

**REGULATORY UPDATE FOR OCTOBER 24, 2023
(WEEK OF OCTOBER 16, 2023)**

CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC OR COMMISSION)

New Proposed Decisions and Draft Resolutions¹

Application (A.) 22-10-001 et al. (Applications of Southern California Edison Company, San Diego Gas & Electric Company, and Pacific Gas and Electric Company for the 2021-2025 Electric Program Investment Charge Program Investment Plans). This proposed decision approves Southern California Edison Company's (SCE), San Diego Gas & Electric Company's (SDG&E), and Pacific Gas and Electric Company's (PG&E) (collectively the IOUs), Electric Program Investment Charge Investment Plans for 2021-2025 (EPIC 4 Plans), with modifications. The IOUs are directed to file a Tier 2 Advice Letter to update their respective EPIC 4 Plans with the modifications discussed and the additional requirements contained in Appendix A within 45 days after the effective date of the proposed 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.

Rulemaking (R.) 22-11-013 (Distributed Energy Resource Program Cost-Effectiveness Issues, Data Access and Use, and Equipment Performance Standards). This proposed decision authorizes an additional \$250,000 in reimbursable funds for the 2024 Avoided Cost Calculator (ACC) update and \$350,000 in reimbursable funds for subsequent ACC updates. Only the actual expenses will be recorded and passed on to ratepayers, and any unspent funds must be recorded and used for future ACC updates. The proposed decision authorizes the ACC funds to be recorded in the utilities' respective memorandum accounts that have been established for the ACC costs. The proposed 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 one million dollars. If the account balance remains less than one million dollars, the utilities must continue to seek recovery of the costs recorded in the ACC memorandum accounts through their respective general rate cases.

Voting Meetings

The next CPUC voting meeting will be held in Sacramento, California, on November 2, 2023, at 11:00 a.m. PT.

Workshops and Other Events

Slice of Day Calibration Tool Workshop. On October 25, 2023, from 10:00 a.m. to 1:00 p.m. PT, the CPUC Energy Division will hold a workshop to present the Slice of Day

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.

Calibration Tool and answer questions. Additionally, there will be a brief presentation on staff's revised thermal derate model. Workshop materials were circulated by the CPUC by October 20, 2023.

Natural Gas Planning Workshop. The Energy Division will host a workshop on October 26, 2023 from 9:00 a.m. to 12:00 p.m. PT to discuss gas utility and independent storage provider preparations for the upcoming winter. Two panels will be held at the workshop and discussions will focus on current market conditions, winter outlook, customer communications, storage inventory, and enhanced communications regarding inventory levels. Participation in the workshop is remote only, and Webex login details are available [here](#). (Workshop password: Gasworkshop.)

Energy Division Office Hours on RA Slice of Day. Energy Division Staff will host several scheduled office hours to meet with stakeholders on questions related to the new slice of day process and LSE showing tool. The office hours will be held on WebEx, and login access is available [here](#). The next office hours are scheduled for November 16, 2023. The Energy Division encourages stakeholders to submit questions via email in advance. Additional details on the new slice of day implementation process are available on the Commission's RA webpage, available [here](#).

Joint Utilities Hydrogen Blending Technical Stakeholder Workshop. On November 6, 2023, from 1:00 to 3:00 p.m., the Joint Utilities will hold a technical stakeholder workshop to solicit stakeholder and public feedback with regard to the data collection plans related to the proposed hydrogen blending pilots and to use that feedback to inform the design and implementation of the pilot project's necessary testing and monitoring systems. Attendance is remote only. Registration information is available [here](#).

CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)

Stakeholder Initiatives: Upcoming Meetings and Deadlines

2024 Effective Flexible Capacity Values for Resource Adequacy Resources. CAISO has posted the final 2024 Resource Adequacy (RA) Effective Flexible Capacity list, available [here](#).

Extended Day-Ahead Market ISO BAA Participation Rules. CAISO has posted the Extended Day-Ahead Market ISO BAA Participation Rules Track A revised draft tariff language documentation. The revised draft tariff language is available [here](#).

Price Formation Enhancements Initiative. CAISO will host a virtual working group meeting for the Price Formation Enhancements initiative on October 25, 2023 from 1:00 p.m. to 4:00 p.m. to review existing market mechanisms as it relates to scarcity pricing and hear stakeholder's perspectives on draft problem statements. Further information is available [here](#).

