

DOCKETED

Docket Number:	16-RPS-02
Project Title:	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
TN #:	216150
Document Title:	REQUEST OF CEC STAFF for Corrections to Transcript of January 25, 2017 Committee Status Conference (TN 215814)
Description:	N/A
Filer:	Pam Fredieu
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/21/2017 2:56:02 PM
Docketed Date:	2/21/2017

**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

**REQUEST OF CALIFORNIA ENERGY COMMISSION STAFF
FOR CORRECTIONS TO TRANSCRIPT OF JANUARY 25, 2017
COMMITTEE STATUS CONFERENCE (TN 215814)**

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

February 21, 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

**REQUEST OF CALIFORNIA ENERGY COMMISSION STAFF
FOR CORRECTIONS TO TRANSCRIPT OF JANUARY 25, 2017
COMMITTEE STATUS CONFERENCE (TN 215814)**

I. INTRODUCTION

California Energy Commission Staff (Staff) respectfully requests that corrections be made to the Transcript of the January 25, 2017 Committee Status Conference (CSC Transcript) in the subject proceeding related to LADWP's appeal of Renewables Portfolio Standard (RPS) certification and eligibility. The CSC Transcript was published on February 8, 2017 and is docketed in the proceeding as TN 215814.

Staff requests that the CSC Transcript be corrected as described below in accordance with the Committee's *General Orders Regarding Electric Document Formats, Electronic Filing and Service of Documents and Other Matters* (General Order). The General Order states that "[p]arties are responsible for identifying errors in the transcripts of the proceedings" and "[p]roposed corrections to the transcript must be filed within 30 days of the filing of a transcript."¹

II. REQUESTED CORRECTIONS TO CSC TRANSCRIPT

Staff requests that the following corrections be made to the statements of Staff Counsel Gabriel Herrera and Staff Counsel Mona Badie contained in the CSC Transcript. The proposed corrections are referenced by page and line numbers of the CSC Transcript. Proposed additions are shown in underline font and proposed deletions are shown in strikeout font.

¹ TN 212640, p. 5.

- Page 34, Lines 2 and 4. On Line 2 the word “Mona’s” should be replaced with the words “Mona is.” On Line 4 the word “cumulative” should be replaced with the word “Committee.” The proposed corrected quote on Page 34, Lines 2 – 4, should read as follows:
“~~Mona’s~~Mona is going to start off with a summary, a quick summary of staff’s position regarding the ~~cumulative~~Committee analysis of the BC Hydro agreements and the biomethane facilities.”
- Page 34, Lines 19 and 20. On Line 19 the first comma should be deleted and the word “rule” replaced with the word “rules” and on Line 20 the word “placed” should be replaced with the word “place.” The proposed corrected quote on Page 34, Lines 18 – 21, should read as follows:
“Staff supports the Committee’s analysis of the RPS statutory references to the phrase, “~~rule~~rules in place,” including the rules in ~~placed~~place referenced in Public Utilities Code Section 399.16 (d) (1).”
- Page 35, Lines 7 and 9. In Line 7 the word “law’s” should be replaced with the words “law is” and in Line 9 the word “POUs” should be replaced with the word “POU.” The proposed corrected quote on Page 35, Lines 5 – 9, should read as follows:
“Under LADWP’s interpretation of the phrase “rules in place”, there would be conflicts in how the ~~law’s~~law is interpreted and applied throughout the State, as there would be one set of rules for retail sellers and different sets of ~~POUs~~POU rules.”
- Page 36, Line 10. The words “render other” should be deleted. The proposed corrected quote on Page 36, Lines 9 – 10, should read as follows:
“LADWP’s interpretation would also render other ~~render other~~ provisions of the RPS statute surplus.”
- Page 37, Lines 16 and 17. On Line 16 the word “Harper” should be replaced with the word “Harbor” and on Line 17 the word “Haines” should be replaced with the word “Haynes.” The proposed corrected quote on Page 37, Lines 15 – 21, should read as follows:
“Very briefly, with regard to LADWP’s appeal concerning RPS certification of its Scattergood, ~~Harper~~Harbor, Valley, and ~~Haines~~Haynes facilities, based on the use of biomethane procured under LADWP’s 2009 Shell and Atmos contracts, again, Energy Commission staff support the Committee’s analysis of the RPS statutory reference to the phrase “rules in place.””

