ADVICE LETTER (AL) SUSPENSION NOTICE
ENERGY DIVISION

Please Do Not Edit Directly. Download, Save Then Edit. Thank You.

Utility Name: Ava Community Energy	Date Utility Notified: June 30, 2025
Utility Number/Type:	E-Mailed to: jnewton@avaenergy.org
Advice Letter Number(s): 61-E	2nd E-Mailed to:
Date AL(s) Filed: June 2, 2025	ED Staff Contact: Steve Shoemaker
Utility Contact Person: John Newton	ED Staff Email: steven.shoemaker@cpuc.ca.gov
Utility Phone No.: (510) 641-0807	ED Staff Phone No.: 650 255 5773

☒ **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** July 2, 2025 (30 days after the Advice Letter filing) 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 may require 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 Steve Shoemaker at steven.shoemaker@cpuc.ca.gov

cc:
EDTariffUnit
Christine.root@cpuc.ca.gov

* 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.: Ava Community Energy (ID-201-E)

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

Contact Person: John Newton
Phone #: (510) 641-0807
E-mail: jnewton@avaenergy.org
E-mail Disposition Notice to: jnewton@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) #: 61-E (PUBLIC VERSION)

Tier Designation:

Subject of AL: Request of Ava Community Energy to Extend the June 1, 2028 Commercial Operation Date Deadline for Long-Lead Time Resource Procurement

Keywords (choose from CPUC listing): N/A

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

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.24-02-047

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 Attachment B
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: 7/2/25 No. of tariff sheets: N/A

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 proposed[1]: N/A

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

PUBLIC VERSION

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

Clear Form

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: John Newton
Title: Principal Regulatory Senior Manager
Utility/Entity Name: Ava Community Energy

Telephone (xxx) xxx-xxxx: (510) 641-0807
Facsimile (xxx) xxx-xxxx:
Email: jnewton@avaenergy.org

Contact Name:
Title:
Utility/Entity Name:

Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

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

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	

1999 Harrison St, Suite 2300
Oakland, CA 94612
(833) 699-3223
AvaEnergy.org

John Newton
Principal Regulatory Senior Manager
(510) 641-0807
jnewton@avaenergy.org

June 2, 2025

ADVICE LETTER 61-E
(Ava Community Energy ID 201)

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

Re: Request of Ava Community Energy to Extend the June 1, 2028 Commercial Operation Date Deadline for Long-Lead Time Resource Procurement

Pursuant to Decision ("D.") 21-06-035, D. 23-02-040, D. 24-02-047, and General Order ("GO") 96-B, Ava Community Energy ("Ava") respectfully requests that Energy Division approve a compliance deadline extension for Ava's Long-Lead Time ("LLT") obligations. Documentation supporting the extension is attached hereto in Confidential Attachment B.

Tier Designation

Pursuant to D. 24-02-047 and GO 96-B, this Advice Letter is submitted with a Tier 2 designation.

Effective Date

Consistent with GO 96-B, Ava requests Energy Division approval by July 2, 2025, which is 30 days after the date submitted.

Background

Ava 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.[1] Ava is currently one of the largest Community Choice Aggregators ("CCAs") in the state.

Ava is subject to the requirement of procuring 73 MWs of LLT resources with a Commercial Operation Date ("COD") of June 1, 2028 under D. 21-06-035 and D.23-02-040. This procurement requirement is split between firm zero-emitting resources and long-duration storage resource: e.g., 37 MW of long-duration storage resources and 36 MW of firm zero-emitting resources.

Under D.24-02-047, Ava may seek an extension to the June 1, 2028 COD deadline by providing proposed or signed contracts eligible to meet LLT requirements with CODs no later than June 1, 2031.[2] This extension request must be in the form of a Tier 2 advice letter, filed by the LSE no later than June 1, 2025,[3] and include the proposed or signed contracts and confidential pricing data for such LLT resources.

Discussion

Pursuant to the requirements of D. 21-06-035 and D.23-02-040, Ava has successfully procured sufficient capacity to meet its LLT resource requirement. However, a portion of those resources have been delayed in construction and will not come online prior to the June 1, 2028 deadline.

To meet its long duration storage requirement, Ava executed a contract for facility energy and capacity from the Tumbleweed energy storage facility, which is already operation as a 4-hour energy storage facility. The resource will convert its 4-hour capacity to 8-hour long-duration capability on the same site. The 8-hour capability of this facility is on track to be operational by [redacted]

To meet its firm zero-emission capacity requirement, Ava executed a contract for facility energy and capacity from the Corsac Station Geothermal Plant. [redacted] This contract is attached hereto as Confidential Attachment B.

Ava acknowledges that, if this extension request is granted, it will be required to meet the balance of its unmet LLT requirements as of June 2028 with generic resources that meet the

[1] Resolution E-4907.
[2] June 1, 2025 falls on a Sunday, therefore the filing deadline is moved to the next business day: June 2, 2025.
[3] *Id.*

requirements of D.21-06-035 or bridge resources that meet the requirements of D.23-02-040, until the remaining LLT resources have come online.[4]

Based on the information contained in this Advice Letter, Ava is eligible for an extension of the June 1, 2028 COD requirement for LLT resources.

