

DOCKETED	
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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

STAFF RESPONSE TO HEARING OFFICER REQUEST

California Energy Commission Staff (Staff) is providing this response to the Hearing Officer's memo of November 13, 2018, which requests the parties to docket a copy of the Stockton Port District's (Port) RPS Procurement Plan that is referenced in the Port's letter of January 4, 2013 (Exhibit 2005, p. 156).¹

The Port's letter of January 4, 2013, refers to the "final RPS Procurement Plan dated December 31, 2012" and states the plan is attached to the letter.² Staff has no record of receiving from the Port a final RPS Procurement Plan that is dated December 31, 2012.

The RPS Procurement Plan provided to the California Energy Commission (Commission) by the Port with a date of "11/20/2012" on the cover page is docketed twice; once as Exhibit 2005, pp. 142-152, and again as Exhibit 2006, pp. 530-540. This is the version of the procurement plan that is posted on the Commission website and the version Staff considered in evaluating the Port's compliance with the RPS for compliance period 1, including the Port's application of optional compliance measures. It is also the version that is referenced and appended as an exhibit to the subject complaint against the Port.

In the Port's response to Staff's September 5, 2017 data request (Exhibit 2007), the Port acknowledges that "the only procurement plan approved during Compliance Period 1 is the version dated November 20, 2012, which is currently posted on the CEC's website."³

¹ TN 225886.

² Exhibit 2005, TN 224692, p. 156.

³ Exhibit 2007, TN 224694, p. 543; Refer to response to question 2.

Staff has not been able to locate the original version of the Port's January 4, 2013 letter, which was presumably sent to the Commission in January 2013.⁴ The copy of the January 4, 2013 letter that is included as part of Exhibit 2005 was submitted to the Commission by the Port on August 15, 2016, during Staff's RPS optional compliance measure review process for compliance period 1.⁵ When the letter was submitted by the Port at that time, it did not include the attachments referenced in the letter.⁶

According to the Port's letter of January 4, 2013, Port staff discussed its procurement plan at a December 20, 2012 meeting. If Port staff did not revise the November 20, 2012 procurement plan following the December 20, 2012 meeting, then the Port could have sent the Commission a copy of the November 20, 2012 procurement plan with the January 4, 2013 letter. If so, this would explain why the version of the Port's RPS Procurement Plan provided to the Commission is dated November 20, 2012. Whatever the circumstances, the Port has already acknowledged that the only procurement plan approved during Compliance Period 1 is the version dated November 20, 2012, which is currently posted on the Commission website.

Dated this 16th day of November, 2018.

Respectfully submitted,

CALIFORNIA ENERGY COMMISSION

/s/ Gabriel Herrera

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⁴ TN 224809, p. 5, para. 9.

⁵ TN 224809, p. 5, para. 9.

⁶ TN 224809, p. 5, para. 9.