

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider  
Streamlining Interconnection of Distributed  
Energy Resources and Improvements to Rule 21.

Rulemaking 17-07-007  
(Filed July 13, 2017)

**COMMENTS OF THE INTERSTATE RENEWABLE ENERGY COUNCIL  
ON DRAFT RESOLUTION E-5296**

DATED: February 21, 2024

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**I. Introduction and Summary**

On January 22, 2024, the Energy Division issued Draft Resolution E-5296 (Draft Resolution) addressing Pacific Gas and Electric Company (PG&E) Advice Letters (AL) 6816-E, 6816-E-A, 6929-E and 6929-E-A, Southern California Edison Company (SCE) ALs 4941-E, 4941-E-A, 5025-E, 5025-E-A and 5025-E-B, and San Diego Gas & Electric Company (SDG&E) ALs 4138-E, 4138-E-A and 4215-E, concerning implementation of Limited Generation Profiles (LGPs), and requested comments by February 21, 2024. Pursuant to Rule 14.5, the Interstate Renewable Energy Council, Inc. (IREC) hereby submits these comments.

This proceeding opened in 2017 and the parties have developed a lengthy and complete record that includes working group reports, workshops, comments on rulings, comments on proposed decisions, advice letters, protests, replies to protests, and now, comments on this Draft Resolution. IREC is appreciative of all the collaborative work that has gone into development of the LGP concept and is hopeful that this effort will lead to a groundbreaking new way of approaching interconnection of Distributed Energy Resources (DERs) that are responsive to grid conditions while also avoiding unnecessary grid upgrades. In large part, IREC supports the direction of the Draft Resolution, though we have identified a couple of critical items that need

to be revised in order to assure a smooth and functional implementation. The following comments are organized according to the Disposition numbers identified in the draft resolution.

The key changes IREC recommends are as follows:

- Eliminating the legal error introduced by allowing an exemption for curtailment of LGPs that does not align with the Draft Resolution’s other findings on disparate treatment and cost causation.
- Establishment of a procedural vehicle for evaluation of how well the LGP is working after one year of use in practice.
- Requiring all process- and reporting-related language to be adopted into Rule 21 via an advice letter that ensures tariff language aligns with the findings in the Draft Resolution.
- Creating a pathway for adoption of concrete requirements for the use of relays to perform the scheduling function if efforts at mutual agreement fail.
- Adoption of customized 24 value profiles that align with Time of Use rates, other pricing signals, and site-specific grid constraints.

**II. Disposition #3, #4, and #5: The Draft Resolution Fails to Justify the Creation of an Exception that Would Allow for Permanent Curtailment of Only LGP Projects.**

In Disposition #3 the Draft Resolution makes the finding that: “the IOUs have failed to show that LGP projects constitute a fundamentally different risk to the distribution grid than conventionally interconnected projects. And we find that such fundamentally different risk *would be the only rationale* for justifying disparate treatment.”<sup>1</sup> In Disposition #5 the Draft Resolution “affirm[s] that cost causation principles are not changed. Indeed, any changes are outside the

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<sup>1</sup> Draft Resolution at 34 (emphasis added).

scope of a resolution and must be addressed within a formal proceeding.”<sup>2</sup> And yet, without any evidence or a finding of a fundamentally different risk that would justify discriminatory treatment, the Draft Resolution goes ahead and changes the cost causation principle and adopts a sweeping exception that could allow the utilities to permanently curtail an LGP project in Disposition #4. Specifically, the Draft Resolution would permit a utility to seek a “tariff deviation” in the case of “exceptional circumstances” “if they believe that undertaking an upgrade is not a reasonable use of ratepayer funds or is unreasonably costly in a particular case.”<sup>3</sup> This exception is crafted *only to apply to LGP projects*, though it is entirely, if not equally, possible that a sustained load reduction could trigger grid upgrades even where no LGP project exists. This exception is a clear legal error that is undermined by the other explicit findings in the Draft Resolution.

IREC appreciates the Energy Division’s careful consideration of the record and the work done to substantially narrow the number of cases wherein a customer would be curtailed for circumstances that are unpredictable and not within their control. Nonetheless, the remaining exception could still impose a significant hurdle to financing. The Energy Division expressed dissatisfaction with the record on whether post-interconnection curtailment would be a barrier to obtaining financing, but it is not a stretch for the Commission to reach the logical conclusion that it is going to be difficult to finance the construction of the additional capacity enabled by the LGP if there is unquantified risk, beyond the developer’s control, that the entire additional value could be eliminated. This exception is understandably designed to protect ratepayers broadly, but in doing so places all of the burden on the shoulders of individual projects that

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<sup>2</sup> *Id.* at 44.

