Draft Resolution, p.12, footnote 17.

If those costs are assigned to the Abengoa project alone, its market value plunges even lower. If the transmission upgrades are not required by the terms of the PPA, ratepayers can at least save that money and PG&E will be compensated by Abengoa for the RA it is not receiving from the project.

Although some parties have claimed that the modification to the PPA may adversely impact the project's Department of Energy (DOE) loan guarantee, no evidence has been presented regarding this alleged risk. DRA understands that some contract modifications may be executed without jeopardizing a DOE loan guarantee. Unless evidence is presented that the proposed contract modification will cause DOE to reconsider this particular loan guarantee, the Commission should not rely on the alleged risk to the loan guarantee as justification for not modifying the PPA.

### **RECOMMENDATION**

DRA first and foremost opposes the Abengoa project, with alleged yet unsupported benefits that do not outweigh its extremely high costs. Secondly, should the Commission choose to approve the project regardless, DRA recommends it does so via Draft Resolution E-4433 Option B which protects ratepayers from costly transmission upgrades.

Please contact Yuliya Shmidt at (415) 703-2719 if you have any questions about these comments.

/s/ Cynthia Walker

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Cynthia Walker, Program Manager  
Energy Planning and Policy Branch  
Division of Ratepayer Advocates

cc:

President M. Peevey  
Commissioner T. Simon  
Commissioner C. Sandoval  
Commissioner M. Florio  
Commissioner M. Ferron  
E. Randolph, Director of the Energy Division  
F. Lindh, General Counsel  
K. Clopton, Chief Administrative Law Judge  
S. Simon, Energy Division  
P. Douglas, Energy Division

Honesto Gatchalina  
[ijnj@cpuc.c.gov](mailto:ijnj@cpuc.c.gov)  
Maria Salinas  
[mas@cpuc.ca.gov](mailto:mas@cpuc.ca.gov)  
Damon Franz  
[Dfl1@cpuc.ca.gov](mailto:Dfl1@cpuc.ca.gov)

Service List: R11-05-005

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of **DIVISION OF RATEPAYER ADVOCATES COMMENTS ON ALTERNATE DRAFT RESOLUTION E-4433** to the official service list in **R.11-05-005** by using the following service:

**E-Mail Service:** sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

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Executed on **October 31, 2011** at San Francisco, California.

/s/ ALBERT HILL

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Albert Hill

## SERVICE LIST

R.11-05-005

cadowney@cadowneylaw.com  
chris.leveriza@glacialenergy.vi  
douglass@energyattorney.com  
liddell@energyattorney.com  
jnelson@psrec.coop  
jody\_london\_consulting@earthlink.net  
jleslie@luce.com  
matthew@turn.org  
info@calseia.org  
rick\_noger@praxair.com  
sheldon.kimber@recurrentenergy.com  
stephen.burnage@gmail.com  
tam.hunt@gmail.com  
wplaxico@axiopower.com  
lwisland@ucsusa.org  
rhardy@hardyenergy.com  
Andrew.Luscz@GlacialEnergy.com  
dgulino@ridgewoodpower.com  
rresch@seia.org  
keith.mccrea@sablax.com  
jim\_p\_white@transcanada.com  
tlocascio@libertypowercorp.com  
JCasadont@BlueStarEnergy.com  
jkern@bluestarenergy.com  
mkuchera@bluestarenergy.com  
gretchen.schott@bp.com  
angela.gregory@DirectEnergy.com  
kb@EnerCalUSA.com  
TPhillips@TigerNaturalGas.com  
kara.morgan@tac-denver.com  
Thomas.Loquvam@pinnaclewest.com  
dsaul@pacificsolar.net  
pthomsen@ormat.com  
Jean-Claude.Bertet@ladwp.com  
GouletCA@email.laccd.edu  
kelly.cauvel@build-laccd.org  
thall@laccd.edu  
npedersen@hanmor.com  
d.moss@renewables100.org  
mmazur@3PhasesRenewables.com  
susan.munves@smgov.net  
adam.green@solarreserve.com  
mmcdannel@lacsd.org  
mmcdannel@lacsd.org  
igoodman@commerceenergy.com  
ej\_wright@oxy.com  
pssed@adelphia.net  
cathy.karlstad@sce.com  
kswitzer@gswater.com  
cponds@ci.chula-vista.ca.us  
mary@solutionsforutilities.com  
AMSmith@SempraUtilities.com  
DAKing@SempraGeneration.com  
fortlieb@sandiego.gov  
thomaspcorr@gmail.com  
tdarton@pilotpowergroup.com  
kswitzer@scwater.com  
GloriaB@anzaelectric.org  
phil@reesechambers.com  
andrea.morrison@directenergy.com  
Joe.Langenberg@gmail.com  
dorth@krcd.org  
sue.mara@RTOadvisors.com  
mdjoseph@adamsbroadwell.com  
dil@cpuc.ca.gov  
jeanne.sole@sfgov.org  
norman.furuta@navy.mil  
MGML@pge.com  
nes@a-klaw.com  
whb@a-klaw.com  
bcragg@goodinmacbride.com  
jsqueri@goodinmacbride.com  
jarmstrong@goodinmacbride.com  
nmurray@naturener.net  
sdhilton@stoel.com  
shong@goodinmacbride.com  
dhuard@manatt.com  
todd.edmister@bingham.com  
jkarp@winston.com  
edwardoneill@dwt.com  
jeffgray@dwt.com  
bobgex@dwt.com  
stevegreenwald@dwt.com  
ssmyers@att.net  
robin@resource-solutions.org  
gpetlin@3degreesinc.com  
kerry.hattevik@nexteraenergy.com  
jkeyes@keyesandfox.com  
kfox@keyesandfox.com  
sstanfield@keyesandfox.com  
zeynep.erdal@ch2m.com  
Patrick.VanBeek@CommercialEnergy.net

