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STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of: )
) Commission Business Meeting Docket
) Number: 17-BUSMTG-01
) )
) Administrative Appeal Docket Number: )
) 16-RPS-02 )
) ) RE: Petition for Correction to
) ) Commission Business Meeting
) ) Transcript of October 11, 2017 )
) ) (TN#221545)

PETITION FOR CORRECTIONS TO TRANSCRIPT OF CEC
BUSINESS MEETING HELD ON OCTOBER 11, 2017

December 15, 2017

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Petition for Corrections to Transcript of October 11, 2017 Hearing
STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of: ) Commission Business Meeting Docket
Appeal by LADWP re ) Number: 17-BUSMTG-01
RPS Certification or Eligibility ) Administrative Appeal Docket Number:
) 16-RPS-02

RE: Petition for Correction to
Commission Business Meeting
Transcript of October 11, 2017
(TN#221545)

PETITION FOR CORRECTIONS TO TRANSCRIPT OF CEC
BUSINESS MEETING HELD ON OCTOBER 11, 2017

This petition is being submitted by the undersigned individual lawyers for the Los Angeles
Department of Water and Power to make corrections to the transcript prepared from the
Commission’s October 11, 2017 business meeting in Docket No. 16-RPS-02. The petition is being
filed pursuant to California Code of Regulations Section 1105(d), which provides in pertinent part
“[a]ny person may petition the commission to correct a transcript of his own statements [and that]
such petition shall be made within sixty days after the transcript has been made available to the
public at the commission’s main office.”

The transcript was apparently docketed by the Commission on October 19, 2017 under
Docket No. 17-BUSMTG-01 (as TN#221545) but to date the transcript has not been posted or
docketed in the record for this proceeding.¹

¹ The undersigned are aware of the Commission’s August 5, 2016 General Orders Regarding
Electronic Document Formats, Electronic Filing and Service of Documents and Other
Matters filed in Docket No. 16-RPS-02 which provides that parties are responsible for
1
2. **Corrections to Transcript by Todd J. Guerrero, Kutak Rock LLP.**

Todd J. Guerrero, as counsel to LADWP and who presented on behalf of LADWP on October 11, 2017 requests that the following corrections be made with respect to the October 11, 2017 transcript:

- **Transcript at 14:24** – the word “minutes” should be changed to “minute.” The proposed corrected phrase of the sentence contained on the transcript 14:24 should read as follows:

  minute of presentation?

- **Transcript at 33:11** – the last word on line 11 “Negating” should be replaced with the words “The gating.” The proposed corrected phrase contained on the transcript at 33:11 should read as follows:

  The gating statute is . . . .

- **Transcript at 33:25** – the last word on line 25 “buzzwords” should be replaced with the word “buzzword.” The proposed corrected phrase contained on the transcript at 33:25 should read as follows:

  renewable energy resource – there’s the buzzword, . . . .

- **Transcript at 34:12** – a single quotation should be inserted after the word “resources.” The proposed corrected phrase contained on the transcript at 34:12 should read as follows:

  ‘eligible renewable energy resources’ . . . .

---

proposing corrections to transcripts within “30 days of the filing of the transcript.” The undersigned understood this to mean that the transcript would have been filed *in the actual docket number assigned to this proceeding* – i.e., Docket No. 16-RPS-02, as has been the case with all other information filed in this matter. In any event, the undersigned believe the General Orders is not inconsistent with CCR § 1105(d), particularly here, when this matter is now on appeal by writ to the Superior Court and the official Commission record has not yet been certified and sent to the court. The overarching goal is that the record be accurate and these corrections are intended to aid in that effort.
Transcript at 34:16 — single quotations should be inserted around the words “eligible renewable energy resource.” The proposed corrected phrase contained on the transcript at 34:16 should read as follows:

‘eligible renewable energy resource’ was . . .

Transcript at 34:21-22 — quotations should be inserted around the words “eligible renewable energy resource.” The proposed correct phrase contained on the transcript at 34:21-22 should read as follows:

. . . “eligible renewable energy resource, it . . .

Transcript at 34:22-23 — quotations should be inserted around the words “renewable electrical generation facility.” The proposed correct phrase contained on the transcript at 34:22-23 should read as follows:

. . . “renewable electrical generation facility.”

