

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

esVolta, LP

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Docket No. ER21-2605-000

**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 esVolta, LP’s petition for limited waiver of the CAISO tariff.¹ As explained below, granting esVolta’s petition would undermine the efficient administration of the CAISO tariff and have significant undesirable consequences for the CAISO. As such, it fails to meet the Commission’s waiver criteria. The petition also misstates the facts of the case. esVolta’s failure to submit a timely and complete interconnection request was the result of its consultant’s actions, and not the result of any software error, “false positive,” or failure of the CAISO. Over 370 interconnection customers submitted timely and complete interconnection requests in cluster 14 by April 15, 2021, and the CAISO promptly notified esVolta it did not. esVolta waited over three months to submit its petition for waiver, just as the CAISO is beginning its cluster 14 interconnection studies. After-the-fact waivers for interconnection requests defeat the purpose of the interconnection request window and could unduly delay the entire cluster and require significant rework. For these reasons, the Commission should deny esVolta’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. Background

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 can 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 an 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 would thus have multiple chances to ensure their application is complete.

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 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 volume of interconnection requests has increased annually 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, esVolta 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

B. esVolta's Application

esVolta's petition misrepresents several facts relevant to the Commission's determination. First, esVolta states that it "submitted the interconnection requests for the two projects at issue here *one week before the April 15 deadline*, and esVolta contemporaneously paid the required interconnection study deposits for both projects."⁸ This characterization is misleading because esVolta did not wire the interconnection study deposits until April 15, the last day of the interconnection request window. CAISO staff cannot begin to review an interconnection request for completeness until there are study funds to assess the request. Section 3.5.1 of the GIDAP expressly states, "The CAISO will not initiate any review of an Interconnection Request for completeness until the Interconnection Study Deposit is received by the CAISO." As such, esVolta did not

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

⁷ *Id.*

⁸ Waiver Petition at 2.

submit an interconnection request “one week before the April 15 deadline,” and thus did not receive an opportunity to cure deficiencies while the window was still open.

Second, esVolta states that it failed to submit site exclusivity documentation “due to a technical error,” also described as a “technical glitch” elsewhere in the petition. This is a misrepresentation. There were no technical issues, glitches, or errors with the CAISO’s systems or software. The CAISO received 373 complete interconnection requests in cluster 14, and hundreds more in previous clusters. All used the same software. esVolta’s failure to submit site exclusivity documentation was the result solely of user error by esVolta’s consultant. After the close of interconnection request window, CAISO staff reviewed its software logs and verified that there were no errors, and that esVolta did not submit the required documentation. CAISO staff then held a web conference with esVolta’s consultant, who admitted she misunderstood how to submit site exclusivity documentation and thus did not actually submit it. The CAISO also demonstrated that its software performed exactly as expected and consistent with the instructions, and no glitch or technical error occurred.

Third, esVolta states the CAISO’s software system stated “the esVolta applications were ‘submitted successfully.’”⁹ esVolta repeats this statement several times throughout its petition.¹⁰ But its selective splicing of quotes mischaracterizes the actual message the CAISO system conveyed. esVolta provides the actual, full quotation later in its petition, which states, “Your *registration request* has been submitted successfully.”¹¹ The registration request is merely one form providing the

⁹ Waiver Petition at 2.

¹⁰ Waiver Petition at 2, 4, 6, 9.

¹¹ Waiver Petition at 5 (emphasis added).

project name, point of contact, contact information, etc. More critically, an applicant cannot click the button to “Submit Registration for Validation” until it first clicks a box stating, “By checking this box, you understand that electronic submission is not considered a complete and/or valid Interconnection Request until the CAISO provides acknowledgement. . . .” As such, esVolta was well informed that the CAISO’s software system would not verify it had submitted complete interconnection requests. The CAISO’s software only verified that each field in the *registration request* had been filled, hence the message, “Your registration request has been submitted successfully.”

esVolta’s repeated references to the “submitted successfully” verbiage are misleading. The CAISO’s software neither determines nor conveys that interconnection requests are complete. The reasons for which are manifold. Software, for example, cannot determine whether an applicant has provided sufficient documentation to demonstrate site exclusivity.¹² Nor can it determine whether an applicant has submitted a dynamic data file, site map, or reactive power capability document that correspond to the project technology and size.¹³ The CAISO tariff, its training materials, and all software instructions are consistently clear that staff review applications for completeness, and that submitting an interconnection request and study deposit early in the application window enable staff to confirm the interconnection request is complete before the close of the window.

¹² The requirements to demonstrate site exclusivity on public land, for example, can vary greatly based on the site. Staff also ensure that any contracts give applicants exclusive development rights through their commercial operation date, and that the documentation corresponds to the site requested.

¹³ Section 3.5.1 of Appendix DD to the CAISO tariff.

Fourth, esVolta states that its consultant, “GridSME subsequently attempted to cure the submission error through email communications in May and June, and a call with CAISO technical staff in mid-July.” Again, this misstates the facts. At no point did the CAISO convey that esVolta would be able to cure its deficiencies outside of the application window, hence the CAISO’s notification on April 28 that the requests were excluded from Cluster 14. The CAISO even pointed esVolta to the verbiage in the CAISO tariff stating, there will be “no opportunity to cure or otherwise be included in that year’s Queue Cluster.”¹⁴ Moreover, the CAISO consistently explained to applicants that petitions for waiver cause even more harm and delay to the interconnection study process than curing deficiencies outside of the request window, and as such, the CAISO likely would oppose any petition.

