

DOCKETED

Docket Number:	18-RPS-01
Project Title:	Complaint Against the Stockton Port District re: RPS Program Compliance
TN #:	222160
Document Title:	Letter to Chair Weisenmiller and Chief Counsel Kourtney Vaccaro re Stockton Port District Complaint
Description:	Letter Regarding Complaint Against the Stockton Port District for Noncompliance with the RPS, Motion for Bifurcated, Two-Phased Proceeding
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Organization:	California Energy Commission
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CALIFORNIA ENERGY COMMISSION

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January 8, 2018

Robert Weisenmiller, Chair
Kourtney Vaccaro, Chief Counsel
California Energy Commission
1516 Ninth Street,
Sacramento, CA 95814-5512

Re: Complaint Against the Stockton Port District for Noncompliance with the RPS;
Motion for Bifurcated, Two-Phased Proceeding.

Dear Chair and Ms. Vaccaro:

In response to the Chair's letter of January 8, 2018, please find enclosed an updated complaint against the Stockton Port District, commonly referred to as the Port of Stockton ("Port"), for noncompliance with the Renewables Portfolio Standard (RPS). The updated complaint is dated January 8, 2018, and has been re-signed with my signature to address the issue identified in the Chair's letter. Except for the date and my signature, the updated complaint is identical to the complaint that was served on December 29, 2017.

The updated complaint is filed pursuant to the California Code of Regulations, title 20, article 5, including section 1240. Section 1240 (b) provides that the Executive Director of the Energy Commission ("Commission") may file a complaint against a local publicly owned electric utility ("POU") for failure to meet a RPS requirement, or any regulation, order, or decision adopted by the Commission pertaining to the RPS for POUs.

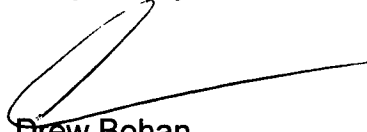
In the updated complaint the Executive Director, on behalf of Commission staff, alleges that the Port failed to satisfy its RPS procurement requirements for the 2011-2013 compliance period and was not otherwise excused from satisfying these requirements by the application of optional compliance measures in accordance with the Commission's regulations in California Code of Regulations, title 20, sections 1240 and 3200 – 3208.

Even though the Port did not meet its RPS procurement requirements for the 2011-2013 compliance period, and is not excused by the application of an optional compliance measure, Commission staff believes there are compelling reasons for excusing the Port's procurement deficits and not finding the Port in violation of its RPS procurement requirements. These reasons include 1) the Port met most, but not all, of the regulatory requirements for applying optional compliance measures, 2) the Port's actions in attempting to satisfy its RPS procurements requirements appeared reasonable, and 3) the timing associated with the enactment of Senate Bill X1-2 (Stats. 2011, 1st ex. sess., ch. 1) may have affected the Port's efforts to satisfy its RPS procurement requirements. Additionally, the Port may raise other potential mitigating circumstances.

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Also enclosed is a related procedural motion to address the adjudication of the complaint. In the motion the Executive Director, on behalf of Commission staff, is requesting that the Commission consider the complaint in a bifurcated, two-phased manner, such that the mitigating circumstances are considered separate and in advance of the merits of the alleged violations, and that a determination on these mitigating circumstances be rendered prior to a determination of the alleged violations. If the Commission determines that the mitigating circumstances excuse the Port's alleged violations, the motion requests that the Commission end the adjudication at that point, rather than complete the adjudication on the merits of the alleged violations. This motion

Respectfully,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan,
Executive Director

Enclosures: Complaint Against Stockton Port District, dated January 8, 2018
Motion for Bifurcated, Two-Phased Proceeding, dated January 8, 2018