

## DOCKETED

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California Energy Commission  
Dockets Office, MS-4

**Re: Docket No. 14-OIR-01**

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via email [docket@energy.ca.gov](mailto:docket@energy.ca.gov)

**Re: Docket. 14-OIR-01. Marin Clean Energy's Comments on the Proposed Modifications to the Regulations**

Marin Clean Energy (MCE) is California's first operational Community Choice Aggregation (CCA) program. It began serving retail generation customers on May 7, 2010. Since that time, MCE has significantly expanded and currently serves approximately 170,000 customer accounts in Marin County, unincorporated Napa County, and the cities of Richmond, San Pablo, El Cerrito, and Benicia. There are two other operational CCAs in California: Sonoma Clean Power (SCP) and Lancaster Clean Energy (LCE). Two more CCAs, CleanPower SF and Peninsula Clean Energy, are expected to begin customer enrollment in 2016 or early 2017.

Electricity customers within MCE's member communities are presently able to choose between four retail generation service options, including: 1) MCE Light Green service, which provides customers with a minimum 50 percent renewable energy supply; 2) MCE Deep Green service, a voluntary service election which provides participating customers with 100 percent renewable energy supply; 3) MCE Local Sol, another voluntary service election which will provide participating customers with 100 percent locally produced photovoltaic solar electricity, beginning in 2016; and 4) generation service provided by Pacific Gas & Electric Company (PG&E), the incumbent investor-owned utility (IOU). As a public agency, MCE's planning and procurement decisions, including necessary power supply contracts, are discussed and approved at duly noticed public meetings. This process promotes transparency, broad stakeholder inclusion, and general consumer protection as any member of the public may attend such meetings, providing comment in advance of related decisions by MCE's governing board, which is comprised of locally elected public officials. To the extent that a member of the public requests a copy of any MCE power purchase agreement, such document is provided, in un-redacted form, further promoting the public's understanding of all approved contract terms, including price(s), volume(s), delivery period(s) and other pertinent provisions. Such a process is consistent with the autonomous decision making authority that is

afforded to California's CCAs during the ongoing procurement of requisite energy products and services.

As a retail supplier of electricity in California, MCE has participated in California's Power Source Disclosure Program (PSDP) since its inception, timely submitting requisite annual reports, including the distribution of an annual Power Content Label (PCL) to participating customers. The form and information reflected in the PCL has been very helpful in communicating with customers regarding the various fuel sources from which MCE serves the retail electricity requirements of its customers. In fact, the simplicity of the PCL in its current form has been one of the more effective sources of information used in discussing MCE's supply portfolio and the various, diverse fuel sources that have been incorporated therein.

MCE appreciates the efforts of California Energy Commission's (CEC or Commission) staff on developing the Power Source Disclosure Program Proposed Modifications to Regulations (Proposed Modifications). MCE is in general support of the Proposed Modifications, and respectfully submits the following written comments, which primarily focus on: 1) revising the draft regulations to permit the self-certification of public agencies that offer multiple electricity products; and 2) maintaining the use of an unmodified Power Content Label format.

***I. Public agencies offering multiple electricity products should be able to self-certify.***

Section 1394(b) addresses the agreed upon procedures for Annual Submissions to the Energy Commission, which imposes an annual audit requirement focused on information included within the annual PSDP report, but exempts public agencies, under limited circumstances, from such audit requirements. This allows the agency's board of directors to self-certify the accuracy of such information at a public meeting. In particular, the Regulations specify:

*(2) A retail ~~provider~~ supplier that is a public agency providing electric services is not required to comply with the provisions of subdivision (b)(1) if that public agency offers only one electricity product to its customers and if the board of directors of the public agency approves at a public meeting the submission to the Energy Commission of an attestation of the veracity of the annual report.*

In concept, MCE is very supportive of this approach since all of MCE's planning decisions and contract approvals are completed at duly noticed public meetings. However, this treatment only extends to public agencies offering "one electricity product." This language would exclude CCAs, which, to date, have all offered multiple electricity products with varying degrees of renewable energy content and/or product characteristics. These electricity products, in addition to being subjected to approvals at public meetings, often undergo third-party audits to retain applicable certifications. For example, MCE's Deep Green product is annually certified under the nationally recognized Green-e Energy program. This certification process includes an annual third-party audit to ensure the provision of a retail energy product that conforms with applicable requirements of the Green-e Energy National Standard. Based on MCE's understanding, the draft regulations would create unnecessary redundancies (with regard to the audit requirement) that could have impacts on CCAs' operations, but would not offer additional consumer protection. If the draft regulations are approved without modification, CCAs would be subject to the annual audit requirement, related costs, and administrative burdens.

With this in mind and in consideration of the public planning and procurement processes already undertaken by California's CCAs, MCE recommends that all public agencies be allowed to self-certify the accuracy of information presented in the PCL, regardless of the number of electricity products offered by such agencies. If this is not agreeable to the Commission, MCE recommends a process that would allow a public agency to self-certify a single product (as reflected in current draft Regulations), so long as

all other products offered by the agency are subject to a third-party audit. Such audit reports would be made available at the request of the Commission to demonstrate compliance with the third-party audit requirement and ensure consumer protection.

***II. MCE supports the use of an unmodified Power Content Label format.***

MCE appreciates the Commission's plan to substantially retain the existing format of the Power Content Label, which has been a highly effective tool in communicating with MCE's customers regarding MCE's proportionate use of various fuel sources and resource types. MCE looks forward to the release of the Commission's timeline for an updated online PCL template, as MCE is interested in reviewing the presentation of new information, specifically the inclusion of the "Non-California Eligible Renewable" line item. To the extent that any future changes are contemplated with regard to the existing PCL format, MCE encourages the Commission to engage in a robust stakeholder process to ensure a thorough understanding of potential impacts that may be associated with such changes. Through the stakeholder process, the Commission will also ensure that future versions of the PCL are designed to clearly and concisely inform readers regarding various power sources procured on their behalf.

***III. Conclusion***

MCE appreciates the opportunity to provide its comments on the Proposed Modifications to the Regulations and thanks the Commission for considering the information and recommendations reflected herein.

Sincerely,

/s/ C.C. Song

C.C. Song  
MCE Regulatory Analyst