

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

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

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

**RESPONSE OF SUSTAINABLE CONSERVATION TO
SOUTHERN CALIFORNIA EDISON PETITION FOR MODIFICATION OF
DECISION 10-12-048**

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FOR Sustainable Conservation

January 17, 2012

I. Introduction

In accordance with the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), Sustainable Conservation respectfully submits this Response to Southern California Edison’s (“SCE”) Petition for Modification of Decision 10-12-048. Sustainable Conservation is a non-profit, California-based organization that advances the stewardship of natural resources using innovative, pragmatic strategies that actively engage businesses and private landowners in conservation. Sustainable Conservation is active in this as well as other proceedings, particularly as they relate to the development of renewable generation and the reduction of greenhouse gas emissions in California’s farming industry.

Regarding SCE’s Petition for Modification submitted on December 16, 2011, Sustainable Conservation recommends that the Commission reject it outright or, if the Commission determines that it may have merit, instead consider it in the distribution level interconnection Rulemaking 11-09-011, which is a more appropriate venue. Sustainable Conservation continues to maintain that the Renewable Auction Mechanism is not appropriate as a procurement tool for distributed generation projects. Notwithstanding that objection, Sustainable Conservation is alarmed at SCE’s ongoing attempts to stifle deployment of renewable generation by restricting access to information that would aid in siting new projects, as described below.

II. SCE’s Concern Is Over-Stated, And The Requested Modification Would Do More Harm Than Good

SCE claims providing “maps that cover both the distribution and transmission systems by March 31, 2012”¹ constitutes dissemination of Critical Infrastructure Information in violation of the Homeland Security Act of 2002. It further states that disseminating the information “may

¹ SCE Petition to Modify D.10-12-048, Page 3.

present an unjustifiable risk to public safety and national and state security.”² Sustainable Conservation believes that SCE is overstating its case, and is not convinced that the Critical Infrastructure Act is even applicable. Sustainable Conservation is concerned that SCE’s purpose is not so much to “protect sensitive and confidential distribution and transmission system information”³ as it is to further impede the development of distributed generation. The location of transmission lines and substations is hardly confidential; anyone with access to Google Earth can readily locate these facilities with a computer mouse, without executing “non-disclosure agreements that create legal obligations and financial incentives for maintaining the confidentiality of the information.”⁴

One could interpret SCE’s reticence to make this information available absent requiring interested parties to undertake legal obligations, as an intent to erect a barrier to the development of distributed generation. While any potential terrorist can identify targets by accessing publicly available information, a distributed generation developer needs to know potential viable interconnection locations with enough granularity to focus development activity. The more difficult it is to identify potential interconnection locations, the higher the barrier remains to distributed generation development that is consistent with public policy but inconveniently competes with SCE’s provision of energy. As was reported in the *Los Angeles Times* on January 9, 2012,⁵ SCE alone among California investor-owned utilities, has been unwilling to negotiate interconnection agreements with Federal agencies for renewable projects. It appears that SCE has decided that rather than fight the policy it should focus on hobbling the implementation. The Commission should put an end to this obfuscation by rejecting the Petition for Modification.

² *Id.*, at Page 4

³ *Id.*

⁴ *Id.*, at Page 6

⁵ <http://www.latimes.com/news/local/la-me-parks-solar-20120109,0,1759062.story>

III. The Information In Question Is Not Related To The Security Of Critical Infrastructure Or Protected Systems

The Critical Infrastructure Act referenced by SCE provides Freedom of Information Act protection to critical infrastructure information provided to the federal Department of Homeland Security.⁶ It also states that “[n]othing in this section shall be construed to limit or otherwise affect the ability of a State, local, or Federal Government entity, agency, or authority, or any third party, under applicable law, to obtain critical infrastructure information in a manner not covered by subsection (a) of this section, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.”⁷ Thus it would appear that SCE’s inference of violation is unfounded.

IV. Even If SCE’s Concern Were Relevant, It Should Be Considered In The Distribution Interconnection Rulemaking

Regardless of whether the Commission decides that SCE’s Transmission and Distribution maps constitute critical infrastructure information, the Petition for Modification is yet another signal that the generator interconnection process has problems that need to be addressed. The Commission has recognized this by instituting Rulemaking 11-09-011 to improve distribution level interconnection rules. Proposals being developed in that proceeding may resolve SCE’s security concerns while making it easier for project developers to identify viable and cost-effective interconnection locations. Should the Commission determine that SCE’s petition may have merit, which Sustainable Conservation does not advocate, the Interconnection Rulemaking is the appropriate context in which to consider it.

⁶ 6 USC § 133(a)

⁷ 6 USC § 133(c)

V. Conclusion

The Commission should recognize SCE's Petition for Modification as another attempt by the utility to halt the deployment of renewable generation it does not own itself. Release of the information the Commission has directed the utilities to provide does not constitute a security risk. In any event, the Commission has established a proceeding for addressing interconnection issues, R.11-09-011, and this matter is most appropriately resolved there should the Commission determine there is any merit to SCE's Petition, which there is not.

Respectfully submitted,



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Verification

I am the representative for the Sustainable Conservation. Sustainable Conservation is absent from the County of Alameda, California, where I have my office, and I make this verification for Sustainable Conservation for that reason. The statements in the foregoing document 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.

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

Executed January 17, 2012, at Oakland, California.



Jody London
FOR Sustainable Conservation