

**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)

**MOTION OF ALPAUGH IRRIGATION DISTRICT TO BECOME A PARTY**

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Dated: April 22, 2013

## **MOTION OF ALPAUGH IRRIGATION DISTRICT TO BECOME A PARTY**

Pursuant to Rule 1.4(a)(4) of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, Alpaugh Irrigation District ("Alpaugh") hereby respectfully requests that it be added as a party to these proceedings. Alpaugh accepts the record in these proceedings and adding it as a party will not prejudice any other party.

Alpaugh is a California Irrigation District located in Alpaugh, California. Alpaugh is working with Ecoplexus, Inc. ("Ecoplexus")<sup>1</sup> to develop a solar power project pursuant to California Public Utilities Code Section 399.20 and Pacific Gas and Electric Company ("PG&E") Rate Schedule E-PWF, a feed-in tariff for eligible facilities intended to promote renewable generation for public water or public wastewater agencies ("E-PWF Tariff"). The Commission approved the E-PWF Tariff in decision D. 07-07-027.

Because public agencies often lack the capital and expertise to develop a solar project on their own, Ecoplexus works with public agencies such as Alpaugh to bring these beneficial projects to fruition, usually by creating a special purpose entity for the joint project. In this case, Alpaugh and Ecoplexus are joint partners in Sustainable Central Valley Solar I, LLC ("SCVS"), the special purpose entity that will develop, own, and operate the solar project. Alpaugh has a 50% ownership interest in the project, and intends to remain a 50% owner throughout the life of the project. Ecoplexus has the remaining 50% ownership interest in SCVS. The facility will be located entirely on Alpaugh property.

In November, 2012, Ecoplexus, on behalf of SCVS, first tendered E-PWF Power Purchase Agreements ("PPAs") to PG&E. PG&E refused to sign the PPAs. PG&E first insisted

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<sup>1</sup> Ecoplexus is a solar power developer that has completed over 30 commercial and municipal scale solar projects in the last 18 months, and currently has approximately 50 projects in the development phase. Ecoplexus works on solar projects with city, state, and municipal agencies and some of the largest multi-family affordable housing developers in the United States.

that Alpaugh, not Ecoplexus, sign the PPAs. After Alpaugh signed the PPAs, PG&E insisted on additional conditions, including attestations about the ownership and location of the facility.

On January 18, 2013, without waiting for the attestations it had requested, PG&E again told Ecoplexus it would not sign the PPAs. PG&E stated that its “policy” in implementing state law and its Commission-approved tariff is that the public water agency must be the **sole** owner and that there could be no special purpose entity. This purported sole ownership requirement is not found in either the law or E-PWF Tariff but is only PG&E’s new policy.

On April 5, 2013, PG&E filed a motion for clarification concerning PG&E’s administration of its Assembly Bill 1969 feed-in tariff program during the transition to the replacement renewable feed-in tariff program known as the Renewable Market Adjusting Tariff (the “Motion”). In its Motion, PG&E seeks to clarify that entities that are not solely owned by public water or public wastewater agencies are ineligible to participate in the tariff and standard contract available to public water and wastewater agencies. Although not named directly, Alpaugh is the intended target of the Motion and is the only party that can respond. *See* Motion at 4 (“a specific entity asserts eligibility to execute E-PWF PPAs”). Accordingly, Alpaugh respectfully requests that it be added as a party to these proceedings and asks the Commission’s Process Office to update the official service lists for Alpaugh through its counsel:

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Respectfully submitted,

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