

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate
and Refine Procurement Policies and
Consider Long-Term Procurement Plans.

Rulemaking 12-03-014
(Filed March 22, 2012)

JOINT NOTICE OF EX PARTE COMMUNICATIONS

Pursuant to Rule 8.4 of the Commission's Rules of Practice and Procedure, EnerNOC, Inc. (EnerNOC) and the Center for Energy Efficiency and Renewable Technologies (CEERT) hereby jointly give notice of the following three ex parte communications.

The three communications all occurred on Thursday, March 6, 2014, 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, and Mona Tierney-Lloyd, Director, Western Regulatory Affairs, for EnerNOC. The first communication occurred at 11:00 a.m. with Marcelo Poirier and Rachel Peterson, advisors for Commissioner Michel Florio. The second communication occurred at 11:30 a.m. with Carol Brown, Chief of Staff, and Audrey Lee, energy advisor, for Commission President Michael Peevey. The third communication occurred at 1:00 p.m. with Nicolas L. Chaset, advisor for Commissioner Michael Picker. Besides those named here, no one else was present at the time of these communications.

Ms. Myers stated that CEERT had been an active party in Track 4 (Local Capacity Requirements (LCR) Due to the Permanent Retirement of the San Onofre Nuclear Generation Stations (SONGS)) of this Long Term Procurement Plan (LTPP)

Rulemaking (R.) 12-03-014. According to Ms. Myers, as stated in CEERT's Opening Comments on the Track 4 Proposed Decision (PD) of Administrative Law Judge (ALJ) Gamson, CEERT strongly supports the ongoing policy commitment to the Loading Order of preferred resources represented by the PD, and following from Decision (D.) 13-02-015 (Track 1 (Local Reliability)). Ms. Myers asked that the Commission endorse this policy in its final decision, along with the "buckets" of preferred resource procurement required for both Southern California Edison Company (SCE) and San Diego Gas and Electric Company (SDG&E).

Ms. Myers did advise, however, that CEERT does seek modifications to the PD to do the following: (1) provide a process for updating stale or incorrect assumptions and avoiding after-the-fact procurement adjustments to cure shortcomings in preferred resource assumptions at the outset, (2) provide greater transparency and specificity in the ongoing Track 1 and now new Track 4 procurement planning process, (3) ensure that the varying LCRs represented by Track 1 and Track 4 did not lead to confusion or ineligibility for preferred resources that could meet those needs, (4) recognize that large-scale pumped hydro or bulk storage is also a "preferred conventional" resource and should be allowed to bid into all procurement RFO "buckets", and (5) add findings that memorialize the PD's commitment to the "Living Pilot" and its "request" for SDG&E specifically to conduct such a pilot.

Ms. Tierney-Lloyd also confirmed that EnerNOC had been an active participant in Track 4 and had filed Opening Comments on the PD as well. According to Ms. Tierney-Lloyd, EnerNOC strongly supports the PD's determination of need by recognizing likely growth of preferred resources and the ongoing support of the Commission's Loading

Order of preferred resources, including demand response (DR), for meeting any resulting resource need. Ms. Tierney-Lloyd stated, however, that EnerNOC would prefer that preferred resource assumptions used by the California Independent System Operator (CAISO) be consistent with the assumptions of the Commission, rather than requiring the PD to correct for preferred resource assumptions after-the-fact through adjustments to the procurement authorizations.

Ms. Tierney-Lloyd further stated that EnerNOC's Comments on the PD indicates EnerNOC's disagreement with the PD's categorization of DR as a post-second contingency resource. According to Ms. Tierney-Lloyd, that designation devalues existing DR resources and underestimates the efficacy of DR for local and emergency purposes. For this and other reasons, including the ongoing devaluation of existing DR resources to meet local needs resulting from this process, Ms. Tierney-Lloyd urged that the PD be modified to ensure that steps will be taken, including prompt and transparent definition of demand response as a local capacity resource, to ensure that appropriate and robust preferred resource assumptions are modeled in the first place in future LTPPs.

To obtain a copy of this notice, please contact:

Sara Steck Myers
Attorney at Law
Telephone: (415) 387-1904
FAX: (415) 387-4708
E-mail: ssmyers@att.net

Respectfully submitted by:

March 11, 2014

/s/ SARA STECK MYERS
Sara Steck Myers
On Behalf of EnerNOC and CEERT

122 – 28th Avenue
San Francisco, CA 94121
(415) 387-1904 (Telephone)
(415) 387-4708 (FAX)
ssmyers@att.net (email)