Confidentiality

Confidential treatment of specific information is being requested. The information and reasons for confidential treatment are consistent with the showing required by D.06-06-066, as modified.

Ava requests that the redacted information, which contains confidential, market-sensitive information in support of this Advice Letter, including information related to Ava' open procurement position, sensitive pricing data and other information specifically protected under D.06-06-066, et seq., be kept confidential by the Commission. This request for confidential treatment is supported by the accompanying Declaration in Attachment A.

Notice

Anyone wishing to protest this Advice Letter may do so only electronically. Protests must be received no later than 20 days after the date of this Advice Letter. Protests should be submitted to the CPUC Energy Division at:

E-mail: EDTariffUnit@cpuc.ca.gov

In addition, protests and all other correspondence regarding this Advice Letter should also be sent electronically to the attention of:

John Newton
Ava Community Energy
1999 Harrison St., Suite 2300
Oakland, CA 94612
Email: jnewton@avaenergy.org
Tel: (510) 641-0807

For questions, please contact John Newton or by electronic mail at jnewton@avenergy.org.

/s/ John Newton
John Newton
Principal Regulatory Senior Manager
Ava Community Energy

cc: Service List R.20-05-003

[4] See D.24-02-047, p. 103 (noting that bridge or replacement resources must start delivery by June 1, 2028, but that they are not required to be identified in the LLT extension requests).

ATTACHMENT A

DECLARATION OF MARIE FONTENOT IN SUPPORT OF CONFIDENTIAL TREATMENT OF DATA SUBMITTED IN ADVICE LETTER 61-E

I, Marie Fontenot, declare:

1. I am the Senior Vice President of Power Resources Ava Community Energy, LLC ("Ava"). In this capacity, I have knowledge of the information contained in Advice Letter 61-E. I have been delegated authority to sign this declaration on behalf of Ava.

2. I make this Declaration in accordance with D.06-06-066, *et seq.*, to demonstrate that the confidential information ("Confidential Information") provided in Ava's concurrently submitted Advice Letter 61-E falls within the confidentially protections of D.06-06-066 and other relevant statutory provisions.

3. Ava's Confidential Information consists of the redacted information in Advice Letter 61-E and the Supporting Documentation attached as "Confidential Attachment B" thereto.

4. In D.06-06-066, as modified by D.07-05-032, D.08-04-023, D.20-07-005, and D.21-11-029 (collectively "Confidentiality Decisions"), the California Public Utilities Commission ("Commission") adopted rules governing the confidentiality of certain electric procurement data submitted to the Commission by electric service providers ("ESPs") and Community Choice Aggregators ("CCAs"). In the modified ESP/CCA Matrix attached to D.21-11-029 ("ESP/CCA Matrix"), the Commission identified categories of information and the confidentiality protections to be applied to each category.[1]

5. To the extent information submitted to the Commission by a CCA matches a category of information contained in the ESP/CCA Matrix, the information is entitled to the protection provided for that category of information by the ESP/CCA Matrix.[2]

[1] *See* D.21-11-029 at Attachment 2.

[2] D.06-06-066, as amended by D.07-05-032, *mimeo*, p. 81, Ordering Paragraph 2.

6. In order to claim the protection, the party seeking confidential treatment must establish:

A. That the material the party is submitting constitutes a particular type of data listed in the ESP/CCA Matrix;

B. Which category or categories in the ESP/CCA Matrix the data correspond to;

C. That the party is complying with the limitations on confidentiality specified in the ESP/CCA Matrix for that type of data;

D. That the information is not already public; and

E. That the data cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure.[3]

7. Ava meets the criteria for confidential treatment of the Confidential Information, as follows:

Matrix Requirements	**How Ava Meets the Requirements**
The material submitted constitutes a particular type of data listed in the ESP/CCA Matrix.	The Confidential Information consists of Ava's confidential allocations of Mid-Term Reliability obligations and data derived from such allocations, which are based on Year-Ahead Resource Adequacy Forecasts and peak share. The Confidential Information also includes confidential pricing data, internal strategies and bilateral contract terms that are protected.
The ESP/CCA Matrix category or categories to which the data corresponds.	ESP/CCA Matrix categories: • Item II(A) Resource Adequacy Information: Detailed Load Forecasts; • Item II (B) Resource Adequacy Information: Supply Data • Item IV(C) Bilateral Contract Terms and Conditions – Electric: Bilateral Contracts Statutory Protections: • Govt. Code § 7927.705 • Evidence Code § 1060 • Civil Code § 3426.1(d)
The CCA is complying with the limitations on confidentiality	Yes, Ava is complying with the limitations on confidentiality specified in the Matrix for that type of data.

