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

Order Instituting Rulemaking to Review,
Revise, and Consider Alternatives to the
Power Charge Indifference Adjustment.

Rulemaking 17-06-026
(Filed June 29, 2017)

**REPLY COMMENTS OF
THE CALIFORNIA COMMUNITY CHOICE ASSOCIATION
ON ALJ RULING REGARDING PCIA FORECASTING DATA ACCESS**

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On behalf of
California Community Choice Association

January 6, 2022

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Pursuant to Administrative Law Judge (ALJ) Wang's November 5, 2021 e-mail ruling (ALJ Ruling), the California Community Choice Association¹ (CalCCA) hereby submits these comments to respond to and correct certain misleading statements in the investor-owned utilities' (IOUs') opening comments.² The IOUs insist that the Commission should not permit the disclosure of confidential market sensitive procurement data to the community choice aggregators (CCAs). The IOUs also state that CalCCA's data transparency proposal would require the Commission to put CCA decisionmakers' interests over those of consumers. To the contrary, CalCCA's proposal would put unbundled customers on equal footing with bundled customers and afford the CCAs the same ability to protect its customers against rate volatility

¹ California Community Choice Association represents the interests of 22 community choice electricity providers in California: Apple Valley Choice Energy, Central Coast Community Energy, Clean Energy Alliance, Clean Power Alliance, CleanPowerSF, Desert Community Energy, East Bay Community Energy, Lancaster Choice Energy, Marin Clean Energy, Peninsula Clean Energy, Pico Rivera Innovative Municipal Energy, Pioneer Community Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Santa Barbara Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy.

² *Joint Response of Pacific Gas and Electric Company (U 39E), Southern California Edison Company (U 338E), and San Diego Gas & Electric Company (U 902E) to Administrative Law Judge's Ruling Requesting Comments on PCIA Forecasting Data Access (Joint IOU Opening Comments)*, R.17-06-026 (Dec. 9, 2021).

that IOUs already enjoy. Further, CalCCA’s proposal would not permit the CCA’s reviewing representatives (RRs) to disclose confidential data that is not already disclosed in public filings in the IOUs’ Energy Resource Recovery Account (ERRA) Forecast proceedings. CalCCA therefore reiterates its request that the Commission adopt its reasonable data transparency proposal as detailed in its opening comments.³

I. CALCCA’S DATA TRANSPARENCY PROPOSAL DOES NOT RISK THE DISCLOSURE OF CONFIDENTIAL DATA TO MARKET PARTICIPANTS

In their opening comments, the IOUs repeatedly caution the Commission that market participants should not receive market sensitive procurement and/or forecasting data to support rate forecasting or business planning activities.⁴ The IOUs state that if a market participant were to receive market sensitive information, they might “use that information to gain a material advantage in transactions, planning, or procurement strategies.”⁵ The IOUs assert that the disclosure of market sensitive information to market participants “can materially impact the market price of electricity” and would be “inconsistent with the Commission’s statutory obligations to protect IOUs’ market sensitive procurement information . . . and Commission precedent, and introduces a significant risk of competitive harm to IOU customers.”⁶

The IOUs’ warnings are misleading because CalCCA does not propose that the CCAs or any other market participant receive confidential market sensitive procurement data. Rather,

³ See *Opening Comments of The California Community Choice Association on ALJ Ruling Regarding PCIA Forecasting Data Access (CalCCA Opening Comments)*, R.17-06-026 (Dec. 9, 2021).

⁴ See, e.g., *Joint IOU Opening Comments* at 2, 4, 7.

⁵ *Id.* at 4.

⁶ *Id.* at 2.

CalCCA proposes that RRs receive confidential information and disclose only summary level revenue requirements, forecasted PCIA rates, and the drivers underlying those rates to the CCAs.⁷ This is the same process already followed in their annual ERRA proceedings, and under CalCCA’s proposal the market participants would only have access to the *same type of* aggregated (not resource-specific) information that the IOUs already disclose in their public filings as a part of their annual ERRA Forecast proceeding.⁸ CalCCA simply proposes that the IOUs should make such information available year-round, and outside the ERRA Forecast proceeding, rather than keeping CCA customers in the dark for half of the year. RRs, who *would* receive confidential information under CalCCA’s proposal would be subject to the same rigorous process that mitigates the risk of the disclosure of confidential data in the IOUs’ ERRA proceedings. The IOUs’ suggestion that CalCCA’s proposal would somehow result in the disclosure of confidential market-sensitive procurement data to market participants—and thereby create incremental risk to customers—is not factual, and the Commission should reject it.

II. THE IOUS MISCHARACTERIZE THE OBJECTIVES OF CALCCA’S DATA TRANSPARENCY PROPOSAL

The IOUs suggest that CalCCA’s proposal requires the Commission to weigh “the risk of customer harm” against “vague claims of educational benefit.”⁹ The IOUs also “urge the Commission to place customer protections before the needs of any DA or CCA decisionmaker.”¹⁰ Moreover, the IOUs assert that “[i]t is poor public policy to introduce the risk of customer harm through increased costs or other anti-competitive effects in exchange for

⁷ See *CalCCA Opening Comments* at 21.

⁸ See *id.* at 22.

⁹ *Joint IOU Opening Comments* at 2.

¹⁰ *Id.* at 3.

alleged improvements to a CCA or DA provider’s internal processes and/or ability to develop or understand rate or balancing account forecasts through access to market sensitive data.”¹¹

The IOUs’ comments misleadingly pit “customers” against “CCA decision makers.” They ignore that the whole point of CalCCA’s data transparency proposal is to *protect* unbundled customers (who, it should be noted, are also IOU customers). As CalCCA explained in opening comments, the CCAs, like all load serving entities (LSE), strive for rate stability for their customers.¹² However, CCAs cannot provide the same rate stability as the IOUs under the Commission’s current data confidentiality framework, which unfairly advantages IOUs. A year-round Non-Disclosure Agreement (NDA), as proposed by CalCCA, would give CCAs the ability to plan around volatility in the Power Charge Indifference Adjustment (PCIA) and protect unbundled customers from rate spikes. It does not require the IOUs to disclose any confidential data to market participants that would put bundled customers at risk of harm. There is therefore no conflict between consumer protections and the CCAs’ need to plan and forecast rates; in fact, the two objectives are aligned. The Commission need not pick between the two as the IOUs falsely suggest.

III. CONCLUSION

For the reasons set forth in CalCCA’s opening comments and previously-filed comments in this proceeding, CalCCA respectfully requests that the Commission adopt its data transparency proposal, and authorize an NDA that provides CCAs’ RRs (and the reviewing representatives of other entities with customers who pay the PCIA) access to the following data year-round:

¹¹ *Id.* at 2-3.

¹² *See CalCCA Opening Comments* at 2-3.

- The confidential versions of the IOUs' Monthly Reports for each month of the year at the same time such confidential versions are provided to the Commission;
- The data and workpapers underlying those Monthly Reports, at the same level of granularity and within the same schedule, that is now required to be provided as part of ERRA Forecast proceedings in each IOU service territory; and
- The workpapers underlying PCIA rates that the IOUs have provided within the prior year's ERRA Forecast proceedings as part of either the November Update or an advice letter implementing the final decision in the ERRA Forecast proceeding.

Respectfully submitted,



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