- Page 38, Lines 15 and 16. The comma in Line 15 and the comma in Line 16 should be deleted. The proposed corrected quote on Page 38, Lines 13 – 17, should read as follows:

“So, LA is arguing that the Proposed Decision improperly applies the Energy Commission’s RPS Eligibility Rules retroactively, to cover LADWP’s RPS policy resources, under the Section 387 Program it had implemented.”
- Page 39, Lines 1, 2 and 3. The comma in Line 1 and the comma in Line 2 should be deleted and a comma should be added to Line 3. The proposed corrected quote on Page 39, Lines 1 – 3, should read as follows:

“You’ve got the Legislature establishing, in the statute, the start of the compliance period, the first compliance period, on January 1.”
- Page 39, Line 10. The comma should be deleted. The proposed corrected quote on Page 39, Lines 10 – 11, should read as follows:

“Now, that’s significant because we’re talking about June 1, 2010 and January 1, 2011.”
- Page 40, Line 1. The word “analyses” should be replaced with the word “analysis” and the comma should be deleted. The proposed corrected quote on Page 39, Lines 24 – 25, and carrying over to Page 40, Lines 1 – 2, should read as follow:

“So, LA has argued that the Committee did not properly consider the legislative history and some of the legislative analysis ~~analyses~~, reports that were prepared for SBX1 2, but I don’t agree.”
- Page 40, Line 22. “399.12 (d)” should be replaced with “399.16 (d),” the period replaced with a comma, and the word “We” should be shown in lower case as “we.” The proposed corrected quote on Page 40, Lines 21 – 23, should read as follows:

“Regarding LA’s position that the Committee is rewriting Section ~~399.12 (d)~~, 399.16 (d), ~~We~~ we don’t agree with that, as well.”
- Page 40, Lines 24 and 25. Quotation marks should be added to the phrase “rules in place” in Lines 24 and 25 and the two commas in Line 25 should be deleted. The proposed corrected quote on Page 40, Lines 23 – 25, and carrying over to Page 41, Line 1, should read as follows:

“I mean, we believe the Committee, in the Proposed Decision, correctly determined that the “rules in place,” under Section 399.16 (d) (1), refer to the CEC’s RPS Eligibility Rules, not the POU rules.”

- Page 41, Line 15. The comma should be deleted. The proposed corrected quote on Page 41, Lines 14 – 17, should read as follows:

“It doesn’t make sense, for example, to have one facility that is selling power both to retail sellers; and POU’s, being subject to a different set of certification requirements.”
- Page 41, Line 19. Both commas should be deleted. The proposed corrected quote on Page 41, Lines 17 – 20, should read as follows:

“That doesn’t fit within the scheme we think the Legislature had in mind when it established SBX1 2; and the new RPS Program; under that statute.”
- Page 41, Line 25, and Page 42, Line 1. The period in Line 25 should be replaced with a comma, and on Line 1 the word “Because” should be shown in lower case as “because” and the commas should be deleted. The proposed corrected quote on Page 41, Lines 24 – 25, and carrying over to Page 42, Lines 1 – 3, should read as follows:

“But, in fact, if you define large hydro by anything greater than 30 megawatts then, in fact, LA did; ~~Because~~because LA’s program; under Section 387; did allow its hydro larger than 30, that was part of its aqueduct system, to be included as part of the program.”
- Page 42, Lines 13 and 14. The word “POUs” should be replaced with the word “hydro” in Line 13 and the word “program” should be replaced with the word “programs” in Line 14. The proposed corrected quote on page 42, Lines 11 – 14, should read as follows:

