

DOCKETED

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Notice of Availability of 15-Day Language

Power Source Disclosure Program Implementation Rulemaking Energy Commission Docket No. 14-OIR-1

INTRODUCTION

On December 4, 2015, the California Energy Commission (Commission) published a Notice of Proposed Action (NOPA) proposing modifications to the Power Source Disclosure (PSD) program established pursuant to Public Utilities Code section 398.1 et seq. and found at title 20, California Code of Regulations, sections 1390-1394 (Register 2015, No. 49-Z, p. 2221). Based on comments received, the Commission has revised the proposed modifications to the PSD regulations. The Commission invites the public to review and comment on the revised regulations. The proposed revisions are summarized below and included in this notice. Additionally, the proposed revisions and other supporting documents are available on the Commission website at:

http://www.energy.ca.gov/power_source_disclosure/14-OIR-01/

The public may also request copies of the proposed regulations by contacting Kevin Chou at kevin.chou@energy.ca.gov or (916) 653-1628.

Additionally, the Energy Commission has available all the information upon which the proposed regulations are based at the website listed above. For those without internet access, copies or assistance can be obtained by contacting:

California Energy Commission
Dockets Office
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
(916) 654-5076
docket@energy.ca.gov

The Energy Commission also has the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above.

BACKGROUND

The PSD program was established by SB 1305 (Stats. 1997, ch. 796, § 1) and amended by AB 162 (Stats. 2009, ch. 313, §§ 1 – 3) and AB 2227 (Stats. 2012, ch. 616, §§ 6 - 7). The program’s intent, as described in statute, is to require the disclosure of “accurate, reliable, and simple to understand information on the sources of energy that are used to provide electric services [in California].”¹

The Energy Commission held a public workshop on January 6, 2016, to solicit oral and written comments on the proposed modifications. The NOPA established a written public comment period that ended on January 19, 2016; however, the Energy Commission extended the written comment period to February 5, 2016 (Register 2015, No. 51-Z, p. 2321.) and again to February 19, 2016.

Based on comments received during this comment period, the Commission determined that additional modifications were warranted. The purpose of this notice is to provide for 15-day public notice and comment of substantive revisions made to the Express Terms for the proposed modifications to the regulations.

The Commission will conduct a hearing to consider adoption of the revised regulations during its regularly scheduled business meeting on May 11, 2016.

PROPOSED 15-DAY LANGUAGE

Changes to the 45-Day language are indicated by double strikethrough (~~example~~) for deleted language and double underline (example) for added language. The 15-Day Language changes include:

1. Under sections 1391-1394, the term “electricity product” has been amended to “electric service product” for clarity, and to differentiate the term from language used in the Renewables Portfolio Standard (RPS) regulations.
2. Under sections 1391-1393, the proposed term and definition of “non-California eligible renewable” has been deleted. This term was proposed to accommodate retail suppliers with service territory that extends beyond California, as the alignment of eligible renewables with RPS definitions by Assembly Bill 162 (Ruskin, Ch. 313, St. of 2009) made it possible that the classification of some renewable resources matched to out-of-state loads would not have a clear classification. However, due to numerous concerns expressed by retail suppliers that the proposed category would cause confusion to consumers, this term and provision has been eliminated.
3. Under section 1391, the definition of “specific purchase” has been revised to incorporate statutory provisions found in its definition in Public Utilities Code § 398.2 (c). These changes added language stipulating that specific purchases must be traceable

¹Public Utilities Code, section 398.1, subd. (b).

via auditable contract trails, or the equivalent, and provided that retail suppliers may use annual data rather than matching loads and resources on an hour-by-hour basis.

4. Under section 1391, the definition of “WREGIS certificate” was stricken and its proposed use in section 1394 for reporting and verification purposes has been withdrawn. This change was made due to numerous concerns expressed by retail suppliers that the reporting of WREGIS certificates would be an onerous and unnecessary requirement for the purposes of this program.

5. Under section 1393, the reporting of electricity in kilowatt hours was amended to specify that such figures should be denominated in *thousands of* kilowatt hours (equivalent to megawatt hours). This change better aligns PSD reporting with the RPS program, which may simplify the retail suppliers’ reporting requirements.

6. Under section 1393, The URL (internet web address) to the power content label template was added to direct retail suppliers to a specific location on the Energy Commission’s website.

7. Under section 1394, a provision was added to allow public agencies to self-attest one electric service product, and provide audits for additional products. Several public agencies commented that the existing audit exemption found in subdivision (b)(2) of this section is too restrictive, and that it would prevent small public agencies with limited resources from offering their customers optional electric service products with higher renewable energy profiles.

PUBLIC HEARING

The Energy Commission will consider adopting the proposed revisions to the existing regulations for the PSD program during its regularly scheduled business meeting on:

Wednesday, May 11, 2016
10:00 a.m.
California Energy Commission
1516 Ninth Street
Art Rosenfeld Hearing Room
Sacramento, California
(Wheelchair accessible)

Remote Access Available by Computer or Phone via WebEx™
(see instructions below)

Instructions for accessing Energy Commission hearings using either method can be found at: <http://www.energy.ca.gov/webcast/index.html>. If you have a disability and require assistance to participate in the Energy Commission adoption hearing, please

contact Lou Quiroz at (916) 654-5146 at least five days in advance of the workshop/hearing or the adoption hearing.

PUBLIC COMMENT

Any interested person may submit written comments on the proposed regulation. The written comment period for the 15-Day Language will be from **March 28, 2016**, through and including **April 12, 2016**.

E-mail comments in either Microsoft Word format (.doc) or Adobe Acrobat portable document format (.pdf) to: DOCKET@energy.ca.gov. All written comments sent by e-mail must indicate **Docket No. 14-OIR-01** in the subject line.

Written comments may also be mailed to:

California Energy Commission
Docket No. 14-OIR-01
Docket Unit
1516 Ninth Street, MS-4
Sacramento, CA 95814-5504

The Commission will also accept oral comments during the hearing on May 11, 2016. Comments may be limited to three minutes per speaker. All comments will become part of the public record of this proceeding. Additionally, written comments may be posted to the Commission's website for the proceeding.

PUBLIC ADVISER AND OTHER COMMISSION CONTACTS

The Energy Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489, or toll-free in California at (800) 822-6228, or email at publicadviser@energy.ca.gov.

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

If you have questions on the subject matter of this proceeding, please contact Kevin Chou at kevin.chou@energy.ca.gov or (916) 653-1628. If you have legal questions about this proceeding, please contact Senior Staff Attorney Lisa DeCarlo at lisa.decarlo@energy.ca.gov or (916) 654-5195.