#### California Regulatory Happenings for the Week of May 24, 2019

#### **California Public Utilities Commission**

Issue	Latest Developments
CPUC Commissioner's Meeting	The next Commission meeting is scheduled for 5/30/19. On the Agenda are Wildfire Mitigation Plans and De-Energization Guidelines.
Reports Issued	RPS 2018 Padilla Report to the Legislature on Costs and Savings for the RPS in 2018 https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/About_Us/Organization/Divisions/Office_of_Governmental_Affairs/Legislation/2019/Padilla%20Report%202019%20-%20Final(1).pdf  Actions to Limit Utility Costs and Rates - Annual Report to the Governor and Legislature (SB 695) https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/About_Us/Organization/Divisions/Office_of_Governmental_Affairs/Legislation/2019/SB%20695%20Report_May%202019_FINAL.pdf  California Electric and Gas_Utility Cost Annual Report to the Governor and Legislature (AB 67; PU Code 913) https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/About_Us/Organization/Divisions/Office_of_Governmental_Affairs/Legislation/2019/2018%20AB%2067%20Report.pdf
OIR to adopt rules and procedures governing Commission-regulated natural gas pipelines and facilities to reduce natural gas leakage consisted with SB1371 (R.15-01-008)	This proceeding will focus on the following broad policy issues: 1) what data is necessary in order for the CPUC to consider a "cost-effectiveness" framework in this proceeding; 2) how should the CPUC's annual report requirements and 26 best practices be harmonized with information or action required by other entities such as the PHMSA, DOGGR, ARB and local air quality management districts; 3) pursuant to 975(f) how should rules and procedures including best practices and repair standards developed in this proceeding be incorporated into the applicable general orders; 4) how should ratemaking treatment for LUAF be structured and evaluated?  Comments on the workshop materials and staff proposals were filed in February.

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OIR to Develop an
Electricity
Integrated
<b>Resource Planning</b>
Framework to
Coordinate and
<b>Refine Long-Term</b>
Procurement
Planning
Requirements
(R16-02-007)

The Proposed Decision issued on March 18, 2019 was adopted as a Final Decision with minor modifications.

Policies, Procedures and Rules for Regulation of Physical Security for the Electric Supply Facilities of Electrical Corporations (R15-06-009) This rulemaking proceeding addresses in two phases the policies, procedures and rules for regulation of physical security consistent with Public Utilities Code Section 364 and standards for disaster and emergency preparedness plans pursuant to Public Utilities Code Section 768.6.

On January 22, 2019, D 19-01-018 was issued on Phase I. The decision requires electric utilities to identify electric distribution assets that may merit special protection and measures to lessen identified risks and threats. In order to address the risk of long-term outage to a distribution facility, each Operator will develop and implement a Mitigation Plan which will follow a six-step procedure for carrying out these new physical security plan requirements. The Investor Owned Utilities (IOUs) must prepare and submit to the Commission a preliminary assessment of priority facilities for their distribution assets and control centers, followed by an unaffiliated, third-party review of the plans and Final Security Plan Report. Within 30 months, each of the Publicly Owned Utilities (POUs) will be required to provide the Commission with notice that an independently-reviewed plan has been adopted. The Decision held that the Public Utilities Code compels POUs to also adhere to this decision as it relates to physical security and Phase I of this proceeding. Any new rules for emergency and disaster preparedness plans promulgated within Phase II of this proceeding will not apply to the POUs.

Utility Disaster Plans and Emergency Response guidelines were issued; comments are pending.

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Streamlining
Interconnection of
<b>Distributed Energy</b>
Resources and
Improvements to
Rule 21 (R17-07-
007)

This rulemaking addresses streamlining interconnection of distributed energy resources and improvements to rule 21.

A Proposed Decision was issued on February 22, 2019, adopting the Proposals from the March 15, 2018 workshop Group 1 Report. The Proposed Decision was approved at the Commission's Meeting March 28, 2019. Status reports from working groups have been filed.

