

*California Wind Energy Association \* Solar Energy Solutions\*  
Clean Coalition \* Utica Water and Power Authority \* JTN Energy \*  
Coalition for the Efficient Use of Transmission Infrastructure \*  
Calaveras County Water District*

August 1, 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 work with the assigned Administrative Law Judge, Peter Allen, to issue a Proposed Decision in the PURPA proceeding<sup>1</sup> before August 16 so the Commission may make a Final Decision at the scheduled voting meeting on September 12. The suspension of ReMAT has stalled small scale renewable energy development in California since December, 2017, and taking action on R. 18-07-017 is the best opportunity to reactivate the ReMAT program without further delay.

On July 29, 2019, the Ninth Circuit Court of Appeals issued its decision on the Winding Creek Solar v. CPUC case upholding the decision of the U.S. Northern District Court that resulted in the injunction suspending ReMAT. In response to the injunction, the CPUC initiated the PURPA proceeding on August 1, 2018, to address the problem with the Standard Offer Contract that the Court’s ruling turned on. Comments and reply comments were filed in 2018 on a joint proposal made by a large majority of the parties for a new Qualifying Facility Standard Offer Contract (QF SOC). **A Scoping Memo was issued in the proceeding on November 2, 2018, which adopted a schedule for a Proposed Decision and Final Decision to be issued in the “First Quarter 2019.”** (Scoping Memo, p. 4.) Now with clarity set by the recent Ninth Circuit decision, we respectfully request that the CPUC issue its Proposed Decision on the PURPA proceeding as quickly as possible, specifically no later than August 16, 2019, so that the CPUC can vote to approve a Final Decision at the CPUC’s scheduled September 12 meeting.

The ReMAT’s closure for over 18 months has caused financial harm to small renewable project developers who continue to make payments for land and interconnection. Additionally, it

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<sup>1</sup> R. 18-07-017 (November 2, 2018) (“PURPA proceeding”).

has set back the laudable objectives of the ReMAT program. Given approaching year-end changes to the federal Production Tax Credit and Investment Tax Credit, failing to reactivate in 2019 will cause additional financial harm. California law requires ReMAT to meet important policy objectives. We appreciate your efforts to reopen the ReMAT at the earliest possible date in 2019. We also look forward, once the program is re-opened, to working collaboratively with the CPUC on the ReMAT modification effort which will help to further improve this important program.

Sincerely,

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Service List, R.18-07-017