



ADVICE LETTER



ENERGIUILIII	CALL CONTRACTOR OF CALL			
MUST BE COMPLETED BY UTI	LITY (Attach additional pages as needed)			
Company name/CPUC Utility No.: San Diego Community Power ("SDCP")				
Utility type: GAS WATER PLC HEAT	Contact Person: Samir Hafez Jr. Phone #: 858-571-6935 E-mail: samir@tosdalapc.com E-mail Disposition Notice to: samir@tosdalapc.com			
EXPLANATION OF UTILITY TYPE ELC = Electric GAS = Gas WATER = Water PLC = Pipeline HEAT = Heat WATER = Water	(Date Submitted / Received Stamp by CPUC) November 1, 2021			
Advice Letter (AL) #:005-E	Tier Designation: 2			
Subject of AL: San Diego Community Power Request for Local Resource Adequacy Waiver Keywords (choose from CPUC listing):				
AL Type: Monthly Quarterly Annual Annual Al submitted in compliance with a Commission	on order, indicate relevant Decision/Resolution #:			
The sophimed in compliance with a commission	stronger, indicate relevant becalety, resolution in.			
Does AL replace a withdrawn or rejected AL? I	f so, identify the prior AL: $ m N/A$			
Summarize differences between the AL and the prior withdrawn or rejected AL: N/A				
Confidential treatment requested? Yes No If yes, specification of confidential information: Attachement A Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:				
Resolution required? Tyes V No				
Requested effective date: 12/1/21	No. of tariff sheets: 0			
Estimated system annual revenue effect (%): N/A				
Estimated system average rate effect (%): $ m N/A$				
When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).				
Tariff schedules affected: $_{ m N/A}$				
Service affected and changes proposed $^{1:}$ Served R.19-11-009				
Pending advice letters that revise the same tariff sheets: $ m N/A$				

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division Attention: Tariff Unit 505 Van Ness Avenue San Francisco, CA 94102

Email: EDTariffUnit@cpuc.ca.gov

Name: Samir Hafez Jr.
Title: Regulatory Counsel

Utility Name: San Diego Community Power Address: 777 S. Highway 101, Suite 215

City: Solana Beach

Telephone (xxx) xxx-xxxx: 858-571-6935

Facsimile (xxx) xxx-xxxx: Email: samir@tosdalapc.com

Name: Laura Fernandez

Title: Director of Regulatory and Legislative Affairs Utility Name: San Diego Community Power

Address: 815 E. Street, Suite 12716

City: San Diego,

Telephone (xxx) xxx-xxxx: 858-492-6005

Facsimile (xxx) xxx-xxxx:

Email: Ifernandez@sdcommunitypower.org

ENERGY Advice Letter Keywords

Affiliate	Direct Access	Preliminary Statement	
Agreements	Disconnect Service	Procurement	
Agriculture	ECAC / Energy Cost Adjustment	Qualifying Facility	
Avoided Cost	EOR / Enhanced Oil Recovery	Rebates	
Balancing Account	Energy Charge	Refunds	
Baseline	Energy Efficiency	Reliability	
Bilingual	Establish Service	Re-MAT/Bio-MAT	
Billings	Expand Service Area	Revenue Allocation	
Bioenergy	Forms	Rule 21	
Brokerage Fees	Franchise Fee / User Tax	Rules	
CARE	G.O. 131-D	Section 851	
CPUC Reimbursement Fee	GRC / General Rate Case	Self Generation	
Capacity	Hazardous Waste	Service Area Map	
Cogeneration	Increase Rates	Service Outage	
Compliance	Interruptible Service	Solar	
Conditions of Service	Interutility Transportation	Standby Service	
Connection	LIEE / Low-Income Energy Efficiency	Storage	
Conservation	LIRA / Low-Income Ratepayer Assistance	Street Lights	
Consolidate Tariffs	Late Payment Charge	Surcharges	
Contracts	Line Extensions	Tariffs	
Core	Memorandum Account	Taxes	
Credit	Metered Energy Efficiency	Text Changes	
Curtailable Service	Metering	Transformer	
Customer Charge	Mobile Home Parks	Transition Cost	
Customer Owned Generation	Name Change	Transmission Lines	
Decrease Rates	Non-Core	Transportation Electrification	
Demand Charge	Non-firm Service Contracts	Transportation Rates	
Demand Side Fund	Nuclear	Undergrounding	
Demand Side Management	Oil Pipelines	Voltage Discount	
Demand Side Response	PBR / Performance Based Ratemaking	Wind Power	
Deposits	Portfolio	Withdrawal of Service	
Depreciation	Power Lines		