Transcript at 35:9 — the word “it” should be deleted. The proposed corrected phrase contained on the transcript at 35:9 should read as follows:

. . . intended to do otherwise.

Transcript at 35:21 — the word “steam” should be replaced with the word “system.” The proposed correct phrase contained on the transcript at 35:21 should read as follows:

. . . in the regulatory system.

Transcript at 35:24 — a comma should be inserted after the word “resources.” The proposed corrected phrase contained on the transcript at 35:24 should read as follows:

. . . ineligible resources, however, . . .
Transcript at 36:15 — the word “contractor” should be replaced with “contract.” The proposed corrected phrase contained on the transcript at 36:15 should read as follows:

any contract or any facility . . .

Transcript at 36:24 — after the word “appeal” a comma and the word “it” should be inserted. The proposed corrected phrase contained on the transcript at 36:24 should read as follows:

. . . while it has appeal, it has no basis . . .

Transcript at 37:5-6 — quotations should be inserted around the words “narrowly tailored.” The proposed corrected phrase contained on the transcript at 37:5-6 should read as follows:

. . . are these “narrowly tailored” exceptions.

Transcript at 37:19 — the quotation after the word “ambiguity” should be moved to the word “vague.” The proposed corrected phrase contained on the transcript at 37:19 should read as follows:

ambiguity it references a “vague reference to the rules in place” . . .

Transcript at 37:20 — the hyphen should be deleted between the words “five-bill.” The proposed corrected phrase contained on the transcript at 37:20 shall read as follows:

No less than five bill analyses . . .

Transcript at 38:1-4 — quotation marks should be inserted before the word “all” on line 1 and after the word “resources” at the end of the sentence on line 4. The proposed corrected phrase contained on the transcript 38:1-4 should read as follows:

. . . bill, “all existing . . . renewable resources.”

Petition for Corrections to Transcript of October 11, 2017 Hearing
Transcript at 38:15 – quotation marks should be inserted around the words “generalized statements.” The proposed corrected phrase contained on the transcript 38:15 should read as follows:

... “generalized statements.”

Transcript at 38:19 – a comma should be inserted after the word “stated.” The proposed corrected phrase contained on the transcript 38:19 should read as follows:

... history as mere “generalized statements.”

Transcript at 39:2 – quotation marks should be inserted around the words “vaguely worded.” The proposed corrected phrase contained on the transcript 39:2 should read as follows:

... statute is “vaguely worded” ... .

Transcript at 39:5-6 – quotation marks should be inserted around the words “generalized statements.” The proposed corrected phrase contained on the transcript 39:5-6 should read as follows:

... history is “generalized statements.”

Transcript at 39:6 – the word “the” should be inserted before the word “vague” and quotation marks should be inserted around the phrase “vague reference to rules in place,.”. The proposed corrected phrase contained on the transcript 39:6 should read as follows:

But finds the “vague reference to rules in place,” ... .

Transcript at 40:25 – a comma should be inserted after the word “it.” The proposed corrected phrase contained on the transcript 40:25 should read as follows:

... look at it, we’re facing ... .
Transcript at 41:3 — the word “a” should be deleted. The proposed corrected phrase contained on the transcript 41:3 should read as follows:

\[ \ldots talking about legislation \ldots \]

Transcript at 47:17 — the word “the” should be deleted. The proposed corrected phrase contained on the transcript 47:17 should read as follows:

\[ And with respect \ldots \]

Transcript at 47:23 — the word “pass” should be changed to “passed.” The proposed corrected phrase contained on the transcript at 47:23 should read as follows:

\[ \ldots when they passed this law \ldots \]

Transcript at 59:7 — the word MS. should be changed to “MR.” The proposed corrected phrase contained on the transcript at 59:7 should read as follows:

\[ MR. GUERRERO: \]

Transcript at 59:9 — the words “it found” should be deleted and replaced with the words “to respond.” The proposed corrected phrase contained on the transcript 59:9 should read as follows:

\[ I just want to respond very briefly \ldots \]

Transcript at 69:17 — the word “in” should be deleted. The proposed corrected phrase contained on the transcript at 69:17 should read as follows:

\[ \ldots objection to a stay. \]

Transcript at 69:18 — the word “Commission” should be added to the end of the sentence in place of “- -.” The proposed corrected phrase contained on the transcript at 69:18 should read as follows:

\[ \ldots that known to the Commission. \]
3. **Corrections to Transcript by Deputy City Attorney Jean-Claude Bertet.**

Deputy City Attorney Jean-Claude Bertet, as counsel to LADWP and who presented on behalf of LADWP on October 11, 2017, requests that the following corrections be made to the October 11, 2017 transcript:

- **Transcript at 61:15** – the word “If” should be added to the beginning of the sentence that begins on line 15, page 61. The proposed corrected phrase of the sentence contained on the transcript 61:15 should read as follows:

  *If the Legislature wanted to specify each and every contract.* . . .

