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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement Senate Bill 237 Related to Direct Access.	Rulemaking 19-03-009 (Filed March 14, 2019)

OPENING COMMENTS OF CALIFORNIA COMMUNITY CHOICE ASSOCIATION ON THE ORDER INSTITUTING RULEMAKING

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Pursuant to the instructions set forth in the *Order Instituting Rulemaking* ("OIR") issued on March 21, 2019, California Community Choice Association ("CalCCA") respectfully submits the following comments on the OIR. Pursuant to the schedule set forth in the OIR, these comments are timely filed.

I. INTRODUCTION

A. About CalCCA

CalCCA is the statewide organization of Community Choice Aggregators ("CCAs") providing electric generation service in communities across California. CalCCA's 18 operational members are projected to serve an annual load of approximately 43,900 GWh in 2019, or about 25 percent of the load of the main three investor-owned utilities ("IOUs"). More than 160 communities across California have elected to participate in CCA programs to meet climate action goals, expand energy options for consumers, ensure local transparency and accountability, and drive the creation of green jobs and economic development. CCAs are committed to providing clean, reliable electric service at affordable rates.

B. Background

In 2018, California enacted Senate Bill ("SB") 237. This legislation has two key elements at issue in this proceeding: (1) the expansion of the Direct Access ("DA") cap by 4,000 GWh as contemplated in Public Utilities Code Section 365.1(e),[1] and (2) the development of a recommendation to the legislature by the California Public Utilities Commission ("CPUC" or "Commission") regarding further DA expansion as contemplated in Section 365.1("f"). [2]

The foundations and policy reasons supporting direct access have fundamentally changed since the original opening of California retail markets to DA service. The original idea of opening the market to direct access was purely one of deregulation and to "place sustainable, downward pressure on the cost of electricity to all classes of California ratepayers." [3] Now the Commission has an increased focus on greenhouse gas emission ("GHG") reductions, increases in the use of renewables and a focus on reliability.

As demonstrated in various filings at the Commission showing CCAs are leaders in aggressive decarbonization and maintaining affordable rates, CalCCA supports focusing on affordability, reliability and decarbonization. Accordingly, the Commission should consider these policy directives as it evaluates changes necessary to current DA rules for the DA expansion contemplated in Section 365.1(e) as well as consideration of any future expansion of DA based on legislative action taking place after submission of the report required in Section 365.1("f"). The California electricity system is undergoing a transformational change, including the increase of

[1] All section references are to the Public Utilities Code unless otherwise noted.
[2] Due to a typographical error in the statute, there are two subsections (e) in Section 365.1; for clarity purposes, we refer to the second of these subsections as ("f").
[3] Decision ("D.")95-12-063 as modified by D.96-01-009, at 2.

renewables resulting in an increased need and focus on reliability, the growth of CCA and the initiation of PG&E bankruptcy proceedings.

C. CalCCA's Recommendations

In these comments, CalCCA respectfully requests that in Phase 1 of this proceeding the Commission:

- create a fair not-to-exceed allocation of DA for each CCA to avoid disparate impacts on any one entity;
- implement a corollary to Resolution E-4907 for the timing of departures to DA to allow for adequate planning and prevent cost-shifting;
- order the IOUs to provide each CCA with access to the DA waitlist to ensure that CCAs can equally plan for load departures; and
- consistent with requests CCAs have received from DA customers in their territory, allow DA customers in limited circumstances to elect to move to CCA service and allow the customer to return to an ESP without needed to return to the waitlist.

CalCCA respectfully requests that in Phase 2 of this proceeding the Commission:

- evaluate the impact of the current DA expansion on deployment of renewable energy resources and reduction of GHGs to inform DA policy; and
- launch a public stakeholder process to discuss the planned Commission report to the legislature contemplated in Section 365.1("f").

CalCCA requests that the Phase 1 issues be addressed within the proceeding's planned workshop.