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November 1, 2021

California Public Utilities Commission Energy Division Attention: Tariff Unit 505 Van Ness Avenue, 4th Floor San Francisco, CA, 94102-3298

SDCP ADVICE LETTER 5-E

SUBJECT: [PUBLIC] SAN DIEGO COMMUNITY POWER'S LOCAL RESOURCE ADEQUACY WAIVER REQUEST

PURPOSE

Pursuant to California Public Utilities Commission ("Commission") Decision ("D.") 06-06-064, as modified by D. 19-02-022 and D. 19-06-026, and in accordance with Section 25 of the Commission's 2022 Filing Guide for System, Local, and Flexible Resource Adequacy ("RA") Compliance Filings ("2022 Filing Guide"), San Diego Community Power ("SDCP") hereby submits this Tier 2 Advice Letter seeking a waiver of penalties associated with a portion of its Local RA Requirements. SDCP's specific Local RA requirements are market-sensitive and confidential, and they are provided in confidential Attachment A to this Advice Letter. This request is being submitted in conjunction with SDCP's Local RA year-ahead compliance filing.

For the reasons set forth below, SDCP respectfully requests a waiver of any potential penalties associated with its 2022 Local RA deficiency. As of the date of this request, SDCP has successfully procured 80% of its three-year forward local RA obligations and has met its full 2022 year-ahead flexible obligations for all but one month. SDCP took reasonable and good faith efforts to secure capacity in satisfaction of its RA requirements, but nevertheless, it has been unable to secure any contracts at any price that would satisfy any portion of its remaining local obligation. Based on the lack of available resources and other factors preventing the sale of otherwise available resources, SDCP believes that no further efforts would have resulted in the required procurement before the November 1, 2021 year-ahead filing deadline.

BACKGROUND

San Diego Community Power ("SDCP") is a Community Choice Aggregation ("CCA") program that currently serves the cities of San Diego, Encinitas, La Mesa, Chula Vista, and Imperial Beach. SDCP was formed when the five member cities entered into a Joint Powers Agreement ("JPA") effective October 1, 2019. SDCP submitted its Implementation Plan and Statement of Intent to

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¹ See San Diego Regional Community Choice Energy Authority Joint Powers Agreement, October 1, 2019.

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establish a CCA program on December 9, 2019 and began serving customers in March 2021.² SDCP will conduct the final phase of customer enrollment early next year and, at full operation, will serve more than 740,000 customer accounts in San Diego Gas & Electric Company's ("SDG&E") distribution service territory.³

In D. 19-02-022, the California Public Utilities Commission ("Commission") adopted multi-year local RA requirements with procurement by individual load serving entities ("LSE"). In D. 21-06-029, the Commission adopted 2022-2024 local capacity obligations, which include the 25,113 megawatt ("MW") Local Capacity Requirement ("LCR") for 2022 outlined in the California Independent System Operator's ("CAISO") 2022 Local Capacity Technical Study. On September 23, 2021, SDCP was assigned its final year-ahead LCR allocation for 2021-2023. To date, SDCP has successfully procured 80% of its collective three-year forward Local RA requirement.

LOCAL RA WAIVER STANDARD

The elements of the Local RA Waiver process were first established in D. 06-06-064, were modified by D. 19-02-022 to apply to multi-year local obligations, and then modified further by D. 19-06-026 with respect to the trigger price and submission process. The waiver process affords an LSE the opportunity to request relief from Commission-imposed penalties by demonstrating that it has made every commercially reasonable effort to contract for Local RA requirement resources. An LSE must submit a Tier 2 Advice Letter ("AL") at the time it files its Local RA compliance requirement and must establish the following: 9

- (1) a demonstration that the LSE reasonably and in good faith solicited bids for its RAR capacity needs along with accompanying information about the terms and conditions of the Request for Offer or other form of solicitation, and
- (2) a demonstration that despite having actively pursued all commercially reasonable efforts to acquire the resources needed to meet the LSE's local procurement obligation, it either

⁴ D. 19-02-022, *Decision Refining the Resource Adequacy Program*, Rulemaking ("R.") 17-09-020, March 4, 2019 at Ordering Paragraph ("OP") 2.

