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NCPA Comments in Response to September 26, 2016 CEC Workshop

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the matter of:

**Developing Regulations, Guidelines, and
Policies for Implementing SB350 and AB802**

**RE: Title 20 Data Collection Regulations to
Support New Analytical Needs**

Docket No. 16-OIR-03

**NORTHERN CALIFORNIA POWER AGENCY COMMENTS ON
SEPTEMBER 26, 2016 STAFF WORKSHOP –
TITLE 20 DATA COLLECTION REGULATIONS**

The Northern California Power Agency¹ (NCPA) takes this opportunity to provide the following written comments to the California Energy Commission (CEC) in response to the September 26, 2016 Title 20 Data Collection Regulations Workshop. NCPA recognizes the need for the CEC to periodically reassess its data collection practices, and maintains that the timing of this proceeding is warranted, given the statutory directives included in Senate Bill 350.

NCPA is pleased that the CEC has released a “pre-draft” set of regulatory changes for public comment. Today’s comments focus on the following areas of interest as it relates to NCPA: 1) obtaining rooftop solar data in light of the sun-setting of the Senate Bill 1 solar program (Section 1304), 2) concerns about the impacts of lowering the hourly load data reporting threshold from 1,000 to 200 megawatts (Section 1344), and 3) the lack of detail surrounding how the CEC will treat parties that fail to provide information on a timely basis (Section 1353). The information is provided sequentially, based on the number of the section of the regulations in which they occur. We reserve the right to comment on other sections of the regulations in subsequent documents during this proceeding.

¹ NCPA members include the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah, as well as the Bay Area Rapid Transit District, Port of Oakland, and the Truckee Donner Public Utility District, and whose Associate Member is the Plumas-Sierra Rural Electric Cooperative.

SECTION 1304: POWER PLANT REPORTS

Section 1304(b) currently provides the CEC with the ability to monitor the inventory of power plants greater than 100 kilowatts in each utility service territory. The threshold never accounted for deployment for small distributed energy resources such as rooftop solar, but it was relatively easy to obtain that data by reviewing solar rebate information provided by utilities across the state under the Senate Bill 1 solar PV program. IOUs reported that information to the California Public Utilities Commission (CPUC) and much of that information is now publicly available under the GoSolar California website. Public power information is also publicly available, provided to the CEC on an annual basis as part of a coordinated report prepared in collaboration between NCPA, the Southern California Public Power Authority, and the California Municipal Utilities Association.

NCPA understands the CEC's desire to remove the 100 kilowatt threshold to address the data shortfall associated with the end of the SB1 program. However, NCPA offers two alternatives that could eliminate the need to make this change. First, some of the information needed in terms of PV inventory is already provided to the CAISO as part of its annual Flexible Capacity Requirement Assessment Data Request. In this regard, the CEC could collaborate directly with CAISO to determine the extent to which this data satisfies the CEC's data collection needs, or whether that information can be adjusted to better accommodate the needs of both agencies. Doing so would have the additional benefit of potentially reducing duplicative data reporting, a long-standing objective of NCPA.

A second option expands on existing processes that have a proven track record at the CEC and the CPUC. Publicly-owned utilities (POUs) have been filing annual energy efficiency reports in response to Section 1311 of the regulations since 2006. Such an approach has been well received by the CEC and continues to be a model for effective data reporting. It is certainly possible to apply this same logic and provide an annual POU rooftop solar report, replacing the annual SB1 report that will be submitted for the final time next June. Investor-owned utilities could do something similar under the purview of the CPUC. Under this approach, there would be no need to change the reporting threshold under Section 1304, but additional language could be added to regulations that provide general criteria for the type of reports that would be submitted and the information that would be contained in the reports.

From NCPA's perspective, working with our public partners to coordinate a PV inventory would benefit the CEC by providing the agency with the data it needs while offering flexibility to the public power community in how the report is shaped. It has clearly worked for

energy efficiency reporting and there is no reason to believe that it could not work for PV reporting.

SECTION 1344: LOAD METERING REPORTS

NCPA is concerned about the unintended consequences of lowering the reporting threshold in section 1344(c) from 1,000 megawatts to 200 megawatts and the establishment of a 200 megawatt threshold in section 1344(f). In the case of the NCPA members that would be directly impacted by this new requirement (Redding, Roseville and Silicon Valley Power), doing so would create a reporting requirement that would be prohibitively expensive to implement. Many of the utilities, including those that are not part of the NCPA family, that would be required to report hourly data and load estimates by sector to the CEC do not currently have a method or the capability to gather this type of data. While it is conceivable that new telemetry could be installed by smaller utilities to obtain this information, NCPA questions the practicality of requiring such an investment. In the specific case of Redding Electric, installation of advanced metering infrastructure to collect this data could require no less than a \$20 million investment, which would equate to a 15% rate increase to Redding's customers. Simply stated, such an investment in telemetry infrastructure for this purpose would require a suboptimal use of public funds in a local community.

The same dynamic applies to the requirements of section 1344(f). This section which would require the reporting of hourly load estimates by load modifier, including behind-the-meter generation, charging and discharging from energy storage units and light-duty plug-in on-road electric vehicles disaggregated by vehicle type. In many cases, the infrastructure to obtain such real-time data is not currently available, and utilities would be forced to incur a huge financial burden to retrofit the required infrastructure needed to obtain the behind-the-meter data.

NCPA recommends the CEC leave the threshold for reporting hourly load data to its present level of 1,000 megawatts.

SECTION 1353: FAILURE TO PROVIDE INFORMATION

NCPA understands the rationale for having a provision in the regulations that allow the CEC to take actions under the law to obtain information required to be submitted under Sections 1301-1352. However, the language is too open ended, will certainly lead to a wide range of

interpretation, and could result in discriminatory treatment of parties that potentially fail to provide information to the CEC under these regulations.

NCPA suggests that the CEC look to the RPS enforcement regulations as a representative example of how to best address the steps needed to obtain data from entities that “fail” to provide information required in Sections 1301-1352. Section 3207(i) of the RPS enforcement regulations offers an excellent example of how the CEC already deals with parties that provide incorrect or incomplete information.² The process is relatively straight-forward and allows the CEC to inform the party where data deficiencies exist, to provide parties an opportunity to make such corrections, and then offer a timeline for identifying whatever action the CEC might deem necessary to obtain the data. From the perspective of a party that did not submit the data, it would allow a chance to formally explain the circumstances for not providing such information in a timely manner, a critical piece of information that will be helpful as the CEC weighs the mitigating factors as it considers potential action.

A clearly articulated approach in Section 1353 of the regulations to obtain information that was not originally provided by a party will provide a greater likelihood of a positive outcome for both the CEC and the party that may not initially provided all of the required information.

NCPA appreciates the opportunity to provide these comments and looks forward to a continuing dialogue as the regulations are further developed. Please do not hesitate to contact me at 916-781-4291 or scott.tomashefsky@ncpa.com with any questions.

Respectfully Submitted,



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October 17, 2016

² See “Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities,” California Energy Commission, CEC-300-2016-002-CMF, April 2016.