

**REGULATORY UPDATE FOR DECEMBER 5, 2023
(WEEK OF NOVEMBER 27, 2023)**

CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC OR COMMISSION)

New Proposed Decisions and Draft Resolutions¹

Application (A.) 23-05-012; A.23-07-012 (PG&E Application for Approval of its 2024 Electric Procurement Revenue Requirement Forecasts, 2024 Electric Sales Forecast, and GHG-Related Forecasts). This decision adopts the 2024 Energy Resource Recovery Account (ERRA) and related energy costs, as well as the amortization of energy-related balancing accounts, and the 2024 electric sales forecast to be used by Pacific Gas and Electric Company (PG&E) to recover these costs. The decision also adopts PG&E's 2024 forecast revenue requirements for greenhouse gas and climate-related costs. The adopted 12-month revenue requirement is \$2,711,285,000. For bundled full-service customers, residential rates will increase by \$0.0086/kWh, or 2.6%; California Alternate Rates for Energy (CARE) rates will increase by \$0.0056/kWh, or 2.3%; and Non-CARE rates will increase by \$0.0107/kWh, or 2.8%. For Direct Access and Community Choice Aggregator customers, residential rates will decrease by \$0.0042/kWh, or -2.1%; CARE rates will decrease by \$0.0060/kWh, or -7.4%; and Non-CARE rates will decrease by \$0.0037/kWh, or -1.7%. These consolidated proceedings remain open to address the outstanding issue of fixed generation costs in a separate Track 2.

Voting Meetings

The CPUC held a voting meeting in Sacramento, California, on November 30, 2023, at 11 a.m. PT. The following are results for energy-related items on the agenda:

Item 2. Resolution (Res) SED-8 (Administrative Consent Order and Agreement of the Safety and Enforcement Division and PG&E Regarding the 2021 Dixie Fire). This Resolution approves an Administrative Consent Order and Agreement (ACO) between the Commission's Safety and Enforcement Division (SED) and PG&E to resolve all issues involving the 2021 Dixie Fire. PG&E agrees to a \$45 million penalty, consisting of a \$2.5 million fine to the General Fund of the State of California, a \$2.5 million payment to tribes impacted by the Dixie Fire for remediations of the impacts of the Dixie Fire on tribal lands, and \$40 million in shareholder funding for capital expenditures for the initiative to transition from hard copy records to electronic records for distribution patrols and inspections. This Resolution includes an analysis of the Penalty Assessment Methodology. **Held to 1/11/24.**

Item 3. Rulemaking (R.) 22-10-010 (Rules for Community Choice Aggregator Participation in the Bioenergy Market Adjusting Tariff Program). This decision sets rules to

¹ Per CPUC's Rules of Practice and Procedure Rule 14.3, comments on proposed decisions are due 20 days after issuance of the proposed decision, and reply comments are due five days thereafter. Comments on draft resolutions are due 20 days after the draft resolution appears in CPUC's daily calendar, per Rule 14.5.

enable CCAs to participate in the Bioenergy Market Adjusting Tariff (BioMAT) program, as authorized by Assembly Bill (AB) 843. These requirements include but are not limited to directing CCAs to purchase Renewable Portfolio Standard (RPS) and RA attributes based on market price benchmarks, as calculated in the IOUs' non-bypassable charge (NBC) methodology and comply with RPS and RA resource requirements, record BioMAT costs allocated to customers in IOU NBCs in public purpose program surcharges in balancing accounts, and serve supplemental testimony in IOU ERRAs forecast proceedings that request IOUs to incorporate eligible Community Choice Aggregator BioMAT costs in IOU forecasted ERRA revenue requirements in certain circumstances. **Signed, Decision (D.) 23-11-084.**