² See San Diego Community Power, Community Choice Aggregation Implementation Plan and Statement of Intent, December 9, 2019. ("SDCP Implementation Plan").

³ SDCP Implementation Plan at 22.

⁵ D. 21-06-029, Decision Adopting Local Capacity Obligations For 2022-2024, Flexible Capacity Obligations For 2022, And Refinements to The Resource Adequacy Program, R. 19-11-009, June 24, 2021 at OP 1.

⁶ California Independent System Operator Corporation Final Local Capacity Technical Study for 2022, R. 19-11-009, April 30, 2021. ("CAISO LCT").

⁷ See D. 19-06-026, Decision Adopting Local Capacity Obligations for 2020-2022, Adopting Flexible Capacity Obligations for 2020, and Refining the Resource Adequacy Program, R. 17-09-020, June 27, 2019.
⁸ D. 06-06-064 at 71.

⁹ See also, 2022 Filing Guide for System, Local, Flexible Resource Adequacy (RA) Compliance Filings, R. 19-11-009, October 18, 2021 at 49-50. ("2022 Filing Guide").

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- a. received no bids; or
- received no bids from an unbundled RA capacity contract of under [\$51] per kW-year or for a bundled capacity and energy product of under \$73 per kW-year; or
- c. received bids below these thresholds but such bids included what the LSE believes are unreasonable terms and/or conditions, in which case the waiver request must demonstrate why such terms and/or conditions are unreasonable.

Meeting these requirements is a necessary but not sufficient condition for the grant of such waiver. The Commission will also consider other information brought to its attention regarding the reasonableness of the waiver request. ¹⁰

DISCUSSION

SDCP's request meets both prongs of the waiver requirements set forth in D. 06-06-064. Throughout 2020 and 2021, SDCP undertook an aggressive procurement strategy to overcome local constraints and meet its local RA requirements. These efforts include: 1) conducting two separate RFO solicitations, 2) submitting bids in Southern California Edison Electric Company ("SCE") and SDG&E's respective RA solicitations, 3) inquiring with every documented local RA seller in the region, and 4) working with active RA brokers to find the necessary local RA resources. Despite these extensive efforts, and despite SDCP's willingness to regularly transact for capacity at prices in excess of \$51/kw-year, SDCP received no bids for the remaining local capacity under the trigger price.

As explained below and detailed in confidential Attachment A, local constraints and regulatory uncertainty underlie SDCP's inability to procure its remaining Local RA obligation. SDCP operates within the service area of SDG&E; the relevant local RA area is known as the San Diego-Imperial Valley ("SD-IV") local area. This area is considered locally constrained in so far as nearly all resources located in this area are needed to meet local requirements. The high concentration of local need relative to local supply has resulted in excessive market prices and an overall lack of resources available to meet SDCP's local RA obligation. Further, certain RA sellers are unwilling to engage in the sale or transfer of otherwise available local capacity until the Commission develops the modified cost allocation mechanism ("CAM") addressed in D. 19-11-016, and until the Commission approves proposed changes to SDG&E's current Bundled Procurement Plans ("BPP"). These factors heavily impact SDCP's ability to meet its compliance obligations and further support the reasonableness of SDCP's waiver request.

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¹⁰ D.19-06-026 at 72-3, OP 6, OP 8.

¹¹ D. 20-06-002, Decision on Central Procurement of the Resource Adequacy Program, R. 17-09-020, June 11, 2020 at 34.

