

## DOCKETED

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**BEFORE THE CALIFORNIA ENERGY COMMISSION**

**In the matter of:  
Rulemaking to Consider Modifications  
to the Electricity Generation Source  
Disclosure Regulations**

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

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**NORTHERN CALIFORNIA POWER AGENCY COMMENTS ON  
POWER SOURCE DISCLOSURE REGULATION 15-DAY LANGUAGE**

Pursuant to the California Energy Commission (CEC or Commission) *Notice of Availability of 15-Day Language*, dated March 29, 2016, the Northern California Power Agency (NCPA)<sup>1</sup> offers these comments to the Commission on proposed changes (15-Day Language) to the December 18, 2015 proposed modifications to the *Power Source Disclosure Regulation* (December 18 Proposed Amendments).

The 15-Day Language address several key shortcomings in the December 18 Proposed Amendments to the Power Source Disclosure (PSD) Regulation and should be adopted by the Commission. NCPA appreciates Staff's responsiveness to stakeholder concerns and recognition of the need for greater certainty in complying with the regulation. As California's utilities move toward the procurement of greater amounts of renewable and low-GHG electricity, it is important electricity customers are able to view and understand the electric generation resources that generate the electricity they use. NCPA appreciates the Commission's acknowledgement of the need for amendments that update the current program and the December 18 Proposed Amendments provided needed updates and properly struck unnecessary provisions and appendices. However, the 15-Day Language provides additional clarity and go even further in correcting and refining the Regulation. NCPA encourages the Commission to adopt the Proposed Amendments as further revised by the 15-Day Language.

**15-DAY LANGUAGE**

The 15-Day Language includes necessary corrections to the December 18 Proposed Amendments and should be adopted. As explained herein, NCPA supports the further revisions striking the requirement to submit WREGIS Certificates; removing the proposed definition and

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<sup>1</sup> NCPA is a not-for-profit Joint Powers Agency, whose members include the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah, as well as the Bay Area Rapid Transit District, Port of Oakland, and the Truckee Donner Public Utility District, and whose Associate Member is the Plumas-Sierra Rural Electric Cooperative.

category for non-California eligible renewables; and allowing agencies to self-attest electric service product. NCPA encourages Staff to reconsider provisions that would allow electronic distribution of annual disclosures to be the default means by which the information is provided to utility customers.

Reporting WREGIS Certificate Numbers: The Notice of 15-Day Language recognizes the “number concerns expressed by retail suppliers that the reporting of WREGIS certificates would be an onerous and unnecessary requirement for the purposes of this program.” (Notice p. 3) This information is still provided to the Commission, albeit in the context of the RPS program rather than the PSD. Striking the requirement from the PSD also furthers the joint efforts of the Commission and stakeholders to simplify and coordinate reporting requirements when possible and reduces redundant and duplicative reporting.

Non-California Eligible Resources: The December 18 Proposed Amendments to the PSD would have created a new category for renewable resources from others states, without defining what those resources are. The 15-Day Language strikes this new definition, recognizing that its inclusion would cause undue confusion to consumers.

Auditor’s Report: The 15-Day Language recognizes that a public agency’s attestation to the veracity of its report serves the same purpose as the audit requirement for non-public agencies. Differences between retail sellers that are public agencies and those that are for-profit entities should continue to be recognized. The 15-Day Language would allow public agencies with multiple electricity products to attest to the veracity of the annual report for one electricity product.

## **FUTURE RULEMAKING**

NCPA encourages the Commission to adopt the proposed amendments to the regulation as clarified by the 15-Day Language and close this proceeding. NCPA encourages the Commission to work with stakeholders in a future rulemaking to address the distinction between the PSD label and RPS programs in order to avoid undue confusion to California’s energy consumers. The purposes of the two programs differ and the power source disclosures are intended to provide accurate and meaningful information to customers. Reporting under the RPS Regulation, on the other hand, is annual reporting of electricity generation from RPS eligible resources and information regarding the retirement of renewable energy credits (RECs) specific to the definitions and mandates of the state’s RPS program. California’s consumers should fully understand that nothing in the PSD label should be construed as a proxy for evaluating a utility’s compliance with the RPS program, nor be seen as an indicator of potential future compliance. It is imperative that consumers understand that the PSD program and the RPS program serve

different purposes. It is in that context that any future amendments should be viewed, including revisions to the manner in which unbundled RECs are reported on the PSD label.

## **CONCLUSION**

NCPA appreciates the opportunity to provide these comments on the proposed amendments to the Power Source Disclosure Regulation. Please do not hesitate to contact the undersigned or Scott Tomashefsky at 916-781-4291 or [scott.tomashefsky@ncpa.com](mailto:scott.tomashefsky@ncpa.com) with any questions.

Dated this 14<sup>th</sup> day of April, 2016.

Respectfully submitted,

A handwritten signature in blue ink that reads "C. Susie Berlin".

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