California Energy Commission

Staff Final ~~Draft~~ GUIDEBOOK

RENEWABLES PORTFOLIO STANDARD ELIGIBILITY

Eighth Edition

Staff Final ~~Draft~~ Guidebook

CALIFORNIA
ENERGY COMMISSION

Edmund G. Brown Jr., Governor

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This guidebook was formally adopted by the Energy Commission on April 21, 2004, pursuant to former Public Utilities Code (PUC) ~~S~~section 383.5, ~~S~~subdivision (h), and subsequently revised pursuant to this authority and Public Resources Code (PRC) ~~S~~section 25747, ~~S~~subdivision (a), on May 19, 2004; August 11, 2004; May 21, 2005; April 26, 2006; March 14, 2007; December 19, 2007, December 15, 2010, May 9, 2012, August 9, 2012, April 30, 2013, and XX XX, 201~~5~~4.

The requirements in this guidebook are based on applicable law, the Renewables Portfolio Standard Decision on Phase 1 Implementation Issues (Publication Number CEC-500-03-123F), the Renewables Portfolio Standard Decision on Phase 2 Implementation Issues (Publication Number CEC-500-03-049F), staff analysis, and public input.

ABSTRACT

The *Renewables Portfolio Standard Eligibility Guidebook* (*RPS Guidebook* or guidebook) describes the eligibility requirements and process for certifying eligible renewable energy resources for California's Renewables Portfolio Standard (RPS) and describes the ~~California Energy Commission's accounting system~~ process used to verify ~~the retirement of Renewable Energy Credits (RECs) for~~ compliance with the RPS. California's RPS has a target of obtaining 33 percent of the state's electricity from eligible renewable energy resources by 2020.

Keywords: ~~awardee,~~ battery, biodiesel, biomass, biomethane, certificates, certification, common carrier pipeline, conduit hydroelectric, digester gas, electrical generation facility, electrolysis, ~~eligibility,~~ energy storage, fuel cell, gasification, geothermal, guidebook, hydroelectric, hydrogen, incremental generation, landfill gas, multifuel, municipal solid waste, ocean wave, ocean thermal, photovoltaic, pipeline biomethane, ~~power purchase agreement,~~ precertification, Qualified Reporting Entity (QRE), RECs, renewable energy, renewable energy credits~~/certificate~~ (REC), Renewables Portfolio Standard, repowered, ~~retail sales,~~ RPS certification, small hydroelectric, ~~Self- Generation Incentive Program,~~ solar, solar thermal, ~~supplemental energy payments,~~ tidal current, ~~tradable renewable energy credits, TRECs,~~ water supply or conveyance system, Western Electricity Coordinating Council, WECC, Western Renewable Energy Generation Information System, wind, ~~Western Renewable Energy Generation Information System,~~ WREGIS, WREGIS Certificate~~s~~

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What's New in This Guidebook?

Below are the major changes in this edition of the *Renewables Portfolio Standard Eligibility Guidebook* as compared with the previous version, ~~April 2013~~ ~~August 2012~~ ~~*Sixth Edition* of the~~ *RPS Guidebook, Seventh Edition*~~:~~ (April 2013). In addition, the sections below were changed throughout the guidebook to improve clarity and reduce duplication. Below is a summary of major changes.

New Legislation

- Identifies Assembly Bill 1478 (Chapter 664, Statutes of 2014) ~~2196~~, which amends ~~establishes new~~ and clarifies the eligibility requirements for a hydroelectric ~~biomethane~~ generation unit ~~not exceeding 40 megawatts that is operated as part of a water supply or conveyance system~~, ~~is summarized~~.

  ~~(Chapter 520, Statutes of 201350~~

Energy Resource Eligibility Requirements

This section includes the following changes:

- Clarification in Section "II.B. Biomass"for facilities using fuel that qualifies as biomass conversion.

- Substantive changes in Section "II.C. Biomethane" that refine the definition of a dedicated pipeline to include a functionally dedicated pipeline.

- Substantive changes in Section "II.F. Hydroelectric" to implement the amended requirements under Assembly Bill 1478.

