

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

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote Consistency in
Methodology and Input Assumptions in Commission
Applications of Short-run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**COMMENTS OF
THE CALIFORNIA WIND ENERGY ASSOCIATION
ON THE ALTERNATE PROPOSED DECISION
OF COMMISSIONER GRUENEICH**

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September 10, 2007

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I. INTRODUCTION

Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission"), the California Wind Energy Association ("CalWEA") hereby submits these comments on the Alternate Proposed Decision of Commissioner Grueneich in the above-captioned proceedings ("Alternate PD").

II. DISCUSSION

**A. The Commission Should Adopt An As-Available Capacity Price
That Is Based on Reasonable, Up-To-Date Assumptions.**

The record in this case is almost two years old. Both the original Administrative Law Judge's Proposed Decision ("Proposed Decision") and the Alternate PD recognize the need to update the record in this proceeding with respect to certain cost parameters that the Commission has reviewed more recently in other cases. For example, some of the capacity-related costs in the record in this case

do not reflect the significant increases in construction costs experienced in California since 2005. Fortunately, both the Proposed Decision and Alternate PD wisely consider more recent Commission decisions that have dealt with the rapid inflation of power plant construction costs in California. These decisions include the Commission's annual determination of the market price referent ("MPR") used in the Renewables Portfolio Standard ("RPS") program. The MPR is a calculation of the all-in costs of a new combined-cycle gas turbine ("CCGT") power plant in California. For example, both the Proposed Decision and Alternate PD look to the Commission's adopted values for the 2006 MPR as the starting point for determining the avoided capacity costs of firm generating capacity in California, rather than the older data on CCGT costs that was presented in the testimony in this case. CalWEA's comments on the Alternate PD focus on how the value for as-available (or as-delivered) capacity also should be updated to reflect the best available information.

B. The Alternate PD Sets As-Available Capacity Payments Using Combustion Turbine Capital Costs That Are Far Too Low.

The Proposed Decision includes an as-available capacity price of \$59 per kW-year; the Alternate PD would reduce this price to \$32.50 per kW-year. Both of these values start with TURN's annual fixed costs for a new CT, which are based on a CT capital cost of \$523 per kW and a real economic carrying charge of 9.94%.¹ TURN's CT capital cost is taken from a 2003 California Energy Commission ("SCE") study that is clearly outdated given the rapid escalation in power plant construction costs experienced in recent years.² Even though the record in this case dates from the second half of 2005, it does include more recent and more realistic data on CT capital costs than the TURN estimate that the Proposed Decision and Alternate PD would adopt. For example, the

¹ Ex. 149 (TURN/Marcus), Appendix B, Tables B-1 and B-2.

² See Draft Resolution E-4118, released August 23, 2007 in R. 06-02-012 and R. 06-05-027, at 9-11.

California Cogeneration Council's ("CCC") as-available capacity price calculation used the Commission-approved costs of the RAMCO peaker, an actual new CT that San Diego Gas & Electric ("SDG&E") purchased in 2005.³ The capital costs for the RAMCO CT were \$747 per kW.⁴ Updating this key assumption in TURN's CT cost model increases the annual CT cost for 2008 to \$96.37 per kW-year.⁵ This short-run capacity value is much more realistic given that the Commission recently increased the price that Pacific Gas & Electric ("PG&E") will offer for demand reductions in the summer of 2007, from \$84 per kW-year to \$108 per kW-year,⁶ and Southern California Edison's ("SCE") current demand response incentives are \$95.60 to \$103.40 per kW-year.⁷ If anything, the RAMCO cost of \$747 per kW is conservative given that over the past year SCE has spent more than \$1,000 per kW, at the Commission's direction, to build 250 MW of new CT peakers in its service territory.⁸ At a minimum, CalWEA submits that the Alternate PD's as-available capacity price should be based in an annual CT cost of \$96.37 per kW-year.

³ CCC/Beach, Ex. 102, at 51-52.

⁴ See Resolutions E-3896 and E-3953. Exhibit B of Attachment 5 of SDG&E's Advice Letter E-1621-E shows RAMCO's capital cost as \$34.0 million; its capacity is 45.51 MW, as stated in Resolution E-3896, at 3. $\$747/\text{kW} = \$34 \text{ million} / 45,510 \text{ kW}$.

⁵ This calculation does not change the RECC factor or the year-to-year escalation rates shown in Table B-2 of TURN's Ex. 149. As a result, the annual CT cost for 2008 shown in Column 18 of Table B-2 (\$67.47/kW) simply increases by the ratio of the CT capital costs, i.e. by $\$747/\text{kW}$ divided by $\$523/\text{kW}$.

⁶ D. 06-11-049.

⁷ Schedule E-BIP for customers taking service above 50 kV.

⁸ In August 2006, the Commission directed SCE to build 250 MW of new peaking capacity prior to the summer of 2007. See the "Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007," released August 15, 2006 in R. 06-02-013/R. 05-12-013, at 2, 5, and 6. SCE's seventh status report on these peakers, filed April 3, 2007 in R. 06-02-013 and R. 05-12-013, reported the expected cost of these units to be \$275 million, or \$1,100 per kW.