II. CATEGORY AND NEED FOR HEARING

CalCCA supports the determination that this proceeding is quasi-legislative. CalCCA expects to be able to address many issues through comments and at least one workshop, however, hearings may be needed in this proceeding regarding:

- Determining appropriate allocations of DA across IOU footprints and Load Serving Entities ("LSEs");
- Evaluating expected disparate impacts on certain CCAs;
- Evaluating the cost-shifting impacts of the OIR's staff proposal as it relates to the timing of departures of load; and
- Determining the renewables and GHG impact of DA departures.

III. COMMENTS ON THE ORDER INSTITUTING RULEMAKING

The OIR sets forth a series of questions regarding the implementation of DA expansion. CalCCA's responses are set forth below.

A. How should the Commission implement Section 365.1(e) of SB 237?

1. Whether the Commission should adopt Staff's proposal ["Staff Proposal"], noted below, or a different approach.

a. Staff's proposal: The 4,000 GWh is apportioned as a percentage of the load for the full service territory of an IOU, excluding residential and existing Direct Access load, irrespective of which load serving entity currently serves the remaining load.

CCAs cannot adequately evaluate the Staff Proposal without additional information. In the absence of detailed waitlist information, CalCCA recommends using an existing waitlist and setting the selected waitlist as the load eligible to depart under the current expansion, up to a set maximum per CCA. This is described in greater detail below.

The most fundamental piece of information is the DA waitlist. As further discussed in paragraph 1.c. below, CCAs need this information on the DA waitlist pertinent to their service areas *now* in order to model and plan for expected DA departures – this must include customer-specific information. CalCCA asks the Commission to order each IOU to provide each CCA with the DA waitlist on a confidential basis in order for each CCA to adequately assess the staff proposal and evaluate any alternative proposals. Without customer-specific information, CCAs cannot adequately plan for procurement or rate-setting due to the variety of sizes and types of potential DA customers, or their priority on the DA waitlist. This impacts not only load, but load shape and allocation of customers across CCA rate classes.

CalCCA also requests a consistent data baseline from the Commission, specifically the data the Commission would be using in Tables 1 and 2 below. It would benefit all parties to be working from the same figures as the Commission.

With regards to the apportionment process itself, the expansion set forth in Section 365.1(e) is more complicated than the Staff Proposal reflects. There are three steps to apportioning the DA expansion contemplated under SB 237. First, the Commission needs to determine the overall DA allowance by IOU. Second, the Commission needs to subtract out existing and reserved DA loads. Third, the Commission should protect against a disparate impact on any one CCA.

Step One: Define the Total DA Load Cap by IOU

The first step the Commission must take, consistent with D.10-03-022, is to identify the total DA load allowance.

Table 1. Authorized Direct Access Cap (in GWh)
Within Service Territories of the Electric Utilities

Line		SCE	PG&E	SDG&E	Statewide
1	SB 695 Allowance	11,710	9,520	3,562	24,792
2	SB 237 Allowance				4,000
3	Total Load Allowance				28,792

Line 1 is taken from D.10-03-022 at 7 and defines the total amount of DA allowed after the SB 695 expansion. Line 2 is the 4,000 GWh increase allowed under SB 237. Line 3 is the sum of Line 1 plus Line 2.

Step Two: Define the Available DA by Subtracting Existing and Reserved DA

Once the authorized DA cap is defined, then the Commission defines the new DA load allowance.[4]

Table 2. New DA Load Allowance (in GWh)
Within Service Territories of the Electric Utilities

Line		SCE	PG&E	SDG&E	Total
1	New Total Load Cap				28,792
2	Existing DA				
3	Reserved DA				
4	New DA Load Allowance (Line 1 less Line 2 less Line 3)				

Line 1 is the same as Line 3 of Table 1. Line 2 is existing DA for 2018. Line 3 is reserved DA for 2019. Line 4 is then the new DA load allowance.

