

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Scout Clean Energy LLC

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Docket No. ER23-2817-000

**MOTION TO INTERVENE AND COMMENTS OF
THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

The California Independent System Operator Corporation (“CAISO”) submits this motion to intervene and comments in response to Scout Clean Energy’s (“Scout”) petition for limited waiver of the CAISO tariff.¹ As the CAISO has explained in response to similar petitions, granting Scout’s petition would have significant undesirable consequences for the CAISO, and as such, fails to meet the Commission’s waiver criteria. 544 interconnection customers submitted complete interconnection requests in cluster 15, and the CAISO promptly notified Scout it did not. The CAISO tariff does not contemplate after-the-fact waivers for interconnection requests because they defeat the purpose of the interconnection request window, and can unduly delay the entire cluster. The CAISO’s tariff also incentivizes interconnection customers to submit their interconnection requests early to guarantee themselves a chance to cure any deficiency. Scout did not avail itself of this opportunity and elected to submit its interconnection request on the last day, depriving itself any opportunity to cure. Granting this petition would undermine the tariff incentives to submit requests early and enable developers to follow Scout’s lead and cure deficiencies through petitions for waiver. For these reasons the Commission should deny Scout’s petition.

¹ The CAISO submits these comments pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 385.214.

I. Comments

A. CAISO Tariff

Section 3.3.1 of the CAISO's Generator Interconnection and Deliverability Allocation Procedures ("GIDAP")² requires would-be interconnection customers to submit complete interconnection requests between April 1 and April 15 each year. "Complete" does not mean perfect. At this point an interconnection request could contain errors and still proceed to the validation stage. Applicants only must ensure that by April 15 they have submitted the ten requirements listed in Section 3.5.1 of the GIDAP.³ But applicants do not have to submit their interconnection request and hope for the best. The CAISO will notify any applicant that submits its interconnection request and study deposit five business days prior to the close of the interconnection request window whether its request is complete or deficient (and how to cure the deficiency).⁴ Applicants that submit their interconnection request and study deposit on the first day of application window, for example, would thus receive multiple chances to ensure they have a complete application.

The CAISO tariff is very clear in requiring a complete interconnection request. Section 3.5.3 of the GIDAP states: "Any Interconnection Customer that has not submitted a complete Interconnection Request by April 15 (or the next Business Day if April 15 is not a Business Day) will be deemed incomplete with no opportunity to cure or otherwise be included in that year's Queue Cluster." This language is intentionally

² Appendix DD to the CAISO tariff.

³ One of these requirements is a demonstration of site exclusivity or a site exclusivity deposit.

⁴ Section 3.5.1 of Appendix DD to the CAISO tariff.

strict. As the CAISO explained when it revised this tariff provision in 2019, the tariff requirements

address a notable decrease in the quality of interconnection requests submitted during the CAISO's annual interconnection request window (April 1 to April 15). In recent years a growing number of initial interconnection requests submitted in the annual queue cluster window have omitted essential information. Interconnection customers essentially "get their foot in the door" by submitting a deficient request during the window, and then use the CAISO's validation/cure period (April 15 to May 31) to complete their requests. CAISO and transmission owner engineers thus have less time to identify data and modeling errors within interconnection requests because they are preoccupied notifying interconnection customers of missing information, then reviewing updated submissions. This is especially problematic as the complexity of interconnection requests grows each year, and can decrease the quality of the CAISO's phase I interconnection studies.⁵

Allowing incomplete interconnection requests only enables developers to submit rushed or deficient requests, slowing the study process and degrading study results for the whole cluster. Before the CAISO implemented these requirements, interconnection requests had devolved to barely filled-out forms lacking relevant data or information. When the Commission approved these requirements as just and reasonable, the CAISO immediately saw a significant increase in the quality of interconnection requests, and a much higher percentage of interconnection requests filed at the opening of the cluster window instead of the end. As a direct result, CAISO and transmission owner staff have been able to validate interconnection requests and proceed to scoping meetings and studies much more expeditiously. Because the CAISO has seen higher and higher volume since 2019, these reforms have been absolutely critical for the cluster study process.

⁵ *California Independent System Operator Corp.*, Tariff Revisions to Specify Minimum Requirements for Interconnection Requests at 1-2, Docket No. ER19-1013-000 (Feb. 7, 2019); *approved* by Letter Order (April 1, 2019).

As the Commission is aware, Scout is not the first applicant to request after-the-fact relief from the CAISO interconnection requirements. In 2020, two developers submitted separate waiver requests because they failed to submit complete interconnection requests.⁶ The facts of those cases arguably were more compelling because both developers' failures resulted from COVID-19-related delays and, more critically, both developers petitioned for waiver *immediately after* the close of the interconnection request window. Nevertheless, the Commission dismissed both petitions because too much time had passed for the CAISO to include the interconnection requests in the cluster 13 Phase I interconnection study.⁷ In 2021 esVolta submitted a similar petition for waiver to be included in cluster 14.⁸ Because cluster 14 Phase II interconnection studies are almost complete, it would be impossible to include esVolta now. Nevertheless, esVolta's petition is still pending before the Commission.