Item 4. R.20-01-007 (OIR to Establish Policies, Processes, and Rules to Ensure Safe and Reliable Gas Systems in California and Perform Long Term Gas System Planning). This decision resolves issues regarding transmission pipelines and natural gas storage facilities included in the Assigned Commissioner's Phase 2 Scoping Memo and Ruling issued on August 1, 2023. This decision adopts review criteria and information requirements for gas utility applications proposing to repair or replace transmission pipeline infrastructure. It adopts criteria to determine when declining demand can enable transmission pipelines to be derated or decommissioned without adversely impacting reliability. It requires gas utilities to provide an information-only submittal describing planned transmission pipeline derations. This decision does not adopt new definitions of "transmission pipeline" or "distribution pipeline." Instead, it reinforces that gas utilities must continue to comply with CPUC Commission General Order 112-F requirements to align with Pipeline and Hazardous Materials Safety Administration definitions of these terms as most recently set forth in Code of Federal Regulations (CFR) Title 49 Part 192.3 or as amended, if relevant, in the future. This decision adopts a proposal by PG&E to update its definition of the term "transmission [pipe]line" and related terms in alignment with 49 CFR Part 192.3.1. This results in the reclassification of some 600 miles of PG&E transmission pipeline as distribution pipeline. This decision finds that natural gas storage facilities are necessary for reliability and cost management. **Held to 12/14/23.**

Item 6. A.22-10-001 et al. (Southern California Edison Company's, San Diego Gas & Electric Company's, and PG&E's Electric Program Investment Charge Investment Plans for 2021-2025). This decision approves Southern California Edison Company's (SCE), SDG&E's, and PG&E's Electric Program Investment Charge Investment Plans for 2021-2025 (EPIC 4 Plans), with modifications. The IOUs' EPIC 4 Plans and Research Topics are approved subject to modification and additional requirements. The IOUs shall each file a Tier 2 Advice Letter to update their respective EPIC 4 Plans with the modifications discussed in this decision and the additional requirements contained in Appendix A within 45 days after the effective date of this decision. The total budget authorized for the EPIC 4 Plans is \$76.035 million for SCE, \$16.28 million for SDG&E, and \$92.685 million for PG&E. **Signed, D.23-11-086.**

Item 8. R.22-11-013 (2024 and Future Avoided Cost Calculator Updates). This decision authorizes an additional \$250,000 in reimbursable funds for the 2024 Avoided Cost Calculator (ACC) update and thereafter an annual \$350,000 in reimbursable funds for subsequent ACC updates. Even with the increase in authorized annual funding, only the actual expenses will be recorded and passed on to ratepayers. Any unspent funds will be recorded and used for future ACC updates. This decision authorizes the ACC funds to be recorded in the utilities' respective

memorandum accounts that have been established for the ACC costs. This decision also authorizes the utilities to each file a separate application to recover the costs recorded in the ACC memorandum accounts if the account balance exceeds \$1 million. If the account balance remains less than \$1 million, the utilities shall continue to seek recovery of the costs recorded in the ACC memorandum accounts through their respective general rate cases. **Signed, D.23-11-087.**

Item 9. Res G-3601 (Southern California Gas Company Research, Development, and Demonstration Expenses). This Resolution approves in part and modifies in part the Southern California Gas Company (SoCalGas) Advice Letter (AL) 5991-G proposing for SoCalGas to record Research, Development, and Demonstration (RD&D) expenses as detailed in its 2023 RD&D Program Research Plan to its RD&D one-way balancing account. The Commission approves the SoCalGas annual RD&D budget of \$16.874 million for 2023 and its 10 percent administration budget of \$1.6874 million. This Resolution modifies Res G-3586. **Approved.**

