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

East Bay Community Energy
ELC (Corp ID 201)
Status of Advice Letter 31E
As of June 17, 2022

Subject: East Bay Community Energy's Request for Waiver from Part of Its Jan 2022 Month-Ahead Local Resource Adequacy Requirement

Division Assigned: Energy

Date Filed: 11-17-2021

Date to Calendar: 11-19-2021

Authorizing Documents: D0606064

Authorizing Documents: D0706029

Authorizing Documents: D1902022

Disposition:	**Accepted**
Effective Date:	**06-16-2022**

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

Resolution Required: No

Resolution Number: None

Commission Meeting Date: None

CPUC Contact Information:

edtariffunit@cpuc.ca.gov

AL Certificate Contact Information:

Melissa Brandt
510-570-5110
mbrandt@ebce.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Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)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

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

June 16, 2022

Nick Chaset
Chief Executive Officer
East Bay Community Energy
1999 Harrison St, Ste 800
Oakland, CA 94612

Dear Mr. Chaset,

On November 17, 2021, East Bay Community Energy (East Bay) filed a waiver request via Advice Letter 31-E for its January 2022 month-ahead local Resource Adequacy (RA) requirement in several local areas, including four of the disaggregated PG&E Other local areas. Further, East Bay has not met the local RA obligation in the aggregated PG&E Other local areas. East Bay seeks relief from its January 2022 year-ahead local RA requirements in the PG&E Other disaggregated local areas and additional local areas. Energy Division staff grants the waiver for the reasons explained below.

Commission Decision (D.) 06-06-064 established waiver provisions for local RA procurement. D.20-06-031 established criteria for fulfilling local RA obligations in the six disaggregated PG&E Other local areas. D.21-06-029 established 2022 compliance year obligations for all Load Serving Entities (LSEs). On November 17, 2021, East Bay submitted its January 2022 month-ahead local RA compliance filing, showing a deficiency in several local areas, including more than one of the disaggregated PG&E Other local areas, and also showing that it has not met the local RA obligation in the aggregated PG&E Other local areas. East Bay submitted a request for waiver via Advice Letter 31-E pursuant to D.06-06-064, D.20-06-031, and D.21-06-029.

Section 3.8 of D.20-06-031 establishes criteria for fulfilling local RA obligations in the six disaggregated local areas:

> *Accordingly, an LSE shall have fulfilled their RA obligations in the six disaggregated LCAs if the following requirements are met:*
>
> *(1) The LSE makes the required demonstration as part of the current local waiver process through the Tier 2 Advice Letter for its disaggregated PG&E Other local capacity requirements; and*
>
> *(2) The LSE, in its Year Ahead compliance filing, demonstrates procurement of local RA capacity within the PG&E Other LCAs such that the LSE's collective procurement in the six disaggregated PG&E Other LCAs meets the LSE's collective requirement for the disaggregated PG&E Other LCAs.*
>
> *The process and standard for applying for the PG&E Other waiver will otherwise be the same process and standard for all local waiver requests. An LSE may still*

seek a waiver of one of more of the disaggregated PG&E Other obligations, even if it has not met the aggregation obligation despite commercially reasonable efforts.

Section 3.3.12 of D.06-06-064 approved a CPUC staff waiver process from LSE procurement obligations as a necessary "market power mitigation measure" – and describes a standard that an LSE may use to demonstrate that it could not reasonably achieve its Local Capacity Requirement (LCR) obligations:

> *(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 $40 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.*
>
> *An LSE's waiver request that meets these requirements is a necessary but not a sufficient condition for the grant of such waiver. The Commission will also consider other information brought to its attention regarding the reasonableness of the waiver request.*

In D.19-06-026, the Commission updated the local trigger price from $40/kW-year to $51/kW-year.

Energy Division has reviewed East Bay's January 2022 month-ahead local compliance filing. Energy Division also reviewed East Bay's actions to procure local RA resources to meet the local RA requirements, including those of the six disaggregated PG&E Other local areas, and finds them reasonable considering the capacity available to meet East Bay's local RA obligation. In this case, Energy Division finds that East Bay held solicitations and pursued all commercially reasonable efforts to acquire the resources needed to meet the LSE's local procurement obligation. East Bay's waiver request includes confidential market-sensitive information supporting this finding.

