

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

Order Instituting Rulemaking to Promote Policy)
And Program Coordination and Integration) Rulemaking 04-04-003
In Electric Utility Resource Planning)
_____)

**POST WORKSHOP COMMENTS OF THE CITY AND COUNTY OF SAN
FRANCISCO IN RESPONSE TO THE DECEMBER 2, 2005 ASSIGNED
COMMISSIONERS RULING**

The City and County of San Francisco (CCSF) submits these comments on the December 14, 2005 Commission workshop on Long-Term Procurement Planning. The purpose of the December 14th workshop was to establish the process and issues for this proceeding. These comments identify one additional issue that should be included in this docket.

The Staff Draft Proposal for Long-Term Procurement Planning Proceeding Work Plan recommends that one issue is to determine if energy service providers (ESPs) and small independently owned utilities (small IOUs) need to file Long-Term Procurement Plans (LTTPs¹) or if they can file a subset of the information required by the Commission of the three large IOUs.² This issue needs to be addressed for Community Choice Aggregators as well. To date, the Commission has not ordered or made a finding that requires a CCA to file a LTTP.

At the workshop CCSF stressed that there is no reason for the Commission to require CCAs to file LTTPs with the full scope of requirements as it does of the IOUs. The requirements for LTTPs were specifically tailored to provide guidance to the IOUs³ so that they may plan for and procure resources for their customer loads for a 10-year

¹ Sometimes referred to as Long-Term Resource Plans.

² December 2, 2005 ACR, Appendix A at pg 8..

³ PG&E, SCE and SDG&E.

planning period.⁴ With regard to CCAs, the Commission determined that it "must adopt rules for the IOUs in order that the IOUs may provide adequate service to the CCA and its customers while simultaneously protecting utility bundled customers and the utilities' systems."⁵ By contrast, the Commission determined in D.05-12-041 that its authority over CCAs is limited. "The statute's provisions for participation in the CCA program are generally either permissive as to the CCA or govern the Commission's regulation of the utilities in the way they offer services to utilities or structure CCA rates so as to protect utility bundled customers."⁶ The Commission noted that "CCAs are subject to numerous laws that will have the effect of protecting CCA customers and promoting accountability by CCAs" and that "existing laws applicable to CCAs would protect customers by requiring CCAs to conduct open meetings, disclose relevant information to the public and be accountable to elected officials, the courts and voters."⁷

With regard to Commission jurisdiction over CCAs to protect utility bundled customers and the electric system, CCAs are already required to comply with Commission rules for both Resource Adequacy and the Renewable Portfolio Standards. In particular, CCSF has been a participant in the workshops and comments leading to D.05-10-042 (Opinion on Resource Adequacy Requirements) and we expect to continue to participate in the next phase of the resource adequacy proceeding.

CCSF is also planning to be an active participant in the new phase of the Renewable Portfolio Standards proceeding. Furthermore, the newly opened Resource Adequacy Rulemaking, R.05-12-013 contemplates "second generation RAR topics" that will include multi-year resource adequacy rules.⁸ Therefore, concerns over CCA resource adequacy should be addressed in that docket and the issue of what LTPP requirements, if any, should apply to CCAs should be an issue to address in this docket.

⁴ D.04-12-048 at 5.

⁵ D.05-12-041 at 9.

⁶ D.05-12-041 , Conclusion of Law #1.

⁷ Id. Finding of Fact #2.

January 5, 2006

Respectfully submitted,

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By: _____ /s/

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CERTIFICATE OF SERVICE

I, **KIANA V. DAVIS**, declare that:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is City Attorney's Office, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102; telephone (415) 554-4698.

On January 5, 2006, I served **POST WORKSHOP COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO IN RESPONSE TO THE DECEMBER 2, 2005 ASSIGNED COMMISSIONERS RULING** by electronic mail on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 5, 2006, at San Francisco, California.

/s/
KIANA V. DAVIS