

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco, CA 94102-3298



ALBERTO DAIRE
1901 WEST CYPRESS CREEK ROAD
SUITE 600
FORT LAUDERDALE, FL 33309

**CITATION FOR VIOLATION OF RESOURCE ADEQUACY REPORTING
REQUIREMENTS UNDER RESOLUTION E-4195
AS MODIFIED BY DECISION 11-06-022**

Citation No. E-4195-21

Issued September 10, 2013

Re: Deficiency cured within five business days from the date of notification by Energy Division

Dear ALBERTO DAIRE:

Pursuant to Resolution E-4195, subsequently modified by Decisions 10-06-036 and 11-06-022, LIBERTY POWER HOLDINGS LLC is hereby cited for the following specified violations:

1. Failure to file Historic Load Data at the time and manner required.	<input type="checkbox"/>
2. Failure to file a Preliminary Load Forecast at the time and manner required.	<input type="checkbox"/>
3. Failure to file a Month-Ahead System Resource Adequacy Compliance Filing at the time and manner required.	<input type="checkbox"/>
4. Failure to file a Preliminary Local Resource Adequacy Compliance Filing or a Year-Ahead System Resource Adequacy Compliance Filing at the time and manner required.	<input type="checkbox"/>
5. Deficiency cured within five business days from the date of notification by Energy Division.	<input checked="" type="checkbox"/>
6. Failure to comply with request for information from Energy Division that is reasonably related to implementation of the resource adequacy requirements in the time and manner required.	<input type="checkbox"/>

Summary Evidence of Violation:

On May 20, 2013, Liberty Power Holdings (LPH) filed its July 2013 month-ahead (MA) RA compliance.

On June 3, 2013, Energy Division emailed LPH a correction notice. LPH is deficient with its July 2013 month-ahead RA obligation. LPH has an obligation of 9.2 megawatts (MW) in the south and 8.5 MW in the north for a total RA obligation of 17.7 MW. LPH procured 7.16 MW in the south and 8.27 MW in the north for a total of 15.43 MW. This is 2.27 MW (17.7 minus 15.43) short of LPH's RA obligation. LPH also has a local requirement in San Diego of 1.6 MW. LPH procured 1 MW in San Diego resulting in a .6 MW deficiency. The 2.27 MW is a system wide deficiency which is broken down by 1.12 MW in the south, .6 MW in the San Diego local area and .55 MW in either the south or north. The correction notice is to procure the 2.27 MW of extra capacity and file with the CPUC by June 10, 2013.

On June 10, 2013, LPH sent revised filings to correct the cited deficiencies.

On June 26, 2013, Energy Division sent LPH an approval letter for July 2013 MA.

The RA Citation Program creates a specified violation for a deficiency cured within five business days from the date of notification by Energy Division with a prescribed penalty of \$5,000 per incident if the deficiency is 10 MW or smaller, or \$10,000 for a deficiency larger than 10 MW. LPH's revised filing on June 26, 2013 cured a deficiency of 2.27 MW within five business days from the date of notification by Energy Division. The fine for this violation is \$5,000.

You are hereby called upon to answer this citation within **30** days from the date of the citation by completing the attached form. By way of such answer you may either:

(1) Comply with this citation and pay the fine, by check or money order, payable to the California Public Utilities Commission, in the amount of \$5,000 pursuant to the Specified Violations and Scheduled Penalties (D.11-06-022, Appendix B). This will be deemed a waiver of your rights to a hearing and to a formal disposition by the Commission.

OR

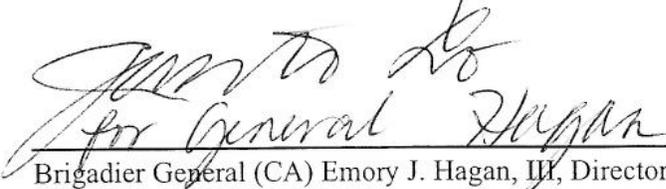
(2) Appeal this citation. In such event, the appeal must be brought by filing a written Notice of Appeal with the Director of Safety and Enforcement Division (SED). You must also include an explanation of the reasons for the appeal in the notice.

The Notice of Appeal must be filed within 30 days of the date of this citation and addressed to:

CALIFORNIA PUBLIC UTILITIES COMMISSION
Safety and Enforcement Division
ATTN: Brigadier General (CA) Emory J. Hagan, III, Director
505 Van Ness Avenue, Room 2205
San Francisco, CA 94102

A copy of your appeal will be promptly provided to the Chief Administrative Law Judge who shall designate an Administrative Law Judge (ALJ) to hear the case. Appeals will be heard in the Commission's San Francisco courtrooms on regularly scheduled days. You may order a transcript of the hearing, and must pay the cost of the transcript in accordance with the Commission's specified procedures. You may be represented at the hearing by an attorney or other representative, but any such representation will be at your expense.

