



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

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Appeal of Western Community Energy to Citation No. E-4195-0099, issued on February 9, 2021, by the Consumer Protection and Enforcement Division.

**NOTICE OF APPEAL OF WESTERN COMMUNITY ENERGY  
FROM CITATION NO. E-4195-0099**

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March 11, 2021

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Appeal of Western Community Energy to Citation No. E-4195-0099, issued on February 9, 2021, by the Consumer Protection and Enforcement Division.

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Pursuant to Resolution ALJ-377 and Resolution E-4195, Western Community Energy (“WCE”) hereby provides notice of appeal and its request to submit testimony and for an evidentiary hearing concerning Citation E-4195-0099 (“Citation”). The California Public Utilities Commission’s (“Commission”) Consumer Protection and Enforcement Division (“CPED”) issued the Citation on February 9, 2021 regarding WCE’s November 2, 2020 Year-Ahead Resource Adequacy (“YARA”) submission. This notice has been submitted to the Commission within 30 days from the Citation’s issuance and is timely filed within 30 days on March 11, 2021.

WCE respectfully requests the Commission dismiss its Citation on the grounds, among other things, that it was impossible for WCE to comply with its final 2021 year ahead resource adequacy (“RA”) allocation by the respective final (Nov. 2, 2020) and re-filing deadlines (Jan. 11, 2021). As described herein, WCE experienced procurement circumstances specific to the community choice aggregator (“CCA”) stemming from historical usage data errors, delays in program launch that were outside its control, contractual disputes, and as a new market entrant and small retail seller, impacts from a tightening market where RA was unavailable for purchase at any price. WCE sought to procure RA at all times possible and at any price available, even

past the Commission's deadlines up to the month of this filing. These circumstances were particular to WCE who was uniquely impacted. In addition, WCE encourages the Commission to also consider its policy discretion in this area to dismiss the Citation or reduce the penalties, including consideration of WCE's new LSE status and size, among other factors.

## **I. FACTUAL BACKGROUND**

WCE is a California joint powers authority formed pursuant to the Joint Exercise of Powers Act (Cal. Gov. Code § 6500 *et seq.*) and located within the geographic boundaries of western Riverside County. WCE was formed on August 23, 2018 for the purpose of implementing community choice aggregation in the member cities of Eastvale, Hemet, Jurupa Valley, Norco, Perris, Canyon Lake, and Wildomar. WCE is a new CCA and market entrant that began serving load in April and May of 2020. It is considered a small retail seller consisting of 115,000 accounts with an annual load of 1,575 GWh.

WCE submitted its Implementation Plan and Statement of Intent to the Commission on December 20, 2018 with an anticipated launch date of April 2020. WCE had provided the anticipated launch date to the Commission and SCE through informal discussion as early as March 2018. WCE began evaluating its RA market options and intended to begin procuring RA in the summer of 2019 to satisfy its 2020 YARA and three-year forward obligation for local RA. On March 7, 2019, however, SCE notified WCE through the meet and confer process established by Resolution E-4907 that SCE's Customer Service Re-Platform ("CSRP"), a \$200 million dollar billing system upgrade that SCE described as the largest in North America, would freeze all CCAs intending to launch service in the first half of 2020 (and late 2019). SCE indicated that WCE could launch in July 2020 or thereafter, with a suggested risk preference that new CCAs in SCE's service territory should launch in the fall of 2020. The CSRP billing freeze impacted 6

CCAs that had planned launches in the spring of 2020, including WCE, Desert Community Energy, the Clean Power Alliance and three cities joining the California Choice Energy Authority program. WCE filed a load forecast in April 2019 based on its initial launch schedule identified in its Implementation Plan; however, it did so with uncertainty given the discussions that were ongoing with SCE regarding the likelihood that CSRP implementation would delay its launch to the summer of fall of 2020. At that time, the parties were negotiating potential alternative launch schedules. WCE was ultimately forced to seek informal mediation in May 2019 through Resolution E-4907 with Energy Division staff and Commission legal counsel. WCE suspended its procurement plans, particularly for RA, as it could not identify a final launch schedule. From May through August of 2019, the parties continued to discuss launch alternatives and negotiate an agreement. On August 22, 2019, SCE filed Advice Letter 4058-E<sup>1</sup> with an agreement that WCE would move its launch date to July 2020<sup>2</sup> and that SCE would satisfy WCE's 2020 system, flex and local RA compliance obligation including the newly required three-year forward local RA obligation for 2020, 2021 and 2022,<sup>3</sup> due to the Commission by October 31, 2019. As part of the agreement, SCE would allocate 100 percent of system, flexible and local RA on WCE's behalf for 2020,<sup>4</sup> and at the appropriate commercial date, transfer 100 percent of 2021 local RA and 50 percent of 2022 local RA to WCE.<sup>5</sup> WCE agreed, among other things, to pay SCE based on the Commission's market price benchmark applicable for the respective calendar year as established annually in the Public Charge Indifference Adjustment ("PCIA") proceeding, and as trued up by the Commission in November

