



September 21, 2017

Re: RESOLUTION ALJ-347. Adopting an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861.

Energy Division
California Public Utilities Commission
Attn: ALJ Michelle Cooke
505 Van Ness Avenue
San Francisco, CA 94102

cc: Service Lists R.11-09-011 and R.17-07-007

**CLEAN COALITION COMMENTS
ON PROPOSED RESOLUTION ADOPTING AN
EXPEDITED INTERCONNECTION DISPUTE RESOLUTION PROCESS**

I. INTRODUCTION

The Clean Coalition submits these comments in response to the *draft Resolution of Administrative Law Judge (ALJ) Michelle Cooke regarding Adopting an Expedited Interconnection Dispute Resolution Process as Authorized by Assembly Bill 2861*, dated September 5, 2017, pursuant to Pub. Util. Code § 311(g) Rule 14.5 of the Rules of Practice and Procedure.

Summary

- Clean Coalition supports the draft Resolution
- We recommend small but potentially significant refinements regarding:
 - Submission of additional information and dispute forfeiture
 - Sub-Panel disclosure of economic interests
 - Rule 21 Working Group schedule and participation

II. DESCRIPTION OF THE PARTY

The Clean Coalition is a nonprofit organization whose mission is to accelerate the transition to renewable energy and a modern grid through technical, policy, and project development expertise. The Clean Coalition drives policy innovation to remove barriers to procurement and interconnection of distributed energy resources (DER) – such as local renewables, advanced inverters, demand response, and energy storage – and we establish market mechanisms that realize the full potential of integrating these solutions. The Clean Coalition also collaborates with utilities and municipalities to create near-term deployment opportunities that prove the technical and financial viability of local renewables and other DER.

III. COMMENTS

The Clean Coalition very much appreciates the efforts of the Energy Division in developing an Expedited Dispute Resolution Process as Authorized by Assembly Bill 2861, and refining the Staff Proposal in response to stakeholder comments. We support the revised proposal, and offer the following comments and recommendations.

Scope

The draft Resolution finds that a dispute may be considered eligible for the Expedited Process when there is an unresolved disagreement between the applicant and utility regarding whether one or both parties' actions are compliant with

established interconnection rules and/or are reasonable, cost efficient and necessarily required under those rules to ensure safe and reliable interconnection.¹

We support including issues of reasonableness and cost efficiency in relation to compliance with established interconnection rule. As noted in prior comments, these are often the matters of dispute, and it is clearly in the interest of the Commission and ratepayers to encourage reasonable and cost-efficient application of rules and tariffs. Including these factors in the scope of dispute resolution will properly encourage early attention to these factors and thereby support optimal interpretation of rules and minimize the likelihood of disputes between parties.

Sub-Panel Review and Recommendation

Review

The Sub-Panel is empowered to request any necessary information or materials from the applicant and utility involved in the dispute beyond the documents initially provided, and parties are required to provide this information within 3 business days or risk forfeiture of their position, although the Sub-Panel may choose to make a decision based on the information which was provided.² While expeditious response is inherently necessary for this dispute resolution process, the uncertainty regarding summary forfeiture or decision based on available information is unwarranted. Additionally, there may well be circumstances in which it is impractical to deliver the requested information in whole within a mere 3 days.

We recommend that parties be required to respond to the extent possible within 3 days, but allowed to also request a little additional time to prepare the information if good cause is shown. The Sub-Panel may then choose to proceed based on the information received, or grant the extension.

We recommend that summary forfeiture only apply if a party is wholly unresponsive.

¹ Proposed Resolution, September Staff Proposal at 8-9.

² Ibid at 12.

Interconnection Dispute Resolution Panel

Disclosure of Economic Interests

When disclosing economic interests, it would be appropriate for disclosure to include not only interests related to the applicant, but also interests related to the utilities subject to the dispute resolution process. We therefore recommend the following modifications as underlined to the disclosure terms presented in the Proposed Resolution:³

Any investment or business position in, or income from, any of the following:

1. An entity seeking to provide any product or service associated with a generating facility or utility whose interconnection is subject to the Panel's review.
2. A parent or a subsidiary of an entity seeking to provide any product or service associated with a generating facility or utility whose interconnection is subject to the Panel's review.

We note that many non-utility technical experts provide services, or are associated with entities that provide services to both utilities and potential applicants. As such, it may not be practical to consistently select panel members with no such affiliations, nor is there any requirement to do so. Under these circumstances however, such associations should be disclosed, and may, at the Energy Division's discretion, be considered a factor in selection both for the pool and when assigning individuals to address specific disputes.

Rule 21 Working Group

The role and scope of the Working Group is appropriately defined, reflecting concerns raised in prior comments.

We suggest including a mechanism for Energy Division to modify the schedule and in-person requirements of the Working Group based on experience and need over

³ *ibid*, at 17.

time. Requiring an engineer from each utility to attend a monthly meeting in person for the foreseeable future establishes a significant time and travel burden on engineering staff and may impact both their interconnection work and ratepayer costs. While the ratepayer costs are de minimis relative to overall utility budgets, the general principles of efficient use of ratepayer funds should always be considered.

We anticipate that remote participation will be common among many stakeholders, in which case similar participation would be equally effective from utility representatives. Likewise, we expect that scheduling monthly 2-hour web conference meetings, supplemented by 4-hour in person meetings occurring 2-4 times a year may well prove a more effective schedule. We recommend explicitly allowing Energy Division staff to propose such modifications to the Working Group and to implement them after soliciting feedback from participating stakeholders.

IV. CONCLUSION

We appreciate the Commission's attention and parties' history of diligent work in addressing the issues associated with interconnection and offer these comments to further those ends.

Respectfully submitted,



Kenneth Sahm White
Director, Economic and Policy Analysis
Clean Coalition

Dated: September 21, 2017