

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)

CLEAN COALITION COMMENTS ON MOTION OF SOUTHERN CALIFORNIA
EDISON COMPANY (U 338-E) FOR CLARIFICATION REGARDING STATUS OF
EXISTING ASSEMBLY BILL 1969 FEED-IN TARIFF PROGRAM UNDER
DECISION 12-05-035

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June 26, 2012

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The Clean Coalition is a California-based advocacy group based in San Francisco. The Clean Coalition advocates primarily for vigorous feed-in tariffs and “wholesale distributed generation,” which is generation that connects primarily to distribution lines close to demand centers. Clean Coalition staff are active in proceedings at the Commission, Air Resources Board, Energy Commission, the California Legislature, Congress, the Federal Energy Regulatory Commission, and in various local governments around California.

I. Comments

The Clean Coalition agrees with SCE that more clarity is needed with respect to the sunset of AB 1969 feed-in tariff programs. We disagree, however, with SCE’s suggestion that the sunset take place on June 30, 2012. Rather, we believe that the AB 1969 contracts should be available until the Commission issues its final decision approving the new SB 32 contract. Even though the new SB 32 contract probably won’t be available to developers for signature immediately (it will likely take a month or more for the final advice letters to be issued and approved by the Commission, pursuant to the decision approving the PPAs), we believe there is a good rationale for having some “down time” between the AB 1969 and SB 32 programs in order to allocate the capacity between these two programs. The new SB 32 program is dependent on the number of contracts allocated under the AB 1969 program, so it is necessary to have a little time to accurately tally signed contracts under the AB 1969 program before the SB 32 program is available.

We also urge the Commission to clarify that the sunset date for the AB 1969 programs should be the date at which no new applications are accepted by the IOUs – not the date at which no new contracts will be signed. This is an important distinction because it has often taken exorbitant lengths of time between the application date and the contract signing date.

We disagree with SCE's suggestion of a June 30, 2012, sunset date (for new contracts to be signed) because it is possible, perhaps likely, that the new SB 32 contract won't be available to developers until the end of the year, or even later. D.12-05-035 was just approved, but it is already facing challenges in the form of applications for rehearing, and the Commission still has much more work to do in terms of the proposed Power Purchase Agreement and other issues that remain to be resolved prior to a fully functional SB 32 program. This could, given the slow pace of implementation thus far, easily take an additional six months past June 30. There is no precedent in the law to allow such a gap between the old and new feed-in tariff programs.

II. Conclusion

The Clean Coalition recommends that the existing AB 1969 contract be made available to developers until the Commission approves the new SB 32 PPA in a final decision.

Respectfully submitted,

TAM HUNT



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Dated: June 26, 2012

VERIFICATION

I am an attorney for the Clean Coalition and am authorized to make this verification on its behalf. I am informed and believe that the matters stated in the foregoing pleading are true.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 26th day of June, 2012, at Santa Barbara, California.

Tam Hunt

A handwritten signature in black ink, appearing to read 'TH' followed by a long horizontal stroke.

Clean Coalition