

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate  
and Refine Procurement Policies and  
Consider Long-Term Procurement Plans.

Rulemaking 10-05-006

**RESPONSE OF THE LARGE-SCALE SOLAR ASSOCIATION (“LSA”) AND THE  
CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES  
 (“CEERT”) TO MOTION OF THE DIVISION OF RATEPAYER ADVOCATES  
 REGARDING TRACK I (SYSTEM PLANNING) SCHEDULE AND TO MOTION OF  
 PACIFIC GAS AND ELECTRIC COMPANY, SOUTHERN CALIFORNIA EDISON  
 COMPANY AND SAN DIEGO GAS & ELECTRIC COMPANY FOR  
 RECONSIDERATION OF ALJ’S RULING**

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June 8, 2011

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RECONSIDERATION OF ALJ’S RULING**

**I. INTRODUCTION**

Pursuant to Rule 11.1 of the California Public Utilities Commission’s (“CPUC” or “Commission”) Rules of Practice and Procedure, the Large-scale Solar Association (“LSA”) and the Center for Energy Efficiency and Renewable Technologies (“CEERT”) submit this response supporting the motion filed June 3, 2011 by the Division of Ratepayer Advocates (“DRA Motion”) for modification of the Track I schedule adopted in the Administrative Law Judge’s Ruling dated May 31, 2011 (“ALJ Ruling”). LSA and CEERT also recommend modifying the schedule to let all parties file reply testimony, but suggest dates that differ from those proposed in the Motion of Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company For Reconsideration of ALJ’s Ruling, dated June 3, 2011 (“Joint Utilities Motion”).

## II. DISCUSSION

### **A. LSA And CEERT Recommend The Track I Schedule Be Revised To Provide Five Weeks For Intervenor Opening Testimony And An Opportunity For Reply Testimony.**

The ALJ Ruling adopts a revised schedule for Track 1 that gives parties only three weeks to prepare and file responsive testimony addressing the system plans, integration modeling results and supporting testimony and technical work papers which the utilities and the California Independent System Operator (“CAISO”) are now to submit on July 1. For more than a year, the parties to this proceeding have engaged in an intense debate and review of the assumptions that should inform the system plans and integration modeling. The December 3, 2010 Scoping Memo fixed certain high level planning assumptions, but it has become increasingly clear that many other critical assumptions influencing the modeling results are being set entirely at the discretion of the CAISO and the utilities. While the review process has refined some of the modeling assumptions and parameters, each stage has resulted in unexpected changes in prior assumptions. Each has also disclosed new layers and pockets of important but previously undisclosed assumptions embedded in the modeling which require yet further evaluation and review – as illustrated by the surprise that greeted the changes to the modeling assumptions described in the May 18, 2011 motion of PG&E, SCE, SDG&E and CAISO for modification of the Track I schedule.

Moreover, the utilities have signaled their intent to present as part of their July 1 submission a common scenario with sensitivities and assumptions differing from the scoping memo’s mandatory scenarios, sensitivity cases and planning assumptions. Under the current schedule, the July 1 testimony will give non-utility parties their first look at the utilities’ alternative system plan proposal and its underlying assumptions and rationale.

Understanding the assumptions, their implications for the modeling results and system plans, and the consequences of the constraints the modeling tools used to create the plans requires considerable technical expertise and commitment of time from multiple disciplines. Developing this understanding and preparing responsive testimony would be a challenge within the previously allotted five-week period; doing so within a three-week period may not be possible. LSA and CEERT strongly agree with DRA that three weeks is insufficient time to review testimony and technical support of such complexity and volume,

conduct discovery, and prepare responsive testimony. LSA and CEERT accordingly support DRA's request to revise the Track I schedule in a manner that restores the time for filing responsive testimony to at least five weeks after the CAISO and utilities serve their testimony.

LSA and CEERT also recommend that all parties be given the opportunity to submit reply testimony. While LSA and CEERT appreciate the Commission's interest in bringing this reoccurring proceeding to timely closure, we believe that the improved quality in the record which can be obtained through more carefully considered opening testimony and focused reply testimony justifies issuance of the Track I final decision in early 2012 rather than late 2011. Reply testimony offers the additional benefits of more efficient and possibly shorter hearings. It also enhances the likelihood that the parties will be able to reach stipulations that narrow hearing issues or avoid hearings altogether. Appropriate page restrictions could be used to ensure the reply testimony remains focused and avoids disruptions to the schedule.

