

**BEFORE THE STATE OF CALIFORNIA ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**Comments of the Northern California Power Agency
on May 28, 2015 Staff Workshop –
Power Source Disclosure Program
(CEC Docket 14-OIR-01)**

The Northern California Power Agency¹ (NCPA) takes this opportunity to provide the following written comments to the California Energy Commission (CEC) in response to the May 28, 2015 Power Source Disclosure Program Staff Workshop. NCPA is pleased that the CEC has embarked on a process to update the regulations to conform with the statutory requirements adopted by the California legislature in 2009 through the passage of Assembly Bill 162 (Ruskin), a bill sponsored by NCPA. Today's comments focus on the following areas of interest as it relates to NCPA: 1) the application of a "REC only" definition in the label, 2) the method that utilities disclose their respective Power Content Labels to customers, and 3) the timing for annual submittal of the Power Source Disclosure form to the CEC. The information is provided sequentially, based on the number of the section of the regulations in which they occur.

Section 1391: "REC Only" Definition Should Be Eliminated from Consideration

NCPA generally understands the desire of the CEC to distinguish between renewable energy that is generated and supplied by a utility and one that is tied to a financial trading element. However, the inclusion of a REC-only definition and its ultimate inclusion as a specific line on the Power Content Label will not be informative for customers attempting to interpret the Power Content Label.

The current approach that utilities are using to apply the purchase and sale of renewable resources is more than adequate at this time. If someone purchases a REC, regardless of what Portfolio Content Category the REC is reflected in the state's RPS program, the megawatt hours from the REC are applied to the Power Content Label based on the resource it is intended to reflect. The label in its current form is not intended by any means to be a measure of compliance with the RPS program, something acknowledged by the CEC as it seeks to require text in the footnote of the label template to that effect. To that end, it is important to note

¹ NCPA 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.

that REC utilization for RPS compliance purposes has a different purpose here and should not be introduced to confuse customers that seek to review a utility's resource mix on an annual basis. The current accounting in the label insures that the renewable aspect of the generation is counted once and once only: the entity holding the REC claims the type of generation resource where the seller of the REC claims the energy as unspecified.

Section 1393: Retail Disclosure to Consumers

Each Fall, electric utilities are required by Section 1393 to provide its final Power Content Label to consumers and the CEC. We concur with the CEC's proposal to change the disclosure date from April 15th to October 1st. This change will allow utilities an opportunity to provide their Power Source Disclosure Reports for a given year to the CEC, and then give the CEC ample time to determine the California resource mix that must be placed on the right side of each utility's final Power Content Label. This timeline has been applied in practice in recent years, with CEC staff concurrence, under the presumption that it is consistent with statutory directives in AB162 and streamlining/coordinated reporting efforts promoted by NCPA and its public power partners, and endorsed by CEC management.

That said, NCPA is concerned about the method required by the pre-draft regulations to disseminate the Power Content Label to customers. The CEC proposes that such disclosures be provided either by mail or electronic mail. This is inconsistent with statutory language included in AB162, now part of Section 398.4(b) of the Public Utilities Code:

(b) The disclosures required by this section shall be made to potential end-use consumers in all product-specific written promotional materials that are distributed to consumers by either printed or electronic means, including the retail supplier's Internet Web site, if one exists, except that advertisements and notices in general circulation media shall not be subject to this requirement.

The language included in the pre-draft regulations should match the language contained in the Public Utilities Code. The Code's language was intended to provide the greatest flexibility to utilities in terms of determining the best options for communicating with customers, given the varying degrees of communication tools that are available. In this regard, distribution of the Power Content Label to customers via a utility's website would be a completely appropriate option.

Section 1394: Annual Submission to the Energy Commission

NCPA requests that the deadline for submitting a utility Power Source Disclosure Report be moved by March 1st to June 1st of each year, and not April 1st as proposed in the pre-draft regulations. In the spirit of streamlining reporting as well as making the best use of utility staff resources, a June 1st deadline synchs well with the June 1st deadline that the California Air Resources Board imposes on entities that submit greenhouse gas emissions reports under the state's climate program. With few exceptions, the megawatt hours reported by each utility when they disclose the source of their respective generation resources will be directly connected to the greenhouse gas emissions reported to CARB. Having both reports due on the same date makes sense and clearly reduces duplicative efforts associated with compiling the same data at two distinct dates. We look forward to further discussion as the regulations move forward toward final adoption.

Respectfully Submitted,

A handwritten signature in black ink that reads "Scott Tomashefsky". The signature is written in a cursive, flowing style.

Scott Tomashefsky
Regulatory Affairs Manager

Northern California Power Agency
July 1, 2015