



September 4, 2026

Submitted via email to pathways@westwidepathwaysinitiative.org and
Comments@WestWidePathwaysInitiative.org

RE: Recommendations Regarding the Draft ROWE Briefing Book

Dear Pathways Launch Committee,

The California Public Advocates Office (Cal Advocates) supports the ongoing development of the Regional Organization for Western Energy (ROWE).¹ The Draft Briefing Book is an important step forward and embodies a tremendous amount of work from all the stakeholders involved. Cal Advocates looks forward to the ongoing development of these materials, and the eventual ROWE Board adoption of these foundational documents. We have several suggestions for improvements to the Draft Briefing Book, which are organized by chapter and outlined briefly below. The details of the suggestions are in the following appendix.

- Chapter 2:
 - The Public Policy Committee should engage with tribal entities.
- Chapter 3:
 - The Draft Briefing Book should be adjusted to correctly refer to the California Independent System Operator (CAISO) Balancing Authority Area (BAA).
 - The Draft Briefing Book should be adjusted to correctly refer to the Extended Day Ahead Market.
 - ROWE and CAISO Federal Energy Regulatory Commission (FERC) filings should include any dissenting opinions by the Board of State Regulators (BOSR) or Consumer Advocate Organization (CAO).
- Chapter 4:
 - The Draft Briefing Book must be modified to correctly characterize resource adequacy (RA) in California.
 - Board meetings on issues that fall solely under one board's authority should not automatically be executive sessions.

¹ All chapters and updates discussed in these comments are available at the West-Wide Governance Pathways Initiative webpage: <https://www.westernenergyboard.org/wwgpi/>.

- The CAO should have data access rights, including to transmission expansion modeling.
- Chapter 8:
 - The ROWE should increase opportunities for stakeholders to oppose initiative development.
 - Vote counting should take into account that certain stakeholders may not submit a vote.
 - The ROWE should minimize and carefully consider the use of any vote-driven remand process.
 - If a sector-triggered remand process is adopted, the determination of deep opposition should be proportional to sector membership.
 - ROWE staff should not trigger remands.
 - All participants should be expected to follow the Code of Conduct.

Sincerely,

/s/ Linda Serizawa

Linda Serizawa

Director

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Attachment: Appendix – Details of the California Public Advocates Office's Recommendations

Chapter 2: Corporate Organization and Governance

1. The Public Policy Committee should engage with tribes.

The Draft Briefing Book specifies that the Public Policy Committee should generally conduct outreach to “Participating States, state representatives, local power authorities, federal power marketing administrations, and stakeholders” and identify impacts of proposed tariff changes “on state, local, tribal, and federal policies.”² The committee’s outreach, not just the impact identification, should include tribal entities.

Chapter 3: ROWE Governance Tariff

2. The Draft Briefing Book should be adjusted to correctly refer to the CAISO Balancing Authority Area.

In its description of the Board of Directors structure, the Draft Briefing Book incorrectly refers to the CAISO BAA as the “California Balancing Authority Area.”³ Cal Advocates assumes this refers to the CAISO BAA given the passage’s context. The Draft Briefing Book should be adjusted to correctly name the “CAISO BAA” in this passage.

3. The Draft Briefing Book should be adjusted to correctly refer to the Extended Day Ahead Market.

The chapter defines a “Western Energy Day-Ahead Market or WEDAM: the day-ahead energy market governed by the ROWE.”⁴ The existing and accepted term for this market is the “Extended Day Ahead Market” (EDAM). Since this name is not specific to California or the CAISO, the existing terminology should remain in use.

4. ROWE and CAISO FERC filings should include any dissenting opinions by the BOSR or CAO.

The ROWE will have sole authority over market operations rules, including FERC filing rights.⁵ While maintaining this sole authority, the ROWE should adopt a procedure to include dissents from the CAISO, BOSR, or CAO in the FERC filing. When those groups strongly disagree with the ROWE Board’s proposed tariff revision, the ROWE Board’s submission to FERC should include the dissents from these groups. The dissents may include alternative tariff language.

The CAISO will have sole authority over CAISO system rules.⁶ While maintaining this sole authority, the CAISO should adopt a procedure to include dissents from the ROWE, BOSR, or CAO.