Item 10. Res SPD-19 (Root Cause Analysis Ordered by D.20-05-019 Relating to 2017-2018 Wildfires Caused by PG&E Equipment). This Resolution adopts the corrective actions as modified by the Staff Proposal, and requires PG&E to submit an AL to the Commission's Safety Policy Division (SPD) to substantiate its claims of completed corrective actions. The Commission issued D.20-05-019 ordering a Root Cause Analysis (RCA) to be conducted to evaluate wildfires ignited by PG&E equipment in 2017 and 2018, and requiring PG&E to fund \$67 million to implement corrective actions stemming from the RCA findings. The SPD issued a Draft Staff Proposal setting forth four corrective actions flowing from the RCA produced by Envista Forensics, LLC. Considering party comments and workshop feedback, Staff finalized its Staff Proposal to modify the first corrective action. **Approved.**

Item 11. Res E-5300 (SDG&E Transportation Electrification Advisory Services Program). This Resolution approves, with modifications, a technical assistance advisory services program, Transportation Electrification Advisory Services, proposed by SDG&E AL 4233-E and AL 4233-E-A. This Resolution modifies the proposed program based on guidelines established for the FC1 technical assistance program in D.22-11-040. This Resolution approves a total budget of \$16.78 million for SDG&E to implement a three-year technical assistance program serving medium- and heavy-duty vehicle customers that will provide web services, fleet electrification planning, vehicle-to-grid and emerging technology consulting, implementation coordination support prior to energization, and post-energization support. **Approved.**

Item 12. Res SPD-16 (SDG&E 2023-2025 Wildfire Mitigation Plan). This Resolution ratifies the Energy Safety Decision, adopted on October 13, 2023, approving the 2023-2025 Wildfire Mitigation Plan (WMP) submitted by SDG&E on March 27, 2023. Public Utilities Code Section 8386(c) requires that electrical corporations' WMPs contain 23 elements. Energy Safety's approval and the Commission's ratification do not relieve the electrical corporation from any otherwise applicable permitting, ratemaking, or other legal and regulatory obligations. **Approved.**

Item 13. Res SPD-17 (SCE's 2023-2025 WMP). This Resolution ratifies the Energy Safety Decision, adopted on October 24, 2023, approving the 2023-2025 WMP submitted by

SCE on March 27, 2023. Public Utilities Code Section 8386(c) requires that electrical corporations' WMPs contain 23 elements. Energy Safety's approval and the Commission's ratification do not relieve the electrical corporation from any otherwise applicable permitting, ratemaking, or other legal and regulatory obligations. **Approved.**

Item 16. A.21-09-019 (SCE Catastrophic Event Memorandum Account and Wildfire Expense Memorandum Account Costs). This decision authorizes as reasonable SCE's proposed cost recovery request totaling \$132.148 million in revenue requirements, including \$127.261 million associated with the drought, firestorms, earthquakes, and COVID-19 global pandemic recorded in its Catastrophic Event Memorandum Account (CEMA) subaccounts and \$4.887 million associated with incremental costs for property insurance against wildfire in its Wildfire Expense Memorandum Account (WEMA). SCE is authorized to amortize the CEMA revenue requirement of \$127.261 million and WEMA revenue requirement of \$4.887 million over a 12-month period. **Signed, D.23-11-089.**

Item 17. R.23-03-007 (Wildfire Fund NBC for 2024). This decision adopts a \$0.00561/kWh rate amount for the 2024 Wildfire Fund NBC in order to collect \$889 million from January 1, 2024 through December 31, 2024: this amount, in addition to the projected \$13.4 million carry over from 2023, will result in the Wildfire Fund NBC \$902.4 million revenue requirement for 2024. **Signed, D.23-11-090.**

Item 19. A.21-12-009 (SCE Proposed Building Electrification Programs). This decision denies the application by SCE for approval of its building electrification programs. The Commission strongly supports the primary goal of SCE's application, which is to reduce GHG emissions. The Commission finds that the application fails to meet the burden of proof to merit its adoption. SCE's proposed programs fail to sufficiently show clear customer benefits in the face of certain costs. The programs are not sufficiently well developed because, as proposed, they (1) fail to avoid duplication and incorporate lessons learned relative to already authorized ratepayer-funded building electrification programs; (2) fail to estimate and incorporate the impacts of federal and state funding; and (3) are based on unreliable estimates of GHG emissions reductions and marginal GHG abatement costs. **Held to 1/11/24.**