East Bay's waiver request demonstrated that it pursued all commercially reasonable efforts in procuring local capacity to meet its local RA obligations in the six disaggregated PG&E Other local areas and other local areas. Energy Division approves Advice Letter 31-E, East Bay's

request for a waiver from its local procurement obligation and any penalties associated with this obligation.

Thus, Energy Division grants Advice Letter 31-E, East Bay's request for a waiver of its January 2022 month-ahead local RA requirements.

Advice Letter 31-E is effective on June 16, 2022.

Sincerely,

Pete Skala
Interim Deputy Executive Director for Energy and Climate Policy /
Interim Director, Energy Division

Cc: EDComplianceReports@cpuc.ca.gov

ADVICE LETTER (AL) SUSPENSION NOTICE
ENERGY DIVISION

Utility Name: East Bay Community Energy	Date Utility Notified: 4/12/2022
Utility Number/Type: 201	[X] E-Mailed to: mbrandt@ebce.org
Advice Letter Number(s): 31-E	ED Staff Contact: Emma Ng
Date AL(s) Filed: 11/17/2021	ED Staff Email: emma.ng@cpuc.ca.gov
Utility Contact Person: Melissa Brandt	ED Staff Phone No.: 415-703-3175
Utility Phone No.: 510-570-5110	

☐ **INITIAL SUSPENSION (up to 120 DAYS from the expiration of the initial review period)**

This is to notify that the above-indicated AL is suspended for up to 120 days beginning **December 17, 2021** (30 days after the Advice Letter is filed) for the following reason(s) below. If the AL requires a Commission resolution and the Commission's deliberation on the resolution prepared by Energy Division extends beyond the expiration of the initial suspension period, the advice letter will be automatically suspended for up to 180 days beyond the initial suspension period.

☐A Commission Resolution is Required to Dispose of the Advice Letter

☐ Advice Letter Requests a Commission Order

☐ Advice Letter Requires Staff Review

The expected duration of initial suspension period is 120 days

☒ **FURTHER SUSPENSION (up to 180 DAYS beyond initial suspension period)**

The AL requires a Commission resolution and the Commission's deliberation on the resolution prepared by Energy Division has extended beyond the expiration of the initial suspension period. The advice letter is suspended for up to 180 days beyond the initial suspension period.

If you have any questions regarding this matter, please contact Emma Ng at emma.ng@cpuc.ca.gov.

cc:
EDTariffUnit
Simone Brant (supervisor of analyst)

* Note: reference – Decision D.02-02-049, dated February 21, 2002, and Rule 7.5 in appendix A of D.O7-01-024

ADVICE LETTER (AL) SUSPENSION NOTICE
ENERGY DIVISION

Utility Name: East Bay Community Energy	Date Utility Notified: 12/16/2021
Utility Number/Type: 201	[X] E-Mailed to: mbrandt@ebce.org
Advice Letter Number(s): 31-E	ED Staff Contact: Emma Ng
Date AL(s) Filed: 11/17/2021	ED Staff Email: emma.ng@cpuc.ca.gov
Utility Contact Person: Melissa Brandt	ED Staff Phone No.: 415-703-3175
Utility Phone No.: 510-570-5110	

☒ **INITIAL SUSPENSION (up to 120 DAYS from the expiration of the initial review period)**

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☐ **FURTHER SUSPENSION (up to 180 DAYS beyond initial suspension period)**

The AL requires a Commission resolution and the Commission's deliberation on the resolution prepared by Energy Division has extended beyond the expiration of the initial suspension period. The advice letter is suspended for up to 180 days beyond the initial suspension period.