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A. SDCP Undertook Reasonable and Good Faith Efforts to Solicit Supply Bids for its Local RA Capacity Needs

As set forth in D. 06-06-064, an LSE seeking a waiver of penalties associated with Local RA deficiency must first demonstrate that it has "reasonably and in good faith solicited bids for its RAR capacity needs along with accompanying information about the terms and conditions of the Request for Offer or other form of solicitation." SDCP's request for a waiver thoroughly demonstrates that SDCP undertook reasonable, good faith solicitations with standard industry terms, participated in other LSE solicitations, and individually contacted every single local RA seller in the region. A more detailed description of SDCP's procurement efforts, as well as the terms and conditions of the solicitations, are included in confidential Attachment A.

SDCP began its efforts to procure local RA for 2022 and 2023 in 2019. Procurement efforts that took place prior to November 2, 2020 are fully set forth in SDCP Advice Letter 1-E, in which SDCP requested a waiver of Commission's penalties related to its 2020 year-ahead local RA procurement for 2021-2023.¹³ Upon review of "SDCP's actions to procure local RA resources to meet the local RA requirements of the deficient local area," Energy Division found that SDCP pursued all commercially reasonable efforts to acquire the necessary resources and granted SDCP's waiver request on December 30, 2020. 14 Throughout 2021, SDCP continued to aggressively pursue all commercially reasonable efforts to acquire the necessary resources in the constrained local area.

To overcome known market constraints, SDCP adopted a comprehensive procurement strategy to maximize its ability to obtain local RA. SDCP held its own request for offers ("RFO") for 2022-2024 SD-IV local RA in April 2021 and October 2021. In addition, SDCP submitted bids for SD-IV local RA in response to RFOs posted SCE and SDG&E. SDCP also submitted a non-conforming bid in PG&E's RFO for a local-RA resource that was in the IOU's portfolio but not included in PG&E's solicitation. Outside of the RFO processes, SDCP persistently sought out bilateral negotiations to procure the necessary resources from other local RA sellers.

A key part of SDCP's bilateral negotiation strategy entailed individual verbal and written solicitations to every listed RA seller in the region. Using publicly available resource data, SDCP created a table of all local RA resources in SD-IV and each resource's available capacity for each month of the year. SDCP then submitted verbal and written inquiries to these sellers requesting any additional volume for 2022 and 2023 beyond what it had already received. In addition, SDCP inquired as to whether the sellers could identify buyers that did not have SD-IV local resource ovbligations so that SDCP could propose a swap with those buyers. The sellers declined to disclose this information due to confidentiality protections. The table of available resources, along with a detailed description of these inquiries, is included in confidential Attachment A.

¹² D.06-06-064 at 73.

¹³ See SDCP Advice Letter 1-E, Request of San Diego Community Power for Waiver of 2021 Local Procurement Obligations, November 2, 2020.

¹⁴ December 30, 2020 Letter to SDCP approving SDCP Advice Letter 1-E, (available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/resource-adequacycompliance-materials/local-waivers/2021 sdcp-ya-local-waiver-approval-letter.pdf)

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Throughout 2021, SDCP regularly sought to engage in bilateral negotiations with SDG&E, the largest LSE in the SDG&E distribution service area. Beginning in early 2021, a substantial portion of SDG&E's bundled customers began departing to SDCP. Since SDG&E did not file for a local RA waiver last year, SDCP had reason to believe that SDG&E was able to fully it meets in 2022 local RA requirements. As such, SDCP persistently attempted to explore bilateral options to transact for the local RA resources that SDG&E procured for customers that have since departed to SDCP. For this round of procurement, SDCP first made contact concerning RA collaboration and transactions in May 2021 and inquired about potential negotiations no less than once per month. SDG&E finally agreed to a bilateral agreement on October 31, 2021, the Sunday before the RA filing deadline, for a portion of SDCP's requirement.

Through these reasonable and good faith efforts, SDCP was able to secure 80% of its three-year local RA allocation, and 100% of its year-ahead flexible RA obligations for every month except for one. To date, SDCP has been unable to secure the remaining portion of its 2022 and 2023 SD-IV local RA obligation.

