

**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 PRAXAIR PLAINFIELD, INC. FOR  
PROVISIONAL WAIVER FROM FUTURE RPS COMPLIANCE REQUIREMENTS**

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July 17, 2013

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**MOTION OF PRAXAIR PLAINFIELD, INC. FOR A LIMITED,  
CONDITIONAL WAIVER FROM FUTURE RPS COMPLIANCE REQUIREMENTS**

Pursuant to Article 11 of the Commission's Rules of Practice and Procedure, Praxair Plainfield, Inc. ("Plainfield") respectfully requests that the Commission grant this request for a limited, conditional waiver from the submission of future RPS compliance filing requirements until such time that Plainfield resumes serving retail load. Plainfield has not served any California retail electric loads since December 10, 2008 when all its accounts voluntarily returned to utility bundled service. While Plainfield has maintained its status as a registered electric service provider ("ESP") since that time, it does not currently plan to resume retail service. Accordingly, and consistent with two prior requests made in the contexts of prior Renewables Portfolio Standard ("RPS") filings,<sup>1</sup> Plainfield hereby formally moves for a limited, provisional waiver of its obligation to make RPS-related compliance filings until such time as it resumes serving load and thereby incurs an RPS procurement and associated reporting obligations.

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<sup>1</sup> See, Plainfield's June 11, 2012 RPS Plan submission in R.11-05-005, posted at: <http://docs.cpuc.ca.gov/PublishedDocs/EFILE/RESP/169241.PDF>, and its 2011 Preliminary Annual 33% RPS Compliance Report Narrative, page 1 (available in zip file posted at: [http://www.cpuc.ca.gov/NR/rdonlyres/084767B7-AF12-477C-8143-AD2C230F2EE9/0/PreliminaryAnnual33percentRPSComplianceReports\\_12282012.zip](http://www.cpuc.ca.gov/NR/rdonlyres/084767B7-AF12-477C-8143-AD2C230F2EE9/0/PreliminaryAnnual33percentRPSComplianceReports_12282012.zip)).

## **I. Background and Motion**

Plainfield is a registered ESP but has not served any retail electric load since December 10, 2008 when all its accounts voluntarily returned to utility bundled service. Plainfield complied with all RPS requirements applicable while it served retail loads, and its 2011 Preliminary Closing Report shows a surplus of RPS procurement. Plainfield will not have any RPS procurement obligation unless and until it resumes providing retail service. Although Plainfield will maintain its ESP registration, without any retail customer loads Plainfield will have neither RPS procurement obligation that necessitates compliance submissions or associated planning, nor any customers from whom to recover RPS reporting compliance costs.

Plainfield previously requested a provisional waiver from future RPS planning submissions and progress reports going forward, until such time it resumes serving direct access customer accounts.<sup>2</sup> This request has not been addressed to date, and Plainfield has been directed by Energy Division to make an annual RPS submission notwithstanding knowing that Plainfield is not presently serving retail loads. Accordingly, Plainfield submits this motion to have its request addressed.

## **II. Granting Plainfield's Motion Is Reasonable, Consistent with the Public Interest, and Conserves Commission Resources**

Granting Plainfield's request is reasonable because Plainfield has no RPS procurement to report and has no obligation to purchase renewable energy until such time as it resumes serving retail loads. Moreover, the public receives no benefit from the submission of a RPS Plan or Procurement Report that is essentially blank and contains no useful information. Furthermore, granting the request is administratively efficient because the Commission will not expend Energy Division resources to review an unnecessary compliance filing. The RPS statute does not

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<sup>2</sup> See, Plainfield's June 11, 2012 RPS Plan submission, page 2.

compel compliance reporting for a retail provider that has no procurement obligation, and in the instance where a retail provider is not currently serving load and has no intent in the near-term, an exercise of the Commission's discretion in its interpretation and implementation is appropriate.<sup>3</sup>

Accordingly, Plainfield respectfully requests that it be granted a provisional waiver from future RPS compliance requirements<sup>4</sup> until such time that it resumes serving retail customer loads in California, at which time Plainfield will then resume submission of the RPS procurement planning submission and other related requirements applicable to ESPs.

Dated: July 17, 2013

Respectfully submitted,



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<sup>3</sup> See generally, Pub. Util. Code Section 701 as with respect to electrical corporations.

<sup>4</sup> This would include proposed annual "progress" and "compliance" filings for the 2011 and forward periods, as well as the submission of RPS plans. Plainfield will submit all required outstanding compliance materials for those periods when it was serving retail loads.

## VERIFICATION

I am the attorney for Praxair Plainfield, Inc., (“Plainfield”) and am authorized to make this verification on its behalf. Plainfield is 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 July 17, 2013 at Sacramento, California.

/s/

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