Item 20. R.20-05-012 (Heat Pump Water Heater Program Modifications). This decision modifies the existing heat pump water heater (HPWH) program in D.22-04-036 (the 2022 decision) to expand program eligibility. Specifically, this decision revises the current definition of a qualifying demand response program. This decision also revises the eligible software that can be used to model central HPWHs, specifically HPWHs serving multiple residential units or commercial spaces, from the California Building Energy Code Compliance Residential software to any software approved by the California Energy Commission for modeling central HPWHs for compliance with Title 24, Part 6 of the California Code of Regulations. Finally, this decision eliminates the requirement for HPWH program implementors to refer to the existing Self-Generation Incentive Program Handbook for anything not specified in the 2022 decision. Instead, this decision will require the HPWH program implementor to refer to a newly adopted HPWH Handbook, as approved via the AL process specified in Ordering Paragraph 13b of the 2022 decision. **Held to 12/14/23.**

Item 21. Res E-5301 (Establishment of PG&E, SCE, and SDG&E Net Billing Tariffs). This Resolution approves PG&E AL 6848-E (with modifications made by PG&E AL 6848 E-A), SCE AL 4961-E (with modifications made by SCE AL 4961-E-A), and SDG&E AL 4155-E (with modifications made by SDG&E AL 4155-E-A), effective upon this Resolution's effective date. D.22-12-056 established the framework for the net billing tariff. Ordering Paragraph 12 of D.22-12-056 directs the IOUs to file their proposed net billing tariffs in Tier 2 ALs no later than 45 days after the adoption date of the decision. The Resolution finds that the utilities timely submitted their initial ALs on January 30, 2023. **Approved.**

Item 25. A.23-06-001 (SCE's 2024 ERRa Forecast). This decision approves SCE's 2024 ERRa Forecast and approves a 2024 forecast revenue requirement of \$5.234 billion, representing a decrease of \$325.830 million as compared to rates effective today. SCE's proposed revenue requirement consisted of both a generation service component and a delivery service component. As a result of the costs and other adjustments approved in this decision, on January 1, 2024, SCE's system average rates for bundled customers will decrease by 1.8 percent as compared to rates effective October 1, 2023, to 26.124¢/kilowatt hour in 2024. The PCIA rates will be negative for most customer vintages and will be negative system-wide in 2024, resulting in credits for customers in most PCIA vintages. SCE's proposed 2024 generation service revenue requirement, as updated October 13, 2023, and in SCE's Errata filed on October 24, October 27, and October 31, 2023, totaled \$5.513 billion, reflecting a reduction of approximately \$567.21 million, or 9.3 percent, from what is currently recovered in generation service rates. This decision authorizes SCE to transfer the following account balances related to its generation service rates: -\$800.09 million from the 2023 ERRa Balancing Account, \$523.664 million from the 2023 Portfolio Allocation Balancing Account, and \$1,126 million from the 2023 Energy Settlement Memorandum Account. **Signed, D.23-11-094.**

Item 26. Res G-3602 (PG&E Self-Generation Incentive Program for Projects Lacking Separate Metering for Non-Incentivized Equipment). This Resolution grants PG&E's request for a limited exception to the Self-Generation Incentive Program (SGIP) requirement to separately meter incentivized and non-incentivized storage equipment. On August 22, 2023, PG&E filed AL 4778-G-A/6994-E-A seeking approval of a proposed exception to the SGIP rule that requires SGIP-incentivized storage equipment to be metered separately from non-incentivized storage equipment. PG&E requests this exception only for residential customer applications that have an approved SGIP funds reservation on or before April 17, 2023, and fail to install separate metering for non-incentivized equipment due to no fault of their own. **Approved.**