<sup>3</sup> *Id.* at 43.

interconnected with an LGP. IREC worries that if this exception remains, use of the LGP may be limited to narrow circumstances where utilization of the additional capacity enabled by the LGP is not necessary to enable the project as a whole to pencil out.

Thus, IREC urges the Commission to reconsider this exception and instead adopt a triggering threshold whereby the utilities can seek reconsideration of the policy if this “exceptional circumstance” does occur, but not allow it to permanently curtail the project in question without some measure of compensation for lost revenue. The Commission and parties have spent over five years on LGP development and it would be unfortunate for the Commission to adopt a policy that in the end is largely unusable except only in limited cases. It is a mistake to think of the LGP as only benefitting the customer or project developer. The real reason to allow, and indeed encourage, projects to use the LGP is that California needs additional capacity during critical times of the day and year. If the Commission does not align interconnection policy with this goal, then ratepayers will be stuck paying even higher rates for power during those periods to offset the unnecessary grid upgrade costs that will be incurred.

Finally, since the LGP is a new concept with numerous complex aspects that will need to be tested in practice, IREC recommends the Commission require the Energy Division to host a workshop on LGP implementation one year after the program is implemented. This workshop would provide an opportunity to evaluate whether projects are using the LGP, and if not, why, and to explore any significant hurdles to its use, as well as potential improvements. If improvements are needed, the utilities should be required to file an advice letter within 4 months of the workshop outlining the changes they, and other parties, recommend be adopted. If the Commission fails to provide a concrete avenue for evaluation of whether the LGP is functioning properly, the many years of effort could be wasted as there will be no clear opportunity for

parties to suggest modifications to ensure it can be used. IREC is hopeful that the LGP will be useable and even popular with the changes recommended herein, but recognizes that something this innovative and complex may require refinements to ensure optimal utilization and thus urges the Commission to provide an avenue for that discussion.

### **III. Disposition #7: Clarifications are Required to Appendix C Language**

Ordering Paragraph 3 of the Draft Resolution adopts the modified process language contained in Appendix C. However, it is unclear how that process is to be adopted as the Ordering Paragraph does not specify a deadline for filing an advice letter or another pathway for integration into the Rule 21 tariffs. As noted below in section VII on the Appendix F language, the process outlined identifies important procedures that will significantly impact a project's development and implementation and should be adopted as tariff language. As this language stands in for section 5.b of Appendix F, it should be included in the same Tier 2 advice letter as IREC proposes for the Appendix F language.

Additionally, some of the language in Appendix C is not fully clear on how the LGP is treated when upgrades are performed to restore LGP values to those in the facility's interconnection agreement. The Commission should consider the following language revisions to step 3.a to clarify that the original LGP values are restored, rather than a new LGP designed around the updated capacity.

Once the upgrades are operational, the Utility will provide the LGP customer with ~~a new~~ the original LGP in the interconnection agreement reflecting the hosting capacity made available by the upgrades.

### **IV. Disposition #8: The Reporting Requirements Contain Language that Does Not Align with the Remainder of the Draft Resolution's Findings**

The Draft Resolution adopts a streamlined set of reporting requirements related to the LGP and specifies the items that must be tracked and reported on in Appendix E. Those

requirements mention multiple times the concept of the LGP values being fully or only “partially” restored. This language stands out because—based on IREC’s understanding from reading the rest of the Draft Resolution—the utilities are required to fully restore a client’s LGP in all cases *except* where they seek a tariff deviation. It may be the case that the LGP values can first be partially restored with initial mitigations and then that full restoration could take more time if more significant work is required and there may be value in reporting on those differences. However, the Commission should ensure that these reporting requirements do not introduce unnecessary ambiguity into what is required in terms of restoration.

**V. Disposition #12: The Proposed Tariff Language Needs Revision to Align with Current Understanding of the Scheduling Function**

Since the last comments were filed regarding implementation of the LGP, UL has taken a different track for including Power Control System (PCS) tests in a standard. Rather than creating a new Supplement SE to UL 1741, UL has published UL 3141, Outline of Investigation for Power Control Systems. An Outline of Investigation generally precedes technical committee formation and adoption through the consensus process. The scheduling components for PCS are planned for inclusion in UL 3141. Thus, when advice letters are filed in compliance with ordering paragraph 2, the Mm5 language should reflect use of this standard. Note that the UL PCS Certification Requirements Decision (CRD) is still applicable, though it was revised on January 18, 2024 to simply point to UL 3141. The new standard was created since it is also applicable to load control aspects that would not be certified under UL 1741.<sup>4</sup>

The Draft Resolution rejects IREC’s suggestion that the language in new Mm5 Option 12 make clear that the Power Control System be certified to implement the “schedule configuration”

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<sup>4</sup> As an aside, this will likely make UL 3141 important for the application of any envisioned “Limited Load Profile.”