- ~~Streamlining throughout the section to improve clarity and reduce duplication.~~

~~This section incorporates the portions of the former Eligibility Requirements Section relating specifically to eligible energy resources. Changes to this section include:~~

- ~~Table 1 summarizes the reporting requirements for each renewable resource.~~
- ~~Biogas: The biogas section is removed and a biomethane section is introduced, implementing AB 2196.~~
- ~~Biomass: additional information is transferred from the *Overall Program Guidebook* regarding eligible biomass materials.~~
- ~~Fuel Cell: additional information on the hydrogen production process is required.~~
- ~~Hydroelectric: this section is reorganized and duplicative information is removed; pumped storage hydroelectric is moved from this section to the Energy Storage section.~~
- ~~The following topics are added to the Energy Resources Eligibility Requirements section:~~
  - ~~Geothermal~~

~~o Ocean Thermal~~
~~o Ocean Wave~~
~~o Solar~~
~~o Tidal Current~~
~~o Wind~~

Facility Requirements

This section includes the following changes:

- Adding ~~two sections,~~ Sections "III.A.1.a. Creation of Retroactive Renewable Energy Credits in WREGIS" and "III.A.2~~III.A.1.b~~. Extension of Deadline for POUs to Use the ITS," consistent with the requirements in Resolution No: 14-1007-10, which the Energy Commission adopted on October 7, 2014.

- Defining station service in "III.A.3. Station Service."

- Removing the allowance for grandfathered certified facilities to use up to 25 percent nonrenewable energy resources and still consider 100 percent~~%~~ of the generation to be RPS-eligible in Section "III.B.3. Other Nonrenewable Energy Resource Allowances." The allowance will end once the facility contract that was in place ~~at time of certification~~ ends depending on the condition the facility was certified.

- Making the definition of prime generating equipment consistent across each renewable resource for repowered facilities in Section "III.D.1. Prime Generating Equipment."

- Allowing use of a pro-rata approach to measure incremental generation of a hydroelectric facility as approved by the Federal Energy Regulatory Commission (FERC) in Section "III.E.3. Rated Facility Improvement."

- ~~Streamlining throughout the section to improve clarity and reduce duplication~~.

~~This section incorporates the portions of the former Eligibility Requirements section relating to the operations and characteristics of an electrical generating facility that are unrelated to the eligible energy resource used to generate electricity. Changes to this section include:~~

~~Table 2 is introduced to summarize the facility requirements presented in this section.~~

~~Renewable Facilities Using Multiple Energy Resources~~

~~General clarifying revisions are made to the types of fuel measurement methodologies allowed by the Energy Commission.~~

~~The amount of nonrenewable fuel that may count toward the RPS is established for facilities that participated in the former Existing Renewable Facilities Program.~~

~~Additional clarifications are made to the yearly reporting instructions for facilities using multiple fuels including nonrenewable fuels.~~

~~Facilities with a First Point of Interconnection to a non-California Balancing Authority Outside California or Facilities Located Outside the United States~~

~~Socioeconomics and Workers' Safety are removed from the list of LORS.~~

~~Language on certifying facilities for incremental generation is removed.~~

~~Incremental Generation: this section is introduced, describing how the historical and renewable baselines are determined and how the eligible incremental generation is determined.~~

~~Energy Storage: requirements are established for eligible renewable energy facilities using storage.~~

~~The following sections are removed from this section:~~

~~Energy Delivery Requirements~~

~~Unbundled Renewable Energy Credits~~

RPS Certification

This section includes the following changes:

- Allowing the use of electronic submittal in PDF (with signature) and Microsoft Excel® format in Section "IV. RPS Certification."
- Modification in Section "IV.A.2.a. Eligibility Date" to allow an earlier eligibility date if the facility meets certain conditions.
- ~~Adding~~ New language in Section "IV.A.2.b: Special Cases" allowing ~~to propose a better method for~~ POUs to claim electricity generation ~~tracked in WREGIS prior to May 2012 for POU-owned aggregated facilities.~~ from POU-owned aggregated units beginning January 1, 2011, or when the generation was first available in WREGIS (whichever is later) if the aggregated units meet certain criteria.[1] ~~tracked in WREGIS prior to May 2012 for POU-owned aggregated facilities.~~

1 In the fifth edition of the *RPS Eligibility Guidebook*, the Energy Commission determined that all grid-connected renewable electric generation facilities in the WECC, including generation serving onsite load,

- Clarifying requirements for ~~to~~ simple certification amendments in Section "IV.B: Amending an RPS Certification."