Finally, the CAISO notified esVolta that it could not be included in cluster 14 on April 28, 2021. Nowhere in its petition does esVolta explain why it waited 97 days to petition for waiver. The purpose of the CAISO’s tariff provisions is to ensure interconnection studies can begin on time. The delay of any one project impedes the study of the entire cluster. The CAISO never wavered from its statement that esVolta’s projects would not be included. All CAISO communications with GridSME focused on how GridSME did not submit sufficient information and the projects would not be included in the cluster. esVolta’s substantial delay in seeking waiver was without cause, and severely exacerbates the issues such a waiver presents.

¹⁴ Section 3.5.3 of Appendix DD to the CAISO tariff.

II. Waiver Petition

A. Granting esVolta's petition would impede the CAISO's ability to conduct cluster studies now and in the future.

As explained above, the CAISO drafted its tariff provisions specifically to ensure applicants submit complete interconnection requests. esVolta's case is not a one-off exception, unintended result, or situation the tariff failed to predict. As esVolta admits throughout its petition, it failed to submit a complete interconnection request.¹⁵ 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 CAISO does not doubt that esVolta's error was unintentional. It is unfortunate that a consultant's misunderstanding of the upload process resulted in the exclusion of these projects. But the misunderstanding was entirely avoidable, as evidenced by the opportunity to seek support or to allow sufficient time to resubmit a request in the event of the unintended error. The CAISO's consistent high volumes of complete interconnection requests—with very few incomplete requests—demonstrate applicants are successful with their submissions. More critically, granting esVolta's petition would irreparably harm the CAISO's ability to administer its interconnection process. The precedent would enable future applicants to meet nine out of ten, seven out of ten, or one out of ten requirements, wait three months until the CAISO is concluding scoping meetings and beginning cluster studies, and then petition for waiver

¹⁵ Waiver Petition at 2, 5.

to include its project in the cluster studies. The CAISO and the transmission owners would then have to await the Commission's decision before it could begin studying *the entire cluster*.¹⁶

Moreover, granting esVolta's petition would remove any incentive for applicants to submit their deposit and interconnection request earlier in the queue window. Instead, applicants could submit incomplete interconnection requests on the final day of the application window as esVolta did. Had esVolta submitted its materials and its study deposit in the first nine days of the application window, the CAISO would have notified esVolta that its application was deficient and esVolta still would have had time to cure. When it implemented these tariff provisions, the CAISO explained that these processes were specifically designed to "mitigate the risk of omissions due to administrative error, and to incentivize interconnection customers to provide interconnection requests earlier. . . ." ¹⁷ Granting esVolta's petition would undo that system and remove any incentive for applicants to submit their interconnection requests at the beginning of the application window when there is sufficient time for the CAISO staff to review each request, notify the customer of deficiencies, and allow the applicant to cure them within the tariff-prescribed window. Instead of developing applications in advance and submitting study deposits on a timely basis, applicants could submit incomplete interconnection requests on the last day and then petition for waiver to cure any deficiency.

¹⁶ As the CAISO conveyed last year to similar petitions, the CAISO typically begins its Phase I interconnection studies in July. *Mariposa Energy LLC*, 173 FERC ¶ 61,053 (2020); *Borrego Solar Systems, Inc.*, 173 FERC ¶ 61,052 (2020).

¹⁷ *California Independent System Operator Corp.*, Tariff Revisions to Specify Minimum Requirements for Interconnection Requests at 6, Docket No. ER19-1013-000 (Feb. 7, 2019); *approved by* Letter Order (April 1, 2019)

B. Granting esVolta's petition would harm other applicants and be unduly discriminatory.

The CAISO received 373 complete interconnection requests during the cluster 14 request window. Every one of these applicants complied with all ten of the CAISO's tariff requirements by the April 15 deadline. Moreover, 201 applicants took the precaution that esVolta 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. If the Commission grants esVolta's petition, the CAISO will either have to delay cluster 14 studies or abandon its study work and restart cluster 14 studies anew.¹⁸ Not only would this take time and delay study results, the additional work would be assessed across the entire cluster's study deposits. In other words, the 373 interconnection customers that submitted complete applications by April 15 would quite literally pay for the late inclusion of esVolta's projects. Future clusters also would be assessed the costs of restarting studies if others could rely on the precedent the Commission would set if it granted esVolta's petition.

Additionally, esVolta's two applications were not the only applications the CAISO excluded from cluster 14, including exclusions for failure to submit site exclusivity documentation or a deposit during the application window. Granting esVolta's petition

¹⁸ As the name implies, the CAISO studies interconnection requests in clusters, not individually. This allows the CAISO and transmission owners to assess the total effect of the proposed projects on the grid, and to determine their shared needs for network upgrades and interconnection facilities. Cluster studies produce more realistic results for interconnection customers and ensure lower network upgrade costs for ratepayers. They also prevent the constant restart and restudy issues endemic to a serial study approach.

for waiver would be unjust and unduly discriminatory to those applicants and to applicants rejected for incompleteness in previous cluster windows.¹⁹

III. Motion to Intervene

esVolta'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.

IV. Conclusion

Granting esVolta'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 esVolta's petition.

/s/ William H. Weaver

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¹⁹ 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 18th day of August, 2021.

/s/ Jacqueline Meredith
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