Resource Adequacy, Consider Program Refinements and Establish Annual Local and Flexible Procurement Obligations for the 2019 and 2020 Compliance Years. (R17-09-020)

On 9/28/17 the commission opened a <u>rulemaking</u> to oversee the resource adequacy program, consider program refinements and establish annual local and flexible procurement obligations for the 2019 and 2020 compliance years.

On 1/18/18 the Assigned Commissioner and ALJ issued a scoping memo and ruling. The proceedings will be divided into three separate tracks. Track 1 will consider system, local and flexible capacity requirements for the next year as well as time-sensitive refinements to the Commission's RA program. Track 2 will address less time sensitive topics, including adoption of multi-year local RA requirements and refinements to local area rules and RA program. Track 3 will consider the 2020 program year requirement and may revisit RA counting rules for weather-sensitive and local demand response resources.

Decision 19-02-022 was adopted on February 21, 2019, "Decision Refining the Resource Adequacy Program." The Decision states: "The Commission does not find a viable central buyer at this time and thus delays the designation of a central buyer in this decision. The Commission continues to find that a central buyer structure, as outlined in the Track 1 decision, is the appropriate structure to implement multi-year local RA requirements. In the interim, the Commission directs parties to undertake a series of workshops to develop workable central buyer proposals. The Commission intends to issue a decision in the fourth quarter of 2019 that addresses the central buyer designation" as well as the implementation details for a central procurement structure. The Commission did decide to adopt a minimum three-year forward multi-year RA requirement.

Topics to be addressed in Track 3 were identified in the Amended Scoping Plan issued January 29, 2019:

http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M262/K405/262405974.PDF and a decision on track 3 is scheduled for May, 2019.

A Decision Adopting Local Capacity Obligations for 2020-2022, Adopting Flexible Capacity Obligations for 2020, and Refining the Resource Adequacy Program was adopted on May 24.

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#### Successor to Existing Net Energy Metering Tariffs pursuant to PUC Section 2827.1 (R.14-07-002)

This rulemaking addresses net energy metering. On 3/29/18 the Assigned Commissioner issued the <u>fourth amended scoping memo</u> and ruling. The highest priority issues identified by the Commissioner include consumer protection and development of options for increasing use of renewable DG in disadvantaged communities.

On March 8, 2019, a Ruling Regarding Enhanced Consumer Protections for Net Energy Metering Customers was filed. It proposed additional consumer protection rules for net-energy metering customers and suggested that the Commission might assert authority over third-party solar providers On March 26, 2019, a Decision was issued

http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M277/K012/277012630.PDF on an application for rehearing over how best to interpret Decision 16-01-044 regarding assessment of nonbypassable charges under net energy metering successor tariffs. The decision clarifies the determination in Resolution E-4792 that nonbypassable charges shall be assessed on the net kilowatt-hours consumed in each metered interval, and not on the basis of instantaneous netting, under the net energy metering successor tariff. The Decision was adopted on April 25.

# Continued Implementation of the Public Utility Regulatory Policies Act and Related Matters (R.18-07-017)

On 7/26/18 the Commission opened the rulemaking. The rulemaking is intended to consider adoption of a new standard offer contract that will be available to any Qualifying Facility of 20 MW or less seeking to sell electricity to a Commission-jurisdictional utility pursuant to PURPA. The rulemaking will also consider adoption of a price to be paid at the time of delivery where a QF has opted to sell asavailable energy to the utility without a contract.

A Scoping Memo and Ruling was issued on November 2, 2018. http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M236/K009/236009738.PDF

Power Charge
Indifference
Adjustment: Order
Instituting
Rulemaking to
Review, Revise, and
Consider
Alternatives to the
Power Charge
Indifference
Adjustment
(R1706026)

D1810019 was adopted on October 11, 2018, to address concerns that the existing cost allocation and recovery mechanism does not prevent cost shifting between different groups of customers, contrary to statutes that (1) authorized customers to engage in direct access transactions for electricity and (2) provided for formation of CCAs. The Commission adopted revised inputs to the market price benchmark (MPB) that is used to calculate the Power Charge Indifference Adjustment (PCIA), the rate intended to equalize cost sharing between departing load and bundled load. The revised methodology will be used to calculate the PCIA that took effect as of January 1, 2019. A second phase was initiated to enable parties to continue working together to develop longer-term solutions and to consider the development and implementation of a comprehensive solution to the issue of