If you have any questions regarding this matter, please contact Emma Ng at emma.ng@cpuc.ca.gov.

cc:
EDTariffUnit
Jaime Rose Gannon (supervisor of analyst)

* Note: reference – Decision D.02-02-049, dated February 21, 2002, and Rule 7.5 in appendix A of D.O7-01-024



California Public Utilities Commission

ADVICE LETTER SUMMARY

ENERGY UTILITY

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

Company name/CPUC Utility No.: East Bay Community Energy ID 201

Utility type:
☑ ELC ☐ GAS ☐ WATER
☐ PLC ☐ HEAT

Contact Person: Melissa Brandt
Phone #: 510-570-5110
E-mail: mbrandt@ebce.org
E-mail Disposition Notice to: mbrandt@ebce.org

EXPLANATION OF UTILITY TYPE
ELC = Electric GAS = Gas WATER = Water
PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 31-E

Tier Designation: 2

Subject of AL: East Bay Community Energy's Request for Waiver from Part of Its January 2022 Month-Ahead Local Resource Adequacy Requirements

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 #:
D. 06-06-064, 07-06-029, 19-02-022

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: Attachment 1 and Exhibits 1-3 and Attachment 2
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: 12/17/21

No. of tariff sheets: n/a

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[1]:

Pending advice letters that revise the same tariff sheets:

[1]Discuss in AL if more space is needed.

Clear Form

PUBLIC VERSION

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	Name: Melissa Brandt Title: Senior Director of Public Policy and Deputy General Counsel Utility Name: East Bay Community Energy Address: 1999 Harrison Street, Suite 800 City: Oakland State: California Zip: 94612 Telephone (xxx) xxx-xxxx: 510-570-5110 Facsimile (xxx) xxx-xxxx: Email: mbrandt@ebce.org
	Name: Title: Utility Name: Address: City: State: District of Columbia Zip: Telephone (xxx) xxx-xxxx: Facsimile (xxx) xxx-xxxx: Email:

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	

Clear Form

November 17, 2021

Advice Letter No 31-E
(East Bay Community Energy ID 201)

California Public Utilities Commission
Energy Division
Attention: Resource Adequacy and Procurement Oversight Section
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

Re: East Bay Community Energy's Request for Waiver from Part of Its January 2022 Month-Ahead Local Resource Adequacy Requirements

Purpose

Pursuant to the California Public Utilities Commission's ("Commission" or "CPUC") Decision ("D.") 06-06-064, 07-06-029, 19-02-022 and Section 25 of the Commission's *2022 Filing Guide for System, Local and Flexible Resource Adequacy (RA) Compliance Filings* ("2022 Final RA Guide"), East Bay Community Energy ("EBCE") submits this **Tier 2 Advice Letter** filing requesting that Energy Division grant a waiver to EBCE for a portion of its January 2022 Local Resource Adequacy ("RA") procurement obligations, and assess no Commission-imposed penalties on EBCE related to its shortfall in procurement of its January 2022 Local Resource Adequacy Requirements ("RAR").

Background

As detailed below, EBCE has reasonably and in good faith solicited bids and has actively pursued all commercially reasonable efforts to acquire resources necessary to meet its January 2022 Local RA obligations. However, EBCE has been unable to procure sufficient Local RA capacity in certain Local Areas described herein. As directed by the Commission, EBCE submits this Local RAR Waiver Request ("RA Waiver Request") via Tier 2 advice letter concurrently with EBCE's January 2022 Month-Ahead System, Local and Flexible RAR compliance filing.[1]

The basis for EBCE's RA Waiver Request is set forth in and supported by the attached declaration of Marie Fontenot, EBCE's Senior Director of Power Resources,[2] as well as the attached declaration of Matthew Sasaki, Manager of Operations of the Alliance for

[1] *See* D.06-06-064; *see also* 2022 Final RA Guide at Section 25.
[2] Declaration of Marie Fontenot in Support of EBCE's Request for Waiver from a Portion of EBCE's January 2022 Local Resource Adequacy Procurement Obligation ("Fontenot Declaration"). The Fontenot Declaration is attached to this RA Waiver Request as Attachment 1.

PUBLIC VERSION

Cooperative Energy Services Power Marketing LLC ("ACES").[3] Given the extensive market-sensitive information contained in the Fontenot Declaration and Sasaki Declaration, EBCE requests it be treated as **CONFIDENTIAL** pursuant to state law and the CPUC decisions further described below.

