

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

Order Instituting Rulemaking to Continue  
Implementation and Administration of  
California Renewable Portfolio Standard  
Program.

Rulemaking 08-08-009  
(Filed August 21, 2008)

**COMMENTS OF THE LARGE SCALE-SOLAR ASSOCIATION (“LSA”) ON THE  
PROPOSED DECISION CONDITIONALLY ACCEPTING 2009 RENEWABLES  
PORTFOLIO STANDARD PROCUREMENT PLANS AND INTEGRATED RESOURCE  
PLAN SUPPLEMENTS**

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May 21, 2009

*Attorneys for LSA*

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**I. Introduction and Summary**

Pursuant to Rule 14.3(d) of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, the Large-scale Solar Association (“LSA”) respectfully submits these Comments to the Administrative Law Judge (“ALJ”) Mattson’s Proposed Decision Conditionally Accepting 2009 Renewables Portfolio Standard (“RPS”) Procurement Plans and Integrated Resource Plan Supplements (hereinafter “PD”).

LSA represents ten of the nation’s largest developers and providers of utility-scale solar generating resources. Collectively, LSA’s members have contracted to provide over 5 gigawatts (“GW”) of clean, sustainable solar power under contract to California’s load-serving entities (“LSEs”). Its members develop, own and operate various types of utility-scale solar technologies, including photovoltaic and solar thermal system designs. LSA, and its individual member companies, are leaders in the renewable energy industry, advancing solar generation technologies and advocating competitive market structures that facilitate significant integration of renewable energy throughout the western United States. LSA actively represents the interests of utility-scale solar development in California, Arizona, and Nevada, and also works to shape regional and federal policies that affect solar development.

LSA’s comments focus on the portions of the PD discussing the function of the project viability calculator (“PVC”) in the RPS procurement process. LSA commends the Commission for clarifying the use of the PVC and recognizing the limitations of the calculator. LSA supports the PD’s conclusion that the output of the project viability calculator should not be dispositive, and instead should be just one factor in the least cost best fit (“LCBF”) ranking. LSA is also supportive of the PD’s conclusions that project specific results of the calculator would not be made public. Finally, LSA supports the portions of the PD that decline to accept Energy Division’s proposal to categorize contracts based on their viability score for Commission review and consideration of flexible compliance.

## II. Discussion

Renewable development in California is fraught with development-related hurdles, including the many hurdles that face any development of generation or other energy infrastructure. Even if it were possible to design a process that perfectly identified which projects have the greatest indicia of success at the time the contract is signed, that process would do little to ensure that viable contracts are fulfilled and renewable power is actually delivered. Simply put, the problem with contract non-performance in California is not that inexperienced developers are proposing poorly-considered projects, but rather that the energy project development process is inherently slow, contentious and extraordinarily difficult for even the most sophisticated developers of conventional generation. In other words, the PVC would primarily address the symptom (contract non-performance) rather than the disease (development-related hurdles).

LSA supports the stated goal of the PVC: increased transparency in the RPS procurement process. However, in commenting on the Energy Division staff proposals for the PVC, LSA was very concerned that the PVC would not serve any other purpose than to eliminate viable, potential suppliers before contracts are signed. Further, LSA was troubled that the PVC would create a false sense of accuracy by assigning numeric values to criteria that are inherently qualitative.

LSA applauds the Commission for recognizing the limitations of the PVC, and taking steps to ensure that the PVC will not be used to facilitate the elimination of potentially viable contracts. The PD acknowledges the limitations of the PVC when it states that the PVC “attempts to predict a qualitative state.”<sup>1</sup> The PD also recognizes these limitations in the context of the discussion about the use of the PVC. The PD clarifies that the PVC results will neither be dispositive, nor used in a way that is outcome-determinative. The PVC should be just one factor in the evaluation of projects for LCBF ranking. LSA believes that a low score should prompt the Commission to look deeper at a project’s likelihood of coming online, and consider other factors not captured in the PVC’s metrics that may be unique to the project. In other words, LSA believes that PVC should only be used as an advisory tool, and not a project specific screen. Along those lines, LSA supports provisions of the PD that would *not* allow projects to be categorized based on their PVC scores. Flexible compliance and other aspects of Commission review should not be bound by PVC results. Again, the PVC results should only serve an advisory capacity.

Finally, LSA agrees with portions of the PD that would make project-specific scores confidential. LSA believes that the PVC can affect increased transparency through the publication of solicitation-wide, aggregate information about project scores. The publication of project-specific scores would do little to increase transparency.

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<sup>1</sup> See R.08-08-009, *ALJ Mattson Proposed Decision Conditionally Accepting Procurement plans for 2009 Renewable Portfolio Standard Solicitations and Integrated Resource Plan Supplements*, at P. 23 (May 1, 2009), available at: <http://docs.cpuc.ca.gov/efile/PD/100517.pdf>

### III. Conclusion

LSA appreciates the opportunity to provide these comments on the PD. LSA is very pleased with the portions of the PD that would make the PVC only one factor in the LCBF ranking, and not dispositive of a project's likelihood of coming online. LSA looks forward to continuing to participate in the RPS R.08-08-009 proceeding.

By: 

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May 21, 2009

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## VERIFICATION

I am the attorney representing Large-scale Solar Association (“LSA”) in this proceeding. LSA is absent from Sacramento County, where my office is located, and under Rule 1.11(d) of the Commission’s Rules of Practice and Procedure, I am submitting this verification on behalf of LSA for that reason. I have read the attached Comments of the Large-scale Solar Association (“LSA”) On The Proposed Decision Conditionally Accepting 2009 Renewables Portfolio Standard Procurement Plans and Integrated Resource Plan Supplements dated May 21, 2009. I am informed and believe, and on that ground allege, that the matters stated in this document are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21<sup>st</sup> day of May, 2009, at Sacramento, California.

A handwritten signature in blue ink, reading "Christopher Ellison", written over a horizontal line.

Christopher T. Ellison  
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PROOF OF SERVICE

I declare that:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and am not a party to the within action. My business address is ELLISON, SCHNEIDER & HARRIS; 2600 Capitol Avenue, Suite 400; Sacramento, California 95816; telephone (916) 447-2166.

On May 21, 2009, I served the attached *Comments Of The Large Scale-Solar Association ("LSA") On The Proposed Decision Conditionally Accepting 2009 Renewables Portfolio Standard Procurement Plans And Integrated Resource Plan Supplements* by electronic mail or, if no e-mail address was provided, by United States mail at Sacramento, California, addressed to each person shown on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 21, 2009, at Sacramento, California.

/s/

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Karen A. Mitchell

## SERVICE LIST

### R.08-08-009

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