

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

Application of Southern California Edison
Company (U 338-E) For A Certificate of Public
Convenience and Necessity for the Eldorado-
Ivanpah Transmission Project

Application 09-05-027

(Filed May 28, 2009)

**COMMENTS OF LARGE-SCALE SOLAR ASSOCIATION
AND THE GREEN POWER INSTITUTE ON PROPOSED DECISION AND
ALTERNATE PROPOSED DECISION REGARDING A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR THE ELDORADO-IVANPAH
TRANSMISSION PROJECT**

Gregory Morris
Director
The Green Power Institute
a program of the Pacific Institute
2039 Shattuck Ave., Suite 402
Berkeley, CA 94704
(510) 644-2700
gmorris@emf.net

Shannon Eddy
Executive Director
Large-scale Solar Association
2501 Portola Way
Sacramento, CA 95818
(916) 731-8371
shannon@consciousventuresgroup.com

*On Behalf of The Green Power Institute
a program of the Pacific Institute*

On Behalf of Large-scale Solar Association

December 6, 2010

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Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“CPUC” or “Commission”), the Large-scale Solar Association (“LSA”) and The Green Power Institute (collectively, the “Renewables Coalition”) respectfully submit these comments on Administrative Law Judge (“ALJ”) DeAngelis’ *Proposed Decision Denying a Certificate of Public Convenience and Necessity for the Eldorado-Ivanpah Transmission Project* (“Proposed Decision”) and Commissioner Peevey’s *Alternate Proposed Decision Granting a Certificate of Public Convenience and Necessity for the Eldorado-Ivanpah Transmission Project* (“Alternate Proposed Decision”).

The lack of adequate transmission continues to appear at or near the top of every list of impediments to renewable energy development in California. The California Energy Commission has repeatedly stated that “the primary barrier to increased development of renewable resources continues to be the lack of transmission to access these resources.”¹ Likewise, in the Commission’s own words, “[t]he aggressive renewable energy procurement

¹ *Strategic Transmission Investment Plan* (December 2009), CEC-700-2009-11-CMF, at 5 (noting that the same statement was previously made in the 2008 Integrated Energy Policy Report Update).

targets established by California’s Renewables Portfolio Standard (RPS) legislation . . . make adequate transmission for renewable energy *an issue of critical importance.*”² (emphasis added). The Renewables Coalition could not agree more.

Given the ubiquitous recognition that transmission expansion will be necessary for the State to meet its Renewables Portfolio Standard (“RPS”) goals, it is of critical importance that the Commission avoid creating additional new barriers to the development of transmission needed to facilitate achievement of RPS goals. Yet, that is precisely what adoption of the Proposed Decision would do. The Proposed Decision would (1) introduce a novel requirement that an applicant for a Certificate of Public Convenience and Necessity (“CPCN”) must demonstrate that other transmission systems owned and operated by non-Commission jurisdictional utilities do not have sufficient available capacity to accommodate the interconnection of the projects requesting interconnection to the jurisdictional applicant’s transmission system, and (2) reject Southern California Edison Company’s (“SCE”) application for a CPCN for the Eldorado-Ivanpah Transmission Project (“EITP”) because SCE did not comply with this newly created requirement.³ The Commission has never required such a showing in any of its previous applications of Public Utilities Code Section 399.2.5, and nothing in the statute suggests this is an appropriate or necessary test.⁴ To require such a showing now would introduce yet another barrier, and in any practical terms an insurmountable one, to development of the renewable resources required to meet the State’s RPS goals. Accordingly, the Commission should reject the Proposed Decision.

² *Order Instituting Investigation and Rulemaking*, I.08-03-010, at 2.

³ Proposed Decision at pp. 18-19.

⁴ *See, e.g.*, D.09-12-044 (granting a CPCN for Tehachapi Renewable Transmission Project Segments 4-11), D.07-03-012 (granting a CPCN for Tehachapi Renewable Transmission Project Segments 1-3).

In this case, both the Proposed Decision and the Alternate Proposed Decision acknowledge that SCE's existing transmission system is limited to approximately 80 MW of available capacity, but the Commission has already found power purchase agreements for approximately 727 MW of renewable capacity that has requested interconnection to the EITP to be cost-effective, viable renewables contracts.⁵ As such, the EITP will clearly bring incremental renewable energy to the California Independent System Operator-controlled grid in furtherance of the State's RPS goals—which is, after all, the express purpose of Public Utilities Code 399.2.5. Accordingly, the Commission should adopt the Alternate Proposed Decision.

For the reasons set forth above, the Commission should reject the Proposed Decision and adopt the Alternate Proposed Decision.

Dated: December 6, 2010

Respectfully submitted,



Gregory Morris
Director
The Green Power Institute
a program of the Pacific Institute
2039 Shattuck Ave., Suite 402
Berkeley, CA 94704
(510) 644-2700
gmorris@emf.net

Shannon Eddy
Executive Director
Large-scale Solar Association
2501 Portola Way
Sacramento, CA 95818
(916) 731-8371
shannon@consciousventuresgroup.com

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⁵ Proposed Decision at 18; Alternate Proposed Decision at pp. 27-8, Findings of Fact 3 and 5.