C. The Alternate PD's Adjustment for Energy Rents is Overstated.

The Alternate PD also adjusts the annual CT costs for the ancillary service and energy rents that TURN and the IOUs claim that a CT can earn. The Alternate PD's adjustment for energy rents is \$16.78 per kW-year, and is based on a proposal from SDG&E that assumes that a CT operates for at least 7.2% of the hours in a year. CalWEA believes that this adjustment for energy rents is overstated. Again, the Commission should look to record evidence on actual CT operations in California. For example, the CCC provided actual data on CT operations showing that six new CTs in California actually operated in 2004 for an average of just 66 hours per unit.⁹ This was less than 1% of all hours, far less than the 7.2% that SDG&E assumed. The CCC also calculated that, based on the CAISO's competitive market clearing price (system lambda) data for 2003, the energy rents earned by a CT are unlikely to exceed \$5 per kW-year.¹⁰ Thus, CalWEA recommends that the adjustment for energy rents should be reduced to no more than \$5 per kW-year. With such an adjustment for energy rents, the Alternate PD's as-available capacity price should be updated to \$76.55 per kW-year in 2008.¹¹

D. PG&E's Proposal to Escalate Capacity Prices Using A Relevant Cost Index Is Reasonable.

In addition, if the Commission decides to adopt an as-available capacity price based on a real economic carrying charge, escalated for inflation, as proposed by TURN, then it also needs to clarify the escalation rate that will be used to increase the as-available capacity price each year. Neither the Alternate PD nor the Proposed Decision specifies how to implement this escalation. The CCC has

⁹ Ex. 103, at 59, lines 20-21.

¹⁰ Ex. 103 (CCC/Beach), at 59-60.

¹¹ The calculation is \$96.37/kW-year in annual CT costs less \$14.82/kW-year for ancillary service revenues less \$5/kW-year in energy rents.

recommended escalation based on the Consumer Price Index.¹² In its comments on the Proposed Decision, PG&E has proposed the use of an escalator that is more specific to power plant-related costs, such as the U.S. Army Corps of Engineers power plant cost index used in the MPR model.¹³ CalWEA supports PG&E's proposal as the more accurate escalator for these costs.

E. The New Contracts Proposed in the Proposed Decision or Alternate PD Will Not Be Effective Until 2008; Thus, 2008 Capacity Values Should be Adopted.

Finally, the Proposed Decision and Alternate PD direct the Energy Division to hold a technical workshop on implementation issues 60 days from the effective date of this order. This workshop is likely to occur in late November 2007 at the earliest. Even if the process of implementing these new contracts goes smoothly (and there is unfortunately little in the history of QF contracts in California to suggest that this will occur), it is highly unlikely that the new contracts and capacity prices will be available to QFs before early 2008. As a result, CalWEA asks that the capacity prices adopted in this order be 2008 values. To the extent that the record has used 2006 or 2007 capacity values, they should be updated or escalated to 2008.

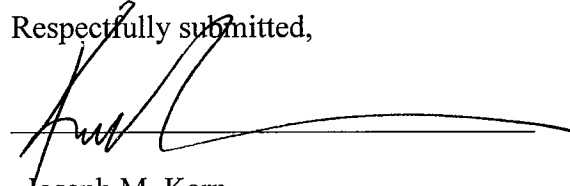
III. CONCLUSION

For the reasons set forth above, the Commission should modify the Alternate PD as stated above.

¹² CCC Opening Comments on the PROPOSED DECISION, at 23.

¹³ PG&E Reply Comments on the Proposed Decision, at 7.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JKarp', is written over a horizontal line. The signature is stylized and extends to the right of the line.

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Appendix A: Proposed Findings Of Fact And Conclusions Of Law

1. The following Findings of Fact in the Proposed Decision should be changed as set forth below:

Finding of Fact 36. Delete and replace with the following: For purposes of calculating payments for as-available capacity, it is reasonable to adopt the CT cost and real economic carrying charge rate calculations proposed by TURN as presented in Exhibit 149, Appendix B, with a higher CT capital cost of \$747 per kW as proposed by the CCC, an ancillary services adjustment as recommended by SDG&E, and an energy benefit adjustment subtracted from the adopted value as calculated by the CCC.

Finding of Fact 37. Delete the words "As-available and" so that the sentence reads "Firm capacity payments should be reduced to reflect the energy benefits adjustment proposed by SCE."


Certificate of Service

I hereby certify that I have this day served a copy of the

Comments of the California Wind Energy Association on the Alternate Proposed Decision of Commissioner Grueneich

on all known parties to R.04-04-003 and R.04-04-025 by sending a copy via electronic mail and by mailing a properly addressed copy by first-class mail with postage prepaid to each party named in the official service list without an electronic mail address.

Executed on September 10, 2007, at San Francisco, California.



Marcus Russo

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

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Filer: CPUC

List Name: LISTQFISSUES

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