gmorris@emf.net  
ndesnoo@ci.berkeley.ca.us  
clyde.murley@comcast.net  
tomb@crossborderenergy.com  
ERasmussen@MarinEnergyAuthority.org  
roy@repenery.com  
janreid@coastecon.com  
michaelboyd@sbcglobal.net  
johnredding@earthlink.net  
jweil@aglet.org  
cdarling@placer.ca.gov  
jsanders@caiso.com  
kelly@votesolar.org  
cmkehrin@ems-ca.com  
davidb@cwo.com  
jmcfarland@treasurer.ca.gov  
jim.metropulos@sierraclub.org  
wynne@braunlegal.com  
blaising@braunlegal.com  
rl@eslawfirm.com  
sgp@eslawfirm.com  
abb@eslawfirm.com  
dkk@eslawfirm.com  
jig@eslawfirm.com  
lmh@eslawfirm.com  
wwester@smud.org  
kristin@consciousventuresgroup.com  
kmills@cfbf.com  
rob@clfp.com  
atrowbridge@daycartermurphy.com  
peter.eichler@libertywater.com  
kevin.lynch@iberdrolaren.com  
jcolive@bpa.gov  
mary.wiencke@pacificorp.com  
amber@iepa.com  
freesa@thirdplanetwind.com  
acitrin@prosolia.com  
WBlattner@SempraUtilities.com  
bryan.miller@constellation.com  
ccollins@Energystrat.com  
clamasbabbini@comverge.com  
davidmorse9@gmail.com  
dtownley@infiniacorp.com  
cpucdockets@keyesandfox.com  
ddavie@wellhead.com  
esison@smud.org  
ehadley@reupower.com  
Erin.Grizard@BloomEnergy.com  
klatt@energyattorney.com  
gohara@calplg.com

harry.singh@gs.com  
HYao@SempraUtilities.com  
JanMcFar@sonic.net  
jpepper@svpower.com  
janice@strategenconsulting.com  
jbarnes@SolarLandPartners.com  
jrichman@bloomenergy.com  
jspears@orrick.com  
KFrancone@energystrat.com  
kgiddens@orrick.com  
sahm@fitcoalition.com  
kevin.chen@trinasolar.com  
ldri@pge.com  
lsherman@orrick.com  
lwhouse@innercite.com  
Luke@SolarMonkey.net  
marcusdacunha@hotmail.com  
moxsen@calpine.com  
mfraze@anaheim.net  
mark.roberts@sunlightpartners.com  
matt.miller@recurrentenergy.com  
mcox@calplg.com  
mpf@stateside.com  
mbass@esolar.com  
mdeange@smud.org  
michael.wheeler@recurrentenergy.com  
nedrayoung@gmail.com  
nblack@calbioenergy.com  
obartho@smud.org  
PowerLegRegAffairs@sfwater.org  
rbuckenham@calbioenergy.com  
ryan.heidari@endimensions.com  
seang@kroadpower.com  
sean.beatty@genon.com  
eddyconsulting@gmail.com  
sballesteros@semprautilities.com  
siobhan.doherty@frv.com  
StephanieC@greenlining.org  
steven@iepa.com  
steven.zhu@trinasolar.com  
tculley@keyesandfox.com  
ttutt@smud.org  
todd.johansen@recurrentenergy.com  
bill@fitcoalition.com  
mrw@mrwassoc.com  
e-recipient@caiso.com  
regulatory@silveradopower.com  
artrivera@comcast.net  
CKebler@SempraGeneration.com  
cynthia.brady@constellation.com