Item 28. A.19-08-013 (SCE 2024 Base Revenue Requirement). This decision adopts the uncontested settlement agreement proposed by SCE, the Public Advocates Office at the Commission, The Utility Reform Network, Small Business Utility Advocates, and the Coalition of California Utility Employees to resolve all issues in Track 4 of this proceeding. Approval of the settlement agreement results in an authorized 2024 base revenue requirement of \$8.425 billion for SCE, a 9.88% increase over present rates, subject to potential adjustments as specified in the settlement agreement. In Track 4, SCE had requested a 2024 base revenue requirement of \$8.606 billion, a 12.23% increase over present rates. **Signed, D.23-11-096.**

Item 57. Investigation (I.) 19-06-014 (SoCalGas and Sempra Energy's Safety Culture Improvement Plan). This decision adopts two out of the 15 initiatives in the Safety Culture Improvement Plan of SoCalGas with some modifications. This decision directs SoCalGas and Sempra Energy to revise the remainder of their plans to better align with the findings of the Independent Safety Culture Assessment, a review of SoCalGas' and Sempra's organizational safety culture between 2020 and 2021. This decision does not impose financial penalties. Consideration of violations and penalties have been addressed in I.19-06-016. However, this decision confirms the Commission's earlier directive that SoCalGas shareholders, not ratepayers, pay the costs associated with the Assessment, the Improvement Plan, and the Implementation costs directed in this proceeding. **Held to 12/14/23.**

Item 58. R.23-05-018 (Modifications to Commission General Order 131-D). This decision addresses Phase 1 issues in the proceeding. The decision adopts modifications to Commission General Order 131-D to conform it to the requirements of Senate Bill (SB) 529 and to correct outdated references. **Held to 12/14/23.**

Item 59. R.23-01-007 (Extended Operations at Diablo Canyon Nuclear Power Plant). This decision directs and authorizes extended operations at Diablo Canyon Nuclear Power Plant (DCPP) until October 31, 2029 (Unit 1) and October 31, 2030 (Unit 2). The approval in this decision is subject to the following conditions: (1) the United States Nuclear Regulatory Commission continues to authorize DCPP operations; (2) the \$1.4 billion loan agreement authorized by SB 846 is not terminated; and (3) the Commission does not make a future determination that DCPP extended operations are imprudent or unreasonable. Additional processes are established for the Commission to continue to consider the prudence and cost-effectiveness of extended DCPP operations. This decision also allocates the costs and benefits of extended DCPP operations among all load-serving entities subject to the Commission's jurisdiction; creates a new NBC and associated processes to collect DCPP extended operations costs; establishes a new process, similar to the annual ERRRA proceedings, to review and authorize DCPP extended operations costs; and provides further direction on the use of surplus ratepayer funds. **Held to 12/14/23.**

Upcoming Meetings and Workshops

Integrated Resource Planning (IRP). On December 8 from 9 a.m. to 12 p.m. PT, Energy Division Staff will host a public webinar to discuss the busbar mapping results for the proposed 2024-2025 Transmission Planning Portfolios. The webinar will provide additional details and discussion on the mapping methodology and mapping results for the proposed base case and sensitivity portfolios that were released in Administrative Law Judge Fitch's October 5, 2023 ruling, available [here](#). The webinar can be accessed via Webex [here](#), and a recording will be posted to the IRP's Assumptions for the 2024-2025 TPP webpage after the event.

CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)

Stakeholder Initiatives: Upcoming Meetings and Deadlines

Rules of Conduct Enhancements. CAISO has posted revised draft tariff language for Track 1 of the Rules of Conduct Enhancements initiative, available [here](#).

Congestion Revenue Rights Auctions. CAISO has posted the publication and invoicing schedule to its website for January-December 2024 monthly and 2025 annual Congestion Revenue Rights auctions, available [here](#).

Final NERC/WECC Charge Rate. CAISO has calculated the final rate for the Northern American Electric Reliability Corporation/Western Electricity Coordinating Council (NERC/WECC) charges for assessment year 2024, available [here](#).

