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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**Joint Parties' Request for Delay of
July 1, 2023, MIDAS Rate Upload
Deadline**

Docket No.: 23-LMS-01

[REVISED PROPOSED] ORDER

I. EXECUTIVE DIRECTOR'S RECOMMENDATION

On April 28, 2023, Pacific Gas and Electric Company (PG&E), on behalf of itself and a group of other load serving entities (LSEs) that are required to comply with the amended load management standards (LMS) regulations (20 California Code of Regulations "CCR" sections 1621, et seq.), filed a written request with the Executive Director of the California Energy Commission (CEC) to extend the LMS regulations' July 1, 2023, deadline for uploading their time-dependent electricity rates in the Commission's Market Informed Demand Automation Server ("MIDAS").

Joining in PG&E's request are the other large investor-owned utilities (IOUs) and large community choice aggregators (CCAs) that are subject to the amended LMS regulations: Southern California Electric Company (SCE), San Diego Gas & Electric Company (SDG&E), Clean Power Alliance of Southern California (CPA), East Bay Community Energy (EBCE), Marin Clean Energy (MCE), Central Coast Community Energy (CCCE), Silicon Valley Clean Energy Authority (SVCE), San Jose Clean Energy (SJCE), Peninsula Clean Energy Authority (PCE), CleanPowerSF (CPSF), Sonoma Clean Power Authority (SCP), San Diego Community Power (SDCP), Pioneer Community Energy (Pioneer), Valley Clean Energy (VCE), and Orange County Power Authority (OCPA), collectively referred to as the "Joint Parties" or "LSEs".¹

On May 2, 2023, Michael Sokol, Director of CEC's Efficiency Division, acknowledged receipt of the Joint Parties' request, advised the Joint Parties that the CEC expected to respond to their request prior to the July 1, 2023, MIDAS upload deadline and

¹ On May 15, 2023, Valley Clean Energy submitted a request to be included in the Joint Parties' April 28, 2023, request for a delay. This request was approved by Valley Clean Energy's Board. On May 17, Central Coast Community Energy submitted a similar request approved by its Board and on May 26, Peninsula Clean Energy submitted a like request also approved by its Board. Valley Clean Energy, Central Coast Community Energy, and Peninsula Clean Energy are included as Joint Parties herein.

encouraged the Joint Parties to continue progressing toward meeting the LMS' regulatory requirements while their request was under consideration.

On May 17, 2023, the Executive Director made an initial determination and recommendation regarding the Joint Parties' April 28, 2023, request. The Executive Director initially determined that the Joint Parties had not provided a sufficient basis to justify delaying the MIDAS upload deadline by nine months, but that a delay of one month to upload unbundled rates and a delay of three months to upload rates with rate modifiers would address any technological feasibility issues that had been frustrating the Joint Parties' uploads. The Executive Director recommends that the CEC approve the Joint Parties' request as modified to be consistent with these initial determinations.

II. SUMMARY OF THE REQUEST

The Joint Parties allege grounds exist to extend the LMS regulations July 1, 2023, deadline for them to upload their existing time-dependent rates to MIDAS to "nine months after the final MIDAS protocols are issued by the CEC."

In support of their request for a delay, the Joint Parties contend that requiring them to "upload all of their existing time-dependent rates to the MIDAS database by July 1, 2023 would cause extreme hardship to, and is technologically infeasible for, the Joint Parties because (1) the requirements for RINs are still in development by the CEC, have become very complex, and automating the uploads will require significant time and resources; and (2) MIDAS API functional requirements continue to change and need to be in a stable state with current documentation before the Joint Parties can build the systems and processes needed for automated uploads. The LSEs note that the ability of the LSEs to upload all existing time-dependent rates within the proposed nine-month period is predicated on the LSEs' interpretation of the regulations that each LSE is required to upload its own time-dependent rate (i.e., that rate combination between the CCAs generation and IOUs' transmission and distribution rates is not required)."

The Joint Parties base their request for a delay on two issues that they claim affect their ability to upload their rates to MIDAS.