“I should also note that a report the Energy Commission funded, back in 2008, had identified 21 separate POU’s that had large ~~POUs~~hydro as part of their Section 387 ~~program~~programs.”
- Page 42, Line 22. The first comma should be deleted. The proposed corrected quote on Page 42, Lines 21 – 24, should read as follows:

“I mean, the purpose of the Committee’s review; under the appeal process, under the RPS Guidebook, is to determine whether staff applied the CEC certification rules correctly.”
- Page 44, Lines 2 and 3. In Line 2 the words “and facts” should be replaced with the words “of fact” and in Line 3 both commas should be deleted and the words “and facts” should be replaced with the words “of fact.” The proposed corrected quote on Page 44, Lines 2 – 6, should read as follows:

“Lastly, concerning the findings ~~and facts of fact~~ – findings, ~~and facts, of fact~~ and conclusions of law that LA has proposed, in staff’s view, we don’t think it’s appropriate to add these additional findings of fact and conclusion of law.”

- Page 44, Lines 10, 11, 12, 13, 14 and 18. The period in Line 11 should be deleted and the word “And” should be shown in lower case as “and,” and in Line 12 both comma should be deleted. In Line 13 the word “the” should be deleted. In Line 14 the word “proposed” should be deleted, the period replaced with a comma, the word “Because” should be shown in lower case as “because,” and the comma should be deleted. In Line 18 the word “Resource” should be replaced with the word “Resources.” The proposed corrected quote on Page 44, Lines 9 – 18, should read as follows:

“Including, for example, the findings of fact concerning LA’s RPS policy under former Public Utilities Code Section 387. ~~And~~ and the approval of its BC Hydro Power Purchase Agreements; with Powerex; kind of goes beyond what is necessary for the proposed ~~the proposed decision. Because,~~ because in this case the Committee has already determined that Section 399.12 (e) (1) (C) requires that the resources for the BC Hydro facilities meet the definition of a renewable electrical generation facility under Public ~~Resource~~ Resources Code Section 25741.”

- Page 46, Lines 3, 4 and 5. The second comma in Line 3 should be deleted. In Line 4 the period should be replaced with a comma and the word “At” should be shown in lower case as “at.” In Line 5 the comma should be replaced with a period. The proposed corrected quote on Page 46, Lines 2 – 5, should read as follows:

“And that, in fact, is how it’s occurred before in the past; when we’ve presented RPS verification results. ~~At~~ at least with respect to retail sellers.”

- Page 46, Lines 5, 7 and 8. The word “If” should be inserted before the words “the retail sellers” in Line 5, the word “and” should be deleted in Line 7, and the comma should be deleted in Line 8. The proposed corrected quote on Page 46, Lines 5 – 9, should read as follows:

“If the retail sellers had a disagreement with staff’s assessment of the verification results, ~~and~~ they could raise it to the full Commission at a Business Meeting; when those results were being considered.”

- Page 46, Line 14. The comma in Line 14 should be deleted. The proposed corrected quote on Page 46, Lines 13 – 14, should read as follows:

“Not an appeal pursuant to the appeal process; in the RPS Guidebook, no.”

- Page 47, Line 18. The word “have” should be inserted before the words “the ability.” The proposed corrected quote on Page 47, Lines 17 – 20, should read as follows:

“So, would it be possible for the Committee to schedule a conference, and then have the ability to cancel that, for example, if there’s no need for additional information?”

III. CONCLUSION

Staff respectfully requests that the Committee accept the proposed corrections to the CSC Transcript. The proposed corrections reflect the statements made by Staff Counsel Gabriel Herrera and Staff Counsel Mona Badie and therefore should be included in the CSC Transcript in accordance with the Committee’s General Order.

Dated this 21st day of February 2017

Respectfully submitted,

/s/ Gabriel Herrera

Gabriel Herrera

GABRIEL HERRERA
MONA BADIE

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