If you fail to notify SED of acceptance of the Scheduled Penalty and pay the full amount within 30 days, or file a Notice of Appeal within 30 days you will be in default. Upon default, SED may take any action provided by law to recover unpaid penalties and ensure compliance with applicable statutes and Commission orders, decisions, rules, directions, demands, or requirements. Any unpaid balance of a Scheduled Penalty shall accrue interest at the legal rate of interest for judgments.


for General Hagan
Brigadier General (CA) Emory J. Hagan, III, Director
Safety and Enforcement Division

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco, CA 94102-3298



I hereby state that I will comply with Citation No. E-4195-21, dated 9/10/2013 and herewith pay a fine in the amount of \$5,000. Please make check payable to the California Public Utilities Commission and send to:

CALIFORNIA PUBLIC UTILITIES COMMISSION
Fiscal Office
505 Van Ness Ave Room 3000
San Francisco, CA 94102

Please direct all questions regarding this citation to Michael Kohaya at:
Phone: (916) 928-2514
E-Mail: michael.kohaya@cpuc.ca.gov

I hereby appeal Citation No. E-4195-21, dated 9/10/2013. I have served notice upon the Director of SED, and provided an explanation for the reasons of the appeal in the notice.

I hereby acknowledge that if I do not appeal the citation, or pay the full amount within 30 days, any unpaid balance shall accrue interest at the legal rate of interest for judgments and Commission Staff and the Commission may take action provided by law to recover unpaid penalties and ensure compliance with applicable statutes and Commission orders, decisions, rules, directions, demands or requirements.

Signature: _____

Name and Title: _____

Name of Company: _____

Citation No. E-4195-21

Date: _____

EXPLANATION OF HOW TO APPEAL A CITATION

You (Respondent) may appeal the citation pursuant to the following process:

Appeal of Citation. In lieu of accepting the Scheduled Penalty, a Respondent may appeal the citation and request a hearing. In the event of an appeal, any remedy available may be imposed, and the remedy shall not be mandated by or limited to the Scheduled Penalty.

Notice of Appeal. To appeal a citation, the Respondent must file a written Notice of Appeal. The Notice of Appeal must state the grounds for appeal and be filed with SED within thirty (30) days of the date of the citation.

Referral to Administrative Law Judge. Upon receipt of a timely Notice of Appeal, SED shall promptly provide a copy of the Notice of Appeal to the Chief Administrative Law Judge. The Chief Administrative Law Judge shall promptly designate an Administrative Law Judge to hear the appeal.

Time of Hearing. No less than ten (10) days after the Notice of Appeal is filed, the assigned Administrative Law Judge shall set the matter for hearing promptly. The Administrative Law Judge, may, for good cause shown or upon agreement of the parties, grant a reasonable continuance of the hearing.

Location of Hearing. Appeals of citations shall be heard in the Commission's San Francisco courtroom on regularly scheduled days.

Transcripts. The Respondent may order a transcript of the hearing, and shall pay the cost of the transcript in accordance with the Commission's specified procedures.

Representation at Hearing. The Respondent may be represented at the hearing by an attorney or other representative, but any such representation shall be at the Respondent's expense.

Evidentiary Hearing. At an evidentiary hearing, SED bears the burden of proof and, accordingly, shall open and close. The Administrative Law Judge may, in his or her discretion to better ascertain the truth, alter the order of presentation. Formal rules of evidence do not necessarily apply, and all relevant and reliable evidence may be received at the discretion of the Administrative Law Judge.

Submission. Ordinarily, the matter shall be submitted at the close of the hearing. The Administrative Law Judge, upon a showing of good cause, may keep the record open for a reasonable period to permit a party to submit additional evidence or argument.

Decision. The Administrative Law Judge shall issue a draft resolution resolving the appeal not later than thirty (30) days after the appeal is submitted, and the draft resolution shall be placed on the first available agenda, consistent with the Commission's applicable rules.

Communications. From the date that a citation is issued to and including the date when the final decision is issued, neither the Respondent nor SED, or any agent or other person on behalf of the Respondent or SED, may communicate regarding the appeal, orally or in writing, with a Commissioner, Commissioner's advisor, or Administrative Law Judge, except as expressly permitted under these procedures.