

<b>DOCKETED</b>	
<b>Docket Number:</b>	18-RPS-01
<b>Project Title:</b>	Complaint Against the Stockton Port District re: RPS Program Compliance
<b>TN #:</b>	224057
<b>Document Title:</b>	Committee Response re Statement of Stipulated Facts
<b>Description:</b>	N/A
<b>Filer:</b>	Liza Lopez
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	7/5/2018 10:51:40 AM
<b>Docketed Date:</b>	7/5/2018

**CALIFORNIA ENERGY COMMISSION**1516 Ninth Street  
Sacramento, California 95814Main website: [www.energy.ca.gov](http://www.energy.ca.gov)

CEC-70 (Revised 06/18)

***In the Matter of:***

***COMPLAINT AGAINST STOCKTON PORT  
DISTRICT FOR NONCOMPLIANCE WITH  
THE RENEWABLES PORTFOLIO  
STANDARD***

**Docket No. 18-RPS-01****COMMITTEE RESPONSE RE STATEMENT OF STIPULATED FACTS****Background**

On January 8, 2018, the Executive Director of the California Energy Commission (Energy Commission), on behalf of Energy Commission staff (Staff), filed a complaint against the Stockton Port District (Port), alleging noncompliance with the Renewables Portfolio Standard (RPS) Program for the 2011-2013 compliance period (Complaint).<sup>1</sup>

Accompanying the Complaint was a motion to bifurcate the proceeding into two phases (Motion to Bifurcate). Specifically, Staff requested the Energy Commission consider mitigating circumstances that may excuse the Port's alleged RPS noncompliance separate, and in advance of, Energy Commission consideration of the alleged RPS noncompliance allegations in the Complaint.

Both the parties and the Committee appointed to preside over the Complaint have addressed the Motion to Bifurcate in a series of formal filings and at the March 7, 2018 Status Conference. Most recently, the parties filed a Joint Statement Regarding the Need for Evidentiary Hearings (Joint Statement) stating that the Staff believes evidentiary hearings are necessary, but that the Port does not. The Joint Statement also stated that parties are willing to work on development of an agreement regarding certain stipulated facts, and that if sufficient stipulations are made, staff might withdraw its request for evidentiary hearings. The parties indicated that contingent on Committee approval, both the statement of stipulated facts and any concomitant staff withdrawal of its request for evidentiary hearings would be filed by July 13.

The Committee supports the parties' efforts to narrow the range of contested factual issues and directs the parties to file any stipulated facts that are agreed to no later than July 13<sup>th</sup>, along with a statement identifying any remaining contested factual issues. The Committee reminds the parties that even in the event that no hearings are held, they will be provided with an opportunity to make legal arguments about whether the evidentiary record establishes a basis for finding that the Port actually or substantially complied with delay of timely compliance and cost limitation optional compliance measures.

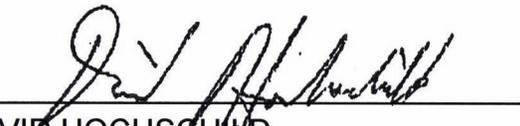
<sup>1</sup> The complaint and all other documents filed in this proceeding can be found in the docket for this proceeding at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-RPS-01>.

SO ORDERED, on this 5<sup>th</sup> day of July, 2018.



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KAREN DOUGLAS  
Commissioner and Presiding Member Complaint Against Stockton Port District for  
Noncompliance with the Renewable for Noncompliance with the Renewable Portfolio  
Standard Committee Portfolio Standard Committee



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DAVID HOCHSCHILD  
Commissioner and Associate Member Complaint Against Stockton Port District for  
Noncompliance with the Renewable for Noncompliance with the Renewable Portfolio  
Standard Committee Portfolio Standard Committee