cynthia.brady@constellation.com  
Derek@AltaPowerGroup.com  
pstoner@lgc.org  
imcgowan@3DegreesInc.com  
Jennifer.Barnes@Navigantconsulting.com  
James.Stack@CityofPaloAlto.org  
judypau@dwt.com  
lmitchell@hanmor.com  
m.stout@meridianenergyusa.com  
martinhomec@gmail.com  
mnroura@water.ca.gov  
nrader@calwea.org  
pblood@columbiaenergypartners.com  
pshaw@suntechamerica.com  
richard.chandler@bp.com  
r.raushenbush@comcast.net  
rwalthers@pacbell.net  
pletkarj@bv.com  
SEHC@pge.com  
ted@fitcoalition.com  
thomase.hobson@ge.com  
mpr-ca@coolearthsolar.com  
dwtcpucdockets@dwt.com  
TReid@fce.com  
Karen.Kochonies@MorganStanley.com  
nicole.fabri@clearenergybrokerage.com  
catherine.krupka@sutherland.com  
alexandra.konieczny@sutherland.com  
tjaffe@energybusinessconsultants.com  
ron.cerniglia@directenergy.com  
DBodine@LibertyPowerCorp.com  
cswollums@midamerican.com  
abiecunasjp@bv.com  
cpacc@calpine.com  
echiang@elementmarkets.com  
jpittsjr@pcgconsultants.com  
jon.jacobs@paconsulting.com  
kjsimonsen@ems-ca.com  
slwiest@stoel.com  
Jeff.Guldner@aps.com  
jenine.schenk@apses.com  
mark@pdsplc.com  
chilen@NVEnergy.com  
emello@sppc.com  
tdillard@sppc.com  
jgreco@terra-genpower.com  
bryan.schweickert@ladwp.com  
leilani.johnson@ladwp.com  
Randy.Howard@ladwp.com  
Jeff.Newman@bth.ca.gov

albyr24@gmail.com  
rkeen@manatt.com  
csteen@fulbright.com  
fyanney@fulbright.com  
galiteva@aol.com  
Andrew.Wang@SolarReserve.com  
gbawa@cityofpasadena.net  
cchang@cityofpasadena.net  
vpuffer@gwpenergy.com  
mc@amandfm.com  
fhall@solarelectricsolutions.com  
jackmack@suesec.com  
BJeider@ci.burbank.ca.us  
ylehr@ci.azusa.ca.us  
kholmes@trane.com  
case.admin@sce.com  
curt.roney@sce.com  
george.wiltsee@sce.com  
janice.Wang@sce.com  
Joni.Templeton@sce.com  
Laura.Genao@sce.com  
Melissa.Hovsepian@sce.com  
jennifer.shigekawa@sce.com  
nquan@gswater.com  
kswitzer@gswater.com  
rkmoore@gswater.com  
jay@trealestate.net  
chad@cenergypower.com  
rjgilleskie@san.rr.com  
hal@rwitz.net  
j.miles.cox@sbcglobal.net  
ggisel@indenergysolutions.com  
gbass@noblesolutions.com  
SNelson@Sempra.com  
TRoberts@SempraUtilities.com  
CentralFiles@SempraUtilities.com  
farrellytc@earthlink.net  
marcie.milner@shell.com  
andrew.mcallister@energycenter.org  
HRasool@SempraUtilities.com  
jpierce@semprautilities.com  
DNiehaus@SempraUtilities.com  
CentralFiles@SempraUtilities.com  
sharding@iidenergy.com  
fwnoble@WintecEnergy.com  
peter.pearson@bves.com  
CBlack@riversideca.gov  
chestonem@sharpsec.com  
pauldonahue@ieee.org  
john@deweygroup.com

