



# California Public Utilities Commission

## Renewables Portfolio Standard (RPS) Procurement Plans

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## 1. Does the RPS Procurement Plan requirement apply to all electricity retail sellers?

Yes, the RPS Procurement Plan requirement applies to all retail sellers serving electricity load in California. According to Public Utilities Code § 399.12(j)(1)(2)(3), investor owned utilities (IOUs), community choice aggregators (CCAs) and electric service providers (ESPs) must participate in the RPS program and are subject to the same terms and conditions.

The RPS program also applies to publicly owned utilities (POUs). The California Energy Commission (CEC) determines RPS regulations and compliance for the POUs. See the CEC's [RPS website](#) for more information.

## 2. Why do retail sellers need to submit annual Procurement Plans?

Public Utilities Code § 399.13(a) and § 399.13(c) require that each year, a retail seller must prepare an RPS Procurement Plan<sup>1</sup> to provide the Commission a detailed look at various aspects of the retail sellers' portfolio planning strategies to meet the RPS requirements.

## 3. Is the RPS Procurement Plan the same as the RPS Compliance Report?

No, the RPS Procurement Plans and RPS Compliance Reports are two distinct filings that serve separate regulatory functions, and the Commission has separate processes to review each filing. The RPS Procurement Plans are forward-looking and serve as a planning tool for meeting the procurement requirements, while the Compliance Reports allow the CPUC to quantify each retail seller's procurement and facilitates compliance determinations for the RPS program.<sup>2</sup>

## 4. Does a retail seller need to submit an RPS Procurement Plan even if it does not serve load?

Yes, all retail sellers must submit an annual RPS Procurement Plan (see above). The RPS Procurement Plan is a prospective planning document and all retail sellers are required to file one, even if they are not yet serving load.

For example, new retail sellers that plan to start serving load in 2021 must file a 2020 RPS Procurement Plan with the Commission, consistent with the requirements outlined in the most recent Assigned Commissioner Ruling Identifying Issues and Schedule for Review of RPS

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<sup>1</sup> Public Utilities Code § 399.13(a)(1) orders the Commission to “direct each electrical corporation to annually prepare a renewable energy procurement plan... to satisfy its obligations under the renewables portfolio standard” as well as “require each electrical corporation to review and update its renewable energy procurement plan.”

<sup>2</sup> See Public Utilities Code § 399.13(a)(3), CPUC Decision (D).12-06-038, and the CPUC RPS Compliance website for more information on the requirements of the RPS Compliance Report.





Procurement Plans. See #17 below for more information on requesting a waiver from RPS Procurement Plan filing requirements if the retail seller does not plan on serving load.

### 5. Why is it considered a “draft” RPS Procurement Plan?

The Commission has an annual procurement plan process that allows retail sellers to submit “draft” plans for review and adoption by the Commission. If upon the Commission’s review, a retail seller’s Plan must be modified or is rejected, the retail seller is directed to submit a “final” RPS Procurement Plan that adheres to the specifications outlined in the Decision on RPS Procurement Plans.

### 6. Will a retail seller be able to make corrections or fix mistakes if the CPUC finds errors in a draft RPS Procurement Plan?

Yes, the retail seller may submit a motion to update their RPS Procurement Plan, and/or fix the errors in their Final RPS Procurement Plan submission.

### 7. When is the annual Draft RPS Procurement Plan filing deadline?

The schedule for filing Draft Procurement Plans is set out by an Assigned Commissioner Ruling in the RPS proceeding (currently R.18-07-003) and varies each year.

### 8. When is the annual Final RPS Procurement Plan filing deadline?

The annual Final RPS Procurement Plan filing deadline is set by the Decision on RPS Procurement Plans.

### 9. What is the procedural schedule for RPS Procurement Plans?

See the most recent RPS Procurement Plan Assigned Commissioner Ruling and current RPS proceeding docket for the schedule and any updates to the schedule. Below is a past schedule.

2019 Schedule for RPS Procurement Plans	
Item	Date
Assigned Commissioner’s Ruling setting scope and schedule for annual RPS Procurement Plans	April 19, 2019
IOUs, Small Utilities, ESPs and CCAs file Draft RPS Procurement Plans	June 21, 2019
Comments on RPS Procurement Plans filed	July 19, 2019
Motions requesting evidentiary hearing due (note: If	August 2, 2019





a motion is filed and granted, the ALJ may need to issue a revised schedule.)	
Reply comments on RPS Procurement Plans filed	August 2, 2019
Motion to update RPS Procurement Plans due	August 23, 2019
Date of issuance of Proposed Decision	November 19, 2019
Date for Commission vote on Proposed Decision	December 19, 2019
Date of Issuance of Final Decision	December 30, 2019
IOUs, Small Utilities, ESPs and CCAs file Final RPS Procurement Plans	January 30, 2020
IOUs issue Request for Offers for Solicitations or otherwise pursue approved RPS Procurement Plan strategies	First Quarter of 2020

### 10. Do retail sellers have to serve copies of their RPS Procurement Plan to the RPS service list? What about paper copies?

