

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

Order Instituting Rulemaking to
Update and Amend Commission
General Order 131-D.

Rulemaking 23-05-018
(Filed May 18, 2023)

**COMMENTS OF THE CALIFORNIA ENERGY STORAGE ALLIANCE ON
THE ORDER INSTITUTING RULEMAKING**

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June 22, 2023

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In accordance with the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the California Energy Storage Alliance (“CESA”) hereby submits these comments on the *Order Instituting Rulemaking* (“OIR”) filed on May 18, 2023.

I. INTRODUCTION.

CESA appreciates the opportunity to comment on the OIR and collaborate with the Commission and parties to this proceeding in the amendment of the Commission’s General Order (“GO”) 131-D. CESA is a 501(c)(6) over 110 member companies across the energy storage industry. CESA participates in a number of proceedings and initiatives in which energy storage is positioned to support a more reliable, cleaner, and more efficient electric grid. As California’s efforts to decarbonize the electric grid advance, storage is positioned to provide significant capacity and other grid services in order to ensure a reliable transition away from conventional resources. To achieve this, the State will require significant deployments of these resources over the coming years. In this context, CESA’s members are particularly interested and well-informed regarding matters related to the siting and permitting of projects across California.

II. COMMENTS ON THE OIR.

Overall, CESA supports the proposed Rulemaking and process to consider changes to GO 131-D as described in the OIR and its attachments. In general, CESA is supportive of the updates proposed relative to the permitting of transmission assets. As such, at this stage, CESA refrains from providing responses to the specific questions put forth by the OIR. CESA does, however, recommend that the Commission consider the potential impacts of the modifications proposed regarding energy storage permitting.

In the language shared as part of Attachment B of the OIR, the Commission proposes to allow storage assets with capacities exceeding 50 megawatts (“MW”) to complete the necessary permitting process via a Permit to Construct Tier 2 Advice Letter (“AL”).¹ While this modification could potentially streamline the permitting of these assets, GO 131-D and its successor GOs are solely applicable to utility permitting, not to private developers. This fact creates an undue and significant advantage for utility permitting over that applicable to private developers, particularly considering the fact that, within the utility framework, all generation would continue to require a Certificate of Public Convenience and Necessity (“CPCN”). Given these undue consequences, CESA requests the Commission and other parties actively explore this matter within the present Rulemaking.

III. ADDITIONAL INFORMATION RELATED TO RULE 6.2.

A. Categorization.

CESA supports the Commission’s preliminary designation of the OIR as quasi-legislative.

B. Need for Hearings.

CESA supports the Commission’s preliminary determination that evidentiary hearings will not be required.

C. Schedule.

CESA supports the preliminary schedule set forth in the OIR.

D. Issues to be Considered.

CESA supports the preliminary list of issues put forth by the Commission within the OIR.

¹ Attachment B, at 2.

IV. CONCLUSION.

CESA appreciates the opportunity to submit these comments on the OIR and looks forward to working with the Commission and stakeholders in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sergio Dueñas". The signature is fluid and cursive, with the first name being the most prominent.

Sergio Dueñas
Policy Manager
CALIFORNIA ENERGY STORAGE ALLIANCE

Date: June 22, 2023