



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

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

R.17-06-026

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S COMMENTS  
ON THE PROPOSED DECISION RESOLVING PHASE 2 ISSUES  
RELATED TO DATA ACCESS AND VOLUNTARY ALLOCATIONS IN  
MARKET PRICE BENCHMARK CALCULATIONS**

Evelyn Kahl,  
General Counsel and Director of Policy  
Leanne Bober,  
Senior Counsel  
CALIFORNIA COMMUNITY CHOICE  
ASSOCIATION  
One Concord Center  
2300 Clayton Road, Suite 1150  
Concord, CA 94520  
Telephone: (415) 254-5454  
Email: [regulatory@cal-cca.org](mailto:regulatory@cal-cca.org)

Tim Lindl  
Ann Springgate  
KEYES & FOX LLP  
580 California Street, 12<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (510) 314-8385  
E-mail: [tlindl@keyesfox.com](mailto:tlindl@keyesfox.com)

*On behalf of*  
California Community Choice Association

June 30, 2022

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## SUMMARY OF RECOMMENDATIONS

- ✓ To prevent evidentiary disputes in future Energy Resource Recovery Account (ERRA) Forecast proceedings, the Commission should adopt the conclusion in the Proposed Decision (PD) that the timeframe for data access within ERRA proceedings is for a minimum of eight months during the pendency of the proceeding;
  - ✓ If the Commission adopts the PD's proposed framework for year-round data access for the purposes of long-term power charge indifference adjustment (PCIA) forecasting (instead of California Community Choice Association's (CalCCA's) proposed Non-Disclosure Agreement approach), any participation by community choice aggregators (CCAs) in such process should be voluntary (i.e., CalCCA and/or individual CCAs may choose not to participate and to instead rely on publicly available data for long-term PCIA forecasting);
  - ✓ The Commission should adopt the PD's exclusion of Voluntary Allocations from the calculation of the market price benchmark (MPB).
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MARKET PRICE BENCHMARK CALCULATIONS**

The California Community Choice Association<sup>1</sup> (CalCCA) submits these Comments pursuant to Rule 14.3(a) of the California Public Utilities Commission (Commission) Rules of Practice and Procedure on the proposed *Decision Resolving Phase 2 Issues Related to Data Access and Voluntary Allocations in Market Price Benchmark Calculations* (PD), dated June 10, 2022.

**I. INTRODUCTION**

CalCCA appreciates the Commission's efforts to provide community choice aggregator (CCA) reviewing representatives year-round access to energy resource recovery account (ERRA) data for long-term power charge indifference adjustment (PCIA) forecasting purposes. On balance, however, the PD's numerous requirements for allowing such access may outweigh the relative value of using confidential data for long-term planning purposes. Indeed, with the PD's

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<sup>1</sup> California Community Choice Association represents the interests of 23 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, Orange County Power Authority, 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.

clarification of the eight-month term of confidential data access for short-term PCIA forecasting needed to anticipate and plan for their own near-term rate changes, CCAs may be better served by developing a database of publicly available information for long-term forecasting. As a result, if the Commission does not adopt CalCCA’s original approach to base the methodology on the use of a Non-Disclosure Agreement (NDA),<sup>2</sup> the Commission should modify the PD to make participation in the proposed framework voluntary for CalCCA and individual CCAs.

The Commission should also adopt two of the PD’s important conclusions. First, the PD clarifies that the schedule change for ERRA forecast proceedings adopted in Decision (D.) 22-01-023 grants unbundled customer reviewing representatives access to data *for a minimum of eight months out of the year.*<sup>3</sup> This clarification may prevent future discovery disputes among the investor-owned utilities (IOUs) and CCAs. The PD also correctly excludes Renewables Portfolio Standard (RPS) Voluntary Allocation transactions from the calculation of the RPS Adder component of the Market Price Benchmark (MPB).<sup>4</sup>

For the reasons set forth more fully below, CalCCA recommends the following:

- To prevent evidentiary disputes in future ERRA Forecast proceedings, the Commission should adopt the PD’s conclusion that the timeframe for data access within ERRA proceedings is a minimum of eight months during the pendency of the proceeding;
- If the Commission adopts the PD’s proposed framework for year-round data access for the purposes of long term PCIA forecasting (instead of CalCCA’s NDA approach), any participation by CCAs in such process should be voluntary (i.e.,

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<sup>2</sup> See *Opening Comments of the California Community Association on ALJ Ruling Regarding PCIA Forecasting Data Access*, R.17-06-026 (Dec. 9, 2021), at 2-6 (recommending the use of a simple NDA to allow CCAs whose customers pay the PCIA to access confidential data on a year-round basis for the limited purpose of long-term forecasts of PCIA rates).

