



August 13, 2024

VIA ELECTRONIC MAIL: EDTARIFFUNIT@CPUC.CA.GOV

Public Utilities Commission of the State of California
 Energy Division
 Attention: Tariff Unit
 505 Van Ness Avenue, 4th Floor
 San Francisco, CA 94102

Advice Letter 16-E Apple Valley Choice Energy	Advice Letter 50-E Ava Community Energy	Advice Letter 42-E Central Coast Community Energy
Advice Letter 10-E Clean Energy Alliance	Advice Letter 30-E Clean Power Alliance of Southern California	Advice Letter 31-E CleanPowerSF
Advice Letter 11-E Desert Community Energy	Advice Letter 7-E Energy For Palmdale's Independent Choice	Advice Letter 30-E Lancaster Energy
Advice Letter 80-E Marin Clean Energy	Advice Letter 10-E Orange County Power Authority	Advice Letter 36-E Peninsula Clean Energy
Advice Letter 25-E Pico Rivera Innovative Municipal Energy	Advice Letter 20-E Pioneer Community Energy	Advice Letter 11-E Pomona Choice Energy
Advice Letter 14-E Rancho Mirage Energy Authority	Advice Letter 22-E Redwood Coast Energy Authority	Advice Letter 22-E San Diego Community Power
Advice Letter 23-E San Jacinto Power	Advice Letter 37-E San José Clean Energy	Advice Letter 7-E Santa Barbara Clean Energy
Advice Letter 33-E Silicon Valley Clean Energy	Advice Letter 24-E Sonoma Clean Power	Advice Letter 19-E Valley Clean Energy

Re: California Community Choice Association's Reply to Pacific Gas and Electric Company's August 6, 2024, Protest to Joint CCAs' New CCA Registration Requirement Advice Letter Pursuant to Decision (D. 24-04-009) Apple Valley Choice Energy Advice Letter 16-E, et.al.

Pursuant to the California Public Utilities Commission's (Commission's) General Order (GO) 96-B, section 7.4.3,¹ the California Community Choice Association (CalCCA) submits this Reply to Pacific Gas and Electric Company's (PG&E's) August 6, 2024, Protest to Joint CCAs'

¹ References to "General Rules" are to the general rules identified in [General Order 96-B](#).

New CCA Registration Requirement Advice Letter Pursuant to Decision (D. 24-04-009)² (POLR Decision) Apple Valley Choice Energy Advice Letter 16-E, et.al.³ (Protest).

On July 17, 2024, CalCCA submitted the Tier 2 Advice Letter⁴ (Advice Letter) on behalf of Apple Valley Choice Energy, Ava Community Energy, Central Coast Community Energy, Clean Energy Alliance, Clean Power Alliance of Southern California, CleanPowerSF, Desert Community Energy, Energy For Palmdale’s Independent Choice, Lancaster Energy, Marin Clean Energy, Orange County Power Authority, Peninsula Clean Energy, Pico Rivera Innovative Municipal Energy, Pioneer Community Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Santa Barbara Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy⁵ (collectively, the Joint CCAs). The Joint CCAs requested the Commission’s approval of the Advice Letter documenting new community choice aggregator (CCA) registration requirements.

On August 6, 2024, PG&E submitted its Protest requesting the Commission reject aspects of the Advice Letter that “seek to limit the Commission’s jurisdiction over its review of CCA Implementation Plans and direct a Supplemental Advice Letter containing . . . adopted enhancements consistent with the POLR Decision.”⁶ The Joint CCAs respectfully request the Commission dismiss PG&E’s Protest in full. As explained herein, the Advice Letter: (1) does not seek to limit the Commission’s existing jurisdiction over its review of CCA Implementation Plans, and (2) fully addresses the explicit requirements of the POLR Decision.

I. PG&E’S ASSERTION THAT THE ADVICE LETTER PROPOSES TO LIMIT THE COMMISSION’S EXISTING SECTION 366.2 AUTHORITY OVER NEWLY FORMED CCA IMPLEMENTATION PLANS IS INACCURATE AND SHOULD BE REJECTED

The Protest falsely claims that CalCCA seeks “relief . . . proposing to limit [the] Commission’s jurisdiction over CCA Implementation Plan[s],” stating that such relief “is not authorized by the POLR Decision and must be rejected.”⁷ The Advice Letter providing the annual assumptions and milestones required by Ordering Paragraph 5 of the POLR Decision, however, does not propose any limitations on the Commission’s existing jurisdiction over Implementation Plans for newly formed CCAs. Instead, the Joint CCAs explain how the new

² D.24-04-009, *Decision Implementing Senate Bill 520 Regarding Standards for Provider of Last Resort*, R.21-03-011 (Apr. 18, 2024) (POLR Decision).

