



# ADVICE LETTER SUMMARY

## ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.:

Utility type:

ELC       GAS       WATER  
 PLC       HEAT

Contact Person:

Phone #:  
E-mail:  
E-mail Disposition Notice to:

EXPLANATION OF UTILITY TYPE

ELC = Electric      GAS = Gas      WATER = Water  
PLC = Pipeline      HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #:

Tier Designation:

Subject of AL:

Keywords (choose from CPUC listing):

AL Type:  Monthly     Quarterly     Annual     One-Time     Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL:

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested?  Yes     No

If yes, specification of confidential information:

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?  Yes     No

Requested effective date:

No. of tariff sheets:

Estimated system annual revenue effect (%):

Estimated system average rate effect (%):

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:

Service affected and changes proposed<sup>1</sup>:

Pending advice letters that revise the same tariff sheets:

<sup>1</sup>Discuss in AL if more space is needed.

**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](mailto:EDTariffUnit@cpuc.ca.gov)

Name:  
Title:  
Utility Name:  
Address:  
City:  
State: Zip:  
Telephone (xxx) xxx-xxxx:  
Facsimile (xxx) xxx-xxxx:  
Email:

Name:  
Title:  
Utility Name:  
Address:  
City:  
State: Zip:  
Telephone (xxx) xxx-xxxx:  
Facsimile (xxx) xxx-xxxx:  
Email:

## 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
Curtable 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	



PO BOX 12716  
San Diego, CA 92112  
sdcommunitypower.org

October 17, 2023

**Advice Letter 14-E**

(San Diego Community Power)

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

**Subject: San Diego Community Power Month Ahead Local Resource Adequacy Waiver Request for October 2023 (Public Version)**

**Purpose**

Pursuant to California Public Utilities Commission (“Commission”) Decision (“D.”) 06-06-064 and D.07-06-029, D.19-06-026 and Section 25 of the Commission’s *2023 Filing Guide for System, Local and Flexible Resource Adequacy (RA) Compliance Filings* (“2023 Filing Guide”), San Diego Community Power (“SDCP”) submits this Tier 2 Advice Letter seeking a waiver for a portion of its month-ahead Local Resource Adequacy (“RA”) procurement obligation for the October 2023 compliance month. SDCP further requests that the Commission assess no penalty on SDCP related to its deficiency in procurement of its October 2023 Local RA Requirements (“RAR”). The specific Local RA requirements covered by this waiver request are market-sensitive and confidential and are provided to the Commission in Attachment A to this advice letter.

**Background**

As detailed in the Declaration of Byron Vosburg,<sup>1</sup> Managing Director of Power Services, SDCP has reasonably and in good faith solicited bids and has diligently pursued all commercially reasonable efforts to acquire resources necessary to meet its October 2023 Local RA obligation. Despite these efforts, SDCP was unable to procure all of the Local RA resource capacity to satisfy its October 2023 obligation for the San Diego-Imperial Valley (“SD-IV”) local RA area.

In October 2022, SDCP submitted Advice Letter 11-E, requesting a waiver of 2023 Local RA procurement obligations (“YA Waiver Request”).<sup>2</sup> Email correspondence between Energy Division staff and SDCP in May 2023 indicated that the YA Waiver Request was still under review and Energy Division clarified that SDCP did “not need to submit additional information or a supplemental advice letter regarding this request.”

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<sup>1</sup> Included with this Advice Letter as Attachment A.

<sup>2</sup> Advice Letter 11-E, Request of San Diego Community Power for Waiver of 2023 Local Procurement Obligations (October 31, 2022).

SDCP may have misinterpreted this correspondence, and as a result, the instant request is filed today. At this time SDCP has not been advised on the disposition of the YA Waiver Request.

Unfortunately, the market conditions and circumstances which led SDCP to file the YA Waiver Request have continued through to the present day. Thus, although SDCP has continued its many and varied efforts to procure Local RA, it was not able to acquire Local RA sufficient for its entire October 2023 monthly filing requirement but was able to secure nearly 90% of October 2023 Local RA obligation.