The Commission should not confuse these four petitions for an abundance of incomplete interconnection requests. To the contrary, the CAISO has received over 1,000 complete interconnection requests in the same application windows, and each petition—like Scout's—admits the interconnection request was incomplete. The Commission has not granted any of these petitions, and should not begin with Scout's.

⁶ *Mariposa Energy LLC*, 173 FERC ¶ 61,053 (2020); *Borrego Solar Systems, Inc.*, 173 FERC ¶ 61,052 (2020).

⁷ *Id.*

⁸ *esVolta LP*, Petition for Waiver, Docket No. ER21-2605-000 (August 4, 2021).

B. Granting Scout’s petition would undermine the CAISO tariff and set aside the CAISO’s filed rate.

Scout’s petition describes its challenges in preparing and submitting an interconnection request in great detail. The CAISO appreciates that Scout admits its error and does not allege any fault with the CAISO. The CAISO also appreciates that Scout does not hide the fact that it submitted its interconnection request on the last day of the window, depriving itself of any opportunity to cure. The CAISO agrees that Scout attempted to submit an interconnection request in good faith; however, a good faith attempt is not the standard imposed by the CAISO tariff, and as such, the CAISO rightfully excluded the interconnection request from cluster 15. As explained above, the CAISO drafted its tariff provisions specifically to ensure applicants submit complete interconnection requests. Scout’s case is not a one-off exception, unintended result, or situation the tariff failed to predict. As Scout admits throughout its petition, it failed to submit a complete interconnection request. Meeting nine of ten requirements is not “close enough,” because the tariff provisions were specifically designed to prevent developers from submitting the “close enough” applications that previously plagued the CAISO, diverted staff attention, and delayed the CAISO and transmission owners’ ability to begin cluster studies each year.

The fact that cluster 15 will not begin until 2024 does not change the impact Scout’s petition represents to the CAISO. Such petitions still undermine the CAISO tariff requirements and the incentives they provide. Past experience also demonstrates that there is insufficient time to rule on these petitions such that the would-be interconnection requests could be included in studies. The Commission dismissed as moot Borrego and Mariposa’s petitions after six months because too much time had

passed for them to be included in studies.⁹ EsVolta's petition has been pending for 25 months, and likewise would be impossible to include in studies now. In every case, the CAISO must begin the interconnection studies on time and without the incomplete requests. If the Commission then granted the petition, the CAISO and its transmission owners would have to abandon the work performed to that point and restart the cluster studies including the incomplete requests. This would come at the cost of the interconnection customers that submitted complete interconnection requests timely, and would delay the cluster studies. Regardless of when cluster 15 resumes, these petitions cast doubt and uncertainty on the cluster study process, and should be rejected.

C. Granting Scout's petition would harm other applicants and be unduly discriminatory.

The CAISO received 544 complete interconnection requests during the cluster 15 request window. Every one of these applicants complied with all ten of the CAISO's tariff requirements by the deadline, including the MW plot that Scout's request lacked. Moreover, 214 applicants took the precaution that Scout did not, and submitted their interconnection request and deposit with more than five days remaining in the window, guaranteeing their opportunity to correct any deficiency.

Additionally, Scout's interconnection request was not the only application rejected for incompleteness. Nine other applications were excluded from cluster 15 for failure to submit all required information during the window. Granting Scout's petition

⁹ *Mariposa Energy LLC*, 173 FERC ¶ 61,053 (2020); *Borrego Solar Systems, Inc.*, 173 FERC ¶ 61,052 (2020).

for waiver would be unjust and unduly discriminatory to them, and to applicants rejected for incompleteness in previous cluster windows.¹⁰

II. Motion to Intervene

Scout's petition concerns the CAISO tariff and the CAISO's interconnection studies. Because no other party can adequately represent the CAISO's interests in the proceeding, the CAISO's intervention is in the public interest and should be granted.

III. Conclusion

Granting Scout's petition for waiver would negate the interconnection reforms the CAISO established in 2019, impede the CAISO's ability to study present and future clusters, and harm interconnection customers that complied with the CAISO tariff. As such, the Commission should deny Scout's petition.

/s/ William H. Weaver

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¹⁰ See, e.g., *Mariposa Energy LLC*, 173 FERC ¶ 61,053 (2020); *Borrego Solar Systems, Inc.*, 173 FERC ¶ 61,052 (2020).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each party listed on the official service list for this proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010 (2018)).

Dated at Folsom, California on this 2nd day of October, 2023.

/s/ Ariana Rebanco
Ariana Rebanco