The ROWE and CAISO have joint authority over the market administration rules, including FERC filing rights. While maintaining this joint authority, the ROWE and CAISO should adopt a procedure to include dissents from the BOSR or CAO.⁷

² Draft Briefing Book, chapter 2 at 4.

³ Draft Briefing Book, chapter 3 at 7.

⁴ Draft Briefing Book, chapter 3 at 5.

⁵ Draft Briefing Book, chapter 3 at 6.

⁶ Draft Briefing Book, chapter 3 at 3.

⁷ Draft Briefing Book, chapter 3 at 7.

Adopting these procedures for dissenting filings would align with the procedure that was described in the Pathways process, the predecessor to the ROWE. That process established a procedure to handle disputes about FERC filings between the CAISO Board and the WEIM Board.⁸

Chapter 4: Market Oversight and Data Access

5. The Draft Briefing Book must be modified to correctly characterize resource adequacy in California.

Chapter 4 includes language describing “California’s Resource Adequacy program”⁹ and goes on to describe the CPUC’s RA program. This language must be adjusted, since neither the CPUC nor any other entity administers a statewide RA program. Characterizing the CPUC’s RA program as a statewide program fails to acknowledge the CPUC’s coordination with CAISO on RA issues and the RA programs maintained by other local regulatory authorities in California. The language should be adjusted as follows:

“For example, under the California PUC’s ~~California’s~~ Resource Adequacy program, the California PUC is mandated...”

6. Board meetings on issues that fall solely under one board’s authority should not automatically be executive sessions.

The Draft Briefing Book discusses board meetings where the DMM may present analysis: “In addition to joint sessions, there should be executive sessions with each board for issues that fall under sole authority.”¹⁰ Cal Advocates understands that executive meetings, such as that of the CAISO Board of Governors and the Western Energy Markets Governing Body, are not open to the public or uninvited stakeholders. As written, this passage could force any sole authority issue that DMM discusses with either the ROWE or CAISO boards to be conducted at closed-door meetings. While some discussions could include market-sensitive information or otherwise not be prudent to make public, whether an issue is “sole authority” should not automatically trigger an executive session. The language should be adjusted as follows:

“In addition to joint sessions, there should be executive or public sessions, as appropriate, with each board for issues that fall under sole authority”

7. The CAO should have data access rights, including to transmission expansion modeling.

The chapter describes data access provisions for state agencies, but does not describe any level of data access for the CAO.¹¹ The CAO and the ROWE, as organizations, should also have access to restricted market data to inform its analyses and proposals. Preventing the CAO or the ROWE from having access to the data would undermine their effectiveness and the accuracy of their policy development. Both would then be required to

⁸ That procedure described a somewhat different “dual filing” procedure that would have presented the two board’s tariff proposals “as ‘co-equal’ proposals, with no preference for either proposal indicated in the filing.” West-Wide Governance Pathways Initiative, *Step 1 Recommendation: Final Draft*, June 5, 2024, at 8. Available as “Cover Letter and Step 1 Final Proposal: Transmittal to CAISO Board of Governors and WEIM Governing Body Chairs” at <https://www.westernenergyboard.org/wwgpi/>.

⁹ Draft Briefing Book, chapter 4 at 5.

¹⁰ Draft Briefing Book, chapter 4 at 2.

¹¹ Draft Briefing Book, chapter 4 at 7-8.

protect the data, as a state agency would. The data available to the CAO and state agencies should include guaranteed access to transmission expansion models.¹²

Chapter 8: Stakeholder Process

8. The ROWE should increase opportunities for stakeholders to oppose initiative development.

The stakeholder process should expand on opportunities for stakeholders to oppose – and provide justification for opposing – proposed initiatives. The proposed evaluation survey¹³ for initiative development should include an option to oppose a proposal, not simply set it as low priority. The May Stakeholder Representative Committee (SRC) Roundtable process that precedes the evaluation survey does not guarantee that stakeholder opposition can be discussed.¹⁴ The Final Roadmap process appropriately allows stakeholders to formally oppose a proposed initiative through voting and comments,¹⁵ but there should be a similar opportunity for stakeholders to formally oppose an initiative prior to the Final Roadmap to better inform ROWE staff prioritization process. Similarly, the problem statement evaluation vote¹⁶ should attempt to capture whether stakeholders disagree about the problem statement or whether they think the problem statement is well founded but they oppose the policy changes. Many policies have tradeoffs, and one could agree that a problem statement accurately identifies a problem but still oppose any possible solution because of the anticipated downsides.