<sup>3</sup> PD at 7 (“...the current schedule anticipates that the reviewing representatives of ERRA proceeding parties will not have access to confidential ERRA data from January through April each year (4 months)”) (citing D.22-01-023, *Decision Resolving Phase 2 Issues Related to Energy Resources Recovery Account Proceedings*, R.17-06-026 (Jan. 27, 2022)).

<sup>4</sup> PD at Finding of Fact (FOF) 5, Conclusion of Law (COL) 12.

CalCCA and/or individual CCAs can choose not to participate and to instead rely on publicly available data for long-term PCIA forecasting); and

- The Commission should adopt the PD’s exclusion of Voluntary Allocations from the calculation of the MPB.

**II. THE COMMISSION SHOULD ADOPT THE PD’S CONCLUSION THAT THE TIMEFRAME FOR DATA ACCESS WITHIN ERRA PROCEEDINGS IS A MINIMUM OF EIGHT MONTHS DURING THE PENDENCY OF THE PROCEEDING**

The PD makes an important clarification that the CCAs’ ERRA reviewing representatives have access to a minimum of eight months of confidential data under D.22-01-023.<sup>5</sup> The PD reasons that the new May 15 annual deadline for utilities to file ERRA forecast applications will increase access to confidential data.<sup>6</sup> It states that the current schedule of the ERRA Forecast proceeding “anticipates that the reviewing representatives of ERRA proceeding parties will not have access to confidential ERRA data from January through April each year (4 months),” meaning data will be provided during the remaining eight months.<sup>7</sup> This conclusion, alone, clarifying that access is provided for a minimum of eight months during the pendency of ERRA proceedings, may reduce the potential for future evidentiary disputes.<sup>8</sup> The Commission should adopt the PD’s conclusion on the timeframe for data access in ERRA proceedings.

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<sup>5</sup> *Id.* at 7.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> For example, in last year’s (in 2021 for the following year) PG&E ERRA forecast case (A.21-06-001), PG&E objected to a CCA data request *during the pendency of a proposed decision*, despite D.20-12-028’s and D.22-01-023’s requirement that PG&E provide the confidential data while an ERRA forecast case is *still pending*. See D.20-12-038, *Decision Adopting Pacific Gas and Electric Company’s 2021 Energy Resource Recovery Account Forecast, Generation Non-Bypassable Charges Forecast, Greenhouse Gas Forecast Revenue Return and Reconciliation, and Related Calculations and Rate Proposals*, A.20-07-002, A.20-09-014 (Dec. 17, 2020), COL 14; see also D.22-01-023, COL 7, OP 5. Similar conclusions exist in the other IOUs’ 2021 ERRA Forecast Decisions. See D.21-01-017, *Decision Adopting 2021 Electric Procurement Revenue Requirement Forecasts and Greenhouse Gas-Related Forecasts for San Diego Gas & Electric Company*, A.20-04-014 (Jan. 14, 2021), at OP 6; see also D.20-12-035, *Decision Adopting Southern California Edison Company’s 2021 Electric Procurement Cost Revenue Requirement Forecast, 2021 Forecast of Greenhouse Gas-Related Costs, and Power Charge*

### III. PARTICIPATION IN THE PD’S FRAMEWORK FOR PROVIDING CONFIDENTIAL DATA FOR CCA LONG-TERM PCIA FORECASTING SHOULD BE VOLUNTARY