Greenhouse Gas Coordination. CAISO held a public hybrid stakeholder working group meeting on October 19, 2023, related to GHG coordination. Written comments on the working group discussion are due on November 2, 2023. Further information can be found [here](#).

Transmission Development Forum. CAISO, in conjunction with the CPUC and the participating transmission owners, will hold its quarterly public stakeholder call on October 25, 2023 to provide status updates on the transmission planning process and network upgrades identified in the generation interconnection process. Further information can be found [here](#).

Transmission Service and Market Scheduling Priorities Phase 2. CAISO has scheduled a public stakeholder call on October 27, 2023 to discuss the Transmission Service and Market Scheduling Priorities Phase 2 Track 2 revised draft tariff language. Written comments on the Track 2 revised draft tariff language were due on October 19, 2023. Registration details and further information are available [here](#).

2025 Local Capacity Requirements. CAISO will hold a public stakeholder call on October 30, 2023, to discuss the criteria, methodology, and assumptions to be used in the 2025 Local Capacity Technical study. CAISO has posted a draft study manual that addresses these topics. Comments on the study manual are due November 13. Further information is available [here](#).

2024 Annual Acquired Resource Notification. All scheduling coordinators representing an Acquired Resource in the RA program shall submit a Customer Inquiry, Dispute and Information (CIDI) ticket that must include the title Acquired Resource 2024 (LSE ID) to CAISO about the status of each Acquired Resource. Notification is due by October 31, 2023; however, CAISO recommends submitting as soon as possible to allow time to handle any questions/discrepancies. If a scheduling coordinator does not submit a CIDI ticket by the deadline, they will lose their status as an Acquired Resource. Further information is available [here](#).

Resource Adequacy Modeling and Program Design. CAISO will host a meeting for the Resource Adequacy Modeling and Program Design working group on November 1, 2023, from 9:00 a.m. to 1:00 p.m. PT. Further details are available [here](#).

Rules of Conduct Enhancements. CAISO has scheduled a virtual call on November 2, 2023, to discuss the Rules of Conduct Enhancements track 1 draft tariff language. Written comments are due October 27, 2023. Further information is available [here](#).

Resource Adequacy Modeling and Program Design Slice of Day Workshop. CAISO will host a workshop for the Resource Adequacy Modeling and Program Design initiative on November 8, 2023 to discuss interactions between CAISO's current RA processes and the CPUC slice of day framework. Registration information and further details are available [here](#).

CALIFORNIA ENERGY COMMISSION (CEC)

Integrated Energy Policy Report (IEPR)

The CEC released an update to its [2023 IEPR Workshop Schedule](#). Forthcoming remote-only workshops include:

- November 7 (previously scheduled for October 25): Draft 2023 IEPR Findings and Recommendations (1:00-4:00 p.m. PT)
- November 15: California Energy Demand Forecast, Load Modifier Scenario Results (10:00 a.m.-5:00 p.m. PT)
- December 6: California Energy Demand Forecast Results (1:00-5:00 p.m. PT)

The schedule is also accessible on the [2023 IEPR website](#).

Offshore Wind

At 1:00 p.m. on November 3, 2023, the CEC will host a hybrid in person and remote [workshop](#) that will explore the development of a funding program to advance the capabilities of California ports, harbors, and other waterfront facilities to support the buildout of offshore wind facilities. For additional information, please visit the [workshop notice](#) and the CEC's [Offshore Wind Waterfront Facility Program](#) page.

Senate Bill 100 (SB 100)

SB 100 requires the CEC, CPUC, and CARB to complete a joint agency report to the Legislature evaluating the 100% zero-carbon electricity policy. On October 31, 2023, the CEC will host a joint [workshop](#) to present and discuss the framework for the SB 100 Joint Agency Report. According to the workshop notice, the “framework will be used to analyze pathways to achieving the SB 100 targets of 100 percent clean electricity by 2045,” and “[t]he results of the modeling effort and pathway tradeoffs will be assessed in the 2025 SB 100 Joint Agency Report.” Additional information, including remote and in person attendance information, is available [here](#).