9. Vote counting should take into account that certain stakeholders may not submit a vote.

Sectors will have a fraction of participants who do not engage with every initiative and would not submit a vote. Any vote counting scheme that informs remand should be designed such that voting represents sectors appropriately even if an appreciable share of entities within those sectors decline to submit a vote. This could be accomplished in a number of different ways.

First, the proposed participation threshold could be removed.¹⁷ Sectors that have few members – like the Consumer Advocates – may easily fail to meet this threshold if a handful of members are unable to submit votes. Second, the participation threshold could utilize the design developed for Pathways Step 2, in which each sector defines its own quorum requirements.¹⁸ When that sector meets its quorum requirements, its sector

¹² Cal Advocates Step 2 Comments at 19 and Gridworks, *State Consumer Advocates and Western Electricity Regionalization*, March 2024, at 10-12. Available at: <https://www.westernenergyboard.org/wp-content/uploads/25-A.-Western-Consumer-Advocates-ATTACHMENT-to-Pathways-Comments-5-8-2024.pdf>.

¹³ Draft Briefing Book, chapter 8 at 17.

¹⁴ SRC representatives will collect stakeholder feedback but this process does not ensure all stakeholder positions will be shared at the Roundtable, as the materials and meeting are to be led solely by the SRC. Draft Briefing Book, chapter 8 at 15-16.

¹⁵ Draft Briefing Book, chapter 8 at 19.

¹⁶ Draft Briefing Book, chapter 8 at 22-23.

¹⁷ This proposed threshold would require 20% of a sector's entities to vote and must submit at least two or three votes. Otherwise, sector voting results would not trigger a remand. Draft Briefing Book, chapter 8 at 32.

¹⁸ West-Wide Governance Pathways Initiative Launch Committee, *Pathways Step 2 Final Proposal*, November 15, 2024, at 106, available at: <https://www.westernenergyboard.org/wp-content/uploads/Pathways-Initiative-Step-2-Final-Proposal.pdf>.

vote would be counted. Cal Advocates also notes that the Pathways Step 2 process worked out a specific count of seats for each sector to balance representation and interests of all stakeholders across sectors, and it may be desirable to use those seats as the votes each sector exercises in any binding vote process. As with any sector-level vote, the results should be accompanied by individual entity-level voting results when presented to the ROWE Board.

10. The ROWE should minimize and carefully consider the use of any vote-driven remand process.

The ROWE stakeholder process establishes a reasonable development and substantial opportunity for stakeholder involvement to help shape proposed solutions, provide narrative support and opposition to proposals, and provide votes that record a stakeholder's position on final proposals sent to the ROWE Board for consideration. Cal Advocates supports voting on an *indicative* basis, where the votes provide a clear way to record positions, but are not tabulated to determine if they pass a threshold. The ROWE Board will be informed of stakeholders' and sectors' positions through this process and ROWE staff's summaries,¹⁹ before the ROWE Board approves, rejects, or remands any proposal.

This robust stakeholder process makes a remand rule unnecessary much of the time, and issues with counting and aggregating votes make the process fraught. The remand process necessarily lengthens the time to develop solutions as it would require time to consider arguments in opposition and support of a proposal and could require additional workshops and draft proposals to be developed. The process to develop solutions should not have an automatic process applied with any frequency that could delay implementation to improve market designs.²⁰

The ROWE Board should have the authority to execute elective remands if it finds a final proposal lacking in some manner or when indicative voting results and stakeholder input supports a need to adjust a final proposal. Regardless of any vote-based remand policy, the indicative voting results allow the Board to see who is opposed – including the breadth, depth, and sectoral composition – without needing a pre-defined remand threshold. Stakeholders have ample opportunity to provide input on development in stakeholder initiatives. Opposition that endures to the final initiative vote is unlikely to be resolved into a consensus between stakeholders.