[3] D.06-06-066, as amended by D.07-05-032, *mimeo*, p. 81, Ordering Paragraph 2. The arguments set forth herein incorporate and claim the protection of applicable statutory provisions including, but not limited to, Public Utilities Code §§ 454.5(g) and 583, Govt. Code § 6254(k) and General Order 66-D.

specified in the ESP/CCA Matrix for that type of data.	
The information is not already public.	Ava has not publicly disclosed this information and is not aware of it having been disclosed by any other party.
The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The Confidential Information cannot be further summarized, masked, or otherwise protected in a way that allows for partial disclosure because it consists of Ava's confidential allocations and confidential pricing data, internal strategy and bilateral contracts.

8. The Confidential Information consists of (a) Ava's confidential allocation of Mid-Term Reliability obligations, which are based on year-ahead resource adequacy forecasts and peak share, and (b) Ava's confidential resource adequacy supply data and bilateral contracts to meet these compliance obligations.

9. D.24-02-047 acknowledges that the commercial information required to support this Advice Letter is confidential, referring to it as "confidential pricing and bid data."[4]

10. As the Commission noted in D.21-06-035, ESPs, unlike other load-serving entities, receive their individual allocations of Mid-Term Reliability compliance obligations confidentially, because the allocations are based on confidential year-ahead resource adequacy forecasts.[5] Acknowledging the importance of keeping this data confidential for ESPs, the Commission explained when adopting the methodology for allocating compliance obligations that "because [ESPs'] 2021 energy and peak demand forecasts are both confidential, meaning that even under the hybrid peak/energy approach, individual ESP procurement obligations would have to remain confidential . . . their requirements will be set based on peak share alone."[6] Since the compliance obligations would be confidential under either scenario, the Commission opted for a straight-forward peak share methodology. The Commission concluded it was reasonable to "convey [ESPs] individual allocations confidentially."[7]

11. Moreover, Public Utilities Code Section 583 establishes a right to confidential treatment of information otherwise protected by law. Under the Public Records Act, records

[4] D.24-02-047, p. 140, Ordering Paragraph 16.
[5] *See* D.21-06-035, pp. 53-55.
[6] D.21-06-035, p. 55.
[7] D.21-06-035, p. 92, Conclusion of Law 19.

subject to the privileges established in the Evidence Code are not required to be disclosed.[8] The Evidence Code provides a privilege for trade secrets, which includes information that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure.[9]

12. The Confidential Information – data directly derived from individual ESPs' year-ahead resource adequacy load forecasts or constituting supply and pricing data – is commercially sensitive, would cause a loss of a competitive advantage if disclosed, and constitutes a trade secret; thus, it is exempt from disclosure. Moreover, this information can be used to directly or indirectly determine Ava's market position, business plans, or procurement strategies to the detriment of Ava and its customers. If publicly disclosed, the Confidential Information could compromise Ava's negotiation position by providing prospective counterparties valuable insight into its procurement needs and contract terms; such knowledge would unfairly undermine negotiations and could lead to increased costs borne by their customers. Accordingly, pursuant to Public Utilities Code Section 583, Ava seeks confidential treatment of this data, which falls within the scope of Public Utilities Code Section 454.5(g), Government Code Section 7927.705, and General Order 66-D.

13. As an entity operating in the competitive and dynamic retail energy markets, Ava closely holds information on retail and wholesale market positions as well as its internal practices in confidence. Such information should be kept confidential because the information is commercially sensitive, not publicly available, and/or constitutes trade secrets the disclosure of which would harm Ava and its customers.

14. The public interest in nondisclosure outweighs the public interest in disclosure insofar as release of this commercially sensitive information may directly harm Ava's existing and

[8] *See* Cal. Govt. Code § 7927.705.
[9] *See* Cal. Evid. Code §§ 1060-1063; *see also* Cal. Evid. Code § 1061(a)(1) (citing to Cal. Civ. Code § 3426.1); Cal. Civ. Code § 3426.1.

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future commercial opportunities and their ability to secure a return in the marketplace.[10] Ensuring a fair and competitive market is in the public interest.

15. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this June 2, 2025, at Oakland, California.

DocuSigned by:
Marie Fontenot
2BEFA7DAFBDB4A7...

Marie Fontenot
Ava Community Energy

[10] *See* Cal. Govt. Code § 7922.000.

ATTACHMENT B

SUPPORTING DOCUMENTATION

[Confidential]

PUBLIC VERSION

CERTIFICATE OF SERVICE

I, Kim Chan, 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 50 California Street, 23rd Floor, San Francisco, California 94111.

On June 2, 2025, I caused the following to be served:

AVA COMMUNITY ENERGY (ID 201) ADVICE LETTER 61-E REQUEST OF AVA COMMUNITY ENERGY TO EXTEND THE JUNE 1, 2028 COMMERCIAL OPERATION DATE DEADLINE FOR LONG-LEAD TIME RESOURCE PROCUREMENT (PUBLIC VERSION)

via electronic mail to edtariffunit@cpuc.ca.gov and all parties on the service list R.20-05-003 who have provided the Commission with an electronic email address.

Executed on June 2, 2025, in San Francisco, California.

/s/
Kim Chan

VIA EMAIL

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