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<sup>1</sup> Advice Letter 4058-E, *Agreement Between Southern California Edison Company and Western Community Energy Regarding WCE Implementation and Resource Adequacy Compliance for 2020, 2021 and 2022* (Aug. 22, 2019) ("RA Agreement").

<sup>2</sup> RA Agreement at Sec. A.

<sup>3</sup> *Id.* at Sec. B.

<sup>4</sup> *Id.* at Sec. I.a.

<sup>5</sup> *Id.* at I.b.

of each year.<sup>6</sup> In accordance with the RA Agreement, SCE filed a revised load forecast in August 2019 allocating RA on WCE's behalf.<sup>7</sup> WCE filed a revised forecast zeroing out its load for 2020, noting that SCE was allocating RA on its behalf. The Tier 3 Advice Letter was effective upon filing, pending disposition by the Commission.<sup>8</sup> Thereafter, SCE notified WCE that it would be better for CSRP implementation to move WCE back to its original launch date of April 2020 to which the parties agreed. On December 11, 2019, SCE filed Supplemental Advice Letter 4058-E-B<sup>9</sup> whereby the parties amended the original regulatory agreement agreeing to move WCE's launch date back, with three cities launching in April and three additional cities in May of 2020. Supplemental Advice Letter 4058-E-B also included commercial terms and conditions for the 2020-2022 RA transfer.

Overall, WCE spent 9 months negotiating (and re-negotiating) its launch date with SCE even after a Commission certified Implementation Plan, only to end up with a launch date that was nearly the same as its original plan, and in worse position from an RA procurement perspective.

The Tier 3 Advice Letters were approved by the Commission on February 27, 2020 in Resolution E-5051.<sup>10</sup> The Commission permitted the 2020 RA allocation modification and allowed WCE to revise its April Binding Load Forecast. The Commission noted that it was imprudent to require redundant procurement of RA and that WCE could not have reasonably predicted the change in its Implementation Plan launch schedule.

In its launch year, beginning in February 2020 through the filing of WCE's August

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<sup>6</sup> *Id.* at Sec. J.

<sup>7</sup> *Id.* at Sec. F.

<sup>8</sup> General Order 96-B, Rule 9.2.3.

<sup>9</sup> SCE Supplemental Advice Letter 4058-E-B, *Supplement to Advice 4058-E, Agreement Between Southern California Edison Company and Western Community Energy Regarding WCE Implementation and Resource Adequacy Compliance for 2020, 2021 and 2022* (Dec. 11, 2019) ("RA Amendment").

<sup>10</sup> Resolution E-5051 (Feb. 27, 2020).

revised forecast, WCE had been in discussions with SCE to obtain complete historical usage data from the investor-owned utility in order to correctly forecast WCE's load for 2021. Since WCE had launched in spring 2020 and as a new CCA had not served load in 2019, it was completely reliant on SCE for its load forecast data, namely accurate and complete historic usage data that would allow it provide a good faith forecast to the Commission and properly establish its 2021 RA procurement obligation. A review of SCE's 2018 and 2019 historic usage data indicated that data was incomplete or missing. Furthermore, SCE's methodology for weatherizing data to establish correct peak loads and usage within the six western Riverside cities was not useful to WCE's forecast as SCE utilized a portfolio wide method that is predominantly coastal, and did not mirror Riverside's desert weather patterns. After extensive back and forth discussions and corrections, and review and modeling by WCE, on April 15, 2020, WCE sent its projected load forecast to SCE to validate. At the time, it appeared that SCE's historical usage data may have been incomplete. On April 17, 2020, SCE sent back a forecast of WCE's load for 2021, which forecast was unchanged from the April 15 forecast WCE had sent. WCE filed this as its load forecast on April 20, 2020 as a good faith forecast of its load. Through the May 15, 2020 and August 19, 2020 revised forecast deadlines, WCE and SCE continued to have discussions regarding certain incomplete or inaccurate data. For example, it was determined in August 2020 prior to the revised forecast filing that new data SCE provided may have been off by as much as 100 MWs in the July peak. WCE again filed a good faith forecast for the August 2020 filing based on SCE's historic usage data and its own assumptions and modeling. On September 18, 2020, the Commission issued WCE its YA 2021 final RA allocation. The final allocation was different from the July 2020 preliminary allocation and had decreased.