Certificate of Service

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

**COMMENTS OF LARGE-SCALE SOLAR ASSOCIATION
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on all known parties to A.09-05-027 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 December 6, 2010, at San Francisco, California.

/s/ Marcus Hidalgo

Marcus Hidalgo



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Parties

ANGELA WHATLEY
ATTORNEY
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD, CA 91770
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

ADRIANNA KRIPKE
LATHAM & WATKINS, LLP
600 WEST BROADWAY, SUITE 1800
SAN DIEGO, CA 92101
FOR: SOUTHERN CALIFORNIA EDISON COMPANY

MARION PELEO
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214
FOR: DRA

LISA BELENKY
CENTER FOR BIOLOGICAL DIVERSITY
351 CALIFORNIA STREET, SUITE 600
SAN FRANCISCO, CA 94104
FOR: CENTER FOR BIOLOGICAL DIVERSITY

JOSEPH M. KARP
ATTORNEY
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FL
SAN FRANCISCO, CA 94111-5894
FOR: BRIGHTSOURCE ENERGY, INC. /
NEXTLIGHT RENEWABLE POWER, LLC D/B/A
FIRST SOLAR, INC.

RANDOLPH WU
FIRST SOLAR DEVELOPMENT
1111 BROADWAY ST., 4TH FLOOR
OAKLAND, CA 94607
FOR: FIRST SOLAR DEVELOPMENT, INC.

Information Only

CASSANDRA SWEET
DOW JONES NEWSWIRES
EMAIL ONLY

LAURA B. RENGER
SOUTHERN CALIFORNIA EDISON COMPANY
EMAIL ONLY

EMAIL ONLY, CA 00000

EMAIL ONLY, CA 00000

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY, CA 00000

JOSEPH BETZLER
SOUTHERN CALIFORNIA EDISON COMPANY
EMAIL ONLY
EMAIL ONLY, CA 00000-0000

JANICE SCHNEIDER
LATHAM & WATKINS LLP
555 ELEVENTH STREET, N.W., STE. 1000
WASHINGTON, DC 20004-1304

STEVEN D. GARLAND
COLONEL
4430 GRISSOM AVE, STE 101
NELLIS AFB, NV 89191

PUBLIC PARTNERSHIPS
99 ABW/CCY
4430 GRISSOM AVE, STE 101
NELLIS AFB, NV 89191

JAMES B. WOODRUFF
VP REGULATORY AND GOVERNMENT AFFAIRS
NEXTLIGHT RENEWABLE POWER, LLC
1055 EAST COLORADO BLVD., 5TH FLOOR
PASADENA, CA 91106
FOR: NEXTLIGHT RENEWABLE POWER,
LLC/FIRST SOLAR, INC.

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE, ROOM 370
ROSEMEAD, CA 91730

ANDREA MORENO
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

RICHARD TOM
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., PO BOX 800
ROSEMEAD, CA 91770

ANNE BEAUMONT
LATHAM & WATKINS LLP
600 WEST BROADWAY, STE. 1800
SAN DIEGO, CA 92101-3375

LAURA GODFREY
LATHAM & WATKINS LLP
600 WEST BROADWAY, SUITE 1800
SAN DIEGO, CA 92101-3375

DON LIDDELL
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA 92103

MARC D. JOSEPH
ATTORNEY AT LAW
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD. STE 1000
SOUTH SAN FRANCISCO, CA 94080

JENNIFER ROUDA
ECOLOGY AND ENVIRONMENT, INC
130 BATTERY ST, 400
SAN FRANCISCO, CA 94111

THOMAS W. SOLOMON
ATTORNEY AT LAW
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO, CA 94111-5894

ELIZBETH GOBESKI
LATHAM & WATKINS LLP
505 MONTGOMERY ST., STE. 2000
SAN FRANCISCO, CA 94111-6538

DIANE I. FELLMAN
DIRECTOR, REGULATORY & MARKET AFFAIRS
NRG WEST & SOLAR
73 DOWNEY STREET
SAN FRANCISCO, CA 94117

CALIFORNIA ENERGY MARKETS
425 DIVISADERO STREET, SUITE 303
SAN FRANCISCO, CA 94117

HILARY CORRIGAN
CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. SUITE 303
SAN FRANCISCO, CA 94117-2242

KATHLEEN MOODY
FIRST SOLAR DEVELOPMENT
1111 BROADWAY ST., 4TH FLOOR
OAKLAND, CA 94607

LISA BODENSTEINER
ASSIST GENERAL COUNSEL
FIRST SOLAR, INC.
1111 BROADWAY, 4TH FLOOR
OAKLAND, CA 94607

State Service

ANNE GILLETTE
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY, CA 00000

ANDREW SCHWARTZ
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5215
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

HENRY "HANK" PIELAGE
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

KARL MEEUSEN
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5217
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MONISHA GANGOPADHYAY
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

REGINA DEANGELIS
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5105
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SCOTT LOGAN
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY PLANNING & POLICY BRANCH
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

YULIYA SHMIDT
CALIF PUBLIC UTILITIES COMMISSION
ENERGY PRICING AND CUSTOMER PROGRAMS BRA
ROOM 4104
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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