Resource Adequacy Modeling and Program Design. CAISO will host an RA Modeling and Program Design working group meeting on December 6, 2023, to discuss problem statements, principles, goals, and data analysis needs. Further details and registration information are available [here](#).

Gas Resource Management. CAISO will hold a public Gas Resource Management working group on December 7, 2023 to discuss the assessment results of the problem statements identified by the working group, and further evaluate possible solutions to prioritized issues. Written comments on the working group discussion are due December 15, 2023. Further details are available [here](#).

Western Energy Imbalance Market Regional Issues Forum. The Western Energy Imbalance Market Regional Issues Forum has announced its upcoming meeting on December 11, 2023. The draft agenda and registration details are available [here](#).

2023 Interconnection Process Enhancements Track 2. CAISO will host an informational workshop on December 18, 2023 to discuss interconnection information and the zonal approach. On December 19, 2023, CAISO will hold a stakeholder call to discuss the revised straw proposal. Attendees may choose to participate in the meetings in person at CAISO, or virtually. Written comments on the straw proposal are due January 9, 2024. Further information is available [here](#).

CALIFORNIA ENERGY COMMISSION (CEC)

Integrated Energy Policy Report (IEPR)

The 2023 IEPR [workshop schedule](#) is accessible on the [2023 IEPR website](#). The CEC will host a [workshop](#) at 1 p.m. PT on December 6, 2023 regarding California Energy Demand Forecast Results. The workshop will cover annual electricity and gas forecasts and the hourly and peak electricity demand forecast.

Energy Storage Permitting

On November 15, 2023, the CEC hosted a [workshop](#) for the Center for Sustainable Energy, to introduce their [Draft Energy Storage Permitting Guidebook](#) (Guidebook) developed under Agreement EPC-19-026. According to the workshop [notice](#):

- Version 1 (November 2023) of the Guidebook draws upon stakeholder feedback on the deployment experiences and best practices identified during permitting and commissioning residential energy storage products with multiple deployments in California.
- In Q1 2024, the project team will publish an updated draft (version 2), incorporating public feedback where relevant.
- In addition to any informal interim updates to the Guidebook, the project team plans to publish an updated draft (version 3) in Q2 2024 that will include guidelines for emerging energy storage technologies based on public feedback and lessons learned from early adopter deployments.
- In Q3 2024, a final version of the Guidebook (version 4) will be released.

Electric Vehicle (EV) Infrastructure

The CEC hosted a workshop on December 1, 2023 to discuss interoperability standards and improvements to the EV charging experience. The CEC is considering adopting a number of technology and communication standards (e.g., roaming requirements and ISO 15118 conformance) in an effort to streamline a customer's charging experience and minimize the number of separate apps or account log-ins required to initiate a charge. The CEC is also considering whether to allow compliance costs to be eligible for reimbursement under certain CEC programs.

The CEC is taking comments on the workshop discussion through Friday, December 22 at 5 p.m. Additional information on the workshop, including detailed questions for stakeholder comment, are available on the Docket page 22-EVI-06, available [here](#).

Gas Research and Development (R&D)

CEC staff will host a [workshop](#) on December 15, 2023 at 9:00 a.m. to discuss the Gas R&D Program's proposed energy-related gas research initiatives for fiscal year 2024-25. Additional information is available in the workshop [notice](#).

Climate Innovation

On December 12, 2023, the CEC will host a [workshop](#) seeking input regarding technologies to support healthy forests and resilient agriculture. According to the workshop

notice, the following topics will be discussed: (i) circular bioeconomy for agriculture and forests; (ii) fire mitigation and suppression technology; and (iii) climate-smart agricultural tools and equipment. Additional information is available in the workshop [notice](#).

