

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	217323
Document Title:	Supplemental Testimony of James H. Caldwell Exhibit A.14-11-06 Scoping Memo
Description:	N/A
Filer:	PATRICIA LARKIN
Organization:	SHUTE, MIHALY & WEINBERGER LLP
Submitter Role:	Intervenor Representative
Submission Date:	4/27/2017 4:20:03 PM
Docketed Date:	4/27/2017



FILED
3-13-15
02:04 PM

MF1/ek4 3/13/2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of the Results of Its 2013 Local Capacity Requirements Request for Offers for the Moorpark Sub-Area.

Application 14-11-016
(Filed November 26, 2014)

ASSIGNED COMMISSIONER'S RULING AND SCOPING MEMO

In accordance with Rule 7.3 of the Commission's Rules of Practice and Procedure,¹ this ruling sets the procedural schedule and defines the scope of this proceeding following a prehearing conference held on January 28, 2015.

1. Background

On November 26, 2014, Southern California Edison Company (SCE) filed an Application for approval of the results of its 2013 Local Capacity Requirements (LCR) Request for Offers (RFO) in the Moorpark sub-area of Big Creek/Ventura local reliability area (Moorpark sub-area) to meet long-term capacity requirements by 2021 (Application). SCE also submitted prepared testimony. SCE filed this Application and served the accompanying prepared

¹ All subsequent references to Rules are to the Commission's Rules of Practice and Procedure, Chapter 1, Division 1 of Title 20 of the California Code of Regulations. The current version of the Rules is available on the Commission's website: www.cpuc.ca.gov.

testimony to comply with the procurement need determined in the Long Term Procurement Plan proceeding, Rulemaking (R.) 12-03-014.²

In R.12-03-014, the Commission issued Decision (D.) 13-02-015, referred to as the Track 1 decision, which authorized SCE to procure between 215 and 290 megawatts (MW) of electrical capacity in the Moorpark sub-area³ of the Big Creek /Ventura local reliability area to meet reliability needs by 2021.

To meet this need in the Moorpark sub-area, SCE issued an RFO seeking new LCR resources, including Preferred Resources.⁴ The Track 1 decision also ordered SCE to file this Application for approval of all contracts entered into as a result of the procurement process for new capacity in the Moorpark sub-area.⁵

In addition to the Moorpark procurement directive, the Commission also directed SCE,⁶ to procure between 1,900 to 2,500 megawatts (MW) of electrical capacity in the Western Los Angeles sub-area of the Los Angeles basin (LA Basin) local reliability area to meet long-term local capacity requirements by 2021. The Commission required SCE to file a separate Application for approval of contracts for the West LA Basin. In accordance with the Commission's directive, SCE is seeking approval of 63 contracts related to D.13.02-015 and D.14-03-004 in a separate pending proceeding, Application 14-11-012.

² R.12-03-014, *Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans* (March 22, 2012).

³ D.13-02-015 at 131, Ordering Paragraph 2.

⁴ Preferred Resources are discussed in the State's Energy Action Plan II at 2. The State's Energy Action Plan is available at http://docs.cpuc.ca.gov/word_pdf/REPORT/51604.pdf

⁵ D.13-02-015 at 153, Ordering Paragraph 11.

⁶ Decision D.13-02-015 (Track 1), Ordering Paragraph 1 and D.14-03-004 (Track 4), Ordering Paragraph 1.

In this proceeding, SCE seeks Commission expedited approval of the LCR RFO results and a finding that SCE's conduct with respect to the LCR RFO and the 11 contracts selected through the LCR RFO process for the Moorpark sub-area are in compliance with the Track 1 decision, that the LCR RFO contracts are compliant with the Emissions Performance Standard, and, in addition, to authorize cost recovery for the LCR RFO contracts for resources in the Moorpark sub-area. SCE is also seeking approval of the 54 MW Ellwood Refurbishment project. SCE explains that, while it is seeking approval in this Application, the Ellwood Refurbishment project is not considered an incremental resource and does not count toward the procurement targets for the Moorpark sub-area.⁷

SCE requests that the Commission approve the Application and the related 11 contracts by November 28, 2015, because a termination clause tied to Commission approval appears in each of the 11 contracts.⁸

On December 4, 2014, the Commission issued Resolution ALJ 176-3347 to preliminarily determine that this proceeding was ratesetting and that evidentiary hearings would be necessary.

