

## DOCKETED

<b>Docket Number:</b>	14-RPS-01
<b>Project Title:</b>	Rulemaking to Amend Regulations Specifying Enforcement Procedures for RPS for Local Publicly Owned Electric Utilities
<b>TN #:</b>	211019
<b>Document Title:</b>	OAL Approval of Modifications to RPS Regulations for POUs
<b>Description:</b>	Office of Administrative Law's approval of the modifications to the RPS regulations for POUs. Approval issued on April 12, 2016 with an effective date of the regulatory action of April 12, 2016.
<b>Filer:</b>	Gabriel Herrera
<b>Organization:</b>	OAL
<b>Submitter Role:</b>	Public Agency
<b>Submission Date:</b>	4/13/2016 10:46:46 AM
<b>Docketed Date:</b>	4/13/2016

**State of California  
Office of Administrative Law**

**In re:**  
**California Energy Commission**

**Regulatory Action:**

**Title 20, California Code of Regulations**

**Adopt sections:**

**Amend sections:** 1240, 3201, 3202, 3203,  
3204, 3206, 3207

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

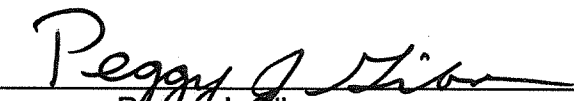
**OAL Matter Number: 2016-0301-04**

**OAL Matter Type: Regular (S)**

The California Energy Commission (CEC) in 2013 adopted regulations specifying procedures for enforcement of the Renewables Portfolio Standard (RPS) on local, publicly-owned electric utilities (POUs). The RPS was created to increase the amount of electricity generated from eligible renewable energy sources. Eligible sources generally mean: wind, solar, biomass, ocean wave, tidal current, landfill or digester gas, geothermal, and small hydroelectric. In this rulemaking CEC is amending this regulations due to the passage of Senate Bill 591 (SB 591, Stats. 2013, ch. 520) which added new subdivision (k) to Public Utilities Code section 399.30 which establishes a limited procurement exemption for a "local publicly owned electric utility that receives greater than 50 percent of its annual retail sales from its own hydroelectric generation that is not an eligible renewal energy resource." This rulemaking also adds some definitions and provides additional detail about dynamic transfers, the portfolio content category classification of electricity products from POU-owned resources, excess procurement rules related to amended contracts, optional compliance measures, reporting requirements and procedural provisions for complaints of noncompliance.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/12/2016.

**Date:** April 12, 2016

  
Peggy J. Gibson  
Senior Attorney

**For:** Debra M. Cornez  
Director

**Original:** Robert P. Oglesby  
**Copy:** Gabriel Herrera

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2015-0313-01</b>	REGULATORY ACTION NUMBER <b>2016-0301-045</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY  
California Energy Commission

AGENCY FILE NUMBER (if any)  
Docket No. 14-RPS-01

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

APR 12 2016

2:06 PM

2016 MAR -1 P 3:56

OFFICE OF  
ADMINISTRATIVE LAW**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Enforcement Procedures for the RPS for POU's		TITLE(S) 20	FIRST SECTION AFFECTED 1240; 3201	2. REQUESTED PUBLICATION DATE March 27, 2015
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Angela Gould		TELEPHONE NUMBER 916-654-4881
FAX NUMBER (Optional)		NOTICE REGISTER NUMBER <b>2015, 13-2</b>		PUBLICATION DATE <b>3/27/2015</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Enforcement Procedures for the Renewables Portfolio Standard for POU's		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) N/A	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
AMEND		1240, 3201, 3202, 3203, 3204, 3206 and 3207	
TITLE(S) 20		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) July 6, 2015 - July 21, 2015			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Gabriel Herrera		TELEPHONE NUMBER 916-654-5141	FAX NUMBER (Optional) 916-654-3843
		E-MAIL ADDRESS (Optional) gabe.herrera@energy.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Robert P. Oglesby, Executive Director

2-29-16

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ENDORSED APPROVED

APR 12 2016

Office of Administrative Law