B. Despite Best Efforts SDCP Did Not Receive Any Offers to Fulfill its Remaining Obligation at a Price Below \$51/kW-year

The second prong of the RA Waiver standard set forth in D. 06-06-064, as modified by D.19-06-026, requires an LSE to demonstrate that "despite having actively pursued all commercially reasonable efforts to acquire the resources needed to meet the LSE's local procurement obligations," the LSE either received no bids, or received no bids under the trigger price for a waiver request. As demonstrated below and detailed in confidential Attachment A, To date, SDCP has received no bids that would satisfy its remaining obligation at a price below the \$51/kW-year (or \$4.25/kW-month) trigger price established in D. 19-06-026.

SDCP, informed by its research and assessment of RA market constraints, proactively engaged in diligent efforts to find and contract for the resources needed to meet its local procurement obligation. SDCP was regularly willing to contract for capacity that exceeded the trigger price within reason. In fact, as detailed in confidential Attachment A, nearly all of SDCP's procured capacity to date, comprising 80% of its three-year forward obligation, was purchased for prices that exceeded the trigger.

SDCP accepted all commercially viable offers submitted in response to its two RFOs, including those that were for odd or small volumes and for some months when local RA procured significantly exceeded total month-ahead System RA requirement. All rejected bids were for very small volumes at nearly double the trigger price, or for periods during which SDCP did not require any RA. A description of the total procured capacity and contracted prices resulting from the RFOs is included in confidential Attachment A.

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¹⁵ D. 06-06-064 at 72-73.

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Further, SDCP submitted commercially reasonable bids in SDG&E and SCE's RFOs and sought to bilaterally negotiate for a resource that was not listed in PG&E's RFO. Specifically, SDCP submitted bids for SD-IV resources in the SDG&E and SCE RFOs. Although the bids were priced at fair market value, based on recent transactions, SDCP was only awarded a portion of the capacity requested. SDCP also contacted PG&E about an SD-IV resource in PG&E's portfolio that was not included in PG&E's recent RFO. Unfortunately, PG&E was unwilling to transact for that resource at any price and under any terms, due to regulatory uncertainty surrounding the modified CAM addressed in D. 19-11-016. A detailed description of SDCP's engagement with the IOUs is included in confidential Attachment A.

In addition to the IOU engagement described above, SDCP engaged in comprehensive outreach efforts to all other SD-IV RA sellers and brokers but received no suitable offers. SDCP only received offers that that were substantially higher than the local RA trigger price or for periods in which SDCP had no remaining local RA obligation.

C. Well-Documented Local Constraints and the Impacts of Regulatory Uncertainty on the Local Capacity Market Support Granting SDCP's Waiver Request

In D. 06-06-064, the Commission acknowledged that it "will consider other information brought to its attention regarding the reasonableness of the waiver request." As described below, and detailed in Attachment A, SDCP's procurement efforts were significantly limited by external factors that made it more difficult, if not impossible, for SDCP to secure otherwise available SD-IV resources.

Beyond the well-known supply shortfalls facing all load serving entities with SD-IV local RA obligations, the San Diego area is unique in terms of the proportion of overall system RA requirements that must be met with SD-IV local RA resources, as well as the significant role played by resources secured under the Cost Allocation Mechanism or "CAM." The proportionate magnitude of the local RA obligation in the SDG&E area imposes unique and meaningful challenges when attempting to procure requisite local RA quantities, particularly for a new entity like SDCP.

Unlike CCAs operating within the SDG&E footprint, local RA obligations assigned to CCAs operating elsewhere in the state represent a minority share of overall system RA obligations – this is true in both the PG&E and SCE footprints. In the case of SDG&E's service area, however, SDCP's local RA obligation exceeded its total system RA obligation in every month but one during the 2022 calendar year. This means that SDCP was required to purchase more capacity for the year-ahead compliance showing than it will need in most months during the month-ahead compliance process in 2022. Buying more local RA than necessary is a significant financial commitment, particularly for a newer CCA organization, because overbuying comparatively expensive local RA capacity could materially impact SDCP's ability to provide competitive rates.

Further, as detailed in confidential Attachment A, SDCP's local RA procurement efforts were

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¹⁶ D. 06-06-064 at 73; *see also* 2021 Filing Guide at 43 ("Staff will consider a waiver request along with any other pertinent information in making recommendations to the Commission regarding whether to institute formal enforcement proceedings against a deficient LSE.").

