

**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)

**COMMENTS OF THE CALIFORNIA ASSOCIATION OF SMALL AND MULTI-  
JURISDICTIONAL UTILITIES (CASMU) ON PROPOSED DECISION REVISING  
FEED-IN TARIFF PROGRAM, IMPLEMENTING AMENDMENTS TO PUBLIC  
UTILITIES CODE SECTION 399.20 ENACTED BY SENATE BILL 380, SENATE BILL  
32, AND SENATE BILL 2 1X AND DENYING PETITIONS FOR MODIFICATION OF  
DECISION 07-07-027 BY SUSTAINABLE CONSERVATION AND SOLUTIONS FOR  
UTILITIES, INC.**

Jedediah J. Gibson  
Ellison, Schneider & Harris, L.L.P.  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
Telephone: (916) 447-2166  
Facsimile: (916) 447-3512  
Email: [jjg@eslawfirm.com](mailto:jjg@eslawfirm.com)

Attorneys for PacifiCorp  
On Behalf of the California Association of  
Small and Multi-Jurisdictional Utilities

April 9, 2012

{00060532;1}

**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)

**COMMENTS OF THE CALIFORNIA ASSOCIATION OF SMALL AND MULTI-  
JURISDICTIONAL UTILITIES (CASMU) ON PROPOSED DECISION REVISING  
FEED-IN TARIFF PROGRAM, IMPLEMENTING AMENDMENTS TO PUBLIC  
UTILITIES CODE SECTION 399.20 ENACTED BY SENATE BILL 380, SENATE BILL  
32, AND SENATE BILL 2 1X AND DENYING PETITIONS FOR MODIFICATION OF  
DECISION 07-07-027 BY SUSTAINABLE CONSERVATION AND SOLUTIONS FOR  
UTILITIES, INC.**

Pursuant to Rule 14.3 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, the California Association of Small and Multi-Jurisdictional Utilities (CASMU), which includes Bear Valley Electric Service (BVES) (U 913-E), a division of Golden State Water Company, California Pacific Electric Company, LLC (U 933-E)<sup>1</sup> (CalPeco), and PacifiCorp (U 901-E), d.b.a. Pacific Power (PacifiCorp), hereby submits these comments on the Proposed Decision Revising Feed-In Tariff Program, Implementing Amendments to Public Utilities Code Section 399.20 Enacted by Senate Bill 380, Senate Bill 32, and Senate Bill 2 1X and Denying Petitions for Modification of Decision 07-07-027 by Sustainable Conservation and Solutions for Utilities, Inc. (Proposed Decision).

CASMU's comments are limited to the issue of the applicability of the Section 399.20 feed-in tariff ("FIT") program to electric corporations like the CASMU utilities that have less than 100,000 service connections. The Proposed Decision properly interprets Section 399.20(c)

---

<sup>1</sup> CalPeco also does business in California as "Liberty Energy-California Pacific Electric Company, LLC."

of the Public Utilities Code and correctly determines that the CASMU utilities should be exempted from the FIT program. According to the Proposed Decision:

We find that the plain language of § 399.20(c) provides the Commission with authority to modify the program as applied to small electrical corporation[s] in a manner that includes fully removing these utilities from the program. The language permits the Commission to “modify or adjust” the requirements of § 399.20 as applied to small electrical corporations. We find that modifying the program by removing these utilities is justified because the costs of administering this program for the smaller utilities outweigh any potential benefit from their contribution, of approximately 3 MW, to the overall program.<sup>2</sup>

The Commission’s interpretation of Section 399.20(c) and its conclusion to exempt the CASMU utilities from the FIT program is consistent with the Public Utilities Code as well as recommendations made by the CASMU utilities in previous filings.<sup>3</sup> The Proposed Decision properly avoids imposing a significant administrative burden on the CASMU utilities and their limited customers, thus reducing customer costs for a program that would provide limited, if any, value as applied to the CASMU utilities. For these reasons, CASMU supports the Proposed Decision and its exemption for the CASMU utilities from participation in the Section 399.20 FIT program.

---

<sup>2</sup> Proposed Decision, p. 67.

<sup>3</sup> See March 7, 2011 CASMU Brief on Implementation of SB 32, available at <http://docs.cpuc.ca.gov/efile/BRIEF/132678.pdf>; May 31, 2011 Comments of PacifiCorp on the OIR Regarding Implementation and Administration of the RPS, available at <http://docs.cpuc.ca.gov/efile/CM/136276.pdf>, July 21, 2011 CASMU Comments to § 399.20 Ruling, available at <http://docs.cpuc.ca.gov/efile/CM/140031.pdf>, and November 2, 2011 Comments of PacifiCorp on October 13, 2011 Revised Draft Renewable Feed-In Tariff Energy Division Staff Proposal, available at <http://docs.cpuc.ca.gov/efile/CM/146756.pdf>.

CASMU appreciates this opportunity to provide comments on the Proposed Decision. For the reasons described herein and in prior filings, the exemption for electrical corporations with less than 100,000 service connections from participation in the Section 399.20 FIT program should be adopted by the Commission.

Dated: April 9, 2012

Respectfully submitted,

/s/

---

Jedediah J. Gibson  
Ellison, Schneider & Harris, LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
Telephone: (916) 447-2166  
Facsimile: (916) 447-3512  
Email: [jjg@eslawfirm.com](mailto:jjg@eslawfirm.com)

Attorneys for PacifiCorp  
On Behalf of the California Association of  
Small and Multi-Jurisdictional Utilities

## VERIFICATION

I am the attorney for PacifiCorp and am authorized to make this verification on its behalf and on behalf of Bear Valley Electric Service and California Pacific Electric Company, LLC (collectively the Respondent Corporations). The Respondent Corporations are absent from the County of Sacramento, California, where I have my office, and I make this verification 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 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 April 9, 2012 at Sacramento, California.

/s/

---

Jedediah J. Gibson  
Ellison, Schneider & Harris, LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
Telephone: (916) 447-2166  
Facsimile: (916) 447-3512  
Email: [jjg@eslawfirm.com](mailto:jjg@eslawfirm.com)

Attorneys for PacifiCorp