Load Serving Entities​,

 On November 7, 2019, the Commission adopted Decision (D).19-11-016, authorizing 3,300 MW of incremental system resource adequacy procurement. Specifically, the decision requires that the incremental procurement come online at least 50 percent by August 1, 2021, 75 percent by August 1, 2022, and 100 percent by August 1, 2023.

 This e-mail serves as a reminder that all Load Serving Entitles identified in D.19-11-016 are required to file an informational progress report summarizing their Integrated Resource Planning procurement efforts by February 15, 2020.  Additionally, all Community Choice Aggregators and Electric Service Providers must provide in their progress reports a declaration stating whether they intend to self-provide all or none of the capacity required by this decision.

 Given that February 15, 2020 falls on a weekend (Saturday) and the following Monday, February 17, 2020, is holiday (President’s Day), the progress report will be due on February 18, 2020.

 Specifically, the decision states:

All load-serving entities (LSEs) named in Ordering Paragraph 3 and by Commission staff as discussed in Ordering Paragraph 4 of this decision shall present a progress report summarizing their activities and efforts to date to comply with this decision, along with a declaration as to whether the LSE intends to self-provide all or none of the capacity required by this decision, as a “compliance filing” filed and served in this proceeding, or its successor, by no later than February 15, 2020.

 The Commission made clear in Ordering Paragraph 5 how the election to self-provide will flow into the Investor Owned Utilities’ procurement responsibilities:

The system resource adequacy procurement allocated to community choice aggregators (CCAs) in Ordering Paragraph 3 of this decision shall be considered their opportunity to self-provide renewable integration resources as described in Section 454.51(d) of the Public Utilities Code. The Commission is also voluntarily making this opportunity available to electric service providers (ESPs). If a CCA or an ESP chooses not to procure the total amount required by Ordering Paragraph 3 of this decision, the CCA or ESP shall elect not to provide the full amount of its obligation and shall notify the Commission in its February 15, 2020 progress report required by Ordering Paragraph 11 below. The Commission will then require the relevant investor-owned utility to procure on behalf of the CCA or ESP and have the costs of any such procurement allocated to the customers of the CCA or ESP on a non-bypassable basis based on the cost allocation mechanism and not the procurement charge indifference amount mechanism.

 In order to help ensure compliance with the required progress report, Energy Division staff has developed the attached templates that will assist LSEs in these required compliance filings.

 **Attachment 1** should be used for LSEs that are electing to **NOT self-provide** capacity and instead have the Investor Owned Utility in whose territory they are located procure these reliability resources on their behalf.

 **Attachment 2** should be used by LSEs electing to **self-provide ALL** of its allocated procurement responsibilities identified in D.19-11-016 OP 3 and 4 (or, in the case of ESPs, in Energy Division allocation letters sent on November 20, 2019).  [Staff assumes that IOUs will use a modified version of this attachment for their progress report.]

For purposes of providing the CPUC with useful procurement progress information, Energy Division has developed Attachment 2 to include specific categories of data that should be included by all LSEs that elect to self-provide. The decision requires the progress reports to be submitted as a “compliance filing” served in Integrated Resource Planning (IRP) Proceeding. Any LSEs with confidentiality concerns may submit public versions of the template, with confidential information redacted and provide a confidential version to Energy Division staff via the secure FTP application (as is done for LSE IRP plan submissions).

 **Confidentiality and Compliance filing**

Decision 06-06-066 and related Decisions place the burden of justifying protection of confidential information on the party asking for the protection, not the party that wants the information released.  Certain classes of information are described in the matrices attached to D.06-06-066; the matrices break the information down into specific types that are to be public and specific types that are to be confidential (Appendix 1 of D.06-06-066 deals with IOU data, and Appendix 2 deals with ESP data). There is also a description of the purpose and requirements for a declaration to protect information included on page 24 of D.06-06-066.

LSEs must file a declaration to retain confidential treatment for any information contained in Informational Progress Report.  In response to a declaration to request confidentiality, the Administrative Law Judge may find some parts of the Informational Progress Report to still be confidential.  LSEs should match the type of information contained against the matrices in

 Appendix 1 and 2 in D.06-06-066 and prepare a declaration accordingly.    Protection of any information to be designated as confidential shall be requested and justified with a declaration that proves the following:

1. That the material it is submitting constitutes a particular type of data listed in the Matrix,
2. Which category or categories in the Matrix to which the data correspond,
3. That it is complying with the limitations on confidentiality specified in the Matrix for that type of data,
4. That the information is not already public, and
5. That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

 If you have any specific questions regarding these instructions, please contact Jaime Rose Gannon at 415-703-2818 | jrg@cpuc.ca.gov