

***California Wind Energy Association * Solar Energy Industries Association *
Clean Coalition * Utica Water and Power Authority * JTN Energy *
Coalition for the Efficient Use of Transmission Infrastructure***

February 20, 2019

Commissioner Clifford Rechtschaffen
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: R.18-07-017, Order Instituting Rulemaking Regarding Continued Implementation of the Public Utilities Regulatory Policies Act (“PURPA”) and Related Matters

Dear Commissioner Rechtschaffen:

As organizations representing wholesale distributed hydropower, solar and wind energy project owners, developers, public agencies, and environmental ratepayer advocates, we write to urge you to adhere as closely as practical to the schedule set forth in your November 2, 2018, Scoping Memo and Ruling in the above referenced rulemaking proceeding, which envisions issuing a final decision within Q1 2019.¹ Keeping this schedule is both achievable and desirable: achievable, given a joint proposal among a large majority of the parties, which the Ruling encouraged;² and desirable, given that it appears, based on recent oral argument in federal appellate court, that approving a second PURPA standard offer contract will satisfy the court’s requirements in the Winding Creek case (*Winding Creek Solar, LLC v. Peterman, et al.*, 293 F. Supp. 3d 980 (N.D. Cal. 2017)). In turn, addressing the court’s concern regarding the Commission’s implementation of PURPA should enable the Renewable Market Adjusting Tariff (ReMAT) program to be reopened.

The Commission adopted ReMAT to implement Public Utilities Code Section 399.20, which requires electrical corporations to make their renewable energy feed-in tariffs available to projects of not more than three megawatts on a “first-come-first-served basis, until an electrical corporation meets its proportionate share of a statewide cap of 750 megawatts cumulative rated generation capacity.” ReMAT is the only remaining program for general procurement of small, wholesale distributed generation resources by the investor-owned utilities (“IOUs”). Over 200 MW of initial capacity remains to be awarded, and is already accounted for in the IOUs’ Renewables Portfolio Standard procurement plans.

¹ Assigned Commissioner’s Scoping Memo and Ruling, R. 18-07-017 (November 2, 2018) (“Ruling”), p. 4.

² *Id.*, p. 5.

As ReMAT is the foundation for maintaining market continuity in the wholesale distributed sector, it is critical that the Commission expeditiously address all of the barriers that are preventing the program from being fulfilled.

Sincerely,

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Service List, R.18-07-017

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