

## PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue

San Francisco, CA 94102-3298



Blake Lasuzzo  
 COMMERCE ENERGY, INC.  
 575 Anton Blvd., suite 650  
 Costa Mesa, CA 92626

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

Citation No. E-4195-23

Issued April 2, 2015

**Re: CITATION FOR VIOLATION OF RESOURCE ADEQUACY REPORTING  
 REQUIREMENTS UNDER RESOLUTION E-4195**

Dear Blake Lasuzzo:

Pursuant to Resolution E-4195, subsequently modified by Decisions 10-06-036 and 11-06-022, COMMERCE ENERGY, INC. 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 January 13, 2015, Commerce filed its March 2015 month-ahead RA compliance.

On January 23, 2015, Energy Division emailed Commerce a correction notice. Commerce is deficient with their March 2015 month-ahead RA obligation. Commerce has a system RA requirement of 47.00 MW. California Independent System Operator (CAISO)'s T-45 supply plans has confirmed Commerce for 45.35 MW of system RA. This is 1.65 MW (47.00 minus 45.35) short of their RA obligation. The correction notice is to procure the 1.65 MW of system capacity and file with the CPUC by January 30, 2015.

On January 30, 2015, Commerce sent revised filings to correct the cited deficiencies. Commerce procured 2 MW from LAROA2\_2\_UNITA1.

On February 26, 2015, Energy Division sent Commerce an approval letter for March MA 2015.

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 Megawatts (MW) or smaller, or \$10,000 for a deficiency larger than 10 MW. Commerce's revised filing on January 30, 2015 cured a deficiency of 1.65 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 Commission's Docket Office within thirty (30) days of the date of the citation. The Notice of Appeal must state the date of the citation and the grounds for appeal. The Notice of Appeal must be simultaneously served on both the Chief Administrative Law Judge (with an electric copy to: [AJL\\_Div\\_Appeals\\_Coordinator@cpuc.ca.gov](mailto:AJL_Div_Appeals_Coordinator@cpuc.ca.gov)), and the Director of SED. The appellant must file a proof of service at the same time appellant files the Notice of Appeal. The title page of the appeal must comply with Rule 1.6 of the Commission's Rules of Practice and Procedure. The caption of the appeal shall read: "Appeal of COMMERCE ENERGY, INC. from E-4195-23 issued by Safety and Enforcement Division."

The Chief Administrative Law Judge will 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. An attorney or other representative may represent you at the hearing, 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.

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Jeanette Lo, Chief  
Utility Enforcement Branch

**PUBLIC UTILITIES COMMISSION**

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San Francisco, CA 94102-3298



I hereby state that I will comply with Citation No. E-4195-23, dated 4/2/2015 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 (916) 928-2514 or michael.kohaya@cpuc.ca.gov**

I hereby appeal Citation No. E-4195-23, dated 4/2/2015. I have filed a Notice of Appeal with the Commission's Docket Office, stating the date of the citation and the rationale for the appeal as required by Resolution E-4195, Section 2.7.3 and Resolution ALJ-299, Rule 5.

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: \_\_\_\_\_

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\_\_\_\_\_

Date: \_\_\_\_\_