

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)

**NOTICE OF EX PARTE COMMUNICATIONS**

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, the Center for Energy Efficiency and Renewable Technologies (CEERT) and the Independent Energy Producers Association (IEP) hereby give notice of the following three ex parte communications.

All three communications occurred on Monday, November 5, 2012, and involved the same information. The communications were oral and took place at the Commission's offices at 505 Van Ness Avenue, San Francisco, California 94102.

The communications were initiated by Sara Steck Myers, attorney for CEERT. The first communication occurred at 9:00 a.m. with Sara Kamins, advisor to Commissioner Mark Ferron. The second communication occurred at 9:30 a.m. with Colette Kersten, energy advisor for Commissioner Catherine Sandoval. The third communication occurred at 2:00 p.m. with Matthew Tisdale, advisor to Commissioner Michel P. Florio. V. John White, Executive Director of CEERT, and Steven Kelly, Policy Director of IEP, were also present at each of these communications. Ms. Myers was present at the first two communications, but not the third.

Mr. Kelly and Ms. Myers<sup>1</sup> started each communication (meeting) by indicating that both IEP and CEERT had filed comments on the Proposed Decision of

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<sup>1</sup>The statements attributed to Ms. Myers were provided by her in the first two meetings, with Mr. White making the same observations in the third meeting.

Administrative Law Judge (ALJ) DeAngelis conditionally accepting the 2012 Renewables Portfolio Standard (RPS) Procurement Plans (“Proposed Decision”) in R.11-05-005 (RPS). Mr. Kelly also indicated that IEP would be filing reply comments that day.

Mr. Kelly provided an overview of the concerns shared by IEP and CEERT regarding the Proposed Decision. Specifically, Mr. Kelly stated that the Proposed Decision, especially by not requiring Southern California Edison Company (SCE) to hold a 2012 RPS competitive solicitation, would put this Commission’s RPS procurement cycle in conflict with the California Independent System Operator’s (CAISO’s) interconnection queue process. Mr. Kelly stressed that it was important, therefore, to ensure that developers had a regular opportunity to secure a Power Purchase Agreement (PPA) that was necessary to remain in the queue.

Ms. Myers further observed that regular RPS competitive solicitations by all of the IOUs would provide updated information about the renewable market. Ms. Myers and Mr. Kelly stated that SCE’s claim of no need for an RPS procurement in 2012 was not well substantiated, did not include recent changes in SCE’s projected RPS procurement for the current compliance period, and, coupled with the Proposed Decision’s prohibition on SCE offering bilateral contracts, could leave SCE only with the option of relying on small facility procurement mechanisms to meet any RPS need.

Mr. Kelly further stated that, at the very least, SCE should have its bilateral authority reinstated. On that point, Ms. Myers noted that, without such authority and in the absence of a competitive solicitation, SCE could be foreclosed from at least seeking to meet its potential local capacity reliability (LCR) need being considered in the

pending Long Term Procurement Plan rulemaking (R.12-03-014) with preferred renewable resources.

In addition, Mr. White stated that the Proposed Decision offered a timely opportunity for the Commission to better respond to the emerging energy needs of the utilities, especially SCE, and it was important, in reaching any decision on an RPS solicitation, to account for the records in the Commission's Resource Adequacy (R.11-10-023) and LTPP (R.12-03-014) proceedings as to both local and system need. From Mr. White's perspective, it is critical for the Commission to ensure a competitive solicitation for every utility in 2012 to determine what technologies are available, especially with attributes that may be a "best fit" with current energy needs and reflect current energy consumption time of use profiles. Mr. White also observed that areas rich in renewable resources and targeted by state permitting efforts, like the Imperial Valley, must be provided with an opportunity to bid resources that may today and going forward represent least cost, best fit resources for the utilities.

Mr. Kelly closed the meeting by noting IEP's objections to the Proposed Decision's proposal, supported by the Division of Ratepayer Advocates (DRA), that would give utilities the unilateral right to terminate a PPA if transmission network upgrade costs exceed a figure previously agreed on by the buyer and seller. According to Mr. Kelly, such a proposal is harmful to renewable energy developers and ratepayers, by increasing the costs of RPS compliance and undermining needed investment in clean resources, and should be rejected.

To obtain a copy of this notice, please contact:

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Respectfully submitted by:

November 7, 2012

/s/ SARA STECK MYERS  
Sara Steck Myers  
On behalf of CEERT and IEP

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