1. The first issue derives from the way electricity bills are handled for customers of the CCAs. CCA customers receive their electricity bills from the IOUs in whose service areas they are located. CCAs provide the IOUs the electricity generation rates for their customers. IOUs then add the CCAs' generation rates to the IOUs' electricity transmission and distribution rates and compute the customers' bills based on the amounts of electricity the customers use. By virtue of this, according to the Joint Parties, CCAs should only be responsible for uploading the generation portion of their customers' rates to MIDAS while the IOUs should upload the generation and transmission portions of the rates for the CCAs' customers. In other words, the Joint Parties maintain that for CCA customers IOUs and CCAs should only be required to upload their own "unbundled rates" to MIDAS.

2. The second issue, according to the Joint Parties, is that the multiplicity of IOU rates due to price modifiers that affect the basic time-dependent rates makes it infeasible to upload anything but base time-dependent electricity rates in the short term.

The Executive Director concludes that the Joint Parties have not provided a sufficient basis for extending their July 1, 2023, upload deadline by a minimum of nine months as they request.

CEC staff has been organizing and facilitating working groups with regulated parties to advance a consensus-based approach to the technical aspects of the data uploads to and downloads from MIDAS. This project has been accomplished as far as uploads are concerned (the software code and instructions are ready and available at <https://gitlab.com/CEC-MIDAS/midas-documentation>) and does not stand as an impediment to the Joint Parties' ability to upload their time-dependent electricity rates by the deadline in the LMS regulations. Issues regarding the multiplicity of IOU rates due to price modifiers are advancing towards resolution.

However, staff has concluded that providing the Joint Parties a shorter extension than requested is warranted.² Based on prior correspondence with the Joint Parties and their capability to upload to MIDAS, CEC staff concluded that CCAs and IOUs can upload unbundled time-dependent electricity rates in the short term and that they can accomplish this by August 1, 2023. CEC staff also concluded, based on this experience, that issues regarding the uploads of other rates due to price modifiers can be resolved in time for the Joint Parties to upload their remaining time-dependent rates by October 1, 2023. CEC staff further concluded that providing the Joint Parties this additional time – one month for unbundled rate uploads and three months for rates with price modifiers – to comply and address these issues will alleviate any technological infeasibility that may have frustrated the Joint Parties' efforts to upload their existing time-dependent rates.

On May 26, 2023, SDG&E, SCE, and PG&E submitted comments on the initial determination and proposed order CEC staff docketed on May 19.

PG&E believes it can comply with the proposed order and seeks no changes.

SDG&E pointed out that a small percentage of its customers have access to hourly dynamic prices through its Vehicle-Grid Integration (VGI) rate and Grid Integrated Rate (GIR), which are based on CAISO hourly price signals for electric vehicles. SDGE maintains that since these customers have access to hourly price signals, and that

² The LMS regulations do not authorize CCAs (or Publicly Owned Utilities) to seek delays in the MIDAS upload deadline directly from the Executive Director but must bundle such requests with the comprehensive requests for compliance plan approval and direct them first to their boards. However, staff concluded that, due to the unique interrelationship that exists between the rates of CCAs and IOUs, it would be impracticable to provide relief to the IOUs on the "unbundled rates issue" without effectively extending it to the CCAs as well.

manually uploading these rates hourly would place an unwarranted excessive burden on its staff, SDG&E should have an extension to upload these rates (which affect less than 0.01 percent of its customers) until April 1, 2024, when SDG&E will have a system in place to upload all of its rates by automated means. CEC staff concurs with SDG&E's request for the reasons stated.

SCE seeks clarification that the proposed order eliminates the regulation's July 1, 2023, upload deadline and replaces it with deadlines for (i) August 1, 2023, for uploading bundled and unbundled rates with no price modifiers, and (ii) October 1, 2023, for price modifiers. CEC staff concur with this comment and confirm these deadlines.

Second, although the Initial Determination references "rates with price modifiers," SCE seeks clarification that the order would not require it to upload rates with price modifiers that themselves are not time-dependent. A fundamental basis for the Joint Parties' April 28 request is that rate modifiers add complexity to uploading time-dependent rates. The Joint Parties' request did not include a request to exempt uploads of rate modifiers that themselves are not time dependent. Nor should they have because once rate modifiers are added to basic time-dependent rates, the resultant rates are still time-dependent and hence must be uploaded pursuant to the regulation. CEC staff do not concur with SCE on this issue for the reasons stated.

