

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



**Ava Community Energy Authority
ELC (Corp ID 201)
Status of Advice Letter 53E
As of November 20, 2024**

Subject: Proposed Capacity Transfer Under the Disadvantaged Communities - Green Tariff ("DAC-GT") Program to Accommodate Ava Community Energy Authority Service in the Cities of Stockton, Lathrop, Newark, and Tracy

Division Assigned: Energy

Date Filed: 10-18-2024

Date to Calendar: 10-25-2024

Authorizing Documents: D1806027

Authorizing Documents: E-4999

Authorizing Documents: E-5124

Disposition:	Accepted
Effective Date:	11-18-2024

Resolution Required: No

Resolution Number: None

Commission Meeting Date: None

CPUC Contact Information:

edtariffunit@cpuc.ca.gov

AL Certificate Contact Information:

Todd Edmister

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tedmister@avaenergy.org

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



To: Energy Company Filing Advice Letter

From: Energy Division PAL Coordinator

Subject: Your Advice Letter Filing

The Energy Division of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records.

The AL status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of Filing
- Date Filed
- Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)
- Effective Date of Filing
- Other Miscellaneous Information (e.g., Resolution, if applicable, etc.)

The Energy Division has made no changes to your copy of the Advice Letter Filing; please review your Advice Letter Filing with the information contained in the AL status certificate, and update your Advice Letter and tariff records accordingly.

All inquiries to the California Public Utilities Commission on the status of your Advice Letter Filing will be answered by Energy Division staff based on the information contained in the Energy Division's PAL database from which the AL status certificate is generated. If you have any questions on this matter please contact the:

Energy Division's Tariff Unit by e-mail to
edtariffunit@cpuc.ca.gov



ADVICE LETTER SUMMARY

ENERGY UTILITY



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

Company name/CPUC Utility No.: AVA Community Energy/ #201

Utility type:

☒ ELC ☐ GAS ☐ WATER
☐ PLC ☐ HEAT

Contact Person: Todd Edmister

Phone #: 510-650-7579

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E-mail Disposition Notice to: tedmister@avaenergy.org

EXPLANATION OF UTILITY TYPE

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

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 53-E

Tier Designation: 2

Subject of AL: Proposed Capacity Transfer Under the Disadvantaged Communities - Green Tariff Program to Accommodate Service to the Cities of Stockton, Lathrop, Newark, and Tracy

Keywords (choose from CPUC listing): Solar, Compliance

AL Type: ☐ Monthly ☐ Quarterly ☐ Annual ☒ One-Time ☐ Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.18-06-027, Resolution E-4999, Resolution E-5124

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

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: 11/18/24

No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): 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: N/A

Service affected and changes proposed¹:

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

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

California Public Utilities Commission
Energy Division Tariff Unit Email:
EDTariffUnit@cpuc.ca.gov

Contact Name: Todd Edmister
Title: Director of Regulatory Affairs and Deputy General Counsel
Utility/Entity Name: Ava Community Energy

Telephone (xxx) xxx-xxxx: 510-650-7579
Facsimile (xxx) xxx-xxxx:
Email: Tedmister@avaenergy.org

Contact Name: Sidney Bob Dietz II
Title: Director, Regulatory Relations
Utility/Entity Name: Pacific Gas and Electric

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

Clear Form

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	



Todd Edmister
Senior Director of Public Policy and
Deputy General Counsel

Ava Community Energy
1999 Harrison St, Suite 2300
Oakland, CA 94610

October 18, 2024

Advice No. 53-E

(Ava Community Energy ID 201)

Advice No. AL: 7410-E

(Pacific Gas and Electric Company ID U 39 M)

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

Re: Proposed Capacity Transfer Under the Disadvantaged Communities - Green Tariff ("DAC-GT") Program to Accommodate Ava Community Energy Authority Service in the Cities of Stockton, Lathrop, Newark, and Tracy

Effective Date: Ava Community Energy Authority ("Ava") and Pacific Gas and Electric Company ("PG&E") (collectively, the "Program Administrators" ("PAs")) request that this Advice Letter ("AL") become effective on November 18, 2024, which is the first business day from thirty (30) calendar days after the date of submittal.

Tier Designation: Pursuant to General Order ("GO") 96-B, Energy Industry Rule 5.2, and as required by Resolution E-5124, this advice letter is submitted with a Tier 2 designation (effective after staff approval).¹

Purpose

The PAs jointly submit this Advice Letter to transfer capacity between Ava and PG&E under the Disadvantaged Communities Green Tariff ("DAC-GT") program. The transfer of capacity allows eligible customers in the cities of Stockton, Lathrop, Newark, and Tracy to access the DAC-GT program and its benefits through Ava as Ava expands its service territory.

¹ Resolution E-5124, OP 8 at p. 34.