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	excess resources in utility portfolios. Requests for rehearing were filed by many parties, including Buchalter on behalf of the California Community Choice Association. The Phase 2 Scoping Ruling was issued 2/1/19.  http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M263/K449/263449702.PDF
Order Instituting Rulemaking to Implement Public Utilities Code Section 451.2 Regarding Criteria and Methodology for Wildfire Cost Recovery Pursuant to Senate Bill 901 (2018) R19- 01-006	The goal of this Rulemaking is to adopt criteria and a methodology for the Commission to use in future applications for cost recovery of wildfire costs. A Scoping Memo and Ruling was issued on March 29, 2019: http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M277/K012/277012679.PDF

## **California Energy Commission**

Issue	Latest Developments
CEC Business Meeting	The next regularly scheduled Business Meeting will be held 6/12/19.
Natural Gas Climate Resilience Solicitation	California Energy Commission staff will conduct a staff webinar to seek input from stakeholders on the forthcoming solicitation regarding climate resilience in the natural gas sector. The webinar will be held on: Wednesday, May 22, 2019 1:30 p.m. – 3:30 p.m. California Energy Commission
AB 1110 Revised Power Source Reporting to Disclose GHG Intensity Factors	The California Energy Commission (Energy Commission) has completed prerulemaking to amend the Power Source Disclosure (PSD) regulations as required with the recent passage of AB 1110 and formal rulemaking will commence in May 2019 with an effective date of Spring 2020. The PSD program discloses to consumers a retail supplier's various sources of electricity compared with the electricity mix of California as a whole. This program will fundamentally shift under AB 1110 by additionally requiring disclosure of a retail supplier's greenhouse gas (GHG) emissions intensity factors for its retail electricity offerings. Retail suppliers will begin disclosing their emissions in 2020 for the 2019 calendar on the Power Content Label (PCL). At the same time, AB 1110 requires the Energy Commission to develop guidance for the disclosure of unbundled renewable energy credits (RECs).

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2019 IEPR	Scoping and topic workshops for the 2019 IEPR are underway. On May 2, 2019, a
	Workshop on the Status of the Zero Emission Vehicle Market was held.
	Presentations are available at
	https://www.energy.ca.gov/2019 energypolicy/documents/2019-05-02-
	am workshop/2019-05-02 presentations.php and a workshop on EV Charging
	Infrastructure: <a href="https://www.energy.ca.gov/2019_energypolicy/documents/2019-05-02-">https://www.energy.ca.gov/2019_energypolicy/documents/2019-05-02-</a>
	pm workshop/2019-05-02 pm presentations.php. Upcoming Workshops include Energy
	Reliability in Southern California (May 23) and Transportation Energy Trends (June 4). See
	https://www.energy.ca.gov/2019_energypolicy/documents/#05022019-pm

#### **California Air Resources Board**

Issue	Latest Developments
Cap and Trade & GHG Reporting	Proposed amendments to the Cap and Trade Regulation and GHG reporting were adopted: <a href="https://www.arb.ca.gov/regact/2018/capandtrade18/ct18fro.pdf?ga=2.157207678.4548">https://www.arb.ca.gov/regact/2018/capandtrade18/ct18fro.pdf?ga=2.157207678.4548</a> <a href="https://www.arb.ca.gov/regact/2018/capandtrade18/ct18fro.pdf?ga=2.157207678.4548">29370.1558645715-1807396273.1549227562</a> . The amendments made a number of changes to reflect current laws, to streamline and improve market rules, and to delink Ontario, Canada which terminated its participation in the cap & trade program.
Low Carbon Fuel Standard	The goal of the LCFS is to reduce carbon intensity of transportation fuel by at least 10% by 2020.  The Amendments to the Low Carbon Fuel Standard Regulation and to the Regulation on Commercialization of Alternative Diesel Fuels went into effect January 4, 2019: https://www.arb.ca.gov/regact/2018/lcfs18/frolcfs.pdf? ga=2.242137538.13527394 1.1553110131-194524719.1536243891  There was a <b>Public Workshop</b> on April 5 <sup>th</sup> to discuss potential amendments to the cost containment features of the LCFS. The workshop followed up on Board direction at the September 2018 hearing to explore options to provide greater certainty that future credit prices do not exceed the cap imposed by the credit clearance market. Handouts, Staff Presentation and CCM Timeline Handout are available at: https://www.arb.ca.gov/fuels/lcfs/lcfs meetings/lcfs meetings.htm