Step Three: Prevent Disparate Impacts on Individual CCAs

Once the new DA load allowance has been determined, CalCCA proposes that the Commission protect against an allocation of the 4,000 GWh on any one CCA in excess of its fair share. This is to ensure that CCAs also do not face disparate impacts. As the Commission evaluates

[4] D.10-03-022 at 7

an appropriate allocation of allowable DA departure across IOUs and CCAs, it must take into consideration the significant differences in risk exposure described below.

When the legislature adopted SB 237 and the 4,000 GWh allowance, it envisioned it as an incremental increase in DA – an increase of 2.15% within the IOU footprints.[5] However, the waitlist is not evenly spread across all LSEs. As a result, the current staff proposal to apportion the 4,000 GWh solely on an IOU territory-wide basis could have significant, disparate – and avoidable – impacts on certain CCAs. The amount of load eligible to depart under the DA reopening varies greatly across each CCA, both on a percentage and a load basis. As noted earlier CCAs cannot adequately assess the staff proposal or impacts without additional information. In the absence of the detailed waitlist information and in order to avoid disparate impact on any one CCA, CalCCA recommends that the maximum amount of load able to depart from any one CCA be the lesser of load currently on the existing waitlist, or its fair share of load. This should work hand-in hand with providing information as to who the customers eligible to depart are for the current expansion, namely, those on the selected waitlist.[6]

To give context on an individual CCA basis, over 12% of Silicon Valley Clean Energy's total load and over 6% of East Bay Clean Energy's total load is on the current waitlist. This shows that the waitlist itself is not distributed evenly across LSEs, much less that the waitlist would "clear" evenly across LSEs. These departures can represent a significant volumetric shift for

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[5] "According to the CPUC, the existing DA cap represents about 13.25 percent of the total electric IOU territory load (aggregated for all retail sellers in the IOU territory). This bill would increase the current cap on DA service to 4,000 GWH and apportion those costs to each of the electrical corporations. The 4,000 GWH would increase the cap to about 15.4 percent of the total electric IOU territory load." SB 237 Bill Analysis of the Senate Committee on Energy, Utilities and Communications, August 31, 2019. http://www.leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180SB237#

[6] *See* Section a. above.

already projected – and procured-for – load along with potential changes in overall load profile which would impact procurement planning. Other CCAs face similar levels of load departure which jeopardize their ability to successfully manage their operations in a way that results in affordable rates, continued procurement of reliability resources and resources required to be under long term contract while also avoiding discriminatory cost impacts to their remaining customers.[7]

Moreover, the Commission must remember that the IOUs and CCAs are not similarly situated with respect to recuperation of stranded costs that may result from material load departures. Simply stated, the IOUs are guaranteed cost recovery for load departures – via mechanisms such as the Power Charge Indifference Adjustment ("PCIA") and the Cost Allocation Mechanism ("CAM") – and CCAs are not. While the same procurement obligations, including resource adequacy and long-term renewables procurement, are in place for CCAs and IOUs, the impacts on CCAs and IOUs are entirely different.[8]

b. Staff's proposal: To comply with year-ahead Resource Adequacy requirements, and address potential cost-shifting, customers enrolled as a result of the 4,000 GWh expansion will not begin service until January 2020.

CalCCA opposes the timing set forth in the Staff Proposal. The Commission has already determined an approach for load migration to ensure fairness, no cost shifting, and adequate

[7] The PG&E CCAs have an average of over 55% DA eligible load.

[8] After the energy crisis in the early 2000s, California adopted Assembly Bill ("AB") 57 (2002). This legislation did away with the Commission's after-the-fact reasonableness review of IOU procurement and instead replaced it with guaranteed cost recovery under contracts. (Section 454.5(d)(2).) The "pre-approval" of procurement contracts in lieu of after-the-fact reasonableness review was considered when the Commission subsequently implemented the PCIA methodology in D. 04-12-048. In that decision, the Commission stated: "In general we agree that the utilities should be allowed to recover their stranded costs from all customers, including an exit fee. Such an approach best meets the Commission's goals of providing 'the need for reasonable certainty of rate recovery' (as required under AB 57 and noted in the June 4th Assigned Commissioner Ruling) as well as best ensuring that California meets its energy needs." (Decision 04-12-048 at 57.)