In September 2020, WCE and SCE discussed SCE's 2021 and 2022 local RA transfer

obligation pursuant to Advice Letter 4058-E and 4058-E-B. Despite WCE's expectation that SCE would transfer the entire 2021 (100%) and 2022 (50%) local RA to satisfy WCE's compliance obligation as contemplated by the RA Agreement, SCE contended that it would only transfer 2021 and 2022 local RA in an amount equal to WCE's YA 2020 final RA allocation (based on the three-year forward), not WCE's YA 2021 final allocation. There was a significant difference in between the 2020 RA that SCE proposed to transfer and the September 2020 final allocation by the Commission, including discrepancies for 2022. Rather than make an immediate case to the Commission or risk lost procurement time, WCE was forced to procure 2021 and 2022 local RA in an expedited timeframe in order to make-up the difference from SCE and meet the Commission's October 31, 2020 deadline.

From September 23, 2020 up through the October 31, 2020 deadline, WCE issued three request for offers ("RFOs") and participated in an SCE solicitation. WCE was unable to procure all of its system and flex requirements during this time despite active procurement accepting offers at any price, including prices double the market and YARA penalty. On November 2, 2020, WCE filed for a local RA waiver in Advice Letter 3-E noting its procurement efforts and the local RA contract issue with SCE. On November 12, 2020, WCE filed its revised YA 2021 RA showing for July, August, and September. On December 30, 2020, the Energy Division approved WCE Advice Letter 3-E approving WCE's local waiver request and finding that procurement efforts were commercially reasonable.

After the October 31 deadline, WCE issued two more RFOs, participated in two RA solicitations, and negotiated bilaterally with a broker to continue procuring its RA compliance obligations. During this time, WCE experienced unprecedented challenges. A week after the initial year-ahead RA filings were due to the Commission, PG&E released a solicitation for RA

amounts that were previously not offered or available in prior solicitations. In addition, PG&E released another RA solicitation on January 11, 2021, the day that year-ahead re-filings were due to the Commission. Lastly, two days after the final deficiency notice re-filing on January 11, 2021, an energy broker approached WCE offering RA flex volumes for the time period at issue in the Citation from two LSEs which were not available by those same LSEs in inquiries a few weeks prior.

On January 4, 2021, the Energy Division emailed a deficiency notice to WCE, and provided a revised filing deadline of January 11, 2021. On January 11, 2021, WCE submitted revised filings showing it procured significantly more toward its compliance obligation as it became commercially available additional RA. On January 14, 2021, WCE procured a significant amount of its deficient RA. On January 22, 2021, WCE purchased another large quantity of RA from PG&E. On February 1, 2021, WCE and the undersigned met with Energy Division to inform staff of the market supply and withholding issues the CCA had experienced and that it was unable to procure RA sufficient to meet its compliance obligations. It was indicated that the unique circumstances could give rise to impossibility of compliance; however, staff was unaware of any enforcement action against WCE. On February 9, 2021, WCE received a citation for its RA deficiencies. On February 12, 2021, WCE met with CPED staff to provide it with the same information provided to the Energy Division and discuss the Citation. On March 2, 2021, WCE contacted 15 different counter-parties, including brokers to fulfill additional system needs. WCE was able to fulfill the needed MWs from only 5 of those counter-parties.

Despite commercially reasonable efforts through the YARA deadline and re-filing date (and thereafter), WCE has been unable to procure its entire RA obligation sufficient to meet its

2021 compliance obligation. This was due to a number of unique issues including contract disputes, incomplete and inaccurate historic usage data, insufficient market supply, and market withholdings. WCE attempted to procure RA sufficient to meet its compliance obligation at every market opportunity whether or not the price was inflated, unreasonable or significantly above market. *At no time did WCE choose not to procure RA because the price was “too high” or on the basis that Commission penalties would be lower than the RA price.* In accordance with the direction of the WCE Board of Directors to fully comply with all Commission RA obligations, WCE has attempted to procure all RA available to it and has found it impossible to do so.

