

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

Order Instituting Rulemaking to Continue  
Implementation and Administration of California  
Renewables Portfolio Standard Program.

Rulemaking 08-08-009  
(Filed August 21, 2008)

**NOTICE OF EX PARTE COMMUNICATION BY  
CALIFORNIA WIND ENERGY ASSOCIATION AND  
LARGE-SCALE SOLAR ASSOCIATION**

In accordance with California Public Utilities Commission (“Commission”) Rule of Practice and Procedure 8.3, the California Wind Energy Association (“CalWEA”) and the Large-scale Solar Association (“LSA”) respectfully submit this notice of *ex parte* communication.

On Friday, March 11, 2011, Thomas W. Solomon, counsel to CalWEA and LSA, met with Andy Schwartz, advisor to President Peevey, at the Commission’s offices at 505 Van Ness Avenue in San Francisco. CalWEA and LSA initiated the meeting, which began at approximately 3:00 PM and lasted approximately 30 minutes.

Mr. Solomon discussed Pacific Gas and Electric Company’s (“PG&E”) economic curtailment proposal and noted that PG&E’s proposed contract language would compensate the seller only for those economic curtailments for which the buyer provided written curtailment instructions. Mr. Solomon also noted that the PG&E economic curtailment proposal does not compensate the seller for production tax credits that the seller could have obtained but for the economic curtailment. In addition, Mr. Solomon noted that the confidentiality provisions of the utilities’ proposed 2011 renewables portfolio standard (“RPS”) Procurement Plans are one-sided, allowing the utilities, but not bidders and sellers, to disclose confidential information about the solicitation and contract negotiation process to the Commission. Finally, Mr. Solomon stated that Administrative Law Judge (“ALJ”) Mattson’s proposed *Decision Conditionally Accepting 2011 Renewables Portfolio Standard Procurement Plans and Integrated Resource Plan Supplements* (“Proposed Decision”) should be revised to (1) require the PG&E economic curtailment proposal to be revised to compensate the seller for (a) economic curtailments initiated by the buyer irrespective of whether the curtailment instruction is delivered by the buyer

or the California Independent System Operator, and (b) lost production tax credits that the seller could have obtained but for the economic curtailment; and (2) require the RPS Procurement Plans to be modified to allow bidders and sellers to disclose confidential information about the solicitation and contract negotiation process to the Commission.

Mr. Solomon communicated orally and did not distribute any material during the telephone call.

Respectfully submitted,

/s/ Joseph M. Karp

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*Attorneys for the California Wind Energy Association  
and the Large-scale Solar Association*

March 16, 2011

SF:305246.1

## **Certificate of Service**

I hereby certify that I have this day served a copy of the:

**NOTICE OF EX PARTE COMMUNICATION BY  
CALIFORNIA WIND ENERGY ASSOCIATION AND  
LARGE-SCALE SOLAR ASSOCIATION**

on all known parties to R.08-08-009 by sending a copy via electronic mail and by mailing a properly addressed copy by first-class mail with postage prepaid to each party named in the official service list without an electronic mail address.

Executed on March 16, 2011, at San Francisco, California.

/s/ Marcus Hidalgo

Marcus Hidalgo