(referred to as “LGP configuration” in the Draft Resolution). IREC does not understand the reasoning provided. To clarify, the language that is proposed currently would allow any PCS that has been certified to control export under the scheduling standard to perform the scheduling function regardless of its capability to support the specific requested LGP configuration. IREC doubts that this is what the utilities or the Commission intends. PCS tested under UL 3141 may not necessarily be required to be tested to perform according to any minimum configuration requirements. For example, a PCS may only support an LGP configuration with twelve values per year, or only support up to six values per day. Depending on the LGP configuration chosen, that PCS may not have been certified to allow the LGP values requested in the interconnection application to actually be programmed in the final installation. This is why IREC recommends once again making it clear that the PCS must be certified *for the requested LGP configuration*. We again recommend the following language: “Use a PCS that is certified to implement the Limited Generation Profile configuration request in the Interconnection Request.” We have replaced “schedule configuration” with the term “Limited Generation Profile configuration” used in the Draft Resolution. Having this language would prompt the UL 3141 working group to ensure configuration capabilities are tested and easily verifiable, such as through standardized references in the PCS operating manual.

Finally, for compliance with standard drafting norms, the term “sustained load reduction” should be capitalized in section D.9.b since the Draft Resolution also makes it a defined term.

**VI. Disposition #14: The Commission should provide concrete procedural steps to identify and allow the use of relays to perform schedules.**

The Draft Resolution declines to provide a clear pathway for incorporation of the use of relays to perform the scheduling function for the LGP, instead it indicates that this option is

available by mutual agreement with the utility.<sup>5</sup> In light of the concerns that the utilities raised, IREC is concerned that it may be difficult for an individual developer to obtain that agreement. IREC thus recommends the Commission provide for a specific pathway for further development of the relay option through the Smart Inverter Working Group (SIWG) if it turns out that obtaining mutual agreement is not possible. The Commission should require the Energy Division to scope discussion of the relay option into the SIWG, upon request from a utility or other stakeholder, and require the SIWG to develop requirements for relay use. If the SIWG cannot align on requirements that can be implemented without tariff changes, the Commission should include discussion of this in the one-year follow-up recommended above in section II to decide on next steps. Again, it may be that the PCS option works adequately and the relay option is thus not required for certain projects, but the Commission should create an express pathway for further consideration if a party is interested in pursuing this option and cannot successfully get mutual agreement with the utility.

**VII. Disposition #17 and #18: The process in Appendix F must be incorporated into Rule 21 and the language must be revised to match what the draft resolution actually orders.**

The Draft Resolution proposes to adopt the process proposed by the utilities (set forth in Appendix F) for implementing the LGP option without changes. However, the process proposed by the utilities needs to be revised to comport with the other policies adopted by the Draft Resolution. In addition, the Draft Resolution does not make clear how this process is supposed to be adopted. The process outlined identifies important procedures that will significantly impact a project's development and implementation and should be adopted as tariff language. IREC thus recommends that the Commission specify that the utilities should propose tariff language for this

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<sup>5</sup> Draft Resolution at 62.

process and submit it in the same Tier 2 advice letter it requires for the Appendix B language.<sup>6</sup> That advice letter is to be filed within 60 days of formal adoption of the UL scheduling standard. This would provide the Commission sufficient time to review and approve or modify the tariff language prior to the final implementation deadline nine months after the scheduling standard is complete. If the Commission decides for some reason that this important process language should not be included in the Rule 21 tariff, it should provide clear direction on where the process is to be posted and make clear that an advice letter must be filed if the utilities later want to make changes to that process.

In terms of the specific process proposed, the Commission should require the following revisions to the Appendix F language. The current language references only monthly LGP values which is in conflict with the 24-value LGP options that the Draft Resolution adopts in Disposition #20.

“1.b. The Customer should examine the downloaded ICA-SG profile to identify the ~~monthly~~ minimum ICA-SG values from the ICA-SG profile that align with the Limited Generation Profile configuration the Customer seeks to utilize.”