Legal Standard

Pursuant to D.06-06-064, D.19-02-022, D.20-06-031, and as further described in Section 25 of the 2022 Final RA Guide, the Commission directed that a request for a waiver from Local RA procurement obligations must include both of the following:

(1) a demonstration that the load-serving entity ("LSE") reasonably and in good faith solicited bids for its RAR capacity needs along with accompanying information about the terms and conditions of its 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,

   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.[4]

The Commission has explained that "administration of the ministerial aspects" of the waiver request process "may be delegated to [Energy Division] staff."[5] The example the Commission provided in D.06-06-064 of a question appropriate for staff delegation was "whether an LSE received any bids" in response to a solicitation, because such a determination is based on "an objective standard."[6]

[3] Declaration of Matthew Sasaki in Support of EBCE's Request for Waiver from its January 2022 Month-Ahead Local Resource Adequacy Procurement Obligations and Confidentiality Claim ("Sasaki Declaration"). The Sasaki Declaration is attached hereto as Attachment 2.
[4] *See* D.06-06-064, mimeo at 73; *see also* D.07-06-029, D.19-02-022, D.20-06-031, and RA Filing Guide, at 41-42.
[5] *Id*.
[6] *Id.*

Request for Waiver

EBCE has satisfied the Commission's standard for the granting of a Local RAR waiver by making all commercially reasonable efforts to acquire the Local Areas for which it is deficient for January 2022. Because EBCE did not receive sufficient bids of Local RA to meet its January 2022 Local RAR, Energy Division has the discretion to grant this waiver request on an objective basis pursuant to the standard in D.06-06-064, D.19-06-026 and the 2022 Final RA Guide.

A. EBCE Reasonably and in Good Faith Solicited Bids for January 2022 Local RA in the PG&E Local Areas

EBCE has been actively procuring local RA to satisfy its 2022 local obligations throughout 2019, 2020, and 2021. As described and documented in EBCE's 2021-2022 Year-Ahead RA Waiver Request[7] and 2022 Year-Ahead RA Waiver Request[8], EBCE began its efforts to procure local RA to satisfy its 2022 local obligations in 2019 and continued those efforts through October 2021. For the sake of brevity, EBCE will not re-state those pre-November 2021 procurement efforts in this filing. This letter focuses on EBCE's additional procurement efforts beginning in November, as further detailed in the attached Fontenot Declaration and Sasaki Declaration.

As part of its continued effort to discover available RA capacity to procure, EBCE maintains a consulting agreement with ACES.[9] ACES issued a formal solicitation on behalf of EBCE, Monterey Bay Community Power, Peninsula Clean Energy, San Jose Clean Energy, and Silicon Valley Clean Energy, collectively referred to as the "Joint CCAs," on November 3, 2021. ACES also conducted informal bilateral solicitations for RA on behalf of the CCAs by means of phone, ICE Chat, email, and brokers. Further details are included in the Fontenot Declaration and Sasaki Declaration.[10]

In addition, EBCE regularly engages in discussions with private RA brokers in its efforts to secure additional Local RA to meet its January 2022 RAR. However, EBCE has been unable to secure sufficient additional Local RA capacity to meet all of its Local RAR for January 2022.[11]

Given the extensive and exhaustive efforts that EBCE has engaged in to procure Local RA, EBCE does not believe that there is any January 2022 Local RA currently for sale in the volumes and months that EBCE continues to require.

[7] East Bay Community Energy's Request for Waiver from 2021 Local Resource Adequacy Requirements; Request for Confidential Treatment (Advice Letter No. 15-E) as submitted to the Commission on October 31, 2020.
[8] East Bay Community Energy's Request for Waiver from Part of Its 2022 Local Resource Adequacy Requirements; Request for Confidential Treatment (Advice Letter No 29-E) as submitted to the Commission on November 1, 2021.
[9] Sasaki Declaration at ¶ A.1.
[10] Sasaki Declaration at ¶¶ B.4-B.5; Fontenot Declaration at ¶¶ 8-10.
[11] Fontenot Declaration at ¶ 11.