Background

a. Ava Background

Ava, formerly known as East Bay Community Energy,² is a Joint Powers Authority formed on December 1, 2016 pursuant to California Government Code §§ 6500 et. seq. by the County of Alameda and each of the following cities incorporated therein: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro, and Union City. The Commission certified Ava's Implementation Plan on November 8, 2017. Ava started serving Alameda County businesses and municipalities in June 2018 and began serving residential customers in November 2018. On March 9, 2020, the Commission certified Addendum #1 to Ava's Implementation Plan and Statement of Intent, adding the cities of Newark and Pleasanton, as well as the city of Tracy in San Joaquin County, to Ava's service territory beginning in 2021. On March 8, 2023, the Commission certified Addendum #4 to Ava's Implementation Plan and Statement of Intent, pursuant to which Ava will begin serving the City of Stockton and City of Lathrop in 2025. Ava is currently one of the largest Community Choice Aggregators ("CCAs") in the state.

b. Green Access Program Background

On June 22, 2018, the Commission issued D.18-06-027, adopting three new "Green Access Program" tariffs to promote the installation of renewable generation among residential customers in disadvantaged communities ("DAC"), as directed by the California Legislature in Assembly Bill (AB) 327 (Perea, Stats. 2013, ch 611). Two of those programs, the DAC-GT and the Community Solar Green Tariff ("CS-GT") programs, are shared solar programs which offer 100% solar energy to customers and provide a 20% discount on the electric portion of the bill.

On August 20, 2018, PG&E submitted its initial AL to implement the DAC-GT and CSGT programs (PG&E AL 5362-E). On February 13, 2019, PG&E submitted a supplemental AL to address modifications made to the DAC-GT and CS-GT programs in subsequent Commission decisions as well as to address issues raised in protests (PG&E AL 5362-E-A). On June 3, 2019, the Commission approved, with modification, PG&E's program implementation AL in Resolution E-4999.

Pursuant to D.18-06-027, Community Choice Aggregators ("CCAs") may develop and implement their own DAC-GT and CSGT programs. CCA programs must abide by all DAC-GT or CSGT rules and requirements adopted in D.18-06-027 and must file a Tier 3 AL to implement the CCA DAC-GT and CSGT programs.³ Accordingly, Ava filed a Tier 3 AL (AL 14-E) on September 11, 2020 to establish the DAC-GT and CSGT programs. The Commission approved AL 14-E in Resolution E-5124, issued April 15, 2021.

² Ava submitted a Notice of Party Name Change on February 7, 2024 under Rulemaking 14-07-002 ("R. 14-07-002")

³ D.18-06-027 at p.104 (OP 17).

Resolution E-4999 allocated 5.39 MW, a portion of the DAC-GT program capacity allocated to PG&E service area, to Ava to administer as Ava's DAC-GT program. This amount was based on the proportional share of residential customers in DACs that Ava served in Alameda County at the time.⁴ Resolution E-4999 also allowed CCAs to trade capacity as long as they serve customers in the same investor-owned utility ("IOU") territory.⁵

In Resolution E-5124, the Commission approved the transfer of 0.336 MW from other CCA allocations to Ava that, when combined with Ava's original allocation in Resolution E-4999, resulted in total program capacity of 5.726 MW for Ava.⁶

Ava expanded its service area to incorporate the cities of Newark, Pleasanton, and Tracy beginning in 2021, and Ava will begin serving the cities of Stockton and Lathrop in April 2025. These cities were not included in Ava's original DAC-GT capacity allocation, as set forth in Resolution E-4999 and Resolution E-5124. The transfer of DAC-GT capacity from PG&E and Ava is necessary to ensure that customers in Ava's expanded service territory have equal access to the DAC-GT program and its benefits.

In late May 2024, the Commission issued the Green Access Program Decision (D.24-05-065), which, among other changes, closed the CS-GT program and awarded some of the DAC-GT program administrators additional program capacity. PG&E's DAC-GT program received the capacity previously allocated to its CS-GT program and an additional 26.16 MWs of program capacity bringing its new total DAC-GT program capacity to 92.68 MWs. Ava did not receive any additional DAC-GT program capacity, and the capacity allocated to its DAC-GT program is insufficient to support the customers in its expanding service area. There is precedent for transferring unprocured DAC-GT program capacity in situations like this to avoid any shortfalls. In Q1 2021, PG&E transferred 2.5 MWs of unprocured DAC-GT program capacity to Peninsula Clean Energy, another CCA administering the DAC-GT program, as they expanded their service area into the Los Banos community. PG&E and Ava agree this same rationale should apply in this AL.

There are approximately 1,300 customers who reside in Stockton, Tracy, Newark, and Lathrop who are currently enrolled in PG&E's DAC-GT program. Unless a transfer of DAC-GT capacity occurs between PG&E and Ava, these customers face the potential loss of their DAC-GT program enrollment and their 20% bill discount upon taking service under Ava. There are also many other customers who are eligible for the DAC-GT program whom PG&E could enroll in its program expansion through auto-enrollment, per D.24-05-065, over the coming years in these same communities. With Ava's expansion into Stockton, Tracy, Newark and Lathrop, it is reasonable that Ava is provided sufficient capacity to accommodate both existing and new DAC-GT participants at levels similar to other DAC communities still served by PG&E.

⁴ Resolution E-4999 at p.13.