## **II. BASIS FOR APPEAL**

WCE appeals the Citation on the following grounds:

1. WCE experienced circumstances where it was not possible to procure 2021 Resource Adequacy despite commercially reasonable efforts to do so.
2. The California RA market is failing to allocate sufficient RA for all LSEs to meet State compliance obligations and new market entrants are at a procurement disadvantage.
3. The Commission has discretion to dismiss or reduce the Citation based on an affirmative defense of impossibility and other Commission policies.
4. The Citation penalty is excessive and does not serve the public interest given the size of WCE and that it is only in its first year of service.
5. The COVID-19 pandemic has severely constrained WCE’s financial resources and any ability to pay the Citation as issued.

### **III. DISCUSSION**

#### **A. WCE Experienced Circumstances Where it Was Not Possible to Procure 2021 Resource Adequacy Despite Commercially Reasonable Efforts To Do So**

WCE procurement was significantly delayed due to launch delays due to SCE's CSRP implementation as well as issues with historic usage data immediately preceding WCE's 2020 load forecasts.

WCE undertook an exhaustive effort to procure system and flex RA, but the product was not available in the market prior to the October 31, 2020 YA deadline or the January 11, 2021 YA re-filing deadline. As described above, and will be provided in more detailed testimony, WCE issued several RFOs, participated in solicitations including with IOUs, and engaged brokers bilaterally in order to procure its compliance obligation. RFOs were sent out to all energy suppliers, power marketers, brokers and other load serving entities; were posted on WCE's website; and advertised through WCE's trade association, CalCCA. In addition, WCE continued to procure deficient RA amounts past the October 31 deadline and even past the YA re-filing date. While WCE significantly decreased its deficiency amount after the deadlines, it was unable to procure the entire compliance obligation. In many cases, WCE paid well above the system and flex Commission penalty prices, and in some cases 2.5 times the historic market price. *In no event did WCE turn down any offer if an offer was available whether or not the price was deemed high or excessive or contained an unreasonable or unacceptable condition. Thus, WCE paid whatever amount was necessary to procure its RA obligation irrespective of the price or term or condition of the sale.*

WCE experienced market distortions where RA solicitations were held back after deadlines. In one case, RA that was needed by WCE for a deficient month at issue in the Citation was unavailable by a party in December 2020 and then available three weeks later after

certain deadlines had passed.

WCE experienced a contractual issue with SCE in satisfying its local RA obligation, which procurement and contract issue were later deemed to be commercially reasonable by the Energy Division.

In Resolution ALJ-382 resolving Appeal K.19-03-024 of Citation No. E-4195-0052 by San Jose Clean Energy, the presiding ALJ recognized the limited doctrine of physical impossibility as a defense to an RA procurement deficiency. In the resolution, the ALJ determined that the standard of impossibility of RA procurement is “whether it was not possible, at any point in time and under any terms, for SJCE to procure capacity that would have met its RA obligations during its deficiency periods.”<sup>11</sup> Furthermore, the doctrine of impossibility of performance has been widely recognized in contract law as well as in regulatory matters. Although the Commission can consider other Commission-established standards in evaluating this Appeal,<sup>12</sup> WCE meets the criteria for impossibility standard and its Citation can and should be dismissed.

**B. The California RA Market Is Failing to Allocate Sufficient RA For All LSEs to Meet State Compliance Obligations and New Market Entrants Are at a Procurement Disadvantage**

The California RA market is exhibiting signs of market distortions, which has resulted in capacity supply shortages. Critical elements of market failure are present in the California RA market, including disparate market power between market actors, resource withholding, volatile and inexplicable price variations, a dearth of RA availability at critical compliance periods, and informational asymmetries.

In D.19-06-026, the Commission recognized that there remain “significant, unresolved

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<sup>11</sup> Resolution ALJ-382 at 4 (September 10, 2020).

<sup>12</sup> See D.05-10-042 at 8 (noting that the concept of “reliability at any cost” is not a policy option).

issues that require further consideration before allowing [RA] waivers, including potential leaning by LSEs and market power issues. Such market power issues may include potential gaming by generators that may, for example, withhold capacity during more expensive peak months.”<sup>13</sup> Market control occurs when either the buyer or the seller possesses undue power to determine the price of goods or services in a market. This market power prevents the natural forces of supply and demand from setting the prices of goods in the market. Disparate market control between actors in the California RA market exists both between CCAs and ESPs relative to incumbent IOUs, which are the primary holders of capacity, as well as between established CCAs that serve relatively large loads compared to smaller CCAs, like WCE, that have only begun to serve load recently.