Electric Program Investment Charge (EPIC) 2021-2025 Investment Plan

CEC Staff will host a workshop at 10:00 a.m. on December 13, 2023 to seek public comment on an anticipated research solicitation to help California achieve an environmentally sustainable clean energy transition. According to the workshop [notice](#), the anticipated research “solicitation proposes to monitor environmental and land use changes in response to solar expansion, assess wildlife risk from renewable energy generation and the built environment, and find mitigation solutions to these risks.”

The preliminary research topics for the forthcoming solicitation are tentatively grouped in five (5) areas:

- Automated mapping of solar footprints and mapping areas suitable for agrivoltaics;
- Assessing, monitoring, or mitigating the environmental and biological resource impacts of clean energy deployments;
- Testing bird-friendly windows for decarbonized buildings;
- Identifying biologically appropriate exterior lighting; and
- Advancing a clean energy circular economy.

The [notice](#) indicates that Staff will introduce their “initial ideas on the scope and focus of the proposed solicitation, planned for release in the second quarter of 2024.”

CEC Business Meetings

The next business meeting will be held on December 13, 2023. The meeting agenda and backup materials are available [here](#).

California Air Resources Board (CARB)

Meetings and Workshops

CARB is developing a [Community Engagement Model](#) to help staff create and implement robust engagement plans. CARB has held and is holding virtual and in-person [public dialogue sessions](#) on the draft Community Engagement Model in November and December 2023 and January 2024. The next in-person meeting is in [Oakland](#) on December 11, 2023. Comments on the draft [Community Engagement Model](#) may be submitted [here](#) between November 7, 2023 and April 3, 2024.

CARB is hosting a series of meetings of the [Advanced Clean Fleets Truck Regulation Implementation Group](#). On December 8, 2023, the Group will hold two sessions, to discuss outreach and rule provisions. Registration and additional information are available [here](#).

CARB's next [Board meeting](#) will be held January 25-26, 2024. The agenda for the meeting will be available [here](#) 10 days prior to the meeting.

Opportunities for Public Comment

CARB has released the proposed [Zero Emission Forklift Regulation](#) for public comment. Prior to the hearing on the proposed Regulation, written comments may be submitted [here](#) on or before December 26, 2023. Written or oral comments may also be provided during the hearing, currently scheduled for June 27, 2024. Notice of the hearing is available [here](#).

In conjunction with [public dialogue sessions](#) held in November and being held in December 2023 and January 2024, CARB is accepting comments on the draft [Community Engagement Model](#) through April 3, 2024. Comments may be submitted [here](#).

COLORADO PUBLIC UTILITIES COMMISSION (COLORADO PUC)

The Colorado PUC will host its next Commissioners' weekly meeting on December 6, 2023, at 9 a.m. MT. The agenda includes several energy- and transportation-related items for discussion and approval on the consent agenda, which is available [here](#). The meeting, which will be held remotely, is available for online viewing [here](#).

MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)

The MPUC met on November 30, 2023 to take up the following matters: telephone assistance plan review, reconsideration of Minnesota Power's 2021 rate case, relocation of Dairyland Power's 161 kV transmission line in Wabasha County, Dooley's Natural Gas route permit for Swift Pipeline, and the electric reliability and service quality reports for Xcel Energy, Minnesota Power and Otter Tail Power. The agenda can be accessed [here](#).

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

On October 29, 2023, in [185 FERC ¶ 61,043](#), FERC issued a Notice of Proposed Rulemaking (NOPR) proposing changes to current Electric Quarterly Report (EQR) filing requirements, including both the method of collection and the data being collected. Among other things, FERC proposes to implement a new collection method for EQR reporting based on the eXtensible Business Reporting Language-Comma-Separated Values standard. FERC proposes to amend its regulations to require Regional Transmission Organizations and ISOs to produce reports containing market participant transaction data in XBRL-CSV format that adheres to the FERC EQR taxonomies, which sellers can use to prepare their EQR submissions. FERC also proposes to revise existing EQR reporting requirements and associated fields, as summarized in the Proposed EQR Data Dictionary and the Modified Data Fields Summary. The NOPR proposes to require Qualifying Facilities to identify the sales that they make pursuant to the

