

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

**JOINT STIPULATION AND REQUEST FOR COMMITTEE ORDER GRANTING
STAFF ACCESS TO CONFIDENTIAL INFORMATION IN 16-RPS-02**

Gabriel Herrera, Esq.
Mona Badie, Esq.
California Energy Commission
Chief Counsel's Office
1516 9th Street, MS 14
Sacramento, CA 95814
Telephone (916) 654-3951
Fax (916) 654-3843
Email: gabe.herrera@energy.ca.gov
Email: mona.badie@energy.ca.gov

Felix Lebron, Esq.
Jean-Claude Bertet, Esq.
Deputy City Attorneys
Los Angeles Dept. of Water and Power
111 N. Hope Street, Suite 340
Los Angeles, CA 90012
Telephone (213) 367-4500
Email: Felix.Lebron@ladwp.com
Email: Jean-Claude.Bertet@ladwp.com

January 12, 2017

**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

**JOINT STIPULATION AND REQUEST FOR COMMITTEE ORDER GRANTING
STAFF ACCESS TO CONFIDENTIAL INFORMATION IN 16-RPS-02**

California Energy Commission Staff (Staff) and the City of Los Angeles, acting by and through the Department of Water and Power, a municipal corporation (LADWP) respectfully submit this Joint Stipulation and Request for Committee Order Granting Staff Access to Confidential Information in 16-RPS-02 (“Joint Stipulation and Request”).

WHEREAS on August 30, 2016, LADWP filed an Application for Designation of Confidential Records in 16-RPS-02, TN 213460.

WHEREAS LADWP’s Application for Designation of Confidential Records requested that the CEC designate as confidential certain information containing metered data showing monthly gas deliveries for calendar years 2011, 2012 and 2013 used for generation at LADWP’s Valley Generating Station, Haynes Generating Station, and Scattergood Generation Station, and a range of generator heat rates.

WHEREAS the CEC granted LADWP’s Application for Designation of Confidential Records and designated the following exhibits as confidential and filed under seal in 16-RPS-02 (collectively the “Confidential Information”):

- Exhibit 348 (LADWP Valley Generating Station 2011-2013 Fuel and Generation Data), TN 213666;
- Exhibit 349 (LADWP Haynes Generating Station 2011-2013 Fuel and Generation Data), TN 213662;
- Exhibit 350 (LADWP Scattergood Generating Station 2011-2013 Fuel and Generation Data), TN 213663;
- Exhibit 355 (LADWP Heat Ranges), TN 213665.

WHEREAS on December 9, 2016, Staff and LADWP filed a Joint Statement Regarding Points of Agreements, TN 214740, that stated, in relevant part, that in the event the Committee determines that the applicable rules in place as of the date of contract execution under Section 399.12.6(a)(1) of the Public Utilities Code refers to the CEC's RPS Eligibility Guidebook requirements then the Parties agree to the following:

Staff has not verified the amount of generation from the Scattergood, Harbor, Valley and Haynes Generating facilities based on the use of biomethane procured under the 2009 Shell and Atmos Agreements. To continue its review of the generation from these facilities that may be eligible for the RPS, Staff needs access to the confidential data that LADWP has submitted in the Appeal as LADWP Exhibits 348, 349, 350 and 355, and docketed as TN 213666, TN 213662, TN 213663, and TN 213665, respectively. LADWP and Staff will file a separate request to the Committee containing a stipulation and proposed order regarding the conditions and requirements for the limited disclosure of this confidential information to Staff as necessary for the verification of the generation and in accordance with the CEC's rules and regulations for confidential information.

WHEREAS on January 5, 2017, the Committee issued a Proposed Decision in 16-RPS-02 in which the Committee tentatively determined that "LADWP's Scattergood, Harbor, Valley, and Haynes generating stations are eligible renewable energy resources and their electricity generation under the Biomethane Agreements, upon verification by staff, will count in full toward LADWP's RPS Program procurement obligations."

NOW THEREFORE Staff and LADWP hereby request that the Committee issue an order granting access to the Confidential Information to Staff's Renewable Energy Division personnel for the limited purpose of permitting Staff to commence and complete the verification process to confirm the amount of electricity generated at LADWP's Valley, Haynes, and Scattergood Generating Stations using biomethane procured under the 2009 Shell and Atmos Agreements.

Staff and LADWP hereby stipulate and agree that the Confidential Information disclosed to Staff for the verification process shall not be publicly disclosed and shall otherwise remain confidential pursuant to the CEC's rules and regulations for confidential information, including without limitation Sections 2501 *et seq.* of Title 20 of the California Code of Regulations.

Staff and LADWP hereby stipulate and agree that the submission of this Joint Stipulation and Request is not intended to waive any rights or arguments relating to the Committee's Proposed Decision, all of which are expressly reserved by Staff and LADWP respectively.

Staff and LADWP respectfully request that any Committee order granting Staff's Renewable Energy Division personnel access to the Confidential Information be consistent with the terms of this Joint Stipulation and Request.

IT IS SO STIPULATED:

Dated January 12, 2017

Respectfully submitted,

/S/ Mona Badie

Mona Badie

MONA BADIE
GABRIEL HERRERA
Chief Counsel's Office
CALIFORNIA ENERGY COMMISSION
1516 9th Street, MS 14
Sacramento, CA 95814
Telephone (916) 654-3951
Fax (916) 654-3843
Email: gabe.herrera@energy.ca.gov
Email: mona.badie@energy.ca.gov

/S/ Felix Lebron

Felix Lebron

FELIX LEBRON
JEAN-CLAUDE BERTET
Deputy City Attorneys
Los Angeles Dept. of Water and Power
111 N. Hope Street, Suite 340
Los Angeles, CA 90012
Telephone (213) 367-4500
Email: Felix.Lebron@ladwp.com
Email: Jean-Claude.Bertet@ladwp.com