- **Transcript at 62:10-11** – the sentence ending period on line 10 should be removed and, on line 11, a comma should be added after the word “program.” The proposed corrected phrase on the transcript 62:10-11 should be as follows:

  * . . . where SBX1 2 took effect and the time that Public Utilities Code section 387, voluntary program, ended.

The corrections to the transcript reflect the actual statements made by Todd J. Guerrero and Jean-Claude Bertet during the October 11, 2017 CEC Business Meeting.

For the Commission’s convenience and that of the official court reporter, the undersigned are also attaching as Exhibit 1 portions of the transcript which contain the proposed corrections identified above, in blackline format.

Dated: December 15, 2017

Respectfully submitted,

/s/ Jean-Claude Bertet

Jean-Claude Bertet
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Petition for Corrections to Transcript of October 11, 2017 Hearing
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BUSINESS MEETING
BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the Matter of: )
Business Meeting }

CALIFORNIA ENERGY COMMISSION
THE WARREN-ALQUIST STATE ENERGY BUILDING
ART ROSENFELD HEARING ROOM - FIRST FLOOR
1516 NINTH STREET
SACRAMENTO, CALIFORNIA 95814

WEDNESDAY, OCTOBER 11, 2017
10:00 A.M.

Reported by:
Peter Petty

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476
APPEARANCES

Commissioners

Robert Weisenmiller, Chair
Karen Douglas
Janae Scott
David Hochschild
Andrew McAllister

Staff Present:

Drew Bohan, Executive Director
Kourtney Vaccaro, Chief Counsel
Alana Mathews, Public Adviser
Cody Goldthrite, Secretariat
Jennifer Martin-Gallardo, Staff Counsel
Mona Badie, Staff Counsel
Michelle Chester, Staff Counsel

Agenda Item

Paul Kramer 3
Courtney Smith 3
Gabe Herrera 3
Geoff Dodson 4
Mike Monosmith 5
Shawn Pittard 6
Erik Jensen 7
Ingrid Neumann 8
David Michel 9
Sebastian Serrato 10
Gina Barkalow 11
Michael Sokol 12

Others Present (* Via WebEx)

Interested Parties

Todd Guerrero, Kutak Rock 3a
Mel Levine, LADWP 3a
Reiko Kerr, LADWP 3a
Jean-Claude Bertet, LADWP 3a
Tom Ware, Southern California Edison 5
Simon Baker, CPUC 6
Tyson Eckerle, GO-Biz 10
Gerhard H. Achtelik, Jr., CARB 10
MR. GUERRERO: Would you prefer that I stand or to just sit?

CHAIRMAN WEISENMILLER: Either way. It's up to you.

MR. GUERRERO: Thank you, Mr. Chairman, Members of the Commission. Todd Guerrero with the law firm of Kutak Rock. We don't disagree with the proposal, as Chief Counsel outlined. And I think that that's an appropriate way to proceed.

Just by way of background, we had always looked at your rule that said anybody can participate. And that's the way we had interpreted it. Out of an ounce of caution, Mr. Bertet had called Chief Counsel's Office just to make sure that we weren't misreading anything. That's when Chief Counsel cited the California Supreme Court Rule -- which we were, of course, already aware of -- 9.47 of the Court Rules.

The issue sort of became an issue, because as you know we had -- the original request or the original docket was only going to allow five minutes. And so the conversation that we were having behind the scenes was, "Well, does it make sense for me to come out for a five minute presentation?" When the Chair granted some additional time that's when we made the decision to maybe
The issues that I want to address briefly, Mr. Chairman, is we don't disagree with a lot of what we just heard with the exception of one key difference. She talked about "facilities," we're talking about "contracts." And so we want to talk about the difference between 16(d)(1) and (e)(1)(C). (phonetic) We'll respond to briefly, again, to some of the arguments made. We want to speak to the legislative history and of course, we want to talk about what we think is an appropriate resolution here.

