

DOCKETED

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of:

Appeal by LADWP re
RPS Certification or Eligibility

Docket No.: 16-RPS-02

**RESPONSE OF CALIFORNIA ENERGY COMMISSION STAFF
TO COMMITTEE REQUEST REGARDING CANCELLATION OF
STATUS CONFERENCE OF AUGUST 23, 2016**

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August 17, 2016

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In the Matter of:

Appeal by LADWP re
RPS Certification or Eligibility

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TO COMMITTEE REQUEST REGARDING CANCELLATION OF
STATUS CONFERENCE OF AUGUST 23, 2016**

I. INTRODUCTION

California Energy Commission Staff (Staff) respectfully submits these comments in response to the Committee Request of August 12, 2016 – *Request for Comments on the Need for the August 23, 2016 Committee Status Conference* – related to the Los Angeles Department of Water and Power’s (LADWP) appeal from the denial of Renewables Portfolio Standard (RPS) certification.¹ The Committee is considering whether to cancel the scheduled Status Conference of August 23, 2016,² and before it does, it is seeking comments from the parties on the need for this Status Conference.

Staff does not see a need for the Committee to hold a Status Conference on August 23, 2016. However, Staff does request clarification regarding responses to the Committee Order of July 27, 2016 – *Committee Scoping and Scheduling Orders and Order Granting Motion to Add Consideration of 2007 British Columbia Hydroelectric Generation Contracts*.³ Specifically, Staff seeks clarification on whether it is necessary to file documents as separate exhibits to a party response when those documents are publicly available on the Energy Commission’s website and accessible by reference to a Uniform Resource Locator (URL) or hypertext link.

Additionally, Staff notes that it has received LADWP’s comments of August 17, 2016,⁴ filed in response to the Committee Request, and clarifies that Staff is not opposed to LADWP’s

¹ The request of the LADWP Appeal Committee is referred to herein as the “Committee Request” and is docketed in the subject proceeding as TN 212773.

² The Status Conference was scheduled as part the order issued by the LADWP Appeal Committee on July 15, 2016 and docketed in the subject proceeding as TN 212321.

³ The Committee Order is docketed in the subject proceeding as TN 212485.

⁴ LADWP’s comments have been docketed in the subject proceeding as TN 212813.

request for procedural clarification regarding the submission of records LADWP considers confidential. However, Staff offers no opinion on the substance or merit of LADWP's request or whether it is appropriate for the Committee to grant LADWP's request based on the rationale discussed in LADWP's comments.

II. DISCUSSION

a. Need for the August 23, 2016 Committee Status Conference

Staff does not see a need for the Committee to hold a Status Conference on August 23, 2016. When the Committee issued its Order of July 15, 2016,⁵ scheduling the various status conferences, Staff understood that some of these Status Conferences could be held solely for the Committee to meet in closed session, and that it was possible for some of the Status Conferences to be cancelled because they were not needed.

b. Clarification Regarding Exhibits that are Publicly Available

Staff requests clarification regarding responses to the Committee Order of July 27, 2016. Specifically, Staff seeks clarification on whether it is necessary to file documents as separate exhibits to a party's response when those documents are publicly available on the Energy Commission's website and accessible by reference to a URL or hypertext link.

On August 5, 2016, the Committee issued an order establishing, among other things, standards for filing exhibits – *General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters*.⁶ Regarding exhibits, this order states:

Exhibits must be filed as separate documents in order to assign separate Exhibit Numbers to them. Do not combine two or more exhibits into a single document. The e-filing system allows the uploading of multiple documents in a single upload transaction. [Committee Order of August 5, 2015, TN 212640, p. 4.]

In Staff's response to the Committee Order of July 27, 2016, Staff intends to reference various documents that are publicly available on the Energy Commission's web site. For example, Staff intends to reference various editions of the Energy Commission's RPS Eligibility Guidebook. All of these editions of the RPS Eligibility Guidebook are posted in PDF format on

⁵ TN 212321.

⁶ TN 212640.

the Energy Commission's web site and are publicly available. In its response to the Committee Order of July 27, 2016, Staff proposes to reference these editions of the RPS Eligibility Guidebook, as well as other Energy Commission documents that are publicly available on the Energy Commission's web site, by providing a URL or hypertext link for the particular document on the Energy Commission's web site. Alternatively, Staff could include as a separate exhibit the name of the Energy Commission document and the URL or hypertext link for that document on the Energy Commission's web site.

If referencing the Energy Commission documents in this manner is not acceptable to the Committee, Staff will file each of these Energy Commission documents as separate exhibits to Staff's response to the Committee Order of July 27, 2016.

c. Clarification Regarding the Submission of Records LADWP Considers Confidential

In its comments to the Committee Request of August 12, 2016, LADWP requests procedural clarification regarding the submission of records LADWP considers confidential and requests that it be allowed to file redacted copies of certain documents.⁷ In its comments, LADWP states that it "has conferred with Gabriel Herrera, the CEC's RPS Staff counsel, and he is not opposed to the request and he is not opposed to having the Hearing Officer clarify these procedural issues by posting a response on the docket, thereby obviating the need for a CSC [Committee Status Conference] on August 23, 2016."⁸

Staff is not opposed to LADWP's request seeking procedural clarification regarding the submission of records LADWP considers confidential. Nor is Staff opposed to having the Hearing Officer clarify procedural issues by providing a written response in the docket, thereby obviating the need for a Committee Status Conference on August 23, 2016. However, Staff offers no opinion on the substance or merit of LADWP's request regarding the submission of confidential records and no opinion on whether it is appropriate for the Committee to grant LADWP's request based on the factual and legal rationale discussed in LADWP's comments.

While it is true that Jean-Claude Bertet, LADWP's counsel, and Staff counsel Gabriel Herrera did confer regarding the procedural clarifications LADWP intended to request, they did not discuss the substance or merit of the request.

⁷ LADWP comments, TN 212813, pp. 1-4.

⁸ LADWP comments, TN 212813, p. 5.

III. CONCLUSION

In conclusion, Staff does not see a need for the Committee to hold a Status Conference on August 23, 2016, but does request clarification regarding responses to the Committee Order of July 27, 2016. Staff seeks clarification on whether it is necessary to file documents as separate exhibits to a party's response when those documents are publicly available on the Energy Commission's web site, and proposes to reference all such public documents in its response to the Committee Order of July 27, 2016, by providing a URL or hypertext link for the particular document on the Energy Commission's web site. Alternatively, Staff could include as a separate exhibit the name of the Energy Commission document and the URL or hypertext link for that document on the Energy Commission's web site. Staff offers no opinion on the substance or merit of LADWP's request regarding the submission of confidential records and no opinion on whether it is appropriate for the Committee to grant LADWP's request based on the factual and legal rationale discussed in LADWP's comments.

Dated this 17th day of August 2016

Respectfully submitted,

CALIFORNIA ENERGY COMMISSION

/S/ Gabriel Herrera

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