

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

Order Instituting Rulemaking to Promote)	
Policy and Program Coordination and)	R.04-04-003
Integration in Electric Utility Resource)	
Planning)	
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**OPENING COMMENTS OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR ON
DRAFT OPINION ADOPTING PACIFIC GAS AND ELECTRIC COMPANY'S,
SOUTHERN CALIFORNIA EDISON COMPANY'S, AND SAN DIEGO GAS &
ELECTRIC COMPANY'S LONG-TERM PROCUREMENT PLANS**

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Dated: December 6, 2004

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In accordance with Rules 77.2, 77.3, and 77.4 of the Commission’s Rules of Procedure and Practice and the Notice of Availability, mailed November 16, 2004, the California Independent System Operator (“CAISO”) respectfully submits its opening comments on Administrative Law Judge Brown’s Opinion Adopting Pacific Gas and Electric Company’s, Southern California Edison Company’s and San Diego Gas & Electric Company’s Long Term Procurement Plans (“Draft Opinion”). The CAISO commends ALJ Brown for her effort and ability to condense the massive quantity of evidence presented in this proceeding into a Draft Opinion that is, in large part, reasonable and pragmatic. The CAISO supports many of the conclusions reached by the Draft Opinion. Nevertheless, the CAISO does set forth several areas in which it believes the Draft Opinion can be improved.

**I. THE DRAFT OPINION TAKES POSITIVE STEPS IN REFINING THE
TRANSMISSION ASSESSMENT PROCESS**

In its order instituting this rulemaking, the Commission explicitly invited the CAISO to participate in this proceeding to “ensure coordination of transmission-related issues.” The CAISO appreciated this invitation and further appreciates the Draft Opinion’s acceptance of two

primary recommendations advanced by the CAISO to improve the transmission elements of the investor-owned utilities (“IOUs”) long-term plans. In particular, the Draft Opinion properly directs (1) that future plans “should include conceptual scenarios that illustrate the impact of potential generator location” and (2) that “when an IOU proposes a major transmission line, it should include a companion scenario without the line.” (Draft Opinion at 40.) With regard to the first recommendation, the Draft Opinion captures the CAISO’s recommendation by requiring IOUs to “include[] scenarios of potential resource portfolios to fully meet future resource needs, and identify[y] the transmission expected to be needed to make the potential resource portfolios feasible.” (*Id.* at 81.) The Commission should maintain these elements in its final decision.

The integration of generation and transmission planning, however, remains more problematic. The CAISO agrees that this issue was not fully explored. Rulemaking 04-01-026 was initiated to specifically address transmission planning. Rather than piece-meal reforms to integrated planning in the context of reviewing the IOUs’ long-term plans, the CAISO agrees with the Draft Opinion that R.04-01-026 constitutes the proper venue for moving forward. Similarly, the CAISO agrees that it is currently appropriate to defer development of detailed local capacity obligations to Phase 2 of the resource adequacy process workshops, rather than in the Draft Opinion. Nevertheless, in order to support the objective of reliable system operation, the Draft Opinion should adopt guidelines, based on a loss of load probability as set forth at pages 18-20 of the CAISO’s Opening Brief, for analyzing load pocket requirements for the 2006 long-term plans should local capacity requirements remain pending in the resource adequacy process.

II. THE DRAFT OPTION MISSTATES THE RESOURCE ADEQUACY OBLIGATION AND SHOULD BE CORRECTED

The Draft Opinion states that the Commission's resource adequacy decision, D.04-10-035, issued October 28, 2004, "established a *100% forward commitment obligation for a month-ahead horizon for the five summer months*, so each LSE must acquire the incremental remaining 10% of forward commitments needed to satisfy resource adequacy requirements." (Draft Opinion at 47 [emphasis added].) The Draft Opinion mischaracterizes D.04-10-035 by incorrectly restricting the 100% forward commitment to the summer months only. In fact, the Commission stated in D.04-10-035 that the obligation applies to all months:

As noted in the ruling, this means that for the five summer months of May to September, each LSE would have to acquire the incremental remaining 10% of forward commitments needed to satisfy resource adequacy requirements (1:2 peak load forecasts plus 15-17% PRM) not already required by the year-ahead 90% forward commitment obligation one month in advance of the operating month. *For the seven non-summer months, this would require that 100% of the resource adequacy requirement be satisfied no later than one month-ahead by forward commitment obligations.* (D.04-10-035 at 35 [emphasis added].)