Next slide, please. So the issue here: NegatingThe gating statute is 399.16(d)(1) and you can see what it says on this slide. It says, "Any contract originally executed prior to June 1, 2010 shall count in full" -- it doesn't say certified, it says shall count in full -- "if the renewable energy resource was eligible under the rules in place as of the date when the contract was executed." The focus is on contracts, it's not qualified by facilities and it does not talk about certification. Next slide, please.

So the second statute of course, that issue is 399.12(e)(1)(C) that grandfathers pre-June 2010 facilities, which is what Counsel spent most of her time talking about. This says, "A facility approved and adopted pursuant to former Section 387, shall be certified as an eligible renewable energy resource" -- there's the buzzwords,
eligible renewable energy resource -- "if the facility is a renewable electrical generation facility as defined in Section 25741 of the Public Resources Code." Again, this statute says nothing about contracts. And importantly, it has a qualifier. It has a qualifier, it says "if." Next slide, please.

So the Proposed Decision's interpretation of 16(d)(1) is despite the fact that there's no language limiting the statute the decision says, "The facilities must first meet" -- and their words were, "first establish," -- "a definition of 'eligible renewable energy resources' at time that the contracts were executed."

So staff's interpretation of the statute is the bottom paragraph. It says, "Any contract originally executed prior to June 1, shall count in full if the eligible renewable energy resource was eligible if the facility underlying the contract is a renewable electrical generation facility." That's the way that they've defined this statute. That's not what the statute says. Next slide, please.

It doesn't reference "eligible renewable energy resource," it doesn't reference "renewable electrical generation facility." And despite the plain language regarding the reference to contracts, the Decision finds that the Powerex contracts were supposed to meet this
Mr. Chairman, Members of the Commission, if the Legislature wanted to reference facilities, if they wanted to include the definition of renewable electrical generation facility, they knew how to do it. They did it in 16. -- or excuse me -- 12(e)(1)(C). If they wanted to do it in 16(d)(1) they could have done it. They did not. And we believe it's wrong to assume that the Legislature intended to do it otherwise.

Let me respond. Next slide please.

We heard Counsel talk about this parade of horribles, this parade of unintended consequences of what's going to happen if despite what the statute says we're going to -- for gosh sake, we're going to let the POUs be bound by their own rules. This is the Hoover Dam argument, among others.

If the Legislature intended to grandfather all POU contracts then any resource, no matter how incongruent, could count toward a POU's RPS. This is the 44 different sets or the 21 different sets of rules that will lead to this so-called chaos in the regulatory system. The conclusion that staff has made is that the interpretation that our rules in place, refers to our own rules will lead to this patchwork of ineligible resources, however, does not play out in the real world. Next slide, please.
First, all of the other POUs resources have been verified one way or the other. Thus, there is no concern about 44 different sets of rules. The issue is limited here to DWP and DWP only.

Second, the mention in their staff comments about well, they could get the contracts or facilities approved over 30 megawatts, when the RPS never contemplated that.

We did get aqueduct facilities approved under a different statute, which were 40 megawatts. That's 399.12(e)(1)(A), which specifically refers to facilities operated as part of a water supply or conveyance system. We got those approved under 12 -- by this Commission -- under 12, but not under 16.

Third, the idea that we're somehow going to bring any contract or any facility forward, we think is not credible. I think you need to give the POUs a little bit more credit than that. They're not going to bring contracts or facilities that are not renewable, certainly, not renewable under our own rules when the contracts and facilities were entered into.

So the conclusion, Mr. Chairman, that there's going to be this patchwork of unintended consequences, there's going to be this patchwork of different regulations, while it has appeal, it has no basis in either fact or reality.
And let me talk about very briefly, staff's comments about the narrowly tailored exceptions that they raise in their comments and that she raised here. I urge you to go look at 399.30(g), (h), (i), (j), (k) and (l). Those are the statutes that staff says are these "narrowly tailored" exceptions. And why would we have these exceptions if all rules or if all contracts were intended to be grandfathered? Those statutes look forward, they do not look back. The question here is whether or not the statute allows, as it specifically says, "contracts to be grandfathered."

Let me talk briefly about the legislative history. Next slide -- thank you.