The vote-based remand process should be rare. Developers of the remand policy have indicated that they expect the policy to be infrequent. This expectation should be codified by the ROWE Board. If remands occur more frequently than once every few years, the ROWE Board should evaluate adjustments to the remand voting structure or broader stakeholder process. Elective, Board-driven remands should also be rare, but the underlying process issues may be different.

11. If a sector-triggered remand process is adopted, the determination of deep opposition should be proportional to sector membership.

A sector is required to have a minimum number of entities voting as a quorum requirement. Sectors may self-define quorum requirements based on the size of their sector. All self-defined requirements will be reviewed and approved by the RO Board or a subcommittee of the RO Board.

¹⁹ The ROWE staff will provide materials to the ROWE Board after stakeholders submit their votes on a final proposal, to include draft adjustments to the proposal, stakeholder process information including voting results throughout the process and on the final decision, and other relevant analysis. ROWE Stakeholder Process Narrative at 26-27.

²⁰ The Draft Briefing Book envisions stakeholders compromising and eventually ceasing their opposition of an initiative. In many CAISO stakeholder processes, this kind of consensus and acceptance does not occur. The ROWE should think about how to make policy decisions when the default is stakeholders refusing to compromise. Draft Briefing Book, chapter 8 at 29.

The proposed Minority Sector Interest Standard remand could delay or alter a solution supported by the majority of sectors.²¹ The Minority Sector Interest Standard includes two steps to help determine “broad” and “deep” opposition in a sector’s position that may trigger the minority sector interest standard.²² The “deep” opposition step sets a minimum of 70% of votes in opposition within a sector. It also includes a “floor” of at least five votes opposed within a sector, and 20 votes opposed across all sectors.²³

The “floor” design is not equitable since sector memberships may vary drastically in number. Cal Advocates anticipates certain sectors, namely Consumer Advocates may have relatively low membership levels possibly close to or below the five-vote minimum of the floor design. The floor design would discriminate against those smaller sectors compared to sectors with over a hundred members such as the sector representing independent power producers, independent transmission developers, and power marketers. Likewise, the 20 inter-sector vote minimum could be met by a fraction of a single large sector’s membership but would require more than a majority of membership from the smaller sectors to reach.

The floor design should be removed in its entirety. Though Cal Advocates opposes the inclusion of a minority-driven automatic remand, the 70% minimum of votes counted in opposition is itself a reasonable means to establish “deep” opposition as it is proportional to sector membership levels.

12. ROWE staff should not trigger remands.

The Draft Briefing Book describes ROWE staff initiating the remand process.²⁴ It is unclear (1) why the ROWE staff would want or need to do so, and (2) why such an option would be beneficial for market participants. Although Cal Advocates would support the ability for ROWE staff to recommend a remand to the Board, the chapter should remove references to the authority of ROWE to trigger remands. These removals include “the ROWE Board or staff could elect to send the issue back to the stakeholder process” and the entire paragraph:²⁵ The different methods of remanding are a critical element for creating a stronger culture of responsiveness to stakeholders. The authority to trigger a remand would thus lie not just with stakeholders, but with both ROWE staff and the ROWE Board as well.

13. All participants should be expected to follow the Code of Conduct.

The Draft Briefing Book currently states “Stakeholders who elect not to agree to a code of conduct and registration could still participate and comment but would not be eligible to vote.”²⁶ All participants in ROWE stakeholder processes should follow the code of conduct, regardless of whether they are speaking, submitting written comments, or voting. Disruptive individuals who fail to follow the code of conduct should be corrected, and if the behaviors continue, eventually prohibited from ROWE participation.

²¹ Draft Briefing Book, chapter 8 at 33.

²² Draft Briefing Book, chapter 8 at 33.

²³ Draft Briefing Book, chapter 8 at 33.

²⁴ Draft Briefing Book, chapter 8 at 35.

²⁵ Draft Briefing Book, chapter 8 at 35.

²⁶ Draft Briefing Book, chapter 8 at 7.