In a June 2019 ruling in the Integrated Resource Planning (“IRP”) proceeding, the Commission found that “. . . many market participants have informally observed a tightening of the bilateral market. In addition, according to Commission staff, there has been a decline in the robustness of competitive solicitations. Finally, a number of LSEs have not been able to comply with the system requirements for the 2019 resource adequacy compliance year.”<sup>14</sup> Subsequently, in July 2019, the CAISO forecasted an RA shortfall of approximately 450 MW in 2020, 2,300 MW in 2021 and 2,200 MW in 2022. In 2020, CAISO indicated the following:

“Analysis from the California Independent System Operator (“CAISO”) confirms that the RA market is constrained and failing to meet its reliability objectives. CAISO examined the 2021 annual RA plans of LSEs and identified a combined system RA shortage in September of 1,348 MW.<sup>15</sup>

In a separate study, CAISO also estimated that the LA Basin LCR area would be deficient in

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<sup>13</sup> D.19-06-026 at 18.

<sup>14</sup> *Assigned Commissioner and Administrative Law Judge’s Ruling Initiating Procurement Track and Seeking Comment on Potential Reliability Issues*, R.16-02-007 (June 20, 2019).

<sup>15</sup> CAISO, *Evaluation Report of Load Serving Entities’ Compliance with 2021 Resource Adequacy Requirements*, November 12, 2020.

2021.<sup>16</sup> And while the LA Basin has improved since the prior CAISO study,<sup>17</sup> data continues to demonstrate significant RA shortcomings in 2021.

WCE recognizes that the Commission is continuing to address issues of market power and inadequate RA supply; however, while that process continues, situations can still occur whereby it is impossible for new market entrant like WCE, who is not a principal capacity holder and does not have any market size or position, to procure sufficient quantities to meet its RA allocation. The CAISO studies indicate that some LSEs will come up short.

**C. The Commission Has Discretion to Dismiss or Reduce the Citation Based on an Affirmative Defense of Impossibility and Other Commission Policies**

While the Commission has recognized the doctrine of impossibility as a valid defense in an LSE's appeal of an RA citation,<sup>18</sup> the Commission has discretion through other policies to limit RA penalties. For example, the Commission has previously determined and reconfirmed that LSEs should not be obligated to procure capacity that does not exist.<sup>19</sup> The Commission has also determined that it "cannot neglect our other primary public duty: protection of ratepayers from excessive charges," and that LSEs should not be placed in a position whereby they would have to pay any price to acquire the capacity needed for their RA obligations.<sup>20</sup>

The issuance of a citation for a specified violation is not mandatory. In enforcing compliance with Resource Adequacy filing requirements, or in response to any Specified Violation, the Commission may initiate any authorized formal proceeding or pursue any other remedy authorized by the California Constitution, the Public Utilities Code, other state or federal

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<sup>16</sup> CAISO, *2020 Local Capacity Technical Study Final Report and Study Results* (May 1, 2019) at 167- 168.

<sup>17</sup> CAISO, *2021 Local Capacity Technical Study Final Report and Study Results* (May 1, 2020) at 129. ("The 2021 LCR need is lower than 2020 LCR need due to the Mesa 230 kV loop-in portion of the Mesa Loop-In Project is completed, bringing new power sources to Mesa substation.")

<sup>18</sup> Resolution ALJ-382 at 4.

<sup>19</sup> See D.06-06-064 at 21-22 ("We take this approach to deficiencies because we do not find it reasonable to require LSEs to procure capacity that, according to the LCR study, does not currently exist in an area.); D.10-06-036 at 64.

<sup>20</sup> D.04-10-035 at 15, D.05-10-042 at 66.

statutes, court decisions or decrees, or otherwise by law or in equity.<sup>21</sup> Moreover, Public Utilities Code section 380 affords the Commission with broad discretion over the RA program and related penalties. The Commission is authorized to determine “the most efficient and equitable means” for achieving the program’s goals and to use its enforcement power to ensure compliance.<sup>22</sup>

With this mandate, the Commission established the RA program’s procurement obligations as a means for achieving the program’s goal of minimized reliance on CAISO backstop procurement and adopted the RA penalty program to induce LSE compliance with those obligations.<sup>23</sup> In this case, the penalty cannot induce WCE’s compliance and will not advance the RA program’s goal since there was no resource to be purchased. Thus, the Commission has reasonable policy grounds for exercising its discretion not to assess the penalty or the full penalty amount.