Reading it clear on its face, that the statute speaks to contracts, not facilities, we think there's a clear distinction. But if you believe -- Mr. Chairman and members of this Commission believe there's ambiguity, which the Proposed Decision specifically states there's ambiguity it references a "vague reference to rules in place" among others. No less than five-bill analyses indicate that the Legislature intended to approve or grandfather pre-June 2010 contracts. Those are the committees. We've referenced them in our comments. The next slide, please?

And let me just give you an example. Under the
bill, "all existing renewable energy contracts signed by June 1, 2010 would be grandfathered into the program. Going forward, new renewable energy contracts must meet the loading order that categorizes renewable resources." To finesse a transition from the 20 percent to 33 percent, SBX12 grandfathered all RPS contracts entered into prior to June 1st, and provided that those contracts will count in full. Next slide please. Thank you.

We submit, Mr. Chairman and members of this Commission, that the history is very clear and that the Legislature understood at the time what it was voting on. It's hard to imagine how much more clear legislative history could get, and yet the Proposed Decision -- respectfully, Mr. Chair -- bewilderingly refers to this legislative history as mere "generalized statements."

And I want to juxtapose that finding, Mr. Chairman, to the finding in the Proposed Decision with respect to the retroactive impact of the law. As Mr. Levine had stated, absent an express provision of the law, all laws are presumed to be prospective in nature; that is, going forward. There is absolutely no express statement anywhere in SBX12 intended to have retroactive impact. There is no express provision that we were supposed to be bound by rules to which we were specifically exempt.
Indeed, as I mentioned the Proposed Decision states that the statute is "vaguely worded" -- page 14 -- of the rules in place of the Proposed Decision. And yet -- and yet, Mr. Chairman, the Proposed Decision finds what we submit as clear legislative history is "generalized statements." But finds the "vague reference to rules in place," specifically refers to the Commission's Guidebooks rules and not the POU rules. We submit respectfully that that is difficult if not impossible to reconcile. Next slide please. Thank you.

Putting aside the points that we've raised we think we are here as friends, as somebody that supports the efforts of this Commission and many other bodies that are trying to do the right thing in terms of energy policy in this state and country.

This proposal talks about our obligations ending -- excuse me, the Proposed Decision talks about our obligations ending on December 10th, which is the effective date of the statute, and beginning anew thereafter. As Mr. Levine mentioned this, the Proposed Decision specifically states that SBX1 2 and its constituent statutes were prospective in operation and effect.

The issue here, our contract terminated on December 31st, 2011. Compliance Period One started in January of 2011 and went to 2013. What we're talking about
10 minutes that you have reserved. And so you split it up
however you deem fit.

3 MR. GUERRERO: It sounds like I think we've
4 actually have probably expended close to our allotted time,
5 so we'll make this very brief.

6 Again, Mr. Chairman, Members of this Commission,
7 what we're looking for is a resolution that makes sense.
8 We don't want to have to pay $22 million in penalties for
9 energy that was bought in 2007 under a contract that L.A.
10 citizens committed up to $186 million when they thought it
11 was going to be renewable energy, when it was renewable
12 energy under their rules, no question.

13 And so, what we want to do is to find a way to
14 make sense of this in a way that doesn't impose retroactive
15 penalties on citizens that made a good decision at the time
16 under rules to which they were specifically bound.

17 And with the respect to -- I know there's a lot
18 of statutes being thrown around -- the Legislature
19 sometimes doesn't do things that make sense. Sometimes
20 they do things, because somebody wants something and
21 somebody else wants something here and somebody else wants
22 something there. And that's the way it goes. But the
23 reality is, is that when they passed this law we submit
24 respectfully that they knew that there was a $186 million
25 contract out there that people relied on, in good faith.
And I'll just say as a last -- your point has been well taken that the verification and the RPS enforcement process are long processes.

MS. VACCARO: And just for clarification of the record, it's Mr. Guerrero who's representing LADWP.

COMMISSIONER DOUGLAS: I apologize.

MSR. GUERRERO: Thank you, Counsel, Mr. Chair, Ms. Commissioner.

I just want it found to respond very briefly, we're not here to threaten litigation. That's not -- politely or not politely that's not our purpose here. I think that the real purpose is, is that as Commissioner Douglas indicated, there are some real unknowns here with the transition and the adoption of new statutes and adoption of new rules. And I think to suggest that we're sort of threatening litigation to get a stay or an answer is sort of making de minimis of our real interests. And that is we don't think it makes sense, as the Commissioner suggested, that we make -- that anybody makes decisions in the vacuum.