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### **California Independent System Operator**

Issue	Latest Developments
Board of Governors Meeting	At the Board meeting held May 15-16, 2019, the Board considered new tariff provisions to make consistent the treatment of behind-the-meter load. Reporting of gross load will be the basis for settlement, and net load will also be disclosed and treated as negative generation.
Report on Summer 2019	In its annual forecast of summer electricity conditions, the ISO predicted adequate power for the summer largely because of above-normal hydroelectric supplies that will give the system more cushion than in 2018. Energy reliability in the Southern California region, however, will continue to be impacted by uncertainty surrounding its natural gas system, primarily due to the reduced capacity and restrictions imposed on the Aliso Canyon storage facility. The ISO's 2019 Summer Load and Resource Assessment also highlighted possible periods of steep upward demand straining the system in the late afternoons as solar production drops and demand spikes. The assessment found a higher potential for shortages in the ability to rapidly increase output during certain times of the day, which would create operational challenges. These upward demand shortages are most prevalent in the late afternoon when solar generation output decreases while system demand is still high. The high late afternoon demand will present the greatest operational risk during late summer, as hydropower wanes and potential peak demands in neighboring states affect imports into ISO's footprint.

#### **CAISO Stakeholder Initiatives**

Issue	Latest Developments
Energy Imbalance Market	A public stakeholder call will be held Wednesday, May 29, 2019 to discuss the Western Energy Imbalance Market (EIM) Governance Review draft final proposal for Governance Review Committee formation and draft Governance Review Committee Charter.  https://www.westerneim.com/Documents/EIMGovernanceReview-
	DraftFinalProposal-DraftCharter-GovernanceReviewCommitteeFormationPosted-Call052919.html  The EIM Regional Issues Forum is hosting its next meeting on June 18, 2019 in

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Tucson and the Turlock Irrigation District joined the EIM.

#### Energy Storage and Distributed Energy Resources Participation (Phases 3 and 4)

Phase 3 was approved by the Board and is in tariff development.

Phase 4 addresses the following topics: 1. Adding a state of charge parameter in the non-generator resource model; 2. Applying market power mitigation to energy storage resources; 3. Streamlining interconnection agreements for non-generator resource participants 4. Establishing parameters to better reflect demand response resource operational characteristics; 5. Vetting qualification and operational processes for variable-output demand response resources; and 6. Discussing the non-24x7 settlement implications of behind the meter resources within the non-generator resource model. <a href="http://www.caiso.com/Documents/StrawProposal-EnergyStorageandDistributedEnergyResourcesPhase4.pdf">http://www.caiso.com/Documents/StrawProposal-EnergyStorageandDistributedEnergyResourcesPhase4.pdf</a>.

#### Resource Adequacy Enhancement

Purpose: The rapid transformation of the resource fleet to a cleaner, more variable and energy limited fleet is generating the need to reexamine all aspects of the ISO's Resource Adequacy (RA) program. In 2006, at the onset of the RA program in California, the dominant technology used for energy production in California was gas fired generation paired with a large quantity of hydroelectric resources. While some of these resources were subject to use-limitations due to environmental, start limits or air permits, they were generally available to produce energy when and where needed.

However, as the fleet is transitioning away from its traditional make-up to a fleet that can achieve the objectives of SB 100,1 the ISO must rely on very different resource portfolio to reliably operate the grid. In this stakeholder initiative, the ISO, in collaboration with the CPUC and stakeholders, will explore reforms needed to the ISO's resource adequacy rules, requirements, and processes to ensure the future reliability and operability of the grid.

