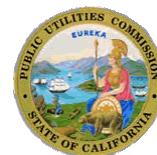


**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**

03/18/20  
04:59 PM

Order Instituting Rulemaking to Oversee the  
Resource Adequacy Program, Consider  
Program Refinements, and Establish Forward  
Resource Adequacy Procurement Obligations

R.19-11-009

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION  
MOTION FOR LEAVE TO LATE-FILE A TRACK 2 PROPOSAL**

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March 18, 2020

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

Order Instituting Rulemaking to Oversee the  
Resource Adequacy Program, Consider  
Program Refinements, and Establish Forward  
Resource Adequacy Procurement Obligations

R.19-11-009

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION  
MOTION FOR LEAVE TO LATE-FILE A TRACK 2 PROPOSAL**

Pursuant to Rule 11.1 of the Commission’s Rules of Practice and Procedure, the California Community Choice Association (“CalCCA”)<sup>1</sup> respectfully requests leave to file *California Community Choice Association’s Late-Filed Track 2 Proposal*, filed concurrent with this motion, to address system and flexible RA compliance waiver and penalty rules for the Commission’s Resource Adequacy (“RA”) program.

On October 30, 2019, CalCCA filed a Petition for Modification of Decision 19-06-026 (“Petition”) to establish a system and flexible RA waiver process in R.17-09-020. Specifically, CalCCA proposed that “the Commission grant Energy Division Staff the broad authority to grant waivers and to develop the criteria for such waivers, beginning with the 2020 compliance year.”<sup>2</sup> CalCCA proposed specific modifications to existing rules, both to justify a system or flexible RA waiver and to moderate penalties.<sup>3</sup> A number of parties filed responses to the Petition, including

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<sup>1</sup> California Community Choice Association represents the interests of 19 community choice electricity providers in California: Apple Valley Choice Energy, CleanPowerSF, Clean Power Alliance, Desert Community Energy, East Bay Community Energy, Lancaster Choice Energy, Marin Clean Energy, Monterey Bay Community Power, Peninsula Clean Energy, Pioneer Community Energy, Pico Rivera Innovative Municipal Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Jacinto Power, San Jose Clean Energy, Silicon Valley Clean Energy, Solana Energy Alliance, Sonoma Clean Power, and Valley Clean Energy.

<sup>2</sup> *California Community Choice Association Petition for Modification of Decision 19-06-026*, Oct. 30, 2019, at 9.

<sup>3</sup> *Id.* at 9-10.

Pacific Gas and Electric Company,<sup>4</sup> the Independent Energy Producers Association,<sup>5</sup> and the Public Advocates Office.<sup>6</sup> More than four months later, the Commission has not responded to the Petition.

On November 13, 2019, the Commission issued the new RA rulemaking, R.19-11-009. The Scoping Memo for Track 2 of this rulemaking invited proposals addressing a range of issues, including “[c]hanges to the existing penalty structure and waiver process to address potential market power and other issues.”<sup>7</sup> Parties filed a variety of proposals on February 21, 2020, pursuant to the Scoping Memo, but CalCCA did not refile the proposal outlined in the Petition as a Track 2 proposal, presuming that the Commission would respond to the Petition consistent with its customary practices.

Energy Division Staff suggested to a CalCCA member at the March 5, 2019, Track 2 workshop that it would also be appropriate to file an official proposal in an open RA proceeding. CalCCA accordingly seeks leave to refile the waiver and penalty proposal outlined in its Petition as a Track 2 proposal. As a part of its re-filed proposal, CalCCA will attach the responses to the Petition to ensure they are incorporated into the record and streamlining parties’ responses. Further, parties may also comment again on the proposals in their March 23, 2020 comments or March 30, 2020 reply comments.<sup>8</sup> Consequently, CalCCA submits that no party should be prejudiced by its late-filed proposal.

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<sup>4</sup> *Response of Pacific Gas and Electric Company (U 39 E) to California Community Choice Association Petition for Modification of Decision 19-06-026*, Nov. 12, 2019.

<sup>5</sup> *Response of the Independent Energy Producers Association to California Community Choice Association’s Petition for Modification of Decision 19-06-026*, Nov. 12, 2019.

<sup>6</sup> *Response of the Public Advocates Office to California Community Choice Association’s Petition for Modification of Decision 19-06-026*, Nov. 12, 2019.

<sup>7</sup> *Assigned Commissioner’s Scoping Memo and Ruling*, Jan. 22, 2020, at 7.

<sup>8</sup> *See Administrative Law Judge’s Ruling Modifying Track 2 Schedule*, Feb. 28, 2020, at 3.

For the foregoing reasons, CalCCA requests that the Commission grant leave to file the *California Community Choice Association's Late-Filed Track 2 Proposal*. Further, CalCCA requests that the Commission authorize parties to respond to the proposal in their opening or reply comments on Track 2 proposals.

Respectfully submitted,

CALIFORNIA COMMUNITY CHOICE  
ASSOCIATION

A handwritten signature in blue ink that reads "Evelyn Kahl". The signature is written in a cursive, flowing style.

Evelyn Kahl  
General Counsel

March 18, 2020