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significantly hindered by uncertainty surrounding overdue decisions on the modified CAM¹⁷ and SDG&E's pending bundled procurement plan ("BPP") revisions. Both PG&E and SDG&E declined to enter into bilateral negotiations for certain quantities of local RA resources until the Commission took action on items that have been pending before the Commission for several months without any indication of when a decision will be issued. Had there been greater clarity surrounding these items, SDCP would have been able to procure otherwise available local resources that would have significantly reduced or eliminated its deficiency.

SDCP highlights these factors to emphasize its belief that no further commercially reasonable efforts would have resulted in the necessary procurement before the November 1, 2021 year ahead filing deadline. Additional detail regarding the unique constraints contributing to SDCP's deficiency is provided in confidential Attachment A.

CONCLUSION

For the reasons explained above, SDCP requests that the Energy Division recommend to the Commission that SDCP be granted a waiver of penalties associated with the portion of its Local RA obligation that it has thus far been unable to fulfill despite having actively pursued all commercially reasonable efforts.

REQUEST FOR CONFIDENTIAL TREATMENT

SDCP requests confidential treatment of the market sensitive information contained in the *Declaration of Byron Vosburg in Support of San Diego Community Power's Local Resource Adequacy Waiver* and all associated attachments thereto, which are included with this Advice Letter as confidential Attachment A. SDCP makes this request pursuant to D. 06-06-066, as modified by D. 07-05-032 and D. 08-04-023, which adopted the ESP matrix specifying categories of market-sensitive information that should be treated as confidential and D. 20-07-005, which provided that the market-sensitive information of CCAs shall be eligible for confidential treatment consistent with the ESP matrix.¹⁸

As detailed in the *Declaration of Laura Fernandez Supporting Confidentiality Claim for San Diego Community Power's Local RA Waiver Request*, included as Attachment B, the Memorandum and its attachments include market-sensitive information regarding the current market positions and compliance obligations of SDCP, included, without limitation, procurement obligation quantities, procured quantities, entities with whom SDCP has negotiated and transacted, and price-related information that are all market sensitive information. Accordingly, SDCP requests that the entirety of confidential Attachment A and the attachments thereto be treated as confidential. To the extent that the Commission has any different interpretation with respect to this request, SDCP respectfully

¹⁷ See Order Instituting Rulemaking to Continue Electric Integrated Resource Planning and Related Procurement Processes, R, 20-05-003, May 14, 2020 at 13.

¹⁸ D. 20-07-005, Decision Granting in Part Petition to Modify Decision 06-06-066, R. 05-06-040, July 16, 2020 at 1.

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requests that notice be provided to SDCP and that SDCP have an opportunity to provide any supplemental information necessary to maintain the confidentiality of the Memo.

EFFECTIVE DATE

In accordance with D. 19-06-026, SDCP submits this Advice Letter classified as Tier 2 (effective after staff approval) under GO 96-B. ¹⁹ SDCP respectfully requests approval no later than December 1, 2021which is 30 days from the date of this filing.

PROTEST

Anyone may protest this Advice Letter to the California Public Utilities Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and must be received by November 22, 2021, which is 21 days from the date this Advice Letter was filed with the Commission. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

CPUC Energy Division ATTN: Tariff Unit 505 Van Ness Avenue San Francisco, CA 94102

Copies of the protest should also be sent via e-mail to the attention of the Energy Division at <u>EDTariffUnit@cpuc.ca.gov</u>. A copy of the protest should also be sent via email to the address shown below on the same date it is delivered to the Commission.

Laura Fernandez
Director of Regulatory and Legislative Affairs
San Diego Community Power
815 E Street, Suite 12716
San Diego, CA 92112
(858) 492-6005
Lfernandez@sdcommunitypower.org

Ty Tosdal Tosdal APC 777 S. Highway 101, Suite 215 Solana Beach, CA 92075 ty@tosdalapc.com

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¹⁹ D. 19-06-026 at OP 8.