The current proposal and comments submitted can be found at <a href="http://www.caiso.com/informed/Pages/StakeholderProcesses/ResourceAdequacyEnhancements.aspx">http://www.caiso.com/informed/Pages/StakeholderProcesses/ResourceAdequacyEnhancements.aspx</a>

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Transmission	On 4/12/17 CAISO posted a background white paper entitled <u>"How Transmission</u>
Access Charge	Cost Recovery Through Transmission Access Charge Works Today. "
Structure	
Enhancements	On 6/30/17 CAISO posted the <u>issue paper</u> . On 9/15/17 CAISO posted <u>Supporting</u>
	Materials. On 1/11/18 CAISO posted the Straw Proposal. A meeting was held on
	4/11/18 to discuss the <u>revised straw proposal</u> . On 6/22/18 CAISO issued a <u>second</u>
	revised straw proposal. A meeting was held on 9/24/18 to discuss the draft final
	proposal. The proposal is inactive and pending Board review.
	proposal. The proposal is inactive and perfamily board review.
Day-Ahead Market	On 2/8/18 CAISO launched a new initiative, Day-Ahead Market Enhancements to
Enhancements	address ramping and uncertainty previously left to be resolved by the real-time
	market. Enhancements to be considered include combining the Integrated Forward
	Market with the Residual Unit Commitment process, changing the day-ahead
	scheduling granularity from hourly to 15-minute and adding an imbalance reserve
	product.
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	The CAISO dropped the effort to achieve a 15-minute granularity due to waning
	interest. Phase 2 will continue the efforts to develop a day-ahead product to
	procure 15-minute ramp capability and uncertainty needs in the real-time, with
	implementation planned for the Fall of 2021.
	http://www.caiso.com/Documents/Presentation-Day-
	,
	Ahead Market Enhancements Initiative Update - May 2-2019.pdf
Reliability must-run	The Board approved the proposal aimed at enhancing its reliability must-run
and capacity	(RMR) and capacity procurement mechanism programs. The Third Draft Tariff
procurement	
mechanism	Proposal was released:
enhancements	http://www.caiso.com/informed/Pages/StakeholderProcesses/ReliabilityMust-
	Run_CapacityProcurementMechanismEnhancements.aspx
Storage as a	Through this initiative, the ISO will explore how to enable storage providing cost-
transmission asset	based transmission services to also participate in ISO markets and receive market
	· ·
	revenues to provide ratepayer benefits and greater flexibility to the grid. A web
	conference was held on January 14, 2019.

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2019-2020 transmission planning process	The California ISO 2019-2020 transmission planning cycle involves key stakeholder activities from 2019 through early 2020. Each year, the ISO conducts its transmission planning process to identify potential system limitations as well as opportunities for system reinforcements that improve reliability and efficiency. The transmission planning process core product is the ISO Transmission Plan, which provides an evaluation of the ISO control grid, examines conventional grid reliability requirements and projects, summarizes key collaborative activities and provides details on key study areas and associated findings.
	A presentation was issued regarding the need for circuit breaker upgrades on two lines owned by LADWP: http://www.caiso.com/Documents/Presentation-McCullough-MarketplaceBreakerReplacements.pdf

#### **Federal Energy Regulatory Commission**

Issue	Latest Developments
Federal Energy Regulatory Commission	The Commission held a meeting on May 16, 2019. The next Commission meeting is June 20, 2019.
Grid Reliability and Resilience Pricing (AD18-7)	On 1/8/18 FERC initiated this proceeding after terminating RM18-1, a rulemaking tasked with evaluating the DOE pricing proposal. This proceeding will holistically examine the resiliency of the market and asks RTOs and ISOs to provide information on whether the Commission needs to act regarding resiliency. RTOs filed comments on 3/9/18, including CAISO.  On 3/14/18 various energy industry associations filed a joint motion for a 30-day extension of time to file reply comments. On 3/20/18 FERC extended the deadline to submit reply comments to 5/9/18.
Transmission Open Access	FERC granted Florida Municipal Power Agency's (FMPA) complaint against Duke Energy Florida, LLC (DEF) alleging that DEF violated its Open Access Transmission Tariff by denying FMPA and its members' requests for transmission service on the DEF transmission system for deliveries from the Poinsett Solar Facility. Florida Municipal Power Agency v. Duke Energy Florida, LLC, Docket No. EL19- 40-000.