### **Legal Standard**

D.06-06-064 and D.07-06-029 establish a waiver process whereby an LSE can request relief from its Local RA procurement obligation with a demonstration that it has made every commercially reasonable effort to contract for Local RA resources. D.19-06-026 requires that Local RA waiver requests be submitted to the Commission via a Tier 2 advice letter. A waiver request must demonstrate that the load-serving entity (“LSE”) actively sought products and either received bids with prices in excess of their proposed administratively determined local attribute price or received no bids. More specifically, an LSE’s waiver request must establish the following:

- (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:
  - (a) received no bids, or
  - (b) received no bids for 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.

These requirements are necessary, but are not necessarily a sufficient condition, for the Commission to grant a waiver. The Commission will also consider other information brought to its attention regarding the reasonableness of the waiver request.<sup>3</sup>

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<sup>3</sup> D.06-06-064, pp. 72-73; D.19-06-026, p. 59 (raising the local trigger price to \$51/kW-year); 2023 RA Filing Guide, pp. 54-55.

## Request for Waiver

SDCP's waiver request meets both prongs of the requirement set forth in D.06-06-064. As explained in its YA Waiver Request,<sup>4</sup> SDCP undertook an aggressive procurement strategy to overcome local constraints and meet its Local RA requirements for the 2023 to 2025 multi-year compliance period. SDCP's efforts to meet the 2023-2025 compliance period requirements included: (1) conducting two separate Request for Offer ("RFO") solicitations in 2021; (2) submitting bids in San Diego Gas & Electric's ("SDG&E") 2021 solicitation and attempting to engage bilaterally with SDG&E; (3) conducting two RFP solicitations in 2022; (4) submitting bids in SDG&E's 2022 solicitation; and (4) engaging bilaterally with SDG&E, Pacific Gas & Electric ("PG&E"), Southern California Edison ("SCE"), and non-IOU Local RA sellers. A more detailed description of SDCP's procurement efforts, as well as the terms & conditions of the solicitations, were included in the YA Waiver Request and are not restated in this waiver request.

While its YA Waiver Request is still pending, SDCP has continued to undertake the same vigorous efforts to fulfill its compliance obligations.

1. SDCP Undertook Reasonable, Good Faith Efforts to Solicit Supply Offers for its Local RA Capacity Needs.

Following the submission of the YA Waiver Request, SDCP continued to make good faith efforts to procure RA for October 2023 compliance. These efforts include holding its own solicitations, participating in other LSE solicitations, and contacting every single Local RA seller in the region.

SDCP held its own request for offers ("RFO") for Local RA in January 2023 and May 2023. In addition, SDCP submitted bids for SD-IV Local RA in February 2023 and April 2023 in response to SCE's and SDG&E's RFOs, respectively. These two solicitations were the only two solicitations during the year for local RA in the SD-IV area. SDCP also continued its efforts outside the RFO process to seek out bilateral negotiations to procure the necessary resources from other local RA sellers. Additional details regarding these procurement efforts, including a list of all of the counterparties contacted by SDCP are included in Attachment A.

2. Despite Best Efforts, SDCP Did Not Receive Any Offers to Fulfill its Remaining Obligations or They Were Not Under the Mandated Cap or Were on Unreasonable Terms.

As delineated in Attachment A, SDCP conducted resource by resource outreach to each generating unit that qualifies for SD-IV Local RA, confirming that Local Capacity from each was already fully committed to other LSEs, or not available for sale prior to the filing deadline, or available at a price that significantly exceeds \$51/kW/year trigger price.

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<sup>4</sup> SDCP Advice Letter 11-E, Request of San Diego Community Power for Waiver of 2023 Local Procurement Obligations (October 31, 2022).

3. Well-Documented Local Constraints Continue to Support Granting SDCP's Waiver Request.

As documented in the YA Waiver Request, external factors continue to make it extremely challenging, if not impossible, for SDCP to secure SD-IV resources. The San Diego area continues to be unique with respect to the proportion of overall system RA that must be met with SD-IV local RA resources. In addition, resources procured under the Cost Allocation Mechanism continue to tighten the SD-IV market for RA. SDCP again emphasizes its belief that no further commercially reasonable efforts would have resulted in the necessary procurement before the compliance filing deadline. Further detail regarding these specific constraints is set forth confidentially in Attachment A.

