

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

Order Instituting Rulemaking to  
Update and Amend Commission  
General Order 131-D.

Rulemaking 23-05-018  
(Filed May 18, 2023)

**OPENING COMMENTS OF THE  
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION  
ON PROPOSED DECISION ADDRESSING PHASE 1 ISSUES**

Roger E. Collanton  
General Counsel  
Anthony Ivancovich  
Deputy General Counsel  
Sarah E. Kozal  
Counsel  
California Independent System  
Operator Corporation  
250 Outcropping Way  
Folsom, CA 95630  
Tel.: (916) 956-8838  
Fax: (916) 608-7222  
[skozal@caiso.com](mailto:skozal@caiso.com)

Attorneys for the California Independent  
System Operator Corporation

Dated: November 15, 2023

## **Recommended Changes**

1. Remove Conclusion of Law 7. Proposals to modify GO 131-D, which are not within the scope of Phase 1, should be considered during Phase 2.”

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**I. Introduction**

The California Independent System Operator Corporation (CAISO) submits comments on the October 26, 2023 *Proposed Decision Addressing Phase 1 Issues* (Proposed Decision) in this proceeding.

**II. Discussion**

**A. The Commission’s Proposed Decision Adequately Addresses the Requirements of Senate Bill 529 and Existing Outdated Language.**

The CAISO agrees with the proposed amendments to General Order 131-D (GO 131-D) in the Proposed Decision. Senate Bill (SB) 529 amends the Public Utilities Code to exempt an “extension, expansion, upgrade, or other modification of an existing electrical transmission facility, including transmission lines and substations” from the requirement to obtain a certificate of public convenience and necessity.<sup>1</sup> The Proposed Decision succinctly captures this requirement in new language that allows these types of projects to use the permit-to-construct process or claim an exemption, meeting both the required language of the bill and the timeline for implementation.<sup>2</sup>

Additionally, the CAISO agrees with the many clarifying revisions proposed to update language throughout. These proposed revisions improve GO 131-D by accurately capturing current Rules of Practice and Procedure, and common filing conventions such as electronic notice.

**B. The Commission Should Remove Reference to Phase 2 in the Conclusions of Law.**

SB 529 is intended to expedite the review of a specific subset of transmission projects, recognizing the heightened need for clean energy resources and the associated deployment of cost-

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<sup>1</sup> Cal. Pub. Utilities Code Section 1001.

<sup>2</sup> SB 529 directs the Commission to update GO 131-D to reflect these changes by January 1, 2024.

effective, environmentally responsible transmission projects.<sup>3</sup> The CAISO urges the Commission to utilize this proceeding to address other opportunities to expedite the review process of transmission permit applications. The parties to the September 29 *Joint Motion to Adopt a Settlement*, for example, proposed several revisions to GO 131-D that aim to expedite permitting more generally by leveraging existing processes, including the CAISO's transmission planning process. The CAISO recommends the Commission remove the Conclusion of Law number 7 that explicitly references Phase 2 in order to not put constraints on the proceeding or limit opportunities for creative solutions. With the pending proposed settlement, it is not clear that this Conclusion of Law provides a pathway for the Commission to consider the proposed settlement. The CAISO supports expediting permitting processes on a faster timeline than identified in the Scoping Memo, which would see a Proposed Decision on Phase 2 issues in Q3 or Q4 of 2024.

### **III. Conclusion**

The CAISO appreciates the opportunity to provide comments on the Proposed Decision and looks forward to continued engagement on expediting the permitting of transmission projects.

Respectfully submitted,

**By: /s/ Sarah E. Kozal**

Roger E. Collanton

General Counsel

Anthony Ivancovich

Deputy General Counsel

Sarah E. Kozal

Counsel

California Independent System

Operator Corporation

250 Outcropping Way

Folsom, CA 95630

Tel.: (916) 956-8838

Fax: (916) 608-7222

[skoza1@caiso.com](mailto:skoza1@caiso.com)

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<sup>3</sup> See *Author's Statement*, Assembly Committee on Utilities and Energy (June 29, 2022) available at [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202120220SB529#](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB529#).