And right now, what we understood the case to be is that if this Commission is going to adopt a Proposed Decision then we have a real vacuum. And that was the purpose of the inquiry.

CHAIRMAN WEISENMILLER: Thanks for that clarification. Again, I'm going to let my other
So just to understand the basic of our argument, you have facilities on the one hand and you have a statutory scheme that addresses the facilities. And you have facilities that spent a lot of money and municipal entities expect those facilities to last generations, lifetimes. And you have facilities with biomethane that was built many years ago.

On the other hand you have contracts. And so contracts are limited in time, duration and scope. So you have a Powerex contract that's for five years or just under five years, for a limited amount of time and limited amount of energy. And so that's, in essence why the Department didn't apply for certification. It didn't own these facilities. And there's a statutory scheme within SBX1 that addresses all contracts. If the Legislature wanted to specify each and every contract it could do so, but why would it ever do that?

But when you look at facilities, facilities are these enormous facilities, generation facilities, and there's just an enormous amount of resources spent to build them. So it makes sense to identify them out. The Department of Water and Power has its aqueduct facilities that were built in the 1920s. And so it makes sense to identify those out.

But a contract limited in duration and time? It
There is the one year of our contract, the last year of our contract and not even the full year. We're talking about January 1 to December 9th when our contract was still in effect; we'll write off the remaining 21 days of the month. But we think that you have the authority, Mr. Chairman, despite the language in the Proposed Decision about this that you don't have the authority, because it refers to Division 15 -- which Division 15 of course is your enabling legislation that gives you all authority to act and interpret any statute whatsoever.

Nor is it prudent to suggest in quasi-judicial proceeding that somehow this body doesn't have the inherent judicial or equitable powers to find a resolution that makes sense for both parties. And so we would suggest that it makes a lot of sense under the circumstances, Mr. Chairman, that we be allowed to count the 400,000-plus RECs that are at issue in this proceeding. And those are the only RECs that are an issue. And with that, next slide please.

I want to just finish again, with a thought about this compliance versus non-compliance, which I raised earlier, Mr. Chairman. And that is we are -- this is not intended to be an adverse position on ours, it's intended to be, we don't really know. And our concern is that we're facing -- the way we look at it, we're facing a very
1 substantial penalty for energy that we bought in 2007 in
good faith under rules that we were specifically bound to.
And now we're talking about a legislation that was four
years later. And now we're talking about a decision ten
years later.

And so, we think under the circumstances that we
are entitled to know exactly what we're looking at. And we
think that there's an opportunity to get something worked
out if the previous position of this Commission is to go
ahead and issue the Proposed Decision. Which, I think, for
reasons that I raised earlier should give you pause,
because we think that there are some faults in the logic
there.

But if this Committee -- or excuse me, Commission
is looking at moving forward we think a stay or a stay-like
mechanism would be an appropriate mechanism. So that the
parties can determine whether or not we're looking at
penalties before we have to take a very expensive, very
costly, very protracted litigation that just takes
resources that are otherwise could and should be used on
more productive endeavors.

And with that, I'm happy to answer any questions,
Mr. Chairman.

CHAIRMAN WEISENMILLER: Okay, thank you.
I'll go back to the staff's response.
I would like to thank LADWP for its thoughtful engagement in this process. Certainly, we have developed a very deep working relationship, given the Aliso Canyon matters. Indeed, looking at continuing developments or recent developments there I think we're going to have a very, very deep relationship this winter.

And I also appreciate the opportunity to work together going forward, as we move towards reducing California's greenhouse gas emissions. And we appreciate LADWP's activities and forcefulness in pursuing renewables at this stage.

So certainly if you want to make a comment now.

MR. GUERRERO: Thank you, Mr. Chairman. My comment was going to be that prior to the Commission taking the bench, we had discussed with staff that staff was not in disagreement and had no objection to a stay. And so, I wanted to make that known to the Commission.

CHAIR WEISENMILLER: I'm sorry, but we do not agree with staff on that issue. We discussed it thoroughly, as I said.

We certainly encourage you to work with them promptly on the verification issues and see how far we can get on resolving questions and move forward. But we're certainly not prepared to stay at this time.