For the reasons explained above, SDCP requests that the Energy Division grant a waiver for a portion of SDCP's month-ahead Local RA procurement obligation for the October 2023 compliance month and assess no penalty on SDCP related to its deficiency in procurement of its October 2023 Local RAR.

**Request for Confidential Treatment**

SDCP requests confidential treatment for the Declaration of Byron Vosburg 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 Energy Services Provider ("ESP") matrix specifying categories of market-sensitive information that should be treated as confidential, and D.20-07-005 which finds that the market-sensitive information of CCAs shall be eligible for confidential treatment consistent with the ESP matrix.<sup>5</sup>

The Declaration of Stephen Gunther, Senior Regulatory Analyst, provides support for SDCP's claim of confidentiality over certain information included in the Local RA Waiver Request. The confidential material includes market-sensitive information regarding SDCP's current market positions and compliance obligations, entities with whom SDCP has negotiated and transacted, and price-related information that are all market-sensitive information. Accordingly, SDCP requests that the Declaration of Byron Vosburg contained in Attachment A to this Local RA Waiver Request be treated as confidential. To the extent that the Commission has any different interpretation with respect to this request, SDCP respectfully requests that notice be provided to SDCP and that SDCP have an opportunity to provide any supplemental information necessary to maintain confidentiality of the Declaration.

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<sup>5</sup> D.20-07-005, *Decision Granting in Part Petition to Modify Decision 06-06-006, R.05-06-040*, July 16, 2022, p. 1.

## **Effective Date**

SDCP requests that this Tier 2 Advice Letter become effective on November 16, 2023, which is 30 days after the date of submission.

## **Protests**

Anyone wishing to protest this Advice Letter may do so by letter sent electronically via e-mail, no later than November 6, 2023, which is 20 days after the date of this submittal. Protests must be submitted to:

CPUC Energy Division  
ED Tariff Unit  
E-mail: [EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)

The protest must also be electronically sent to SDCP via e-mail at the address shown below on the same date it is electronically delivered to the Commission:

Byron Vosburg  
SDCP, Managing Director of Power Services  
E-mail: [bvosburg@sdcommunitypower.org](mailto:bvosburg@sdcommunitypower.org)

Ann Springgate  
Keyes & Fox LLP  
E-mail: [aspringgate@keyesfox.com](mailto:aspringgate@keyesfox.com)

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter.<sup>6</sup> The protest must contain the following information: specification of the advice letter protested, grounds for the protest, supporting factual information or legal argument, name and e-mail address of the protestant, and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the Energy Division.<sup>7</sup>

## **Notice**

A copy of this Advice Letter has been distributed to the service list of R.21-10-002 in accordance with D.19-06-026.<sup>8</sup>

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<sup>6</sup> General Order 96-B, Section 7.4.

<sup>7</sup> General Order 96-B, Section 3.11.

<sup>8</sup> D.19-06-026 at Ordering Paragraph 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.



**Attachments:**

- Attachment A – Declaration of Byron Vosburg Regarding San Diego Community Power’s Local Resource Adequacy Waiver Request for October 2023 [Confidential]
- Attachment B – Declaration of Stephen Gunther Supporting Confidentiality Claim for SDCP’s Local Resource Adequacy Waiver Request for October 2023

Respectfully submitted,

*/s/ Byron Vosburg*

Byron Vosburg

Managing Director of Power Services

San Diego Community Power

PO BOX 12716

San Diego, California 92112

E-mail: [bvosburg@sdcommunitypower.org](mailto:bvosburg@sdcommunitypower.org)

cc: Service List R.21-10-002  
[RAFiling@cpuc.ca.gov](mailto:RAFiling@cpuc.ca.gov)

**Attachment A**

**Declaration of Byron Vosburg Regarding San Diego Community Power's Local  
Resource Adequacy Waiver Request for October 2023**

**[Confidential]**

**Attachment B**

**Declaration of Stephen Gunther Supporting Confidentiality Claim for  
San Diego Community Power's Local Resource Adequacy Waiver Request for  
October 2023**