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NOTICE

A copy of this Advice Letter has been distributed to the service list of R. 19-11-009 in accordance with D. 19-06-026.²⁰

/s/ Laura Fernandez

Laura Fernandez Director of Regulatory and Legislative Affairs San Diego Community Power 815 E Street, Suite 12716 San Diego, CA 92101 Telephone: 858-492-6005

ATTACHMENTS

Attachment A – Declaration of Laura Fernandez Supporting Confidentiality Claim for San Diego Community Power's Local RA Waiver Request

(CONFIDENTIAL—Not Provided with Public Advice Letter)

Attachment B- Declaration of Laura Fernandez Supporting Confidentiality Claim for SDCP's Local RA Waiver Request

Attachment C - Certificate of Service and Service List

CC: Service List R. 19-11-009

Ty Tosdal, Counsel, San Diego Community Power, Ty@tosdalapc.com

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²⁰ D. 19-06-026 at OP 8. Local RA waiver requests shall be submitted via a Tier 2 Advice Letter to the Commission with accompanying service to the service list (in redacted form, if necessary) of the RA proceeding open at the time of the request.



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ATTACHMENT A

CONFIDENTIAL

DECLARATION OF BYRON VOSBURG IN SUPPORT OF SAN DIEGO COMMUNITY POWER'S LOCAL RA WAIVER REQUEST



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ATTACHMENT B

DECLARATION OF LAURA FERNANDEZ SUPPORTING CONFIDENTIALITY CLAIM FOR SAN DIEGO COMMUNITY POWER'S LOCAL RA WAIVER REQUEST

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DECLARATION OF LAURA FERNANDEZ SUPPORTING CONFIDENTIALITY CLAIM FOR SDCP'S LOCAL RA WAIVER REQUEST

In accordance with General Order 66-D, D. 06-06-066, D. 08-04-023 setting forth the protocol for the submission of confidential information to the California Public Utilities Commission ("Commission"), and D. 20-07-005 extending confidential treatment to market-sensitive information of community choice aggregators ("CCA"), San Diego Community Power ("SDCP") submits the following declaration in support of its claim of confidentiality for the below-specified information provided in confidential Attachment A to SDCP Advice Letter 5-E: San Diego Community Power Request for Local Resource Adequacy Waiver ("SDCP AL 5-E").

The undersigned declares, under penalty of perjury pursuant to the laws of the State of California, as follows:

- I am the Director of Regulatory and Legislative Affairs for SDCP. In this capacity, I
 have knowledge of the information provided in this declaration and am authorized to
 make this declaration on SDCP's behalf.
- 2. In this Advice Letter submission, SDCP is securely and confidentially uploading the following documents to the Energy Division through the Commission's FTP system:
 - a. SDCP Advice Letter 5-E: San Diego Community Power Request for Local Resource Adequacy Waiver;
 - b. Confidential Attachment A: Declaration of Byron Vosburg in Support of San Diego Community Power's Local Resource Adequacy Waiver Request;
 - c. Attachment B: Declaration of Laura Fernandez Supporting Confidentiality Claim for SDCP's Local RA Waiver Request;
 - d. Attachment C: Certificate of Service.
- 3. In this Advice Letter submission, SDCP is publicly submitting the following documents to the Energy Division and the service list for the current Resource Adequacy Rulemaking, R. 19-11-009 via email:
 - a. SDCP Advice Letter 5-E: San Diego Community Power Request for Local Resource Adequacy Waiver;
 - b. Attachment B: Declaration of Laura Fernandez Supporting Confidentiality Claim for SDCP's Local RA Waiver Request;

