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

In the Matter of:

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

Docket No. 18-RPS-01

**JOINT STATEMENT OF STIPULATED FACTS AND
REMAINING CONTESTED FACTUAL ISSUES**

I. Background

California Energy Commission Staff (Staff) and the Stockton Port District (Port) are providing this joint statement of stipulated facts and remaining contested factual issues in response to the Committee's July 5, 2018 order, *Committee Response Re Statement of Stipulated Facts* (Order), which directed the parties to file any agreed upon stipulated facts along with a statement identifying any remaining contested factual issues.¹

II. Stipulated Facts

The parties hereby stipulate to the following facts:

1. Resolution Number 7681² does not include any items related to a renewable energy resource procurement plan or enforcement program, the Renewables Portfolio Standard (RPS), or RPS optional compliance measures such as a delay of timely compliance or a cost limitation.

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¹ TN 224075, p.1.

² See TN 222161-7, pp. 13-14 of PDF.

2. Regarding the Port's December 20, 2012 public meeting³:
 - a. The Port held a public meeting on December 20, 2012 primarily to present the Port's draft Renewable Resource Procurement Plan to the public, answer questions from the public, and take public comment.
 - b. The December 20, 2012 meeting was not a meeting of the Port Board of Commissioners.
 - c. At the December 20, 2012 public meeting, the Port Board of Commissioners did not take any action in the form of an adopted resolution, ordinance or otherwise take formal action related to a renewable energy resource procurement plan or enforcement program, the RPS, or RPS optional compliance measures such as a delay of timely compliance or a cost limitation.
3. Regarding the Port Board of Commissioners June 3, 2013 meeting and budget materials for the Port's Budget for Fiscal Year 2013-2014:
 - a. The agenda for the Port Board of Commissioners' meeting of June 3, 2013⁴ does not include a renewable energy resource procurement plan or enforcement program, the RPS, or RPS optional compliance measures such as a delay of timely compliance or a cost limitation.
 - b. The Port Budget for Fiscal Year 2013-2014⁵ contains a line item for the "Rough & Ready Solar Power Plant" with a budget of \$60,000 for fiscal year 2013-2014 and \$1,800,000 for fiscal year 2014-2015.
 - c. Apart from the budget item for the Rough & Ready Solar Power Plant, the Port Budget for Fiscal Year 2013-2014 does not include any items or discussion related to the RPS, a renewable energy resource procurement plan or enforcement program, or RPS optional compliance measures such as a delay of timely compliance or a cost limitation.
 - d. The Port Board of Commissioner did not take action, in the form of an adopted resolution, ordinance or otherwise, at its June 3, 2013 meeting to adopt or approve a renewable energy resource procurement plan or enforcement program or RPS

³ See TN 223788.

⁴ TN 223789.

⁵ TN 223793, p. 15.

optional compliance measures such as a delay of timely compliance or a cost limitation.

4. Regarding delegation of authority:

a. The Port's evidence documenting delegation to the Port Director regarding the RPS for Compliance Period 1, including any RPS optional compliance measure delegation, consists of:

- i. The evidence documenting Resolution Number 7681;⁶ and
- ii. Language on page 10 of the Port's Renewable Portfolio Standard Procurement Plan dated November 20, 2012 stating: "Enforcement of this plan is accomplished through action by the Port's Executive Director to require staff to proceed with its implementation and necessary steps to meet the RPS."⁷

b. There was no express delegation of authority to the Port Director to develop or implement RPS optional compliance measures such as a delay of timely compliance or a cost limitation in Resolution Number 7681 or the Port's Renewable Portfolio Standard Procurement Plan dated November 20, 2012.

5. The Port's Renewable Resource Procurement Plan dated November 20, 2012⁸ does not describe or otherwise include RPS optional compliance measures such as a delay of timely compliance or a cost limitation.

6. The Port did not have a renewable energy resource procurement plan or enforcement program in place during RPS Compliance Period 1 describing RPS optional compliance measures such as a delay of timely compliance or a cost limitation.

7. The Port Board of Commissioners did not take action on or before December 31, 2013, in the form of an adopted resolution, ordinance or otherwise take formal action, regarding a delay of timely compliance optional compliance measure for RPS Compliance Period 1.

8. The Port Board of Commissioners did not take action on or before December 31, 2013, in the form of an adopted resolution, ordinance or otherwise take formal action, regarding a cost limitation optional compliance measure for RPS Compliance Period 1.

⁶ See TN 222161-7, pp. 13-14 of PDF.

⁷ See TN 222161-7, p. 27 of PDF.

⁸ See TN 222161-7, pp. 17- 27 of PDF.

III. Remaining Contested Factual Issues

The Parties have not identified any remaining contested factual issues concerning the factual claims in Section II of the *Port of Stockton Response to Committee Response to Staff Motion to Bifurcate and Order for Additional Information* dated March 30, 2018⁹ at this time, apart from the question of actual or substantial compliance, which will be addressed in legal arguments by the parties per the Order. However, the parties would like to reserve the right to raise factual issues at a later date if necessary.

Staff hereby withdraws its request for evidentiary hearings concerning the factual claims contained in Section II of the *Port of Stockton Response to Committee Response to Staff Motion to Bifurcate and Order for Additional Information* dated March 30, 2018.¹⁰

Dated this 13th day of July, 2018.

Respectfully submitted,
CALIFORNIA ENERGY COMMISSION

/S/
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Respectfully submitted,

⁹ TN 223100.

¹⁰ TN 223100.

STOCKTON PORT DISTRICT

/S/

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