

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA

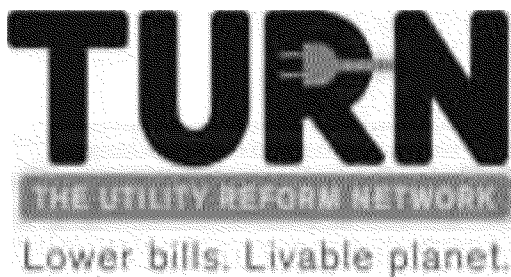
Order Instituting Rulemaking to Continue
Implementation and Administration of
California Renewables Portfolio Standard
Program

Rulemaking 11-05-005
(Filed May 5, 2011)

OPENING COMMENTS OF THE UTILITY REFORM NETWORK AND
THE COALITION OF CALIFORNIA UTILITY EMPLOYEES
ON THE PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE SIMON
SETTING PROCUREMENT QUANTITY REQUIREMENTS FOR RETAIL
SELLERS FOR THE RENEWABLES PORTFOLIO STANDARD PROGRAM

Matthew Freedman
The Utility Reform Network
115 Sansome Street, 9th floor
San Francisco, CA 94104
415-929-8876 x304
matthew@turn.org

Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080
650-589-1660
mdjoseph@adamsbroadwell.com



November 17, 2011

**OPENING COMMENTS OF THE UTILITY REFORM NETWORK AND
THE COALITION OF CALIFORNIA UTILITY EMPLOYEES
ON THE PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE SIMON
SETTING PROCUREMENT QUANTITY REQUIREMENTS FOR RETAIL
SELLERS FOR THE RENEWABLES PORTFOLIO STANDARD PROGRAM**

Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, The Utility Reform Network (TURN) and the Coalition of California Utility Employees (CUE) submit these opening comments on the Proposed Decision (PD) of ALJ Simon on the renewable procurement targets required by the new §399.15(b) contained in SBx2 (Simitian).

TURN/CUE urge the Commission to adopt the PD without modification at the next possible opportunity. The proposed interpretation of §399.15(b) is fully consistent with the text of the statute, the intent of Legislature and the expectations of the stakeholders working closely on the development of SBx2. The linear trend approach to targets in the 2014-2016 and 2017-2020 compliance periods is also entirely feasible. The Commission is well aware that the most recent solicitation for renewable generation produced an enormous number of offers and vastly more generation than needed to obtain these quantities. It will not be challenging for the utilities to enter into sufficient power purchase agreements to meet the procurement quantities represented by a linear trend. Finally, the PD ensures that all retail sellers will be obligated to procure sufficient quantities of renewable energy to ensure sustained growth in California's renewable energy markets.

The Commission should move expeditiously to resolve the other issues related to banking, grandfathering, deficits, legacy flexible compliance rules and penalties. Until the Commission adopts clear rules on these compliance elements, retail sellers will face significant uncertainty regarding their overall RPS obligations and developing optimal procurement strategies.

Respectfully submitted,

MATTHEW FREEDMAN

_____/s/_____

Attorney for
The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone: 415-929-8876 x304
matthew@turn.org

MARC D. JOSEPH

_____/s/_____

Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080
Telephone: (650) 589-1660
Facsimile: (650) 589-5062
mdjoseph@adamsbroadwell.com
Attorneys for CUE

Dated: November 17, 2011

VERIFICATION

I, Matthew Freedman, am an attorney of record for THE UTILITY REFORM NETWORK in this proceeding and am authorized to make this verification on the organization's behalf. The statements in the foregoing document are true of my own knowledge, except for those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I am making this verification on TURN's behalf because, as the lead attorney in the proceeding, I have unique personal knowledge of certain facts stated in the foregoing document.

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

Executed on November 17, 2011, at San Francisco, California.

_____/s/_____

Matthew Freedman
Staff Attorney

VERIFICATION

I, Marc D. Joseph, am an attorney of record for the Coalition of California Utility Employees in this proceeding. No officer of CUE is located in this County where I have my office. I am authorized to make this verification on the organization's behalf. I have read this document. The statements in this document are true of my own knowledge, except for those matters which 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.

Executed on November 17, 2011, at South San Francisco, California.

_____/s/_____
Marc D. Joseph
Attorney for the Coalition
of California Utility Employees