Further emphasizing the intent of D.04-10-035, the Commission clarifies that "LSEs must satisfy 100% of the 15-17% planning reserve margin for each month of the year not less than one month ahead." (*Id.* at 37.) According, the Draft Opinion should be modified to avoid fostering ambiguity concerning the scope of the resource adequacy obligation by replacing the incorrect text with the block quote above.

III. THE DRAFT OPTION FAILS TO CONSIDER THE EFFECT OF EXPANDING THE IOUS' CONTRACTING AUTHORITY ON THE COMMISSION'S RESOURCE ADEQUACY PROGRAM

The Draft Opinion extends the IOUs' procurement on a rolling 10-year basis and authorizes short-, mid-, and long-term contracts with delivery start dates through 2014, provided that the IOUs submit the necessary compliance filings. In addition, the Draft Opinion specified

that contracts with duration three years or longer be submitted to the Commission for preapproval. (Draft Opinion at 91.) As noted in the CAISO's reply brief, the CAISO agrees that the eliminating the prior limitations on multi-year contracting will enhance the IOUs ability to procure least cost/best fit resources for their portfolios, hedge against market risk, and create the incentives for new infrastructure development.

Nevertheless, the Draft Opinion does not appear to address the concern also articulated in the CAISO's reply brief that granting the IOUs expanded contracting authority, without some restriction on the use of intra-control area system contracts, may negatively effect the Commission's intended implementation of its resource adequacy program. Intra-control area system contracts that fail to specify the physical units the supplier intends to rely on to "back" the contract undermine the ability to ensure that capacity is committed to serve California load. Without the specification of a particular resource or resources supporting the contract, there is no way to ensure that generation capacity is not being double-counted for resource adequacy purposes, i.e., used to supply the energy contract and a separate availability contract to different LSEs. This gives a false indication of sufficient capacity.

D.04-10-035 recognized these shortcomings, but did not expressly prohibit utilization of intra-control area system contracts for resource adequacy. Instead, the decision directed that a substitute product be developed in Phase 2 of the resource adequacy process, which is not scheduled to conclude until mid-2005. (D.04-10-035 at 23.) As a result, parties to the Phase 2 process have indicated their belief that all intra-control area system contracts executed prior to the conclusion of Phase 2 will count toward the LSE's resource adequacy obligation. The outcome under D.04-10-035 could be reasonably justified under the prior restrictions on IOU contracting authority. However, given the modifications in that contracting authority proposed

in the Draft Opinion, the threat exists that the IOUs can structure their portfolios in a manner detrimental to the reliability goals underlying resource adequacy – i.e., entering into a series of two year system contract with delivery dates out through 2014.

In addition, although D.04-10-035 specifies that capacity resources must be scheduled or bid into the CAISO's markets, the Commission adopted this policy "going forward." (D.04-10-035 at 42.) Contracts executed after completion of Phase 2 must include provisions to satisfy this forward commitment obligation. It is unclear whether contracts executed prior to completion of Phase 2 that do not include comparable provisions will be eligible to qualify as a capacity resource. Thus, again, the expanded contracting authority included in the Draft Opinion provides the IOUs with approximately 6 months to *potentially* lock-up a considerable portion of their portfolios pursuant to contracts that do not allow for the effective implementation of resource adequacy.

The Draft Opinion provides the appropriate forum to coordinate the IOUs' procurement plans with the resource adequacy process. Accordingly, the CAISO recommends that the Draft Opinion be modified to impose a limitation on IOU contracting for intra-control area system energy products that the IOUs intend to apply to their resource adequacy obligation that is effective until the issuance of a Commission order on Phase 2. This limitation take the shape of a cap on the percentage of an LSEs portfolio allocated to such contracts or a restriction that delivery under such contracts executed prior to the conclusion of Phase 2 terminate on or before December 31, 2006. This approach grants the IOUs contracting flexibility, but also eliminates the double-counting gaming possibility and will permit reliable system operation.