PUBLIC VERSION

B. Energy Division Should Grant EBCE's Local RAR Waiver Request and Assess No Penalties Related to EBCE's Local RA Procurement Showing

EBCE has met the Commission's two-part legal standard for waiver of Local RA procurement obligations because it has demonstrated: (1) that it reasonably and in good faith solicited bids for its January 2022 RAR capacity needs for the PG&E Local Areas, and (2) that it did not receive sufficient bids to meet its Local RAR in response to its comprehensive solicitation efforts.

Energy Division has previously used its delegated authority to grant such waiver requests for other entities. For example, in 2008, Energy Division granted San Diego Gas & Electric Company's ("SDG&E") request for waiver under D.06-06-064 in a situation where SDG&E solicited bids for capacity to meet its Local RA procurement obligations but "did not receive sufficient bids" to meet its requirements in the San Diego Local Area. Energy Division found SDG&E's action of soliciting capacity bids through a public RFO "reasonable considering the capacity available to meet SDG&E's [Local RA] obligation." Energy Division stated that it "[did] not believe that efforts beyond the issued RFO would have resulted in additional capacity procured." Applying the same waiver standard in 2017, Energy Division granted waiver requests from Calpine Energy Solutions, LLC and Calpine PowerAmerica-CA, LLC for their San Diego Local Area RA showings for the 2018 compliance year.

Energy Division should similarly find EBCE's solicitation efforts "reasonable" and that further efforts would not have enabled it to procure additional Local RA capacity.

Request For Confidential Treatment

Pursuant to the May 18, 2018 *Administrative Law Judge's Ruling Granting the California Community Choice Association's Request to Submit Information Under Seal* (R.17-09- 020), D.06-06-066, as modified by D.08-04-023, D.16-08-024, D.17-09-023, D.20-07-035 (collectively "Confidentiality Decisions"), and Section 12 of the 2022 Final RA Guide, CCAs are authorized to submit RAR information under seal. Pursuant to D.08-04-023, an LSE need not seek confidential treatment every time it makes a compliance filing of a repetitive nature.[12] Rather, on making subsequent compliance filings, the LSE may cite the earlier declaration for confidentiality.

As detailed in the Declaration of Nick Chaset in Support of the Confidential Treatment of Data Submitted as Part of EBCE's 2021 Year Ahead System, Local, and Flexible RA Requirements Compliance Filing,[13] the Fontenot Declaration (and exhibits) and Sasaki Declaration supporting

[12] D.08-04-023, Section 4.2.6. See also

[13] Declaration of Nick Chaset in Support of the Confidential Treatment of Data Submitted as Part of EBCE's 2021 Year Ahead System, Local, and Flexible RA Requirements Compliance Filing ("Chaset Declaration"). The Chaset Declaration is attached as Attachment 3 of EBCE's Request for Waiver from Part of Its 2022 Local Resource Adequacy Requirements; Request for Confidential Treatment (Advice Letter No. 29-E) submitted on November 1, 2021.

PUBLIC VERSION

EBCE's Request for Waiver include extensive amounts of market-sensitive information regarding the current market position and compliance obligations of EBCE, including, without limitation, procurement obligation quantities, procured quantities, entities with whom EBCE has negotiated and transacted, and price-related information that are all market sensitive information under section 454.5(g) of the California Public Utilities Code and other state laws.

Accordingly, EBCE requests that the updated Fontenot Declaration (and its exhibits) and Sasaki Declaration included as part of this RA Waiver Request be treated as confidential pursuant to the previously-filed Chaset Declaration.

Protests

Anyone wishing to protest this filing may do so by filing a protest with the CPUC and EBCE by December 7, 2021, which is 20 days after the date of this submittal. Protests should be mailed to the following address:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Fax: (415) 703-2200
Email: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address show above.

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to EBCE at the address shown below on the same date it is mailed or delivered to the Commission:

Melissa Brandt
Senior Director of Public Policy and Deputy General Counsel
East Bay Community Energy
1999 Harrison St, Ste 800
Oakland, CA 94612
510-570-5110
mbrandt@ebce.org

Effective Date

EBCE requests that this Tier 2 advice letter become effective on December 17, 2021, which is 30 days after the date of submittal.