RPS

On September 29, 2023, the CEC released the following via email list serve notification:

As specified by Chapter 7 of the *Renewable Portfolio Standard Eligibility Guidebook*, Ninth Edition (Revised), all load-serving entities (LSEs), including retail sellers and local publicly owned electric utilities (POUs), are required to report retirement of 2022 renewable energy credits for California’s Renewables Portfolio Standard (RPS) program to the California Energy Commission (CEC) by July 3, 2023. On June 30, 2023, due to technical challenges affecting e-Tags matching in Western Renewable Energy Generation Information System (WREGIS), the CEC Executive Director found good cause to extend the 2022 RPS annual reporting deadline for all LSEs to September 30, 2023, pursuant to Chapter 8.D.4 of the *Renewable Portfolio Standard Eligibility Guidebook*.

On September 20, 2023, the Executive Director of WREGIS notified CEC staff that the system issue persists and will not be resolved until after the September 30, 2023 annual reporting deadline. The system issue prevents certain generators from having RECs created for their RPS-eligible generation, which is necessary for LSEs to report to the CEC. **The CEC Executive Director therefore finds good cause to grant an additional extension to the 2022 RPS annual reporting deadline for all LSEs. The annual reporting deadline shall be extended to 30 calendar days after WREGIS has fully resolved the system issue and notified the CEC. A subsequent notification will be given to LSEs at that time, which will trigger the 30-day annual reporting deadline.**

This extension for LSEs applies to all REC retirements previously due by July 3, 2023 (subsequently extended to September 30, 2023), as described in the [2022 WREGIS Reporting Guidance document](#) and the additional annual reporting requirements for POU's described in the [2022 Annual Reporting Instructions for POU's](#). **LSEs that were ready to file their completed 2022 RPS annual filing by the September 30, 2023 deadline were encouraged to do so. LSEs that have already filed their completed 2022 RPS annual filing by the September 30, 2023 deadline do not need to take further action.**

(Emphasis in original.) Information regarding the foregoing is also available [here](#).

Electric Program Investment Charge (EPIC) Program

The CEC hosted a two-day event joined by the IOUs (PG&E, SCE, and SDG&E) and clean energy leaders and entrepreneurs to discuss EPIC program goals and policy innovations. The symposium was held on October 3–4, 2023. The symposium agenda and additional information are available [here](#).

Electric Vehicle (EV) Infrastructure

2023 National EV Infrastructure (NEVI) Program

On October 9, 2023, the CEC announced that its joint annual NEVI Program plan had been approved by the Federal Highway Administration. The plan includes an additional \$81.7 million in funding available to install charging stations throughout the state. California is preparing to open its first competitive solicitation for NEVI funding, which includes over \$40 million to support 291 fast charging ports at 28 sites across six corridor projects. More information is available [here](#).

Staff Proposal to Regulate EV Charging Infrastructure & Improve Reliability

On October 9, 2023, the CEC hosted a workshop to discuss newly proposed regulations for EV charging infrastructure. (The draft Staff Report is available [here](#).) Pursuant to AB 2127 and AB 2061, the CEC is required to assess biennially the number of EV chargers necessary to

support the state’s EV adoption goals, and to develop uptime recordkeeping and reporting standards to track the reliability of EV infrastructure. As proposed in the draft Staff Report, CEC regulations would require EV charging network providers, charging station operators, and site hosts to report the number, utilization, and reliability of EV chargers in California. The regulatory language proposed by CEC staff is attached to the report as Appendix A, and the proposed regulations are summarized in Chapter 5. The proposed regulations would apply to all EV chargers except those used solely for private use at a single-family house or located at a multifamily dwelling with four or fewer dwelling units, and would apply to chargers serving light-duty, medium-duty and heavy-duty EVs.

Upcoming Workshop on EV Supply Equipment (EVSE) Siting Tools

On October 26, 2023, from 10:30 a.m. to 12:00 p.m. PT, the CEC will host a workshop to debut its EVSE Deployment and Grid Evaluation (EDGE) tool that will help users identify candidate locations for deploying new EV charging infrastructure and to help prioritize behind-the-meter equipment investments. More details and remote participation information is available [here](#).