IV. THE DRAFT OPINION SHOULD ENSURE SDG&E'S COST RECOVERY FOR REASONABLE EXPENSES INCURRED IN EVALUATING ITS PROPOSED 500 KV TRANSMISSION LINES

SDG&E's long-term plan includes a proposed 500 kV transmission line to increase import capacity into its service territory to meet future load growth. Although the Draft Opinion does not explicitly approve the line, SDG&E is encouraged to "continue its planning efforts and move forward with evaluating these transmission alternatives for meeting a local resource deficiency by 2010." (Draft Opinion at 40.) SDG&E's ability to recover the costs of this ongoing effort is implicit. It should be made explicit in the Draft Opinion. Public Utilities Code § 454.1(a) provides: "Reasonable expenditures by transmission owners that are electrical corporations to plan, design, and engineer reconfiguration, replacement, or expansion of transmission facilities are in the public interest and are deemed prudent if made for the purpose of facilitating competition in electric generation markets, ensuring open access and comparable service, or maintaining or enhancing reliability, whether or not these expenditures are for transmission facilities that become operational." Accordingly, the Commission should confirm that any reasonable expenses incurred by SDG&E, or any IOU project sanctioned during the long-term plan review, will be recovered regardless of whether it is ultimately granted a CPCN or included in a federally approved rate.

V. IF D.04-07-028 REQUIREMENTS ARE TO BE EXTENDED, THEY SHOULD BE EXTENDED UNTIL IMPLEMENTATION OF LOCAL RELIABILITY REQUIREMENTS DEVELOPED IN PHASE 2 OF THE RESOURCE ADEQUACY PROCESS

The Draft Opinion proposes to extend the local reliability requirements included in D.04-07-028, issued on July 8, 2004, "until local reliability is resolved in [resource adequacy] Phase II, or by some other action of the Commission." (Draft Opinion at 142-143.) D.04-07-028 recognized that the solutions to the problem of local reliability procurement will follow from market design changes and the "resolution and implementation" of resource adequacy issues. Thus, D.04-07-028 was intended to serve as a "bridge" that would remain in effect "through the

earlier of year end 2005 or the issuance of a superseding order or orders that address these issues in this proceeding.” (D.04-07-028 at 6.) Phase 2 is anticipated to be concluded by June 2005, but resource adequacy generally is not scheduled for full implementation until June 2006. Given that D.04-07-028 acknowledged that it was implementation of substitute solution, not its pronouncement, that should operate to roll back its requirements, the Draft Decision should be clarified that the D.04-07-028 local reliability requirements should be extended until “implementation” of resource adequacy local reliability requirements.

VI. REFERENCE TO PURPORTED “DEFICIENCIES” IN THE CAISO’S “TEAM” ANALYSIS SHOULD BE STRICKEN

Phase 5 of Investigation 00.11-001 involves the CAISO’s Transmission Economic Assessment Methodology (“TEAM”), which calculates the benefits of transmission and generation on an integrated basis. The Draft Opinion states that “the Commission staff and others have found deficiencies in the [TEAM] methodology.” (Draft Opinion at 76.) The CAISO is not aware of any statement or other evidence in the record of this proceeding that would support this statement. Thus, the CAISO requests that it be stricken from the Draft Opinion.

VII. CONCLUSION

The CAISO respectfully requests that the Commission modify the Draft Opinion consistent with the substance of the arguments set forth above.

December 6, 2004

Respectfully Submitted:

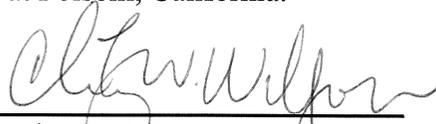
By: 

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CERTIFICATE OF SERVICE

I hereby certify that I have served, by electronic mail, a copy of the foregoing Opening Comments of The California Independent System Operator on Draft Opinion Adopting Pacific Gas and Electric Company's, Southern California Edison Company's, and San Diego Gas & Electric Company's Long-Term Procurement Plans to each party in Docket No. R.04-04-003.

Executed on December 6, 2004, at Folsom, California.

A handwritten signature in cursive script, appearing to read "Charity N. Wilson", written over a horizontal line.

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