reliability planning. The rationales the Commission used to arrive at the adoption of Resolution E-4907 to manage load departure from IOUs to CCAs are just as salient in the current context. Accordingly, there is no reason to apply different rules for DA expansion, namely allowing DA load to depart after 6 months' notice, compared to allowing CCA load to depart no earlier than after 1 year's notice. In fact, doing so would discriminate between unbundled load served by CCAs and DA providers. Here, the Commission should "incorporate rules that the commission finds to be necessary or convenient in order to… foster fair competition and protect against cross-subsidization paid by ratepayers."[9] The Commission need only modify the timelines set forth in the Resolution to tailor it to DA. Attachment A reflects the current rules applicable to CCAs with a new column for the rules that CalCCA proposes to be applicable to DA customers and ESPs.

c. Staff's proposal: Eligibility to enroll new Direct Access customers is based off the waitlist that went into effect on January 1, 2019.

CalCCA cannot opine on the use of the January 1, 2019 waitlist since CalCCA and the CCAs do not have access to it. More than simply being able to analyze the impact of the Staff Proposal, CCAs' access to the waitlist is essential for CCAs to start modelling and planning for expected DA departures *now*. CalCCA requests that the Commission order each IOU to provide each CCA with the DA waitlist on a confidential basis in order for each CCA to adequately plan for its future procurement needs. This complete waitlist is necessary for CCAs to plan for procurement and rate-setting and to mitigate cost impacts to remaining CCA customers.

This access should happen immediately and the list provided to CCAs should be updated on an ongoing basis. CalCCA appreciates the sensitive nature of this information. As such, this information should be confidentially provided to the CCAs so that they can begin to analyze likely

[9] Section 707(a)(4)(A).

impacts from load departure as the proceeding evolves. The IOUs currently maintain the waitlist information based upon their historic position but given the evolution in California's energy markets since the decision was made on who would maintain the waitlist, there is no reason why it should not be allowed to be shared with CCAs who now face higher risk from load departures.

2. Whether there are any timing or process issues related to the increase in Direct Access load and the Commission's rules and regulations for Resource Adequacy, the Integrated Resource Plan, and the Power Charge Indifference Adjustment.

As noted above in these comments, the key timing issue relates to resource adequacy. CalCCA's proposal for this timeline is in Subsection 1.b. above. As the timing issue is resolved for purposes of Resource Adequacy, the transfer of load as accounted for in the Integrated Resource Plans ("IRPs") will also be reflected in a timely manner.[10] There would be no impacts on the PCIA.[11] This is consistent with Section 454.52(d) which states that: "to eliminate redundancy and increase efficiency, [… IRPs] shall incorporate, and not duplicate, any other planning processes of the commission."

3. Whether the Commission must take any additional action to comply with Section 365.1 (e)(2) of SB 237's mandate that "[a]ll residential or non-residential customer accounts that are on [D]irect [A]ccess as of January 1, 2019, remain authorized to participate in direct transactions."

With the expansion of CCA service, a situation has developed that should be addressed as part of the Commission's initial decision in this proceeding. A limited number of DA customers

[10] It is incumbent upon all LSEs to file their IRPs. To date, all CCAs have provided their IRPs to the Commission and one ESP has failed to do so. See Proposed Decision dated March 18, 2019 in R.16-02-007 at 82.

[11] For example, the PCIA forecast is due each June 1. For a full timeline, *see* Appendix B to Resolution E-4907.

have indicated to their CCA that they would like the opportunity to take unbundled service from their CCA. However, DA customers have raised concerns about their choice being limited. The DA customers have been informed by the IOUs that if they switch to unbundled service provided by their CCA, they will no longer be able to later switch to an ESP without returning to the waitlist. In contrast, DA customers are able to switch between ESPs without limitations on choice or timing. This creates an artificial barrier for unbundled customers and is contrary to the Commission's stated DA policies.