JLehman@anaheim.net  
msamra@anaheim.net  
kerry.eden@ci.corona.ca.us  
pfmoritzburke@gmail.com  
Jeff.Hirsch@DOE2.com  
tam@communityrenewables.biz  
tom.wheeler@madera-county.com  
cseymour@sunedison.com  
ek@a-klaw.com  
eklebaner@adamsbroadwell.com  
info@GridX.com  
Brian.Prusnek@sce.com  
nao@cpuc.ca.gov  
austin.yang@sfgov.org  
Dan.adler@calcef.org  
mramirez@sewater.org  
susan.preston@calcefangelfund.com  
tburke@sewater.org  
andre.devilbiss@recurrentenergy.com  
dcover@esassoc.com  
hans@silveradopower.com  
luke.dunnington@recurrentenergy.com  
marcel@turn.org  
sam.maslin@recurrentenergy.com  
snuller@ethree.com  
regulatory\_affairs@recurrentenergy.com  
mcarboy@signalhill.com  
avege@firstwind.com  
CxAs@pge.com  
RegRelCPUCCases@pge.com  
CRMd@pge.com  
ELL5@pge.com  
ian.kalin@poweradvocate.com  
jay2@pge.com  
jsp5@pge.com  
filings@a-klaw.com  
filings@a-klaw.com  
MMCL@pge.com  
mginsburg@orrick.com  
sls@a-klaw.com  
tjl@a-klaw.com  
vjw3@pge.com  
spauker@wsgr.com  
cmmw@pge.com  
nxk2@pge.com  
abrowning@votesolar.org  
amartin@nextlight.com  
ashianna.esmail@lw.com  
fderosa@nextlight.com  
jstoddard@manatt.com

jwoodruff@nextlight.com  
jscancarelli@crowell.com  
jared.johnson@lw.com  
jrehfeld@naturener.net  
jmalta-weingard@naturener.net  
mchediak@bloomberg.net  
markfumia@dwt.com  
mday@goodinmacbride.com  
Rachel.McMahon@firstsolar.com  
tkaushik@manatt.com  
VidhyaPrabhakaran@dwt.com  
Monica.Schweps@bingham.com  
katherine@evomarkets.com  
lcottle@winston.com  
tsolomon@winston.com  
SteveGreenwald@dwt.com  
Diane.Fellman@nrgenergy.com  
cem@newsdata.com  
lisa\_weinzimer@platts.com  
atk4@pge.com  
CPUCCases@pge.com  
BXSZ@pge.com  
bkc7@pge.com  
GXL2@pge.com  
MNVA@pge.com  
mrh2@pge.com  
S2B9@pge.com  
k1k3@pge.com  
chris@emeter.com  
wetstone@alamedamp.com  
beth@beth411.com  
andy.vanhorn@vhcenergy.com  
kowalewskia@calpine.com  
barmackm@calpine.com  
JChamberlin@LSPower.com  
phanschen@mofo.com  
masont@bv.com  
dietrichlaw2@earthlink.net  
alex.kang@itron.com  
ramonag@ebmud.com  
scott.goorland@fpl.com  
bepstein@fablaw.com  
eschroeder@keyesandfox.com  
matthew.schafer@nexteraenergy.com  
nellie.tong@us.kema.com  
ramesh.ramchandani@commercialenergy.net  
ron.perry@commercialenergy.net  
cwooten@lumenxconsulting.com  
rschmidt@bartlewells.com  
andykatz@sonic.net

Dockets@strategen.com  
gtrobinson@lbl.gov  
ed.smeloff@sunpowercorp.com  
sara@solaralliance.org  
juliettea7@aol.com  
lynn@lmaconsulting.com  
tfaust@redwoodrenewables.com  
paulfenn@local.org  
anders.glader@elpower.com  
jna@speakeasy.org  
tim@marinemt.org  
johnspilman@netzero.net  
ed.mainland@sierraclub.org  
keithwhite@earthlink.net  
wem@igc.org  
eric.cherniss@gmail.com  
shani@scvas.org  
jerry.mix@wattstopper.com  
vsuravarapu@cera.com  
maldridge@ecoact.org  
sberlin@mccarthylaw.com  
mary.tucker@sanjoseca.gov  
tom\_victorine@sjwater.com  
mjensen@mercedid.org  
davido@mid.org  
joyw@mid.org  
lindaf@mid.org  
brbarkovich@earthlink.net  
bossman\_burgess@yahoo.com  
dgrandy@caonsitegen.com  
mjberm@davisenergy.com  
rmccann@umich.edu  
tobinjmr@sbcglobal.net  
saeed.farrokhpay@ferc.gov  
e-recipient@caiso.com  
wylier@beutlercorp.com  
brian.theaker@nrgenergy.com  
rick@sierraecos.com  
david.oliver@navigantconsulting.com  
kenneth.swain@navigantconsulting.com  
pmaxwell@navigantconsulting.com  
Margaret.Miller@brookfieldpower.com  
tpomales@arb.ca.gov  
acsmith@stoel.com  
tbrunello@calstrat.com  
mclaughlin@braunlegal.com  
cbarry@iwpnews.com  
danielle@ceert.org  
jluckhardt@downeybrand.com  
kdw@woodruff-expert-services.com