“1.c. The Customer shall determine the ~~monthly~~ Limited Generation Profile values to not exceed 90% of the minimum ICA-SG values as determined in (b). The format for submitting the ~~monthly~~ Limited Generation Profile values requires populating a profile that contains 24 values per month (~~where all hourly values for a given month are the same~~) for each of the 12 months, totaling 288 data points (~~12 unique data points across the year~~). During operation of the Customer’s generator, the Limited Generation Profile value for each hour will depend on the Limited Generation Profile configuration selected by the Customer. each month’s Limited Generation Profile value will apply to all hours of that month.”

“3.d. “[IOU] will evaluate the most updated ICA-SG profile and determine if the requested export values are at or below 90% of ~~each month~~ the minimum ICA- SG value for each of the 12 months-specific time period.”

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<sup>6</sup> Draft Resolution, Ordering Paragraph 2.

i. If the export request for each ~~of the 12-months-specific time period~~ is at or below 90% of ~~each month's the time period's~~ minimum ICA-SG value, then the project can continue with its evaluation.

ii. If all Initial Review screens (A-L) are met including 3(e)(i) (all requested values are below 90% of each ~~month's-time period's~~ ICA values), then the project would pass Fast Track.

iii. If the export request for one or more of the ~~12-months-specific time periods~~ is not at or below 90% of the specific ~~month's-time period's~~ minimum ICA-SG value, the project will fail Initial Review. [IOU] will inform the Customer via e-mail to the customer and offer an optional review results meeting. Customer will have 5 Business Days (BD) after the notification, or after the optional result reviews meeting to update their proposed limited generation profile such that all ~~monthly~~ values are at or below 90% of the ICA-SG values.

i.v If the Customer responds with a conforming export request, the Customer's queue position will not change. The update to the LGP values should abide by the existing material modification criteria in section F.2.b of Rule 21, with the exception that when the project fails Screen M due to the [IOU] finding the ICA values are outdated then the LGP project is exempted from the 20% reduction limit.

v. If the Customer does not respond within 5 BD of the notification or the Optional Initial Review Results Meeting, [IOU] will proceed to evaluate the project using full nameplate without ~~monthly~~ limits, and the Customer will be responsible for the costs of any distribution upgrades necessary to allow interconnection at the generator's full nameplate value. The Customer's queue position will not change.

Section 1.d references an IOU-provided list of UL-certified PCS. It has not been made clear when or how that list will be developed or where it will be located. The Commission should require the utilities to identify how this list will be created and where it will be located and to specify this information in the advice letter. In addition, section 2.c.i states: "The Underwriters Laboratories Power Control Systems (UL PCS) standard for this type of application may not have been approved at the time the Customer submits its interconnection request in which case there would be no certified control system information to provide. When certification information becomes available, [IOU] will maintain a list of UL-certified PCS that Customers can select from during the application process." As shown above, the Draft Resolution will not

require implementation of the LGP until the UL standard is published, thus section 2.c.i should be struck in its entirety.

Section 4 references the need to update the interconnection agreements to reflect the operational requirements of the LGP. Since interconnection agreements are adopted as part of Rule 21, the Commission should require the utilities to update these agreements and file them in the advice letter with the process language, as mentioned above, 60 days after the UL standard is complete.

Finally, section 5.b of the proposed process references the “earlier Advice Letters” and the process for addressing changes to grid conditions. This section should now be struck in its entirety. As described in section III, the content of Appendix C would stand in its stead.

**VIII. Disposition #20: The Commission should allow a 24-value profile that uses customer defined blocks to align with rates and the LGP.**

IREC appreciates the Commission’s careful consideration of the number of values to allow an LGP to specify, and the considerable analysis the IOUs and Commission undertook to inform the answer. IREC is pleased with the specification of 24 values and we believe the three LGP configuration options will give considerably more flexibility to meet demand when needed and make more efficient use of deployed DER, compared to 12 values. However, we note that the three LGP configurations were somewhat arbitrary in design, and constrained to some extent to simplify analysis for comparison with other options, rather than being deliberately designed for the most benefit and alignment with other Commission policies.