This issue is distinguished from the set-aside of load issue addressed in D.10-03-022. In D.10-03-022, the Commission determined that it would "not grant a special preference or set-aside of load" to customers who had previously received DA service.[12] In that case, none of the customers that were seeking this set-aside were then-current DA customers. Under the current scenario, there are customers currently on DA service that would like to receive service from a CCA without losing its space under the DA cap.

CalCCA recognizes that these situations are limited, and CalCCA is open to further exploring how to address these situations as part of the upcoming workshop. However, consistent with Commission precedent on customer choice and switching, the Commission should affirm in this proceeding that a DA customer may choose to be served by its CCA for the period of its contract time without losing its authorization to later switch between providers. In support of this request and to spur discussion at the upcoming workshop, CalCCA provides the following.

The Commission's overarching policy pronouncement in the context of DA switching is particularly relevant and instructive: "[T]he rules for switching by DA customers should guard against placing any burden on bundled customers, the rules should also promote customer choice

[12] D.10-03-033 at 22.

and economic efficiency...DA customers should not be unduly constrained from selecting the most economically efficient service option, consistent with avoidance of cost shifting."[13] In the context of switching, there is no practical difference between service from an ESP and service from a CCA. Both are alternative "procurement" or "service" providers to bundled service provided by an IOU.[14] Therefore, a DA customer should not be "unduly constrained" from switching from an ESP to its CCA. Moreover, by applying appropriate limitations, as has been the case under various DA-related circumstances, a customer switching to/from its CCA will not place a burden on bundled customers.[15]

In applying this overarching policy, the Commission has not set distinctions among alternative procurement providers, but rather the Commission has been focused on the following fundamental theme: switching is permissible under various circumstances so long as DA load is not increased.[16] A survey of Commission orders affirms this disposition. In D.02-03-055, the Commission expressed its agreement with the view that "allowing customers unlimited switching between ESPs is consistent with AB 1X since it doesn't increase direct access load."[17] In D.03-04-057, the Commission affirmed this view, but acknowledged that modifications to the switching

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[13] D.03-05-034 at 43.

[14] *See, e.g.,* D.05-12-041 at 39 ("… CCA customers are to be treated like direct access (DA) customers when they switch between procurement providers."). *See also* Resolution E-4946 at 19 ("DA and CCA customers pay generation rates set by their alternative service provider and delivery rates set by [the IOU]").

[15] *See, e.g.,* D.02-03-055 at 22 (describing the Commission's rationale for allowing unlimited switching so long as such switching does not increase DA load). *See also* D.02-03-055 at 22-25 (describing other DA situations in which switching was expressly authorized).

[16] *See* D.04-02-024 at 10 (emphasis added) ("We note the language that was added…established our intent to permit no net increase in load. This was a fundamental theme throughout D.03-04-057.").

[17] D.02-03-055 at 22.

rules are appropriate from time to time to address changing circumstances.[18] In D.04-02-024, the Commission explained its previous reasoning as follows: "the Commission's intent [in D.03-04-057] was to permit relocations and replacements of facilities as long as there is no increase in the total net DA load…."[19]

As evidenced by the numerous petitions and Commission decisions affirming, clarifying and resolving questions about how switching should be applied, modifications are periodically needed to address emerging circumstances.[20] The expansion of CCA service presents another circumstance in which the Commission should clarify how switching should be applied. As it stands now, a DA customer desiring to switch to one procurement provider (its CCA) faces undue constraints and customer choice impediments that are not faced by a DA customer desiring to switch to another procurement provider (an ESP).

CalCCA requests that the Commission address this specific and limited situation as part of the initial decision in this proceeding. To accomplish this, additional clarification will presumably be needed regarding how capacity should be addressed when a DA customer switches to its CCA.