mlowder@rcrcnet.org  
bernardo@braunlegal.com  
steveb@foresthealth.org  
Tiffany.Roberts@lao.ca.gov  
mboccardo@dolphingroup.org  
bsb@eslawfirm.com  
cte@eslawfirm.com  
rroth@smud.org  
vwood@smud.org  
michael@rockwood-consulting.com.  
lterry@water.ca.gov  
hurlock@water.ca.gov  
varanini@sbcglobal.net  
steven@lipmanconsulting.com  
karen@klindh.com  
DocToxics@aol.com  
dbranchcomb@spi-ind.com  
cpuc@liberty-energy.com  
c.mentzel@cleanenergymaui.com  
mpa@a-klaw.com  
rvn@a-klaw.com  
Varner.Seaman@edpr.com  
CaliforniaDockets@pacificorp.com  
Tashiana.Wangler@PacifiCorp.com  
teri.ikeda@pacificorp.com  
pbrachvogel@cowlitzpud.org  
dws@r-c-s-inc.com  
castille@landsenergy.com  
lindsay\_zaitsoff@transalta.com  
djurijew@capitalpower.com  
john\_dunn@transcanada.com  
meredith\_lamey@transcanada.com  
spillott@capitalpower.com  
mark.thompson@powerex.com  
Nancy.Norris@powerex.com  
lisa.cherkas@morganstanley.com  
CNL@cpuc.ca.gov  
DBP@cpuc.ca.gov  
matt.miley@cpuc.ca.gov  
MWT@cpuc.ca.gov  
SMK@cpuc.ca.gov  
TRH@cpuc.ca.gov  
lgonzale@energy.state.ca.us  
jmcMahon@8760energy.com  
michael.colvin@cpuc.ca.gov  
as2@cpuc.ca.gov  
aes@cpuc.ca.gov  
bwm@cpuc.ca.gov  
clu@cpuc.ca.gov  
ctd@cpuc.ca.gov



dsc@cpuc.ca.gov  
iak@cpuc.ca.gov  
jm3@cpuc.ca.gov  
jls@cpuc.ca.gov  
jzr@cpuc.ca.gov  
jp6@cpuc.ca.gov  
jaa@cpuc.ca.gov  
jf2@cpuc.ca.gov  
jmh@cpuc.ca.gov  
jnr@cpuc.ca.gov  
kar@cpuc.ca.gov  
kho@cpuc.ca.gov  
kwh@cpuc.ca.gov  
mpo@cpuc.ca.gov  
mrl@cpuc.ca.gov  
mjs@cpuc.ca.gov  
meb@cpuc.ca.gov  
nlr@cpuc.ca.gov  
nb2@cpuc.ca.gov  
nil@cpuc.ca.gov  
psd@cpuc.ca.gov  
rmm@cpuc.ca.gov  
rkn@cpuc.ca.gov  
wtr@cpuc.ca.gov  
rmd@cpuc.ca.gov  
srt@cpuc.ca.gov  
svn@cpuc.ca.gov  
tbo@cpuc.ca.gov  
ys2@cpuc.ca.gov  
claufenb@energy.state.ca.us  
cleni@energy.state.ca.us  
hrait@energy.state.ca.us  
kzocchet@energy.state.ca.us  
mpryor@energy.state.ca.us  
pdoughma@energy.state.ca.us  
dvidaver@energy.state.ca.us  
gherrera@energy.state.ca.us  
jwoodwar@energy.state.ca.us  
hcronin@water.ca.gov  
rmiller@energy.state.ca.us