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NERC Reliability	FERC announced that a Technical Conference will be held on June 27, 2019. The purpose of the conference is to discuss policy issues related to the reliability of the Bulk-Power System.  FERC issued a Staff Report on Lessons Learned from Commission-Led CIP Reliability Audits <a href="https://www.ferc.gov/legal/staff-reports/2019/2018-report-audits.pdf">https://www.ferc.gov/legal/staff-reports/2019/2018-report-audits.pdf</a> FERC issued a Notice of Proposed Rulemaking to adopt a new Reliability Standard CIP-012-1 to mitigate cybersecurity risks associated with communications between bulk electric system Control Centers.  file:///C:/Users/pbernardy/Downloads/20190418-3038(33517874).pdf
Return on Equity Policy Review	FERC opened a Notice of Inquiry to examine whether, and if so how, to revise its policies on determining the return on equity (ROE) used in setting rates charged by jurisdictional public utilities.  This step follows the 2017 decision <i>Emera Maine v. FERC</i> (854 F.3d 9) that reversed and vacated Opinion No. 531. In that opinion, FERC set the ROE for New England Transmission Owners at the midpoint of the upper half of the zone of reasonableness produced by a two-step discounted cash flow (DCF) analysis. Although the court did not expressly question the Commission's specific finding, it did conclude that FERC failed to show that setting the ROE at the upper midpoint, rather than the midpoint, was just and reasonable.  Following the court's ruling, the Commission issued two orders proposing an alternative ROE methodology and establishing a paper hearing on whether and how it should apply to ROE complaint proceedings in New England and the Midcontinent Independent System Operator. Those orders proposed to change FERC's approach for determining base ROE by giving equal weight to four financial models instead of primarily relying on the DCF methodology. Comments on the Notice of Inquiry will be due in mid-June.
Electric Transmission Incentives Policy	FERC issued a Notice of Inquiry into possible improvements to its electric transmission incentives policy to ensure that it appropriately encourages the development of the infrastructure needed to ensure grid reliability and reduce congestion to reduce the cost of power for consumers. The NOI recognizes that nearly 13 years have passed since the issuance of Order No. 679. Since then, there have been a number of significant developments in how transmission is planned, developed, operated, and maintained. The NOI examines whether incentives

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Technical Conference on Increasing Real- Time and Day- Ahead Marketing Efficiency and Enhancing Resilience Through	should continue to be granted based on a project's risks and challenges or should be based on the benefits that a project provide. Examples of other topics addressed in the NOI include: consideration of incentives based upon measurable criteria for economic efficiency and reliability benefits, providing incentives for improvements to existing transmission facilities, considering the costs and benefits of projects in awarding incentives, and determining whether to review incentive applications on a case-specific or standardized basis.  In addition, today's NOI also seeks comment on various ROE incentives, including how they interact with the base ROE and other transmission incentives. Finally, the NOI seeks input about possible metrics for evaluating the effectiveness of incentives. Comments on the NOI will be due in mid-June.  FERC announced that Commission staff will convene a technical conference on June 25, 26, and 27, 2019 to discuss opportunities for increasing real-time and dayahead market efficiency and enhancing the resilience of the bulk power system through improved software.
Hydro Licensing Process	FERC issued a final rule establishing an expedited licensing process for original hydropower licenses for certain qualifying facilities at existing non-powered dams
	and for closed-loop pumped storage projects. The rule is part of the Commission's successful implementation of the America's Water Infrastructure Act of 2018, and seeks to ensure a final licensing decision no later than two years after receipt of a completed application. <a href="https://www.ferc.gov/media/news-releases/2019/2019-2/04-18-19-H-1.asp#.XOhuG4hKjcs">https://www.ferc.gov/media/news-releases/2019/2019-2/04-18-19-H-1.asp#.XOhuG4hKjcs</a>
	FERC also authorized a new license to Eugene Water and Electric Board for the continued operation of the 91.992 MW Carmen Smith Project.

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