- ~~Streamlining throughout section to improve clarity and reduce duplication.~~

~~The certification section is expanded to include new certification types and additional information on the certification process.~~

~~Special multijurisdictional utility certification is no longer offered.~~

~~Utility certified facilities:~~

~~The certification extension deadline for utility-certified facilities is further extended from October 1, 2012, to the adoption date of the *seventh edition* of this *guidebook*.~~

~~Each IOU must provide additional information to the Energy Commission regarding all utility-certified facilities they represent with unexpired initial contracts.~~

~~Each IOU must submit a CEC-RPS-1 form for each utility-certified facility it owns by the end of 2013.~~

~~An applicant that fails to apply for certification within 90 days of the facility's commencement of commercial operations or fails to apply for amended certification or precertification with 90 days of a significant change may now retain the original eligibility date if the Energy Commission receives an application for certification or amended certification or precertification before the adoption date of this guidebook.~~

~~Pre-March 29, 2012, Biomethane Facilities: limited certification for electric generation facilities only eligible under existing biomethane procurement contracts.~~

~~Historic Carryover: establishes requirements for facilities with eligible generation for historic carryover as specified in the Energy Commission's draft regulations for Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities, as adopted.~~

~~Eligibility Date: information on how the eligibility date for the facility is set, and when the eligibility date for a facility may be changed, is described in detail, including all exceptions that allow generation from the facility to count for specific purposes before the eligibility date.~~

~~Checking the RPS Eligibility Status of a Facility: Information on how to determine the status of an application for a facility in the RPS program.~~

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may be certified as RPS-eligible if the renewable energy resource used by the facility meets all eligibility requirements.

- ~~Applications that were denied for being incomplete after the adoption of the *Fifth Edition* of the *RPS Guidebook* may reinstate the original eligibility date assigned to the facility in an approved application, if an application is received by the Energy Commission before the adoption of this guidebook.~~

Annual Facility Reports

This section includes the following changes:

- Renaming the section, incorporating Section "V. RPS Tracking Systems, Reporting, and Verification" from the *RPS Guidebook, Seventh Edition.*
- Adding ~~a new section,~~ Section "V.C. Functionally Dedicated Pipeline for Biomethane," with new reporting requirements.
- ~~Streamlining throughout the section to improve clarity and reduce duplication.~~

Annual Load-Serving Entity -Reports

This section includes the following changes:

- Adds Section "VI.B.2: Sales from Existing Hydroelectric Generation Units Operated as Part of a Water Supply or Conveyance System" to implement the reporting requirements under Assembly Bill 1478.
- Clarifies the language on REC retirement data in Section "VI.C. RPS Procurement Verification" to reflect the existing verification procedure that allows RECs to be unretired or additional RECs to be reported consistent with WREGIS rules.
- Renaming the section, incorporating portions of Sections "V. RPS Tracking Systems, Reporting, and Verification" and "VI. RPS Procurement Requirements" from the *RPS Guidebook, Seventh Edition.*
- ~~Streamlining throughout the section to improve clarity and reduce duplication.~~

~~RPS Tracking Systems, Reporting, and Verification~~

~~New RPS reporting instructions and updated and new forms are provided for all load serving entities.~~

- ~~There are special reporting instructions for retail sellers and local publicly owned electric utilities (POUs) for reporting 2011 and 2012 procurement. For years 2013 and forward, the annual due date for reporting procurement retired for the RPS for the previous reporting year is July 1 for both retail sellers and POUs.~~

- ~~The reporting requirements and limitations related to the phasing out of the Interim Tracking System (ITS) for retail sellers, POUs, and certain RPS-certified facilities are described.~~
- ~~REC retirement and reporting requirements shared by retail sellers and POUs are explained.~~
- ~~In addition to explaining the verification methodology using the ITS and the Western Renewable Energy Generation Information System – WREGIS, information on how RPS data becomes finalized is included.~~