Public Utility Regulatory Policies Act that are reportable to the EQR. FERC further proposes to amend its regulations to extend the quarterly filing window to four months after the close of the quarter and provide the option for sellers to file data on a rolling basis before the close of the quarter. The NOPR proposes to revise the EQR refiling policy to require refiling when there are material corrections or material omissions to previously filed EQRs for either the prior 20 quarters (*i.e.*, five years) or as far back as the error(s) occurred, depending on which timeframe is shorter. The NOPR also proposes to eliminate several existing seller requirements—specifically, to eliminate the requirement to report transmission capacity reassignment information in the EQR, the requirement to identify the index price publisher(s) to which they report transactions in the EQR, and the requirement to identify which exchange or broker was used to consummate transactions. Lastly, FERC proposes to reduce the amount of identification data that sellers must submit each quarter.

On October 19, 2023, in [185 FERC ¶ 61,031](#), FERC issued an order granting the waiver request of Twelvemile Solar Energy, LLC (Twelvemile Solar) of Articles 2.3.2 and 11.2 of the Generator Interconnection Agreement (GIA) among Twelvemile Solar as interconnection customer, Southwest Power Pool, Inc. (SPP) as transmission provider, and Oklahoma Gas and Electric Company as transmission owner. Specifically, FERC granted the waiver to allow for a 28-month extension of the commercial operation deadline for Twelvemile Solar’s planned 100 megawatt (MW) solar facility, from December 1, 2023 to March 31, 2026. FERC found that Twelvemile Solar’s waiver request satisfied the following criteria: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties. The limited waiver only applies to the December 1, 2023 deadline and does not relieve Twelvemile Solar of any financial requirements associated with the Twelvemile Solar GIA. Further, FERC reiterated that if the Twelvemile Solar facility does not achieve commercial operation by March 31, 2026, the GIA will be subject to termination by SPP at that time.

On October 10, 2023, in [185 FERC ¶ 61,011](#), FERC issued an order addressing Midcontinent Independent System Operator, Inc.’s (MISO) proposed revisions to its Open Access Transmission, Energy and Operating Reserve Markets Tariff in compliance with the requirements of Order No. 2222 to address the participation of distributed energy resource aggregations. FERC found that MISO’s proposal partially complies with Order No. 2222, and therefore accepted MISO’s compliance filing subject to a further compliance filing.

On October 6, 2023, in [185 FERC ¶ 61,013](#), FERC accepted subject to compliance proposed revisions filed by PJM Interconnection, L.L.C. (PJM) to Schedule 6A of its Open Access Transmission Tariff (Tariff) related to Black Start Units. FERC accepted with conditions PJM’s proposal to establish a new category of black start resources, Fuel Assured Black Start Units, and to allow, among other resources, intermittent and hybrid resources, *i.e.*, wind, solar, hydro, energy storage, or distributed energy/demand resources with onsite generator resources, which meet certain qualifications to participate. FERC accepted and ordered that PJM revise its Tariff on compliance to clarify that DERs are eligible to qualify. FERC also accepted with conditions PJM’s proposed qualification metrics for intermittent and hybrid resources. PJM will only rely on an intermittent or hybrid Fuel Assured Black Start Unit to provide the MW level of

capacity that, based on the unit's historic operations, the unit is 90% certain to be able to sustain for 16 hours. FERC accepted this proposal, but ordered that PJM clarify on compliance that the 16 hours of operation per day (which need not be continuous) at a MW level provides a confidence level of 90% based on an evaluation of the unit's historical operation over a representative period of time. Relatedly, FERC ordered PJM to clarify that the same qualification standard apply to DERs. FERC also accepted PJM's proposals related to compensation for Fuel Assured Black Start Units, as well as the performance standards and outage restrictions and testing and performance criteria for Fuel Assured Black Start Units.