SB 643 Implementation: Hydrogen Fueling Infrastructure

On October 16, 2023, CEC staff held a staff [workshop](#) to solicit feedback on the 2023 Staff Report on Senate Bill 643 (SB 643): Clean Hydrogen Fuel Production and Refueling Infrastructure to Support Medium- and Heavy-Duty Fuel Cell Electric Vehicles and Off-Road Applications ([2023 SB 643 Staff Report](#)). According to the workshop notice, the intent of the workshop is to solicit feedback to help inform the 2023 Final Report on SB 643. Additional information is available in the workshop [notice](#).

AB 209: Draft Solicitation Concept re Distributed Hydrogen Production (Docket No. 22-ERDD-03)

The CEC is seeking comments on a [Draft Solicitation Concept](#). The Draft is focused on funding 1-5 metric ton distributed hydrogen production with onsite storage, and end use(s) projects. According to the CEC’s notice, eligible projects “are specific to hydrogen derived from water using eligible renewable energy resources, as defined in Section 399.12 of the Public Utilities Code, or produced from these eligible renewable energy resources.” Comment on the Draft Solicitation Concept are due by October 27, 2023 at 5 p.m. PT. For additional information, please visit [Docket No. 22-ERDD-03](#).

Power Source Disclosure

On September 26, 2023, the CEC held a pre-rulemaking workshop to solicit feedback on proposed changes to the Power Source Disclosure program regulations. Written comments were due to the CEC’s Docket Unit by 5:00 p.m. PT on October 24, 2023. Additional information is available [here](#) and in the rulemaking docket, [Docket No. 21-OIR-01](#).

Distributed Electricity Backup Assets (DEBA) Program

The CEC has released the [First Edition of the Proposed DEBA Program Guidelines](#) required by AB 205. According to the CEC [Notice](#), the DEBA Program is intended to “provide incentives for constructing cleaner and more efficient distributed energy assets and efficiency upgrades, maintenance, and capacity additions to existing power generators that will serve as on-call emergency supply or load reduction for the state’s electrical grid during extreme events, such as heat waves.” The CEC [considered](#) adoption of the Proposed Guidelines at the October 18, 2023 business meeting.

CEC Business Meetings

The next business meeting will be held on November 8, 2023.

CALIFORNIA AIR RESOURCES BOARD (CARB)

Meetings and Workshops

The next [Board meeting](#) will be held on October 26, 2023. At the meeting, CARB will consider adoption of the Final Draft [Community Air Protection Program Blueprint 2.0](#). The full agenda is available [here](#).

On November 2, 2023, CARB, the California Transportation Commission, and the California Department of Housing and Community Development will conduct a [joint public meeting](#). The agenda will be available 10 days prior to the meeting.

Opportunities for Public Comment

On October 5, 2023, CARB held a [public workshop](#) on updates to the California Cap-and-Trade Program and Mandatory GHG Reporting Program. Comments on the workshop may be submitted to CARB [here](#) on or before October 26, 2023.

CARB is accepting comments on the proposed 2022-2023 [Funding Plan for Clean Transportation Incentives](#). Comments may be submitted to CARB [here](#) on or before November 6, 2023.

COLORADO PUBLIC UTILITIES COMMISSION (COLORADO PUC)

The Colorado PUC will host its next Commissioners’ weekly meeting (CWM) on October 25, 2023 at 9:00 a.m. MT. The agenda includes several energy- and transportation-related items for discussion and approval on the consent agenda. Included on the discussion agenda is consideration of Public Service Company’s Phase II Distribution System Plan (DSP) Report, which was filed on August 25, 2023. The DSP report presents Public Service’s non-wire alternatives solicitation process and progress updates on several key DSP initiatives and terms of the Settlement Agreement approved through Decision No. R23-0080. The agenda also includes discussion of an application for rehearing filed by Commission Staff on the Colorado PUC’s approval of Black Hills Colorado Electric’s Alternate EV charging rate, filed in Docket No. 23A-0025E. The full CWM meeting agenda is available [here](#). The meeting, which will be held remotely, is available for online viewing [here](#).

MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)

On October 19, the MPUC met to address two topics – scoping decision for Great River Energy’s Cedar Lake Transmission Line, and changes to RES, SES and workforce reporting as part of the implementation of the carbon free by 2040 legislation that passed last session. The Commission clarified (1) which electric utilities must report under the bill, (2) which hydro facilities qualify as an “eligible energy technology,” and (3) how project workforce and labor should be reported. The Commission also directed the executive secretary to open a new comment period related to the reporting requirements for utilities that are members of municipal power agencies. Of note, there will be multiple comment periods in this docket related to other issues with implementing the new legislation, such as the definition of “carbon free,” CFS compliance and the off-ramp process. The briefing papers can be found [here](#). The Commission ordered decision options 1a (Staff Amended); Tuma 1e; 2; 3; Staff 3a; Amended 4; 5; 10; 11; 12; and 14; decision options are available [here](#). The full agenda is available [here](#).

On October 26, 2023, the MPUC will meet to address a handful of items, including Xcel Energy’s Credit payment plan proposal, a settlement proposal in the Minnesota Energy Resources Corporation general rate case, large customer electric service agreement, and utility filings related to self-commitment and self-scheduling of baseload generation facilities. The full agenda can be found [here](#).

ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

On September 6, 2023, ERCOT posted Nodal Protocol Revision Request 1199 (NPRR 1199), which seeks to implement the revisions to the Long Star Infrastructure Protection Act (LSIPA) that were passed in Senate Bill 2013 (SB 2013) on June 9, 2023. SB 2013 revises the LSIPA to require business entities to report the purchase of any critical electric grid equipment or service from a company that is either (1) headquartered in China, Iran, North Korea, Russia, or a designated country, or (2) owned by (a) individuals who are citizens of these countries or (b) companies that are themselves owned by individuals or the governments of these countries. SB 2013 also allows ERCOT to obtain criminal history records for individuals who seek employment at or access to the ERCOT systems that affect the security of the electric grid. SB 2013 requires business entities to report applicable purchases made within five years of the effective date to ERCOT.

NPRR 1199 revises Section 16.1.3 to reflect ERCOT’s ability to immediately suspend or terminate a Market Participant’s registration or access to any of ERCOT’s systems if ERCOT has a reasonable suspicion that the entity is a prohibited entity, and adds a Section 16.1.4 to establish a reporting and attestation requirement for Critical Electric Grid Equipment and Critical Electric Grid Services procurements by Market Participants and entities that seek to register as Market Participants. NPRR 1199 also adds a number of definitions to accommodate the changes to the LSIPA made in SB 2013. NPRR 1199 is currently pending and has been sent to the Protocol Revision Subcommittee for review.

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

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 (OG&E) as transmission owner. Specifically, FERC granted waiver to allow for a 28-month extension of the commercial operation deadline for Twelvemile Solar's planned 100 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, that meet certain qualifications to participate. FERC accepted, and ordered that PJM revise its Tariff on compliance to clarify that Demand Energy Resources (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 that 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.

On September 29, 2023, in [184 FERC ¶ 61,188](#), FERC accepted in part and rejected in part Arizona Public Service Company's proposed revisions to its Large Generator

Interconnection Procedures, Large Generator Interconnection Agreement, Small Generator Interconnection Procedures, and Small Generator Interconnection Agreement. These revisions result in a transition to a first-ready, first-served cluster study process. The revisions also result in changes to the commercial readiness demonstration requirements, the interconnection customer's responsibilities during suspension, and the transitional studies, among others.

On August 31, 2023, FERC issued two orders addressing Midcontinent Independent System Operator, Inc.'s (MISO) treatment of Dispatchable Intermittent Resources (*e.g.*, dispatchable wind and solar resources) in its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff). In [184 FERC ¶ 61,137](#), FERC denied a complaint filed by Solar Energy Industries Association (SEIA), which alleged that the Tariff is unjust, unreasonable, and unduly discriminatory or preferential because it prohibits wind, solar, and battery hybrid resources from providing ancillary services in the wholesale market. FERC found that SEIA failed to meet its burden under Federal Power Act Section 206. In [184 FERC ¶ 61,134](#), FERC accepted MISO's proposed revisions to its Tariff to make Dispatchable Intermittent Resources ineligible to provide the Up Ramp Capability and Down Ramp Capability products and to change the Down Ramp demand curve from \$5/MWh to \$0/MWh.