On January 6, 2015, City of Oxnard filed a protest to the Application. On January 12, 2015, the Sierra Club, the Office of Ratepayer Advocates, World Business Academy, and the Center for Biological Diversity filed protests to the Application. Additionally, on January 12, 2015, the Alliance for Retail Energy Markets and the Direct Access Customer Coalition, EnerNOC, Inc., the

⁷ SCE Application 14-11-016 at 3, fn. 6. More details regarding this project are available in SCE's prepared testimony, referred to as Exhibit SCE-1 (Testimony of Southern California Edison Company on the Results of Its 2013 Local Capacity Requirements Request for Offers (LCR RFO) for the Moorpark Sub-Area - Chapter VII, Section A.1).

⁸ January 28, 2015 Prehearing Conference Reporter's Transcript (RT) at 7.

Western Power Trading Forum, and NRG Energy Center Oxnard, LLC, and NRG California South LP filed responses to SCE's Application. One party also filed a request for clarification.

SCE filed a reply to the protests and responses on January 22, 2015. On January 28, 2015, a prehearing conference was held in this proceeding. On February 19, 2015, SCE submitted an amendment to its prepared testimony, including: (1) text in the testimony that has been unredacted at the request of parties to this proceeding; and (2) a minor correction to one of the confidentiality declarations in the appendices. On February 20, 2015, SCE submitted an addendum to its prepared testimony regarding SCE's communication with communities regarding SCE's LCR RFO in the Moorpark sub-area.

2. Scope of Issues

The issues to be determined are:

1. Whether the results of SCE's 2013 LCR RFO for the Moorpark sub-area enhance the safe and reliable operation of SCE's electrical service?
2. Does the Application comply with the procurement authority granted by the Commission in D.13-02-015?
3. Are the results of SCE's 2013 LCR RFO for the Moorpark sub-area a reasonable means to meet the 215 to 290 MW of identified LCR need determined by D.13-02-015? This issue includes consideration of the reasonableness of at least the following:
 - a. Are the price, terms and conditions of the LCR contracts reasonable?
 - b. Did SCE's RFO process limit certain resource bids from being considered? If so, were these limitations reasonable?
 - c. Was the process used to develop the eligibility requirements reasonable?

- d. Did the process and outcome of any consultations between the California Independent System Operator and SCE impact resources requirements and contract selection? If so, was this impact reasonable?
- e. Are the LCR RFO contracts consistent with the Commission's Emissions Performance Standards?
4. Should the Commission approve these contracts prior to completion and a final decision by the California Energy Commission (CEC) of the California Environmental Quality Act (CEQA) review? The CEC is the lead agency for purposes of the CEQA review. As a result, environmental matters will largely be resolved by the CEC.
5. Is SCE's proposed rate treatment, cost recovery, and cost allocation just and reasonable? (A workshop for the purpose of clarifying SCE's proposed Cost Allocation Mechanism, or CAM, treatment will not be necessary.)
6. Is the 54 MW Ellwood Refurbishment project appropriate for the Commission to consider in this proceeding and, if so, is the contract reasonable?
7. Is the contract with NRG California South LP, for a 0.5 MW storage project, reasonable?

3. Need for Evidentiary Hearings

Based on the Application, the pleadings filed by parties, and the statements made by parties at the prehearing conference, today's scoping memo adopts a procedural schedule that includes evidentiary hearings. The finding is consistent with the Commission's preliminary determination in Resolution ALJ 176-3347.

4. Public Participation Hearing

At the January 28, 2015 prehearing conference, several parties made a request for the Commission to hold a public participation hearing in this proceeding. A public participation hearing will be held in the Ventura/Oxnard

area. The date and location will be announced in a separate ruling. The purpose of the public participation hearing will be to provide an opportunity for the public to address matters related to this Application.

5. Schedule

Pursuant to Pub. Util. Code § 1701.5, the Commission must resolve the issues raised in the scoping memo for a ratesetting proceeding within 18 months of the issuance of the scoping memo or issue a decision seeking an extension of time. The issues set forth below will likely be completed within this 18-month timeframe. The schedule may be adjusted by the Presiding Officer as necessary to promote the fair and efficient adjudication of this proceeding, provided that the proceeding is concluded within the timeframe provided by Section 1701.5. The schedule is set forth below:

Application 14-11-016

Event	Date
Intervenor Testimony	April 1, 2015
SCE Rebuttal Testimony	April 27, 2015
Cross-Examination Estimates	May 15, 2015
Evidentiary Hearings	May 27, 28, and 29, 2015 at 10:00 am Commission Courtroom 505 Van Ness Avenue, San Francisco, CA
Public Participation Hearing	Date and Location TBD
Opening Briefs	July 22, 2015
Reply Briefs [anticipated date of submission]	August 5, 2015
Proposed Decision	[no later than 90 days after submission]
Commission Decision	[no later than 60 days after proposed decision]

If the parties stipulate to the admission of written testimony without cross-examination, the Administrative Law Judge (ALJ) may remove the evidentiary hearing from calendar and the parties may move the admission of prepared testimony by written motion pursuant to Rule 13.8(d).