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[18] D.03-04-057 at 13 ("In the interests of fairness, we agree that modifications to D.02-03-055 are appropriate in order to account for normal changes in business operations, provided that there be no resulting net increase in each business customer's DA load."). *See also* D.03-04-057 at 21 ("The modifications sought…would not violate the DA suspension provisions of D.02-03-055 since no net increase in DA load beyond the pre-suspension levels would result.").

[19] D.04-02-024 at 11. *See also,* D.04-07-025 at 41 (affirming that replacement of Direct Access accounts are permitted as long as the customer's total Direct Access load does not exceed contract terms consistent with the Commission's Direct Access suspension decisions); Resolution E-3872 at 7 (allowing transfers of Direct Access load within load limitations provided in the customer's contract); and D.12-12-026 at 14 (referencing the Relocation Affidavit wherein the customer warrants that total Direct Access load as a result of relocation will not exceed the load limitations in the customer's contract).

[20] *See, e.g.,* D.03-04-057, D.04-02-024, D.04-07-025, D.12-12-026, and OIR (Section 3).

These are details that can be addressed in the context of the upcoming workshop and subsequent comments.

4. Any other substantive issues necessary to implement Section 365.1.

In order to best implement Section 365.1, first, CalCCA recommends that the Commission focus on enabling and empowering CCAs – and all parties – to mitigate or avoid stranded costs. Second, the Commission should also focus on ensuring future DA load departures reflect State climate policy and the need for reliability. Third, a Phase 2 must be opened in this docket to ensure a robust public process for developing the Commission's report to the legislature under Section 365.1("f").

a. The Commission should ensure CCAs have the data necessary to mitigate or avoid stranded costs

Much as the IOUs have faced stranded costs as a result of load departures, CCAs will face the same issues. The Commission must allow CCAs the time and opportunity to mitigate those costs impacts. From a stranded cost mitigation perspective, the Commission should ensure that there is sufficient lead time, consistent with Resolution E-4907 for CCAs to adjust their forecasts, update their IRPs, and sell excess procurement in the market.[21] To the extent a CCA has elected to administer energy efficiency programs under Section 381.1(e), those programs would also be impacted because the pool of customers from which such energy efficiency funds are drawn would be reduced.[22]

The ability of CCAs to effectively mitigate costs is based upon transparency and good data. Under the current DA enrollment process, customers interested in taking DA service must submit

[21] IRPs must ensure that they "minimize impacts on ratepayers' bills." Section 454.52.(a)(1)(D).
[22] Energy efficiency programs under the "apply to administer" framework in Section 381.1(d) would not be impacted.

Six Month Notices to IOUs. CCAs, however, are not notified. The Commission should revise the enrollment process to ensure that CCAs receive notification whenever a customer in a CCA service area submits a Six Month Notice to transfer to DA service. The Commission could take this step immediately, as an interim measure, until a more detailed DA expansion timeline is adopted consistent with Resolution E-4907. As proposed above, CalCCA requests that up-to-date DA waitlists be confidentially provided to CCAs and that consistent processes for load departures be applied to all LSEs. As more information is developed within the docket, other proposals may be necessary to ensure CCA customers are not negatively impacted by load departure to DA.

b. The proposed and future load departures of DA should reflect State climate policy and the need for reliability

The current 4,000 GWh DA expansion as well as any additional future DA expansions should be consistent with current California policies, including Section 365.1("f")(2). In order to prepare its recommendation for the legislature, CalCCA supports evaluating the net impact of the current DA expansion on development of renewables and on GHG emissions. For future DA departures, the Commission may consider prospective evaluation of the GHG impact of a proposed DA transfer or consider limiting CPUC authorization of DA that increases GHG emissions relative to current service levels, such as through the Commission's existing IRP process.

