



California Public Utilities Commission

July 10, 2018

Energy Division Proposals for Proceeding 17-09-020 Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local and Flexible Procurement Obligations for the 2019 and 2020 Compliance Years

Staff Discussion of RA Contract Transparency

Introduction

In Track 1 of this proceeding, Sierra Club proposed that each load serving entity (LSE) be required file an annual report containing certain information about the units with which they contracted to fulfill their resource adequacy (RA) requirements. The proposed filing would include an explanation of the LSE's Loading Order compliance and impacts of their contracting on disadvantaged communities in order to improve the transparency of resource adequacy contracts. While Sierra Club acknowledged that some contracting information is market sensitive, they argued that past contracting is not. Therefore, Sierra Club proposed that the following information should be released at the end of the calendar year:¹

1. Each resource the LSE has under contract;
2. The technology type for the resource;
3. If thermal, the CalEnviroScreen score for the resource's location;
4. The number of MWs under contract;
5. The type of RA (System, Local, flex);
6. If local, the local area and sub-area;
7. The months the resource is contracted for; and duration of the contract with the resource, if publicly available.

This proposal was supported by the Office of Ratepayer Advocates (ORA) and Union of Concerned Scientists (UCS). According to ORA, "a public, centralized source of information on LSE procurement will facilitate greater stakeholder engagement."² The Union of Concerned Scientists (UCS) also supported Sierra Club's proposal, stating that the Commission should enhance public stakeholder understanding of which facilities receive RA contracts, how those decisions were made and especially how these choices were assessed alongside cleaner alternatives.³ Calpine state that disclosure should be considered, but that "Energy Division already collects the majority of the requested information and likely could share it with environmental advocates on a confidential basis without introducing an onerous new compliance requirement for LSEs."⁴ However, given that the record was relatively thin, D.18-06-030 deferred consideration to Track 2 of this proceeding.

Here, Energy Division Staff seek to further discussion of how to increase transparency for all stakeholders while maintaining confidentiality of market sensitive information and minimizing the administrative burden placed on Staff and LSEs.

¹ Sierra Club Comments, pp. 3-4.

² ORA Comments, at 22.

³ UCS Reply Comments, at 2.

⁴ Calpine Reply Comments, at 7.

Background

Several existing documents speak to the treatment of market sensitive information submitted to the CPUC. Decision 06-06-066 applies to energy procurement information submitted to the CPUC within the scope of an open proceeding. The energy service provider (ESP) and investor owned utility (IOU) matrices adopted in D.06-06-066 determine that the following data are public:

- RPS contract data including counterparty, resource type, location, capacity, expected deliveries, delivery point, length of contract and online date;
- Specific bilateral contract data including counterparty, resource type, location, capacity, expected deliveries, delivery point, length of contract and online date;
- Expired power purchase agreements; and
- Market purchases of energy and capacity after data are one year old.

While the matrices predate the proliferation of community choice aggregators (CCAs), in its April 27, 2018 motion in this proceeding, CalCCA requested that confidential and market sensitive information be treated similarly to the treatment of ESPs and IOUs under D.06-06-066 and Public Utilities Code §454.5(g). The data requested to be filed under seal included the amount of capacity under contract as well as price data. This motion was granted in a May 18, 2018 ruling.

General Order Number 66-D addresses information submitted to the Commission after January 1, 2018 that has not already been addressed as a general category in a Commission Decision. (See G.O. 66-D, Section 3.1 and 3.4.)

Discussion

The Commission's decision regarding release of information requires striking a balance between a desire for transparency and the need not to disclose market sensitive information or information that would allow discernment of an LSE's forward position. A significant amount of contracting information is currently available through RPS compliance filings, IOU procurement applications, demand response load impact protocols and other sources. The Commission must now determine how much additional resource adequacy procurement data can be disclosed without indirectly disclosing an LSE's open position.

In the interest of promoting transparency to the greatest degree possible, Staff suggest that early each calendar year, Staff could post a summary of the resources listed on each LSE's RA plans for each month of the prior year. Alternately, LSEs could submit a report containing RA filing data from the previous year. Information contained in these filings includes scheduling resource ID, system, local and flexible MW contracted, scheduling coordinator or counterparty, zonal location (north or south), and local area. While additional information requested by Sierra Club such as resource type, and CalEnviroScreen score are not included in RA filings, they are easily obtainable with the above information through data

sources that are currently publicly available such as the CAISO Master Generator Capability List and the CalEnviroScreen website.

Though not currently disclosed on a regular basis, this information appears to fall under the categories above that the Commission has deemed public. Additionally, Staff suggests that by disclosing resources contracted for the previous year, but not contract length, that an LSE's forward position will remain confidential. Another option would be to disclose contract length but not MW procured as was done for the CalCCA motion.

In order to move this discussion forward, Staff requests feedback on this idea for contract disclosure. Parties should comment on whether each category of the requested information is sensitive, and if so whether it has already been addressed in a prior Commission Decision or if it may be addressed within this proceeding.

In particular, please address the following questions:

1. Would disclosing the prior year's RA resources reveal any market sensitive information? Why or why not?
2. Releasing total MW under contract would reveal LSEs load shares. Is this problematic? Would it be preferable to disclose contract length but not MW?
3. Would this proposal provide the needed transparency? Why or why not?
4. What additional information should be released?
5. Is this suggestion consistent with past Commission decisions?
6. When should this information be released?
7. Would it be preferable for the Energy Division to release all RA filing data together or for LSEs to file reports?