

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

Order Instituting Rulemaking to Oversee)	
the Resource Adequacy Program, Consider)	Rulemaking 11-10-023
Program Requirements, and Establish)	(Filed October 20, 2011)
Annual Local Procurement Obligations)	
_____)	

**COMMENTS OF
BROOKFIELD RENEWABLE ENERGY PARTNERS LP
ON DECEMBER 6, 2012 PHASE 2 SCOPING MEMO AND ASSIGNED
COMMISSIONER AND ADMINISTRATIVE LAW JUDGE
RULING**

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Dated: December 26, 2012

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I. INTRODUCTION

Pursuant to the Phase 2 Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge issued on December 6, 2012, as supplemented by Administrative Law Judge David Gamson’s e-mail message to the parties in this proceeding on December 19, 2012, granting an extension of time to submit comments until December 26, 2012, Brookfield Renewable Energy Partners LP (“Brookfield”) respectfully submits the following comments. Brookfield focuses its comments herein on the proposal for flexible capacity proposed by Southern California Edison Company (“SCE”), San Diego Gas & Electric Company (“SDG&E”) and the California Independent System Operator Corporation (“CAISO”) (collectively the “Joint Parties”) for Resource Adequacy and Flexible Capacity Procurement, and responds to some of the questions posed on the proposal that are outlined in Attachment B of the Ruling. As outlined further in our comments below we support the general direction of the Joint Parties’ proposal and support the expeditious movement towards implementing a flexible capacity requirement starting with the 2014 Resource Adequacy (“RA”) compliance year.

II. COMMENTS

A. Interim RA Solution

Brookfield supports the institution of an interim RA solution for the period of 2014-2017. The inclusion of flexible capacity requirements will have significant implications for the existing RA paradigm, and it will take time to work through all the policy and implementation issues to arrive at a more sophisticated design than is proposed by the Joint Parties. The CAISO has expressed the need for additional flexible capacity in multiple presentations over the past several years, including at the August 12, 2012 CPUC Workshop. Large numbers of intermittent resources will come online over the next few years. This, coupled with the retirement of once through cooling resources and the potential for premature retirement of flexible resources due to revenue insufficiency, will result in changes to the load shape as early as 2015 with more dramatic changes beginning in 2017, resulting in a strong need for flexible capacity. While the interim proposal is not ideal, it can help to ensure that flexible resources continue to be available as we approach 2017 and allow the Commission and market participants to gain experience that can facilitate the development of longer term solutions. Efforts to develop a longer term solution should begin no later than early 2014 to ensure readiness for the 2017 RA compliance year.

B. Flexible Capacity Must-Offer Obligations

Since a large portion of the generation fleet in the CAISO market is already self-scheduled and is therefore inflexible, it makes sense that the flexible capacity portion should be required to be bid economically into the Real-Time market. Absent economic bids, the capacity would not provide the value for which it is intended, which is to manage the steep ramps expected to occur starting in 2015 and beyond. However, the must-offer requirement for flexible capacity is overly restrictive for use-limited resources such as hydro, and could rule out the

opportunity for many of these valuable resources to participate. While it is reasonable for use-limited resources to submit bids for availability per the must-offer requirements described above, a limit should be placed on their overall daily requirement to provide energy.

C. *Flexible Counting Conventions*

We agree with the Joint Parties that the differentiated capacity option is the preferred interim approach of the three proposed options. The differentiated capacity option appears to be a design that could be leveraged longer term than the other proposed options as it takes a first step towards separating flexible and generic capacity.

In the proposal, allusion is made to there being numerous implementation issues associated with initially separating flexible and generic capacity and that they therefore must remain bundled. Brookfield requests the Commission and the Joint Parties provide more specifics on the issues that require the product to remain bundled and specifically, why generic and flexible capacity could not sold by a supplier as an unbundled product if sold to the same load-serving entity (“LSE”).

Non-resource specific inertie resources are excluded from providing flexible capacity under the interim proposal. This is not explicitly stated in the written proposal but was communicated by the CAISO on the December 17, 2012 conference call held to discuss the proposal. The CAISO also stated that this issue would be revisited as part of the longer term proposal to be implemented in 2017. More information is needed on how the implementation of the CAISO’s proposed 15 minute market will interact with this proposal and how it may be detrimental to, or would enhance, the ability of non-resource specific inertie resources to provide flexible capacity. Until more details are provided, Brookfield cannot provide substantive comments as to the proposed counting conventions for inertie resources.

More discussion is needed with regard to the flexible capacity counting convention for hydro resources. An alternate proposal was presented by Pacific Gas and Electric Company (“PG&E”) at the December 20, 2012 meeting at the CAISO where the Joint Parties’ proposal was discussed. PG&E raised valid concerns about the use of historical bids to determine eligible flexible capacity for hydro units versus forward-looking hydrological conditions. We request that PG&E’s proposal be brought into the record for this proceeding so it can be further evaluated by the Commission and stakeholders.

As we stated in our April 11, 2012 comments in this proceeding,¹ for electric energy storage, we see the monetization of the flexible capacity requirement as a critical step to facilitate the development and participation of fast-ramping resources such as pump-storage hydro in the CAISO markets. These issues have been discussed at length in the ongoing CPUC Storage OIR.² We see this proposal as a first step in achieving this goal, support the technology neutral position, and believe there should not be different qualitative and quantitative metrics of flexibility applied specifically to storage and demand response.

D. Coordination of Stakeholder Initiatives

The CAISO is running a parallel stakeholder process on flexible capacity requirements where a lot of duplicative information is being discussed. We request that meetings and comments deadlines for this proceeding be coordinated with the CAISO stakeholder process as much as possible to avoid duplication of effort. For example, comments submitted to the Commission on the Joint Parties’ proposal are due on December 26, 2012 and are also due to the CAISO on the same proposal on January 10, 2012.

¹ *Comments of Brookfield Renewable Energy Partners LP on March, 23 2012 Administrative Law Judge’s Ruling Seeking Comments, Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements and Establish Annual Local Procurement Obligations, Rulemaking 11-10-023 (April 11, 2012).*
2 R.10-12-007, issued December 16, 2010.

III. CONCLUSION

Brookfield appreciates the opportunity to submit these comments, and looks forward to working with the Commission and other stakeholders in this proceeding going forward.

Respectfully submitted,

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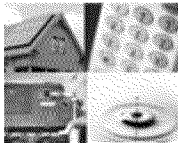
CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have on this day served a copy of the foregoing, "Comments of Brookfield Renewable Energy Partners LP on December 6, 2012 Phase 2 Scoping Memo and Assigned Commissioner and Administrative Law Judge Ruling" on all the parties listed on the attached service list. Service was effected by one or more means indicated below:

- Transmitting a copy via electronic mail to those parties who provided an email address; or
- First class mail on those parties that have not provided an electronic address to the Commission.

Executed this 26th day of December 2012, at Washington, D.C.

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