Yes, retail sellers must serve copies of their RPS Procurement Plans, including all attachments, to the service list of the RPS proceeding and formally file the plans with the CPUC Docket Office.<sup>3</sup> Retail sellers must also submit unredacted versions of their RPS Procurement Plans and any Excel files to Energy Division staff. Retail sellers do not need to send paper copies of the RPS Procurement Plans to anyone other than the assigned Administrative Law Judges in the RPS proceeding, unless requested.

### 11. What must be included in an RPS Procurement Plan?

See the most recent Assigned Commissioner Ruling Identifying Issues and Schedule for Review of the RPS Procurement Plans for the information that must be included.<sup>4</sup>

<sup>3</sup> See Rules 1.9-1.14 in the CPUC’s Rules of Practice and Procedure for more information: <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M209/K618/209618807.PDF>

<sup>4</sup> The Assigned Commissioner Ruling can be found on the CPUC’s RPS procurement website ([https://www.cpuc.ca.gov/Utility\\_Scale\\_RFO/](https://www.cpuc.ca.gov/Utility_Scale_RFO/)) and the R.18-07-003 proceeding Docket (<https://apps.cpuc.ca.gov/apex/f?p=401:56:0::NO>).





## 12. Does the RPS Procurement Plan have to follow a specific format?

Yes, the RPS Procurement Plans for all retail sellers must follow the RPS Plan template specified in the Assigned Commissioner Ruling. Retail sellers must also use the various Excel templates referenced in the Assigned Commissioner Ruling and posted on the RPS procurement website. See also the CPUC Rules of Practice and Procedure for filing requirements.

## 13. How does a retail seller update its RPS Procurement Plan (e.g. to update load forecasts, add recently executed contracts, or correct accidental errors)?

A retail seller may file a motion to update its RPS Procurement Plan by the date set out in the schedule of the Assigned Commissioner Ruling.

## 14. What if retail seller needs assistance in filing its RPS Procurement Plan with the CPUC Docket Office?

If a retail seller requires assistance in filing its RPS Procurement Plan, please see the CPUC's Practitioner's Resource website for more information:  
[https://www.cpuc.ca.gov/practitioner\\_page/](https://www.cpuc.ca.gov/practitioner_page/).

## 15. Where can previously approved RPS Procurement Plans be found?

See the RPS proceeding's (currently R.18-07-003) Docket Card.


## 16. What if a retail seller wants to keep portions of its RPS Procurement Plan confidential?

RPS Procurement Plans should be public to greatest extent possible. Confidentiality may be requested for certain information though, pursuant to Decisions (D).06-06-066, (D).07-05-032 and (D).08-04-023, and Public Utilities Code Section 583. Retail sellers must file a motion for confidentiality in the RPS proceeding requesting confidential treatment of the specific information. The CPUC will either grant, grant with modification, or reject the request.

## 17. If a retail seller claims confidentiality of portions of its RPS Procurement Plan, how should retail sellers send the unredacted documents to the Commission?

To assist CPUC review of RPS Procurement Plans, unredacted RPS Procurement Plans should also be sent to Energy Division staff. Retail sellers are directed to use the CPUC's secure File Transfer Protocol (FTP) and send all unredacted RPS Procurement Plan components, including Excel





spreadsheets, to [rpscompliance@cpuc.ca.gov](mailto:rpscompliance@cpuc.ca.gov). Retail sellers should create an account on the FTP website: <https://kwftp.cpuc.ca.gov/> to do so.<sup>5</sup>

## 18. Is there a process for requesting a waiver from RPS Procurement Plan filing requirements?

Retail sellers may submit a motion for a provisional waiver to the Commission in the RPS proceeding. Each motion will be considered on a case-by-case basis and approved or denied via a Commission decision. The waiver will expire immediately if and when the retail seller resumes serving load in California and thereby incurs RPS procurement obligations.

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*Please email any questions related to RPS Procurement Plan filings to [rpscompliance@cpuc.ca.gov](mailto:rpscompliance@cpuc.ca.gov).*

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<sup>5</sup> See the CPUC FTP User Guide: [https://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/KiteworksFTPEXternalUsersQuickStartGuide.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/KiteworksFTPEXternalUsersQuickStartGuide.pdf)