³ *Pacific Gas and Electric Company’s Protest to Joint CCAs’ New CCA Registration Requirement Advice Letter Pursuant to Decision (D.24-04-009) Apple Valley Choice Energy Advice Letter 16-E, et.al.* (Aug. 6, 2024) (PG&E Protest).

⁴ *Joint CCAs’ New CCA Registration Requirements Tier 2 Advice Letter Pursuant to Decision (D.) 24-04-009* (July 17, 2024) (Joint CCA Advice Letter).

⁵ The Joint CCAs have provided CalCCA with authority to submit this Advice Letter on their behalf.

⁶ PG&E Protest, at 5.

⁷ *Id.* at 3.

requirements fit into the existing umbrella of Commission authority with respect to Implementation Plans for new CCAs set forth in Public Utilities Code Section 366.2. This authority includes certifying the Implementation Plans, setting an earliest possible date for the CCA program, and determining a cost-recovery mechanism to be paid by CCA customers to prevent cost shifts.⁸ PG&E further asserts that the Joint CCAs' proposal somehow "limits the ability to assess whether enhancements to an Implementation Plan result in cost shifts to bundled service customers."⁹ To the contrary, the Advice Letter complies with the POLR Decision's requirements, and describes how the assumptions and milestones are to be incorporated into the processes associated with the Commission's existing authority regarding Implementation Plans, including its authority related to the prevention of cost shifts enumerated in Section 366.2. For these reasons, PG&E's protest should be rejected, and the Joint CCAs' proposed annual assumptions and milestones should be adopted.

II. THE COMMISSION SHOULD DISMISS PG&E'S ASSERTION THAT THE JOINT CCA ADVICE LETTER DOES NOT ADDRESS CERTAIN REGISTRATION REQUIREMENTS ADOPTED BY THE DECISION

PG&E incorrectly asserts that the Advice Letter is deficient because "the Advice Letter does not address the inclusion of a feasibility study or a process for submission of updated pro formas six months prior to launch."¹⁰ PG&E's assertion is incorrect because the POLR Decision does not require such elements in the Advice Letter. The POLR Decision has two overall directives with respect to registration. First, the Decision adopts CalCCA's proposed four requirements applying to newly forming CCAs, including (1) submission of a feasibility study and pro forma financial statement with the Implementation Plan, (2) establishment of annual assumptions to be included in the pro forma financial statement, (3) establishment of milestones for critical implementation action and review progress, and (4) submission of an updated pro forma financial statement six months prior to launch.¹¹ Second, the Decision requires the CCAs to "further develop" requirements (2) and (3) that will apply to newly forming CCAs through the filing of a joint Tier 2 advice letter, to (1) "include an explanation of the type of annual assumptions that might be included in the pro forma financial statement,"¹² and (2) provide "example milestones for critical CCA implementation."¹³

The Advice Letter addresses the explicit directives of the POLR Decision, by providing: (1) explanations of the type of annual assumptions that might be included in the pro forma financial statement, and (2) example milestones for critical CCA implementation. The Decision does not, as stated by PG&E, require the Advice Letter to include anything additional with

⁸ See Pub. Util. Code § 366.2(c)(3)-(8).

⁹ PG&E Protest, at 3.

¹⁰ *Id.* at 4.

¹¹ POLR Decision, at 86 ("CalCCA's proposed CCA registration requirements are adopted.").

¹² *Id.* at 86.

¹³ *Id.*

respect to the feasibility study or the process for submitting the updated pro formas. Therefore, the Commission should dismiss PG&E's assertion that the Advice Letter is deficient.

PG&E's other stated "deficiency" suggests that the example milestones create a requirement for CCAs, which the Decision clearly does not intend. PG&E states, "[f]urthermore, proposed milestones enumerated in the Joint CCA Advice Letter are framed as 'best practice milestones' that CCAs 'should' adopt, and as requirements that shall be included as part of a CCA Implementation Plan."¹⁴ The Advice Letter states, "[n]ewly forming CCAs should incorporate the following best practice milestones to successfully implement a new CCA" and lists six example milestones for successful CCA implementation.¹⁵ This language is consistent with the Decision, which states that the Advice Letter should include "example milestones" critical for CCA implementation. The Decision does not state the milestones are "requirements" that "shall" be included in all implementation plans, and rightly so. Some milestones may not apply to every CCA uniformly depending on the newly forming CCAs' schedules and processes. CCAs *may* include milestones in addition to those listed in the Advice Letter. For these reasons, the Commission should dismiss PG&E's suggestion that the Joint CCA's documentation of milestones is deficient.

III. CONCLUSION

CalCCA thanks the Energy Division for its review of this Reply, and respectfully requests the Commission dismiss PG&E's protest in full.

Respectfully,

CALIFORNIA COMMUNITY CHOICE
ASSOCIATION

Evelyn Kahl



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cc via email:

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Service List(s): R.21-03-011

¹⁴ PG&E Protest, at 4-5.

¹⁵ Joint CCA Advice Letter, at 4.