In the Integrated Resources Planning docket, one ESP appears to be in violation of clear statutory directives and decisions requiring all LSEs to file an Integrated Resource Plan. As a matter of basic fairness and nondiscrimination among LSEs, prior to authorizing any expansion of DA based upon SB 237, the Commission must ensure that all current DA providers who are going to participate in the current DA program expansion have met their current legal obligations.

c. The Commission's recommendation regarding future DA reopening should be part of a public process

A public stakeholder process is necessary to discuss and evaluate any further expansion of DA as contemplated in Section 365.1("f"). A separate track of the proceeding should be created to implement an effective public process that provides for meaningful input prior to development of recommendations followed by public review and input of draft recommendations and opportunity for comment by the Parties.

B. With respect to the DACC Petition, the parties may comment on the following:

1. Whether the Direct Access Monthly Report, which IOUs provide to the Commission, should be revised to denote Direct Access load that is reserved and, therefore, not available to assigned to customers who are on the waitlist. Load will be considered as reserved if it is assigned to a customer who has a pending load replacement, load relocation, or account transfer.

CalCCA supports this increased accuracy and transparency on the waitlist reporting. In addition, this report should also indicate space reserved for any DA customer who has chosen to receive CCA service as more fully described in Section III.A.3.a above.

2. Whether Direct Access customers should be permitted to relocate to a new location on the same premises.

CalCCA supports this change, provided that the load is consistent with the load authorized under existing DA rules. Existing DA rules require that the loads of DA customers be consistent with "load changes associated with normal usage variations on direct access accounts."[23] This rule is in place to prevent circumvention of the cap. As such, so long as the loads are consistent with

[23] D.02-03-055 at 19. As a Finding of Fact, the Commission also found: "It is reasonable to interpret a September 20, 2001 date for suspension of direct access to mean that the level of direct access load as of that date (irrespective of whether power had yet flowed under any direct access contract) should not be allowed to increase, apart from normal load fluctuations." D.02-03-055 at 31.

what was authorized for any given customer, DA customers should have the flexibility to relocate or utilize that load as it likes for its business purposes.

IV. SCHEDULE

CalCCA will work with the proposed timeline regarding the current proposed DA expansion pursuant to Section 365.1(e). CalCCA respectfully requests an opportunity to provide post-workshop comments in order to address matters raised within the workshop on the record.

CalCCA also requests a second track of the proceeding to discuss Section 365.1("f"), including all of the key policy issues set forth in Section 365.1("f")(2) in a public process.

V. CONCLUSION

CalCCA thanks Assigned Commissioner Picker and Assigned Administrative Law Judge Powell for the opportunity to provide these comments on the Scoping Memo.

Respectfully submitted,

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Attachment A
Proposed DA Expansion Timeline Consistent with Resolution E-4907

Date	CCA Action	DA Customer and ESP Action
Day 1, Year 1 (On or before January 1 Year 1)	(1) The prospective or expanding CCA submits its Implementation Plan to Energy Division and serves it on the R.03-10-003 Service List, on the R.16-02-007 Service List, and on the R.17-09-020 Service List, or successor proceedings.	(1) The prospective DA customer submits its Intent to Take DA Service to Energy Division and to the LSE serving that load.
Day 1 – 10, Year 1	(1) The CPUC notifies the Utility servicing the customers that are proposed for aggregation that an implementation plan initiating their CCA program has been filed.	n/a
Day 1 – 60, Year 1	(1) The CCA provides a draft customer notice to CPUC's Public advisor. (2) Within 15 days of receipt of the draft notice, the Public Advisor shall finalize that notice and send it to the CCA.	n/a
DAY 1 – 90, Year 1	(1) The CPUC sends a letter confirming that it has received the Implementation Plan and certifying that the CCA has satisfied the requirements of an Implementation Plan pursuant to Section 366.2(c)(3). This letter informs the CCA about the cost recovery mechanism as required by P.U. Code Section 366.2(c)(7). If and when the CPUC requests additional information from a CCA, the CCA shall respond to CPUC staff within 10 days, or notify the staff of a date when the information will be available. (2) The CPUC provides the CCA with its findings regarding any cost recovery that must be paid by customers of the CCA in order to	(1) The CPUC sends a letter confirming that it has received the Intent to Take DA Service. This letter informs the ESP about any cost recovery mechanism. If and when the CPUC requests additional information from an ESP, the ESP shall respond to CPUC staff within 10 days, or notify the staff of a date when the information will be available. (2) The CPUC provides the ESP with its findings regarding any cost recovery that must be paid by customers of the CCA in order to prevent cost shifting. (3) The ESP and the Utility should Meet-and-Confer regarding the ESP's ability to conform its operations to the Utility's tariff requirements.