**B. In the Alternative, LSA And CEERT Support DRA's Request For the Utilities To Accommodate Early Review and Discovery Requests.**

DRA asks that if the schedule cannot be changed to accommodate a five-week period for filing responsive testimony, (1) the utilities should be required to serve the portions of their testimony that are unaffected by the permitted modeling changes by June 17, 2011, and (2) the utilities and CAISO should be required to respond to any discovery requests within four working days. LSA and CEERT support DRA's alternative proposal. The June 17 submission should detail each change the utilities plan to make in the scenarios, sensitivity cases and planning assumptions set forth in the scoping memo and its two attachments. It should also detail each change the utilities intend to make in the CAISO's renewable integration modeling assumptions (including variability and forecast error, broken out by each type of renewable technology evaluated) as specified in its April 29, 2011 submission and at the May 10, 2011 workshop.

LSA and CEERT support provision of an opportunity for all parties to submit reply testimony even if the Track I schedule is otherwise unchanged. As discussed above, we believe reply testimony will improve the quality of the record and lead to more efficient, better focused, and likely shorter hearings. The Joint Utilities Motion proposes to make time

for reply testimony within the confines of the current Track I schedule by reducing the time allotted for hearings from two weeks to one week. Shortening the time for hearings provides a way to accommodate both reply testimony and issuance of a final decision on Track I by the end of this year. As such, LSA and CEERT recommend adjustment of the dates proposed in the Joint Utilities Motion, as follows:

July 29 – Other Parties serve Track I testimony

August 5 – All parties serve Track I reply testimony

August 9 -12 – Hearings

These dates give non-utility parties several additional days to complete their Track I testimony, while leaving a full week for preparation of reply testimony.

The schedule contained in the Joint Utilities Motion proposes that all parties submit Track III testimony on July 1, serve Track III responsive testimony on July 26, and serve Track III reply testimony on August 5. LSA and CEERT do not support the utilities' proposed schedule for Track III testimony. According to the Administrative Law Judge's Ruling dated March 10, 2011, at page 5, "[a] subsequent ruling will identify and clarify the specific Rules [Track] III issues to be addressed concurrently with System Track I, and the process for the parties to address those issues." The expectation of a subsequent ruling for Track III was confirmed at the May 24, 2011 hearing. (R.T. Vol.2, p. 128) The utilities' proposal for a Track III testimony schedule is premature in the absence of the forthcoming ruling adopting a schedule and providing the further directions for Track III issues.

### **III. CONCLUSION**

The Track I system plans and testimony that the CAISO and utilities are required to file on July 1 represent months of intensive effort by the CAISO and utilities, rest on a myriad of complex and shifting technical assumptions, and rely on the results of cutting-edge and largely untested integration modeling. The utilities' alternative system plan proposals and assumptions will be disclosed on July 1 for the first time. LSA and CEERT will need more than three weeks to review the July 1 submission, conduct discovery, and prepare responsive

testimony. We accordingly support DRA's requests to modify the Track I schedule as well as additional revisions to accommodate reply testimony.

Respectfully submitted,

By /s/ Linda Agerter

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On Behalf Of  
LARGE-SCALE SOLAR ASSOCIATION  
CENTER FOR ENERGY EFFICIENCY AND  
RENEWABLE TECHNOLOGIES

June 8, 2011

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **RESPONSE OF THE LARGE-SCALE SOLAR ASSOCIATION (“LSA”) AND THE CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES (“CEERT”) TO MOTION OF THE DIVISION OF RATEPAYER ADVOCATES REGARDING TRACK I (SYSTEM PLANNING) SCHEDULE** on all parties of record in R.10-05-006 by transmitting an email message with the document attached to their email addresses of record and, for those parties without an email address of record, by mailing a properly addressed copy by first-class mail with postage prepaid to each party on the Commission’s official service list for this proceeding.

This Certificate of Service is executed on June 8, 2011, at Berkeley, California

*/s/ Linda Agerter*  
Linda Agerter