



**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 REPLY  
COMMENTS ON THE PROPOSED DECISION RESOLVING PHASE 2  
ISSUES RELATED TO DATA ACCESS AND VOLUNTARY  
ALLOCATIONS IN MARKET PRICE BENCHMARK CALCULATIONS**

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*On behalf of*  
California Community Choice Association

July 5, 2022

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## **SUMMARY OF RECOMMENDATIONS**

- The Commission should reject the Joint Utilities' over-simplistic and inaccurate description of the data necessary to accurately forecast Power Charge Indifference Adjustment (PCIA) rates, and instead define such data as the true-ups recorded in Portfolio Allocation Balancing Account (PABA) and Energy Resource Recovery Account (ERRA) balancing accounts for under- or over- collections during the current year, plus projections of output and costs of the investor-owned utilities' (IOUs') PCIA-eligible resources; and
- The California Public Utilities Commission (Commission) should reject as too restrictive and premature the Joint Utilities' requested modifications to the existing Model Non-Disclosure Agreement (NDA) for the data access methodology proposed in the PD.

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The California Community Choice Association<sup>1</sup> (CalCCA) submits these reply comments pursuant to Rule 14.3(d) 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 attempt in the PD to balance the competing interests at play in providing access to confidential data for the preparation of accurate power charge indifference adjustment (PCIA) long-term forecasting. As stated in CalCCA's Opening

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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.

Comments,<sup>2</sup> however, the PD's numerous requirements for allowing such access may outweigh the relative value of using confidential data for long-term planning purposes. Therefore, if the Commission does not adopt CalCCA's original proposal to base the methodology on the use of a Non-Disclosure Agreement (NDA), the Commission should modify the PD to make participation in the proposed framework *voluntary* for CalCCA and individual community choice aggregators (CCAs).

In Opening Comments, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company (the Joint Utilities) request modifications to the PD to further define the categories of data they will provide to enable the CCAs to forecast the PCIA.<sup>3</sup> Clarification of the categories of data to be provided is worthwhile, but CalCCA urges the Commission to reject the Joint Utilities' oversimplistic and inaccurate description of the data necessary for accurate PCIA forecasting. Instead, the Commission should adopt CalCCA's description of the necessary data, as provided below.

The Joint Utilities also request that the PD require additional restrictions be added to the existing Energy Resource Recovery Account (ERRA) Forecast Model Nondisclosure Agreement (NDA). The Joint Utilities' recommendations for these terms are overly restrictive (including requiring a reviewing representative (RR) to sign under penalty of perjury when that RR is already subject to strict requirements under the NDA and Commission Orders). In addition, the CCAs hiring the RR are in the best position to propose an NDA, and submit it for review along with its Tier 2 Advice Letter, as set forth in the PD.

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<sup>2</sup> *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*, R.17-06-026 (June 30, 2022) at 4.

<sup>3</sup> *Opening Comments of Joint Utilities on Decision Resolving Phase 2 Issues Related to Data Access and Voluntary Allocations in Market Price Benchmark Calculation*, R.17-06-026 (June 30, 2022) (Joint Utilities' Opening Comments).

As set forth more fully below, CalCCA provides the following recommendations:

- The Commission should reject the Joint Utilities’ over-simplistic and inaccurate description of the data necessary to accurately forecast PCIA rates, and instead define such data as the true-ups recorded in Portfolio Allocation Balancing Account (PABA) and ERRA balancing accounts for under- or over- collections during the current year, plus projections of output and costs of the investor-owned utilities’ (IOUs’) PCIA-eligible resources; and
- The Commission should reject as too restrictive and premature the Joint Utilities’ requested modifications to the existing Model NDA for the data access methodology proposed in the PD.

## **II. THE COMMISSION SHOULD ADOPT CALCCA’S DESCRIPTION OF THE DATA REQUIRED FOR PCIA FORECASTING IN PLACE OF THE DESCRIPTION PROVIDED BY THE JOINT UTILITIES**

The Joint Utilities’ Opening Comments request the Commission clarify the description of data necessary for PCIA forecasting. While CalCCA agrees that such a clarification is worthwhile, the Joint Utilities’ proposed description should be rejected, and the Commission should instead adopt the description provided below.

The Joint Utilities assert that the data required for PCIA forecasting must only be data “relevant” to departed load, which they describe as “only the vintaged PABA data relevant to a current departing load customer’s PCIA rate.”<sup>4</sup> They further assert that current ERRA balancing account information is not relevant “because ERRA costs are paid for by bundled service customers, not departing load customers.”<sup>5</sup>

The Joint Utilities’ description is overly simplistic and mischaracterizes the data the PD finds is necessary and in the public interest for CCAs to access. The PD specifically recognizes that there is a public interest in allowing CCAs access to ERRA forecast data when an ERRA

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<sup>4</sup> Joint Utilities’ Opening Comments at 5.

<sup>5</sup> *Id.* at 5-6.

forecast proceeding is not pending.<sup>6</sup> The Joint Utilities' characterization also ignores that the final ERRA balance is used in the calculation of the following year's PCIA.

An accurate description of the data necessary for PCIA rate forecasting therefore *does* include both PABA and ERRA balancing account information, as specified below:

- PCIA rate forecasts for the upcoming year rely on projections of output and costs of the IOUs' PCIA-eligible resources plus the true ups recorded in PABA and ERRA balancing accounts for under- or over-collections during the current year. Confidential details of these data are currently available within an ERRA Forecast case; and
- Long-term PCIA rate forecasts also rely on projected output and costs of the IOUs' PCIA-eligible resources, the basis for which would be the latest forecast information included in the workpapers provided in the ERRA Forecast case, adjusted for expected changes over the forecast horizon.

While the Commission should reject the Joint Utilities' request to adopt their description of the data required for PCIA forecasting, CalCCA recommends the Commission adopt its more accurate description provided above.

### **III. THE COMMISSION SHOULD REJECT THE JOINT UTILITIES' REQUEST TO MODIFY THE MODEL NDA AS OVERLY RESTRICTIVE AND PREMATURE**

The Joint Utilities also err in urging specific amendments to the form NDA to be used in the process. The PD correctly requests that participating CCAs propose an NDA.<sup>7</sup> The tasks assigned to the Reviewing Representative are numerous and complex. The CCAs who will be engaging these representatives are best placed to modify the existing ERRA Forecast NDA to conform it to this process, and then to provide the revised NDA with the Tier 2 Advice Letter.

In addition, the further restrictions the IOUs propose are severe and unnecessary, given the parties' long history with the consultancies likely to be engaged for this work. There is no basis for the IOUs' request to specify the dispute resolution methodology, or to request that

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<sup>6</sup> PD at 8.

<sup>7</sup> *Id.* at 20, COL 8(a).

reviewing representatives sign the NDA under penalty of perjury, when the RR is already bound by the NDA and Commission orders.<sup>8</sup> For the reasons set forth herein, the Joint Utilities' requested modifications to the Model NDA should be rejected.

#### **IV. CONCLUSION**

CalCCA appreciates the opportunity to submit these reply comments and requests adoption of the recommendations proposed herein.

Respectfully submitted,

/s/ Ann Springgate  
Ann Springgate  
KEYES & FOX LLP

*On behalf of*  
California Community Choice Association

July 5, 2022

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<sup>8</sup> Joint Utilities' Opening Comments at 11-12.