⁵ Resolution E-4999 at p.16 and p.54.

⁶ Resolution E-5124 at 18.

Proposed Capacity Transfer and Implementation

The PAs have collaborated over the past several months on a transfer of program capacity resulting from CCA expansion and reached a consensus on the best path forward. The PAs found it reasonable to use the capacity allocation methodology set forth by the Commission in Resolution E-4999 with updated customer counts and DAC-GT program capacity values. The allocation methodology the Commission previously adopted in Resolution E-4999 states “It is reasonable to allocate capacity to CCAs based on the proportional share of residential customers in DACs that each CCA serves, as this will align capacity allocation with the share of residential DAC customers.” The table below mirrors that of Resolution E-4999 Table 1.

The PAs have arrived at an agreed MW allocation of 11.25 MWs of unprocured DAC-GT program capacity to be transferred to Ava.

Table 1: CCA Program Capacity Allocation for new Ava Jurisdictions ⁷

Service Area	Residential DAC Customers	Percent of Residential DAC Customers in PG&E's Service Territory	DAC-GT Associated MWs
Tracy, Newark, Stockton, and Lathrop	72,215	12.14%	11.25
Total Bundled PG&E DAC Residential Customers	594,776	100.0%	92.68

The PAs respectfully request that the Commission:

1. Approve PG&E’s DAC-GT capacity allocation transfer of 11.25 MWs to Ava.
2. Authorize Ava to submit for recovery, in its 2026 DAC-GT Budget Advice Letter to be filed April 1, 2025, incremental 2025 costs associated with this capacity transfer.
3. Authorize PG&E to, upon approval of the above Ava Budget Advice letter, seek to recover incremental 2025 costs associated with the capacity transfer through the 2026 ERRA Forecast filing and Annual Electric True-up and disburse those funds along with Ava’s 2026 program year budget request.

Conclusion

The PAs respectfully request that the Commission approve the transfer of DAC-GT program

⁷ As of September 2024

capacity from PG&E to Ava to accommodate Ava's expansion to the cities of Stockton, Lathrop, Tracy, and Newark.

Protest

Anyone wishing to protest this AL filing may do so by sending a letter via U.S. Mail or electronically, either of which must be received no later than 20 days after the date of this advice filing. Protests should be mailed to:

California Public Utilities Commission
Attention: Energy Division Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102
Facsimile: (415) 703-2200
Email: EDTariffUnit@cpuc.ca.gov

Copies of protests should also be mailed to the attention of the Director, Energy Division, Room 4004 (same address above).

The protest should also be sent electronically to Ava and PG&E at the email addresses shown below on the same date it is mailed or delivered to the Commission:

Todd Edmister
Senior Director of Public Policy and Deputy General Counsel
Ava Community Energy
1999 Harrison Street, Suite 2300
Oakland, CA 94610
(510) 650-7582
Email: tedmister@avaenergy.org

Sidney Bob Dietz II
Pacific Gas & Electric
Director, Regulatory Relations
c/o Megan Lawson
E-mail: PGETariffs@pge.com

There are no restrictions on who may file a protest, but the protest shall set forth specifically the grounds upon which it is based and shall be submitted expeditiously.

Correspondence

For questions, please contact Todd Edmister by electronic mail at tedmister@avaenergy.org and Sidney Bob Dietz II c/o Megan Lawson at PGETariffs@pge.com

/s/ Todd Edmister

Todd Edmister
Senior Director of Public Policy and Deputy General Counsel
Ava Community Energy
1999 Harrison Street, Suite 2300
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(510) 650-7582
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cc: Service List: R.14-07-002 and A.16-07-015

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Develop a
Successor to Existing Net Energy Metering Tariffs
Pursuant to Public Utilities Code Section 2827.1,
and to Address Other Issues Related to Net Energy
Metering

And Related Matters

Rulemaking 14-07-002
(Filed July 10, 2014)

Application A.16-07-015
(Filed July 30, 2024)

(Consolidated)

CERTIFICATE OF SERVICE

I, Kendall Downie, declare that I am an employee of Ava Community Energy (“Ava”). I am over the age of eighteen years and not a party to the within action. My business address is 1999 Harrison Street, Suite 2300, Oakland, CA 94612.

On **October 21, 2024** I served **PROPOSED CAPACITY TRANSFER UNDER THE DISADVANTAGED COMMUNITIES - GREEN TARIFF (“DAC-GT”) PROGRAM TO ACCOMMODATE AVA COMMUNITY ENERGY AUTHORITY SERVICE IN THE CITIES OF STOCKTON, LATHROP, NEWARK, AND TRACY** via electronic mail, on all parties’ email addresses on record in Proceedings **R.14-07-002** and **A.16-07-015** (consolidated).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **October 21, 2024** in Oakland, California.

/s/ Kendall Downie
Kendall Downie
regulatory@ebce.org



[CPUC Home](#)



California
Public Utilities
Commission



CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

PROCEEDING: R1407002 - CPUC - OIR TO DEVELO

FILER: CPUC

LIST NAME: LIST

LAST CHANGED: OCTOBER 4, 2024

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