6. Categorization

In Resolution ALJ 176-3347, the Commission preliminarily determined that this proceeding should be categorized as ratesetting, as that term is defined in Pub. Util. Code § 1701.1(c)(3). No party raised objections to this preliminary categorization in comments or at the prehearing conference. Today's ruling confirms this categorization. As set forth in Rule 7.6, the determination as to category is subject to appeal.

7. Designation of Presiding Officer

Today's scoping memo adopts a procedural schedule that does include evidentiary hearings. In accordance with § 1701.3(a), the assigned Commissioner determines that the presiding officer is designated as ALJ Regina M. DeAngelis.

8. Service List and Service Requirements

The current official service list for this proceeding is maintained by the Commission's Process Office and posted on the Commission's web page, at www.cpuc.ca.gov. Rules for service are found in the Commission's Rules of Practice and Procedure. All those appearing on the service list should make sure that the correct information is contained on the service list. Parties are required to notify the Commission's Process Office of corrections or changes, in accordance with Rule 1.9(f).

9. Paper Copies of Filings

In order to conserve paper, the following practices should be observed in this proceeding:

- All paper copies of filings provided to parties and the Commission should be printed double-sided.
- A paper copy of the certificate of service is required for the ALJ. The ALJ does not require a copy of the actual service list.
- The assigned Commissioner will rely on electronic copies of the documents. Paper copies of filings need not be provided to the assigned Commissioner's office.

10. Request for Party Status

Requests for Party Status must be made by motion, in accordance with Rule 1.4.

11. Ex Parte Communications

In a proceeding categorized as ratesetting, *ex parte* communications are allowed consistent with Pub. Util. Code § 1701.3(c) and Rule 8.3.

12. Discovery

To the extent discovery is conducted in this proceeding, this proceeding will follow the general rule of 10 working days to respond to data requests. This rule will apply to all parties. If a longer response time is required, the party preparing the response shall so notify the requesting party and indicate when the response will be sent. Such notice should be provided as soon as possible, but no later than 10 days after receipt of the request. If parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes with the Commission pursuant to Rule 10.1.

13. Final Oral Argument

In accordance with Rule 13.13, a party in a ratesetting proceeding in which an evidentiary hearing is held has the right to make a Final Oral Argument before the Commission, if the Final Oral Argument is requested within the time

and manner specified in the Scoping Memo or later ruling. Any party seeking to present Final Oral Argument may file and serve a motion at any time that is reasonable, but no later than the last date that reply briefs are due. A response to the motion may be filed within five days of the date of the motion. If a final determination is made that no hearing is required, Rule 13.13 will cease to apply, along with a party's right to make a Final Oral Argument.

14. Intervenor Compensation

Any party that expects to request intervenor compensation for its participation in this rulemaking must have filed its notice of intent to claim intervenor compensation in accordance with Rule 17.1 and §§ 1801-1812 of the Pub. Util. Code within 30 days of the date of the prehearing conference, which was held on January 28, 2015.⁹

15. Miscellaneous Matters

1. All testimony and briefs filed in this proceeding must include a table of contents.
2. The subject line of all e-mails in this proceeding must include the following, as noted: **A1411016 (SCE Moorpark) Name of Party, Concise Name of Filing.**

IT IS RULED that:

1. The scope of the proceeding is set forth in Section 2, above.
2. The schedule for the proceeding is set forth in Section 5, above, subject to change by subsequent ruling by the assigned Commissioner or assigned Administrative Law Judge, as appropriate.

⁹ January 28, 2015 Prehearing Conference, RT at 44.

3. The adopted schedule anticipates evidentiary hearings. It is anticipated that the record will also be composed of all documents filed and served in this proceeding.

4. The Commission preliminarily determined that this proceeding should be categorized as ratesetting, as that term is defined in Public Utilities Code Section 1701.1(c)(3). Today's ruling confirms this categorization. As set forth in Rule 7.6, the determination as to category is subject to appeal.

5. Parties requesting intervenor compensation must have filed notices of intent to claim intervenor compensation in this proceeding within 30 days of the January 28, 2015 Prehearing Conference.

Dated March 13, 2015, at San Francisco, California.

/s/ MICHEL PETER FLORIO

Michel Peter Florio
Assigned Commissioner