The Executive Director concurs with CEC staff, makes an initial determination that CEC staff's recommendations are supported by the evidence, and recommends that the CEC adopt staff's recommendations at its May 31, 2023, business meeting.

III. ENERGY COMMISSION FINDINGS

The CEC makes the following findings:

- 1) 20 CCR section 1623(b) establishes the requirement for IOUs to upload their existing time dependent rates to MIDAS no later than July 1, 2023, which is three months after April 1, 2023, effective date of the LMS regulations. 20 CCR section 1623.1(c) establishes the identical requirement for Large POUs and Large CCAs.
- 2) 20 CCR section 1621(e) provides a way for Large IOUs to obtain delays and other relief from the MIDAS upload requirement by applying to the CEC Executive Director and the CEC. There is no similar provision in the LMS regulations for Large CCAs or Large POUs to obtain this relief, except by submitting a delay request in conjunction with a comprehensive plan that complies with all the requirements of 20 CCR section 1623.1.
- 3) 20 CCR sections 1621(e)(2) and (3) establish the relevant standards for obtaining delays, by showing either that despite a party's good faith efforts to comply, complying by the deadline in the regulations would cause it extreme hardship or is technologically infeasible.
- 4) 20 CCR section 1621(e)(4) establishes how applications for delays are handled by

the CEC. Under section 1621(e)(4), the Executive Director reviews applications for delays and makes an initial determination of whether an application meets the requirements of either subsection 1621(e)(2) or (3). The Executive Director then submits the application to the CEC with a recommendation of whether to approve or reject the application based on the initial determination. The CEC approves or denies the application based upon the recommendations.

- 5) The Joint Parties have not provided sufficient evidence that would enable a finding that their request for a nine-month delay in the July 1, 2023, MIDAS rate upload deadline meets the requirements of subsection 1621(e)(2) or (3).
- 6) CCAs and IOUs can upload unbundled time-dependent electricity rates to MIDAS in the short term and they can accomplish this by August 1, 2023.
- 7) Issues regarding the uploads of other rates due to price modifiers can be resolved in time for the Joint Parties to upload their remaining time-dependent rates by October 1, 2023.
- 8) Providing the Joint Parties with additional time to address these issues will alleviate any technological infeasibility that may have frustrated the Joint Parties' efforts to upload their existing time-dependent rates.
- 9) Relief from the MIDAS upload requirement is not available to Large CCAs because the LMS regulations do not provide for it, except in conjunction with a comprehensive plan that complies with all the requirements of 20 CCR section 1623.1, which has not occurred. However, the CEC finds good cause to provide the same relief to the Large CCAs as provided to the Large IOUs.
- 10) It is not technologically feasible or cost-effective for SDG&E to upload to MIDAS hourly dynamic prices offered through its Vehicle-Grid Integration (VGI) rate and Grid Integrated Rate (GIR) until it can perform automated rate uploads, which is estimated to be April 1, 2024. These rates are based on CAISO hourly price signals for electric vehicles and represent less than 0.10 percent of SDG&E's customers.

IV. CONCLUSION AND ORDER

The CEC hereby approves an extension of the Joint Parties' deadline to comply with the upload requirements with the following conditions:

- 1) CCAs and IOUs shall upload bundled and unbundled time-dependent electricity rates by August 1, 2023. By August 1, 2023, CCAs shall upload time-dependent generation rates for their customers to MIDAS, and IOUs shall upload transmission and distribution rates for CCA customers.
- 2) After working with CEC staff to resolve the issues regarding the uploads of other rates due to price modifiers, the Joint Parties shall upload their remaining time-dependent rates by October 1, 2023.

- 3) SDG&E shall upload hourly dynamic prices offered through its Vehicle-Grid Integration (VGI) rate and Grid Integrated Rate (GIR) by April 1, 2024. SDG&E shall file reports of its progress towards meeting this deadline with CEC staff on July 1, 2023, October 1, 2023, January 1, 2024, and April 1, 2024.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on May 31, 2023.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Liza Lopez
Secretariat