Penalizing WCE for contract, data and market conditions outside of its control would be inequitable and could hinder progress towards the Commission’s RA goals. WCE’s procurement efforts were commercially reasonable and meet certain other policies established by the Commission, as evidenced by its continued willingness to procure at any price and well past the Year Ahead deadlines. Assessing a penalty in this particular case given the facts set forth above would be inconsistent with other Commission policies. Instead, \$1.5 million penalty would incentivize other LSEs to weigh the price of a RA transaction versus Commission’s trigger price and rely on backstop procurement. Given its broad authority over the RA program and enforcement, the Commission should assess no penalty against WCE *or reduce the penalty by a*

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<sup>21</sup> Resolution E-4195 at 8.

<sup>22</sup> Public Utilities Code §380(e),(h).

<sup>23</sup> Public Utilities Code §380(h)(7); D. 05-10-042 at 93-94 (finding the system RA penalty program “appropriate to induce compliance with the RA obligation.”); D. 06-06-064 at 66.

*proportionate amount given the unique factual circumstances.*

**D. The Penalty is Excessive and Does Not Serve the Public Interest Given the Size of WCE and That It Is Only in Its First Year of Service**

D.98-12-075 identifies five factors for the Commission to consider in the assessment of fines: (1) the severity of the offense, (2) the entity's conduct, (3) the entity's financial resources, (4) the role of precedent, and (5) the totality of circumstances in the public interest. The courts similarly consider four factors to determine if a penalty is excessive: (1) the party's culpability, (2) the relationship between the harm and the penalty, (3) the party's ability to pay, and (4) penalties imposed in similar statutes. WCE will brief these issues before the Commission in later stage of the proceeding, but contends here that the \$1.5 million penalty is excessive. WCE is considered a small CCA that serves six small cities in western Riverside County. WCE is only in its first year of service as a LSE and has a constrained budget whereby the proposed penalty would create significant financial difficulties.

**E. The COVID-19 Pandemic Has Severely Constrained WCE's Financial Resources and Any Ability to Pay the Citation As Issued**

While WCE recognizes the Commission's interest in maintaining grid reliability and plans to address all of the aforementioned factors through the course of its Appeal, WCE is compelled to note the precarious financial situation that it is experiencing due to the COVID-19 pandemic and other extraneous events. WCE revenues are being significantly impacted by delinquency rates due to COVID-19, which has been further exacerbated by the State's moratorium on utility shut-offs. Furthermore, there has been a significant revenue shortfall due to increased energy costs from last summer's weather events. A recent rate analysis conducted by WCE staff indicates the need to immediately increase rates by up to 20 percent with an additional surcharge to achieve revenue to balance its costs. Therefore, even if the Commission upholds the penalty, WCE requests that the Commission take into account WCE's financial

circumstances as a new LSE and market entrant hit disproportionately hard by the pandemic and reduce the penalty amount or provide for a reasonable payment schedule, so that the penalty does not cause further financial harm or reduce WCE's ability to procure RA.

#### **IV. PROCEDURAL REQUEST**

WCE requests that it be allowed to submit prepared testimony containing its procurement efforts and the circumstances that gave rise to it being impossible to procure system and flex RA for 2021. It also requests an evidentiary hearing on this Citation. WCE also requests use of the Commission's alternative dispute resolution ("ADR") mechanism with respect to the circumstances in this Citation to determine whether penalties are appropriate.

#### **V. CONTACT INFORMATION**

Copies of all pleadings, notices, rulings, orders and other correspondence in this proceeding may be served on:

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**VI. CONCLUSION**

For the reasons stated above, Western Community Energy respectfully requests that the Commission dismiss Citation E-4195-0099.

Respectfully submitted,

By:   
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March 11, 2021

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Having been so advised, the Undersigned hereby consents to the filing of the referenced Notice of Appeal.



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3/11/2021

Signature (same as person authorized to sign the Notice of Appeal)

Date

Ryan M. F. Baron

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Print Name

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Appeal of Western Community Energy to  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of *Notice of Appeal of Western Community Energy from Citation No. 4195-009* on:

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4. Anne Simon, Chief Administrative Law Judge ([Anne.Simon@cpuc.ca.gov](mailto:Anne.Simon@cpuc.ca.gov))
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7. Nathan Christo ([Nathan.christo@cpuc.ca.gov](mailto:Nathan.christo@cpuc.ca.gov))

by transmitting an e-mail message with the document attached, to each person named above.

Consistent with the CPUC's *Practitioner Alert – COVID-19 Temporary Filing and Service Protocol for Formal Proceedings*, service of this document is limited entirely to electronic service, and not by mail.

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Executed on March 11, 2021 at Walnut Creek, California.



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