PUBLIC VERSION

Notice

Pursuant to Section 25 of the 2022 Final RA Guide, a copy of this advice letter is being sent electronically to all parties on the service list for the CPUC's Resource Adequacy proceeding, R.19-11-009.

Tier Designation

Pursuant to Section 25 of the 2022 Final RA Guide, EBCE designates this as a Tier 2 advice letter filing.

Conclusion

For the reasons stated above, EBCE respectfully requests that Energy Division grant EBCE's RA Waiver Request in full and thereby relieve EBCE of any Commission-imposed penalties. In addition, EBCE request confidential treatment for the Fontenot Declaration and exhibits included as part of this filing.

Respectfully submitted this 17th day of November, 2021, at Oakland, California.



_____

Nick Chaset, Chief Executive Officer
East Bay Community Energy
1999 Harrison Street, Suite 800
Oakland, CA 94612

Enclosures: Attachment 1 – **Confidential** Marie Fontenot Declaration (w/exhibits)
Attachment 2 – **Confidential** Matthew Sasaki Declaration

cc: R.19-11-009 Service List
RAFiling@cpuc.ca.gov

PUBLIC VERSION

ATTACHMENT 1

DECLARATION OF MARIE FONTENOT IN SUPPORT OF EAST BAY COMMUNITY ENERGY'S REQUEST FOR WAIVER FROM PART OF ITS JANUARY 2022 MONTH-AHEAD LOCAL RESOURCE ADEQUACY REQUIREMENTS

(ENTIRE ATTACHMENT 1 IS CONFIDENTIAL)

PUBLIC VERSION

ATTACHMENT 2

DECLARATION OF MATTHEW SASAKI IN SUPPORT OF EAST BAY COMMUNITY ENERGY REQUEST FOR WAIVER FROM ITS JANUARY 2022 MONTH-AHEAD LOCAL RESOURCE ADEQUACY PROCUREMENT OBLIGATIONS AND CONFIDENTIALITY CLAIM

(ENTIRE ATTACHMENT 2 IS CONFIDENTIAL)

PUBLIC VERSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Forward Resource Adequacy Procurement Obligations.	Rulemaking 19-11-009 (Filed November 7, 2019)

CERTIFICATE OF SERVICE

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On November 17, 2021, I caused the following to be served:

PUBLIC VERSION OF ADVICE LETTER NO. 31-E EAST BAY COMMUNITY ENERGY'S REQUEST FOR WAIVER FROM PART OF ITS JANUARY 2022 MONTH-AHEAD LOCAL RESOURCE ADEQUACY REQUIREMENTS; REQUEST FOR CONFIDENTIAL TREATMENT

via electronic mail to all parties on the service list R.19-11-009 who have provided the Commission with an electronic mail address.

Executed on November 17, 2021 in San Francisco, California.

/s/Judy Pau
Judy Pau

VIA EMAIL

edtariffunit@cpuc.ca.gov
rafiling@cpuc.ca.gov

PUBLIC VERSION

CALIFORNIA PUBLIC UTILITIES COMMISSION
SERVICE LISTS

Proceeding: R1911009 - CPUC - OIR TO OVERSE
Filer: CPUC
List Name: LIST
Last changed: November 15, 2021

PARTIES

JEANNE B. ARMSTRONG
SR. COUNSEL - REGULATORY
SOLAR ENERGY INDUSTRIES ASSOCIATION
EMAIL ONLY
SACRAMENTO, CA 00000
FOR: SOLAR ENERGY INDUSTRIES ASSOCIATION (SEIA)

MATT MILEY
STAFF COUNSEL
CPUC - LEGAL
EMAIL ONLY
EMAIL ONLY, CA 00000
FOR: CAL PA - PUBLIC ADVOCATES OFFICE (FORMERLY ORA)

JASON HOUCK
POLICY AND REGULATORY AFFAIRS LEAD
FORM ENERGY, INC.
444 SOMERVILLE AVE.
SOMERVILLE, MA 02143
FOR: FORM ENERGY, INC.

ERIKA DIAMOND
VP - UTILITY & MKT SRVCS
ENERGYHUB
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