Date	CCA Action	DA Customer and ESP Action
	prevent cost shifting. (P.U. Code Section 366.2 (c) (7).) (3) The CCA and the Utility should Meet-and-Confer regarding the CCA's ability to conform its operations to the Utility's tariff requirements.	
DAY 1 – 90, Year 1	(1) The CCA submits its registration packet to the CPUC, including: a. Signed service agreement with the utility, and b. CCA interim bond of $100,000 or as determined in R.03-10-003	(1) The ESP submits its registration packet to the CPUC, including: a. Signed UDC-ESP service agreement with the utility, b. Completed ESP Registration Application Form, c. Fingerprints are prescribed for required personnel d. Applicable bond amount e. Scheduling coordinator agreement f. ESPs offering electric service to residential or small commercial customers, submit a copy of your Section 394.5 Notice to the Energy Division of the CPUC on or before the date you sign up your first customer or when the first standard service plan filing is due, whichever is earliest
Day 90 – 120, Year 1	(1) If the registration packet is complete, the CPUC confirms Registration as a CCA.	(1) If the registration packet is complete, the CPUC confirms Registration as an ESP.
April, Year 1	(1) The CCA submits its year ahead Resource Adequacy forecast (P.U. Code Section 380)	(1) The ESP submits its year ahead Resource Adequacy forecast (P.U. Code Section 380)
August, Year 1	(1) The CCA submits its updated year-ahead RA forecast	(1) The ESP submits its updated year-ahead RA forecast
October Year 1 (75 days before service commences)	(1) CCAs submit their Monthly load migration forecast for the Resource Adequacy program, filed about 75 days prior to the compliance month.	(1) ESPs submit their Monthly load migration forecast for the Resource Adequacy program, filed about 75 days prior to the compliance month.
Within 60 days of the CCA's or ESP's Commencement of	(1) The CCA shall send its first notice to the prospective customers describing the terms and conditions of the services being offered and the customer's opt-out opportunity prior to	n/a

Date	CCA Action	DA Customer and ESP Action
Customer Automatic Enrollment	commencing its automatic enrollment. (P.U. Code Section 366.2 (c) (13) (A))	
Within 30 days of the CCA's or ESP's Commencement of Customer Automatic Enrollment	(1) The CCA shall send a second notice to the prospective customers describing the terms and conditions of the services being offered and the customer's opt-out opportunity prior to commencing its automatic enrollment. (P.U. Code Section 366.2 (c) (13) (A)) (2) Once notified of a CCA program, the Utility shall transfer all applicable accounts to the new supplier within a 30-day period from the date of the close of their normally scheduled monthly metering and billing process. (P.U. Code Section 366.2 (c)(16))	(1) Once notified of the DA departure, the Utility shall transfer all applicable accounts to the new supplier within a 30-day period from the date of the close of their normally scheduled monthly metering and billing process.
January 1, Year 2	(1) CCA begins service.	(1) ESP begins service.
Following the CCA's or ESP's Automatic Customer Enrollment	(1) The CCA shall inform participating customers for no less than two consecutive billing cycles that: a. They have been automatically enrolled into the CCA program and that each customer has the right to opt out of the CCA program without penalty. (P.U. Code Section 366.2 (c) (13)(A)(i).) b. Terms and conditions of the services being offered. (P.U. Code Section 366.2 (c) (13)(A)(ii).)	n/a