**Declaration of Stephen Gunther Supporting Confidentiality Claim for  
San Diego Community Power’s Local Resource Adequacy Waiver Request for October 2023**

In accordance with General Order 66-D, D.06-06-066, and D.08-04-023 setting forth the protocol for the submission of confidential information to the California Public Utilities Commission (“Commission”) in an Advice Letter filing, and D.20-07-005 extending confidential treatment to market-sensitive information of community choice aggregators (“CCAs”), San Diego Community Power (“SDCP”) submits the following declaration in support of its claim of confidentiality for the below-specified information in confidential Attachment A to SDCP Advice Letter 14-E: *San Diego Community Power Month Ahead Local Resource Adequacy Waiver Request for October 2023* (“SDCP AL 14-E”).

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

1. My name is Stephen Gunther and I am employed by San Diego Community Power (“SDCP”) as Senior Regulatory Analyst. 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, SDCP is securely and confidentiality uploading the following documents to the Energy Division through the Commission’s FTP system:
  - a. SDCP Advice Letter 14-E: *San Diego Community Power Month Ahead Local Resource Adequacy Waiver Request for October 2023*.
  - b. Attachment A [Confidential]: *Declaration of Byron Vosburg Regarding San Diego Community Power’s Local Resource Adequacy Waiver Request for October 2023*.
  - c. Attachment B: *Declaration of Stephen Gunther Supporting Confidentiality Claim for San Diego Community Power’s Local Resource Adequacy Waiver Request for October 2023*.
3. In this Advice Letter, SDCP is publicly submitting the following documents to the Energy Division and the service list for the current Resource Adequacy Rulemaking, R.21-10-002, via e-mail:
  - a. SDCP Advice Letter 14-E: *San Diego Community Power Month Ahead Local Resource Adequacy Waiver Request for October 2023*.
  - b. Attachment B: *Declaration of Stephen Gunther Supporting Confidentiality Claim for San Diego Community Power’s Local Resource Adequacy Waiver Request for October 2023*.
4. Through this declaration, SDCP requests that Attachment A to SDCP AL 14-E, along with its supporting exhibits, 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.
9. SDCP is providing a public, unredacted version of SDCP AL 14-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 14-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 to SDCP's solicitations, which may or may not have resulted in Resource Adequacy 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:

Byron Vosburg  
SDCP, Managing Director of Power Services  
E-mail: [bvosburg@sdcommunitypower.org](mailto:bvosburg@sdcommunitypower.org)

Executed on October 17, 2023 at San Diego, California.

/s/ Stephen Gunther  
Stephen Gunther  
Senior Regulatory Analyst  
San Diego Community Power  
PO BOX 12716  
San Diego, CA 92112  
Telephone: (619) 657-0419  
E-mail: [sgunther@sdcommunitypower.org](mailto:sgunther@sdcommunitypower.org)

**TABLE OF CONFIDENTIAL INFORMATION  
SDCP Advice Letter 14-E**

***San Diego Community Power Month Ahead Local Resource Adequacy Waiver Request for October 2023***

<b>Redaction Reference</b>	<b>Confidentiality Category from D.06-06-006 Matrix or Other Authority</b>	<b>Justification for Confidential Treatment</b>	<b>Limitations on Confidentiality</b>
<p>Confidential Attachment A to SDCP Advice Letter 14-E (entire document and supporting exhibits)</p>	<p>ESP and CCA Matrix, Item II(B) – RA Supply Data</p>	<p>This attachment includes market-sensitive resource adequacy (“RA”) supply information, including: capacity deficiencies (MW), contract price information, identifying information for specific procurement time periods, and confidential information regarding SDCP’s RA procurement practices and strategy.</p> <p>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.</p> <p>All of this information is RA “supply data” under Item II(B) and as such is confidential.</p> <p>Additionally, this information is highly market sensitive as it (1) reveals confidential communications, proposals, offers, and bids between market</p>	<p>Under Item II(B), RA Supply Data is confidential for the first 3 years of the forecast period.</p>

		participants, (2) reveals SDCP's business practices and strategy, and could be used by other market participants to determine SDCP's RA net short position, creating market disruption. The public interest in withholding this information outweighs the public interest in disclosing this highly confidential and market sensitive information.	
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