The IOUs’ final analysis, guided by the Commission’s data requests, did not consider all 24-value LGP configurations. However, in PG&E’s earlier analysis, for instance, the “16\_21fixed,” “16\_23fixed,” and “Every12H” configurations performed similarly to the “18\_23fixed.” Along with the “24-hourly” and “Block” configurations, a fairly wide variety of

24-value configurations have been analyzed in terms of various potential hourly periods and recurrence. Analyses provided so far have contained minimum time periods with one hour, four hours, six hours, eight hours and twelve hours. Though we do not have a mathematical or system-wide analysis, it is reasonable with objective judgement to presume that variations on the length of time periods and recurrence would not significantly increase safety and reliability risks. Where potential risk might be increased by changing values more frequently in one time period, this would be balanced by a likely decrease in risk in other time periods, since only 24 total values would be allowed. While it is infeasible to analyze every potential 24-value configuration, we can infer that the randomized nature of sustained load reductions, combined with customized LGPs that could arise from the ICA values in different areas of a service territory, serving different purposes (i.e., individual financial analyses and use cases for each facility), and applied to different system sizes, would not result in wildly different risk levels compared to those configurations already analyzed.

In light of this, the Commission should allow more flexibility in the definition of the 24 values so that customers can design systems around the Time of Use (TOU) rates, Net Billing Tariff, and other price signals that the Commission has already established. For example, none of the fixed 24-value options that the Draft Resolution adopts is aligned with the TOU periods currently in place. The TOU periods vary by utility and are designed to align with the peak energy demand in that territory. For example, in SDG&E's territory there are various different TOU rate plans with different on-peak, off-peak, and super off-peak periods. Those plans generally have an on-peak period from 4 to 9 pm, while the 24 hour block profile the Draft Resolution adopted would only allow a schedule that changes at 5 pm.<sup>7</sup> PG&E also has peak

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<sup>7</sup> See, <https://www.sdge.com/residential/pricing-plans/about-our-pricing-plans/whenmatters>

pricing periods that run from either 4 to 9 pm or 5 to 8 pm.<sup>8</sup> SCE has plans from 4 to 9 pm and 5 to 8 pm.<sup>9</sup> Constraining projects to a block schedule that does not align well with the TOU plans is unproductive and would make it more difficult to achieve the benefits of having an LGP that aligns with the periods the rate schedules indicate are when the energy production is needed most. Furthermore, while the Commission has yet to issue a decision in the Community Solar proceeding (A. 22-05-022), it is worth noting that the Commission may similarly incent exports during specific time periods and seasons if it moves forward with a program and that it would be helpful to allow those projects to design LGPs that align with those incentives.

To ensure optimal production, increases in power output are likely to be needed at different times of the day, depending on the rates and load profile of an individual system. Allowing a customer to define the start and end times of hourly or seasonal time periods would allow them to maximize investment, as well as better tailor the power production to the specific grid location. Fixing the start and end times of these periods to arbitrary points is unlikely to maximize use of available hosting capacity, maximize power output from LGP projects, or maximize aggregate annual energy output from LGP projects – stated goals of the Draft Resolution.<sup>10</sup> The Commission should revise the Draft Resolution to allow for customized 24 value profiles.

## **IX. Conclusion**

IREC applauds the Commission for its leadership in moving the Limited Generation Profiles concept forward. It has long been recognized that DERs have the capability to respond

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<sup>8</sup> See, <https://www.pge.com/en/account/rate-plans/find-your-best-rate-plan/time-of-use-rate-plans.html>

<sup>9</sup> See, <https://www.sce.com/residential/rates/Time-Of-Use-Residential-Rate-Plans>

<sup>10</sup> Draft Resolution at 81.

to grid conditions at their point of interconnection. The Commission has been working hard in other proceedings to adopt rates and policies that encourage DERs to optimize energy output during peak periods, but to date the interconnection process has not been aligned with these other policy changes. Adoption of the LGP will finally take the first step toward aligning interconnection policy with the Commission's other efforts. The Draft Resolution brings this concept closer to reality. With the changes recommended above, IREC is optimistic that DERs will be able to better respond to Commission policy while also minimizing the need for interconnection upgrades, resulting in a net win for ratepayers and interconnection applicants.

DATED: February 21, 2024

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**CERTIFICATE OF SERVICE FOR  
COMMENTS OF THE INTERSTATE RENEWABLE ENERGY COUNCIL  
ON DRAFT RESOLUTION E-5296**

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**CERTIFICATE OF SERVICE**

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 396 Hayes Street, San Francisco, California, 94102.

On February 21, 2024, I served true and correct copies of:

**COMMENTS OF THE INTERSTATE RENEWABLE ENERGY COUNCIL  
ON DRAFT RESOLUTION E-5296**

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I certify and declare under penalty of perjury under the laws of the State of California that  
the foregoing is true and correct.

Executed in Union City, California on February 21, 2024.

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\_\_\_\_\_  
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