- c. Attachment C: Certificate of Service.
- 4. Through this declaration, SDCP requests that Attachment A to SDCP AL 5-E, along with supporting Attachments A-1, A-2, A-3, and A-4 contained therein, be treated as confidential and kept under seal.
- 5. This request for confidentiality is being made pursuant to the requirements and authority of D. 06-06-066, D.08-04-023, and D. 20-07-005; and Commission General Order 66-D.
- 6. The attached "Table of Confidential Information" identifies the specific information that is subject to this confidentiality request, provides specific citations to the authority upon which each request is based, provides a justification for confidential treatment, and specifies the length of time that the information is to be kept confidential.
- 7. SDCP is complying with the limitations of confidentiality specified in the ESP and CCA Matrix established in D. 06-06-066, as modified by D. 20-07-005 for the types of data being submitted subject to a request for confidentiality.
- 8. To the best of my knowledge, the information being submitted subject to this request for confidentiality is not already public.
- SDCP is providing a public, unredacted version of SDCP AL 5-E and is separately
 providing confidential information in confidential Attachment A to the Commission.
 Redacted versions of this confidential attachment cannot reasonably be publicly
 produced.
- 10. As set forth below, the narrative and supporting documentation for SDCP AL 5-E is highly market-sensitive, confidential, and cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure. In particular, they include key elements of SDCP's procurement strategy, SDCP's bid prices, and third parties' bid prices in SDCP's solicitations, which may or may not have resulted in RA sale, and procurement transactions. These documents have been withheld from public distribution in their entirety.
- 11. The following person is designated as the person for the Commission to contact regarding potential release of this information by the Commission:

Ty Tosdal Tosdal APC 777 S. Highway 101, Suite 215 Solana Beach, CA 92075 ty@tosdalapc.com

Executed on November 1, 2021 at Solana Beach, California

/s/ Laura Fernandez

Laura Fernandez
Director of Regulatory and Legislative Affairs
San Diego Community Power
815 E Street, Suite 12716
San Diego, CA 92112
(858) 492-6005
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TABLE OF CONFIDENTIAL INFORMATION SDCP Advice Letter 5-E:

San Diego Community Power's Request for Year-Ahead Local Resource Adequacy Waiver

Redaction Reference	Confidentiality Category from D.06-06-066 Matrix or Other Authority	Justification for Confidential Treatment	Length of Time Data to Be Kept Confidential
Confidential Attachment A to SDCP Advice Letter 5-E (entire document and Supporting Documents included in Attachments A-1 – A-4 therein)	ESP and CCA Matrix (as modified by D. 20-07-005), Item II(B) – RA Supply Data.	The Memorandum of John Dalessi, Pacific Energy Advisors, Inc., Regarding San Diego Community Power's Local Resource Adequacy Waiver supplements SDCP's Advice Letter by providing market-sensitive RA supply information: Capacity under contract (MW). Capacity deficiencies (MW). Contract price information. Identifying information for specific procurement time periods.	Under Item II(B), RA Supply Data is confidential for the first 3 years of the forecast period.

Confidential information
regarding SDCP's RA
procurement practices.
A11 - C(1 := := C (:= :=
All of this information is not
publicly available and
constitutes "Supply Data" under
Item II(B), and as such is
confidential.
Attachment A also includes
supporting documentation of
SDCP's efforts to procure its
Local RA obligation, including
confidential communications
with brokers, and bids/offers
submitted to SDCP. All of this
information is RA "supply data"
under Item II(B) and as such is
confidential.
Additionally, this information is
highly market-sensitive as it:
reveals confidential
communications, proposals,
offers, and bids between market
participant, reveals SDCP's
business practices, and could be
used by other market
participants to determine

	SDCP's RA short position, creating market disruption.	



SAN DIEGO

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ATTACHMENT C

CERTIFICATE OF SERVICE AND SERVICE LIST

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Forward Resource Adequacy Procurement Obligations.

Rulemaking 19-11-009

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused the attached **SDCP ADVICE LETTR 5E: PUBLIC REQUEST OF SAN DIEGO COMMUNITY POWER FOR WAIVER OF LOCAL PROCUREMENT OBLIGATIONS** to be served pursuant to the CPUC's Rules of Practice and Procedure upon the official service list for **R.19-11-009**, obtained from the CPUC's website and attached hereto, by electronic mail (e-mail) to all persons with a valid e-mail address on the official service list.

Executed November 1, 2021 at Solana Beach, California.

/s/ Samir Hafez

Samir A. Hafez Tosdal APC 777 S. Highway 101, Suite 215 Solana Beach, California 92075 (858) 704-4709 samir@tosdalapc.com



CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

PROCEEDING: R1911009 - CPUC - OIR TO OVERSE

FILER: CPUC LIST NAME: LIST

LAST CHANGED: OCTOBER 26, 2021

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Back to Service Lists Index

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