The PD represents the Commission’s diligent efforts to provide a methodology for CCAs to access confidential ERRA data on a year-round basis for long-term PCIA forecasting purposes. These efforts are certainly appreciated and CalCCA understands the delicate balancing act between protecting confidential information and the need for transparency. However, the PD’s numerous requirements for such access will likely result in CCAs determining that utilizing publicly available data to develop their long term PCIA forecasting is sufficient and more cost effective. The PD’s proposed framework for CCA access to year-round confidential data: (1) limits how and what reviewing representatives may present to their clients;<sup>9</sup> (2) limits disclosures by reviewing representatives to the CCAs to once per quarter;<sup>10</sup> (3) creates an on-going requirement for CCA reviewing representatives to serve *both* the Commission and the IOUs “all information that they disclose to their clients under this decision,” essentially turning the CCA reviewing representative into a “Public PCIA forecaster;”<sup>11</sup> (4) requires CalCCA or its CCA members to organize a meeting with interested CCAs and the IOUs to discuss the proposed format and content of the PCIA forecasting analyses;<sup>12</sup> and (5) requires CalCCA or a member CCA to file a Tier 3 Advice Letter including detailed information regarding the information to be provided by CCA reviewing representatives, an example analysis with “dummy information,” a proposed NDA, and a list of CCAs seeking the data access.<sup>13</sup>

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*Indifference Adjustment Trigger Mechanism Surcharge*, A.20-07-004, A.20-10-007 (Dec. 17, 2020), at OP 8.

<sup>9</sup> PD at 13-14, COL 8; OP 2.

<sup>10</sup> *Id.* at 14-15, COL 10, OP 3.

<sup>11</sup> *Id.* at 14-15, COL 9, OP 3.

<sup>12</sup> *Id.* at 13, COL 7, OP 1.

<sup>13</sup> *Id.* at 13-14; COL 8, OP 2.



On balance, if the Commission does not accept CalCCA's proposed NDA approach, CCAs may be better served by developing a database of publicly available data for long-term PCIA rate forecasting, particularly given the PD's clarification on data access for short-term forecasting. Accordingly, if the Commission adopts the PD's proposed framework, it should note that participation in such a framework is voluntary and adopt the modifications set forth in Attachment A.

**IV. THE COMMISSION SHOULD ADOPT THE PD'S EXCLUSION OF VOLUNTARY ALLOCATIONS FROM RPS MPB CALCULATIONS**

The Commission should adopt the PD's conclusion to exclude Voluntary Allocations from calculations of the MPB. Removing Voluntary Allocation transactions from the MPB calculation will result in the MPB accurately reflecting market prices and dynamics.<sup>14</sup> As the Voluntary Allocation transactions will be contracted for at the applicable year's MPB, such transactions should be excluded to ensure the new calculation is not weighted by a previous year's MPB. On an ongoing basis to ensure a stable RPS MPB, the Commission should monitor the impact of the Voluntary Allocation process on the liquidity of the bi-lateral RPS market.

**V. CONCLUSION**

CalCCA appreciates the opportunity to submit these comments and requests adoption of the recommendations proposed herein and listed in Attachment A.

Respectfully submitted,



Evelyn Kahl,  
Director of Policy and General Counsel  
California Community Choice Association

June 30, 2022

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<sup>14</sup> *Id.* at 18, COL 12.

**ATTACHMENT A  
TO  
CALIFORNIA COMMUNITY CHOICE ASSOCIATION’S COMMENTS  
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**PROPOSED CHANGES TO FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDERING PARAGRAPHS**

**FINDINGS OF FACT**

**New Finding**

X. Providing CCA reviewing representatives a minimum of eight months of access to confidential ERRA data will reduce future discovery disputes and keep CCA customers informed prior to the implementation of consolidated rate changes.

**CONCLUSIONS OF LAW**

**New Conclusion**

X. D.22-01-023 provides CCA reviewing representatives a minimum of eight months of access to the IOUs’ confidential ERRA data.

X. Participation by CalCCA and any individual CCA in the data access process set forth in this Decision for year-round access to confidential ERRA data for the purpose of developing PCIA forecasts for CalCCA and any individual CCA is voluntary.

**ORDERING PARAGRAPHS**

**New Ordering Paragraph**

X. Participation by CalCCA and any individual CCA in the data access process set forth in this Decision for year-round access to confidential ERRA data for the purpose of developing PCIA forecasts for CalCCA and any individual CCA is voluntary.