~~RPS Procurement Requirements~~

- ~~A new section, RPS Procurement Requirements, is added. It addresses the different RPS agency roles of the Energy Commission and the California Public Utilities Commission (CPUC) and provides detailed reporting instructions for POUs with regards to "count in full" (including Historic Carryover) and Portfolio Balance Requirement claims.~~
- ~~The process is discussed for contesting and correcting erroneous categorization in the verification process.~~

~~Retail Sellers' Procurement from POUs for RPS Compliance~~

~~A retail seller may claim RECs it has procured that are associated with deliveries of electricity by an eligible renewable energy resource to a POU, for purposes of satisfying the retail seller's RPS procurement requirements, if the Energy Commission verifies that certain conditions are met.~~

Administration

This section includes the following changes:

- Adds Section "VII.A.5. Deadlines and Submission Dates" to clarify the definition and provide criteria.

- Extends the period in Section "VII.B.2. Record Retention" for keeping records reported pursuant to the *RPS Guidebook* from three years to five years to account for the three- and four-year compliance periods under the RPS.

- Adds Section "VII. D.3. Extensions of Certification Application Deadlines" to allow ~~A new section, Administration, is added to provide information that is provided in the *Overall Program Guidebook for the Renewable Energy Program* that is relevant to the RPS. The RPS program will no longer reference the *Overall Program Guidebook*, which the Energy Commission plans to phase out by the end of 2013.~~Tthe Energy Commission's Executive Director to extend and waive application deadlines for RPS certification if certain criteria are met, consistent with the requirements of Resolution No: 14-0422-11, which the Energy Commission adopted on April 22, 2014.

~~Streamlining throughout the section to improve clarity and reduce duplication.~~

Appendix A: RPS Certification Forms

- Allowing the use of electronic submittal in PDF (with signature) and Excel format in Section "IV. RPS Certification."
- Reorganizes all certification forms with the exception of the CEC-RPS-3 form and CEC-RPS-1.S3 form.
- Eliminates the CEC-RPS-1.S5 supplemental form and CEC-RPS-2196 form.
- Eliminates ~~Replaces~~ the CEC-RPS-1.S4 supplemental form formerly required for biomethane facilities.
- Adds new CEC-RPS-1.S4 supplemental form for ~~with~~ incremental generation from ~~of~~ large hydroelectric facilities. This form will be provided to WREGIS as part of the registration process after the facility is certified.
- Adds new CEC-RPS-De Minimis supplemental form for facilities under the category "other nonrenewable energy resource allowances." This form will be provided to the Energy Commission within **90 days** of the adoption of the eighth edition of the *RPS Guidebook,* who will collect contract end dates for these facilities and end the allowance with the end of their contract.
- Clarifies that additional information on the facility location may be requested for solar and wind applicants.

Appendix B: Annual Facility Reporting Forms

- Eliminates the CEC-RPS-Multi-Fuel form.
- Updates the CEC-RPS-GEN form.
- Renames and updates the CEC-RPS-Biomethane form to the CEC-RPS-CCP form.
- Adds new CEC-RPS-FDP form for functionally dedicated pipeline for biomethane facilities.

Appendix C: Annual LSE Reporting Forms

- Adds new ~~This~~ appendix ~~is new~~ to separate the load-serving entity ~~LSE~~ forms from the generating facility forms. Most of the forms identified in this section have not changed. ~~The CEC-RPS-Biomethane form has been renamed to CEC-RPS-CCP form.~~

- Creates a~~A~~ new form, CEC-RPS-399, ~~is created~~ to be used by POUs that meet the criteria of Public Utilities Code section 399.30(j) related to hydroelectric generation units operated as part of a water supply or conveyance system.

- Eliminates the CEC-RPS-HCO form.

Appendix D: Statutory History

- Adds description of new legislation: Assembly Bill 1478.

Appendix E: Summary of Reporting Requirements and Deadlines

- Updates ~~T~~the summary of ~~izing~~ reporting requirements.~~table is updated.~~

Glossary of Terms

~~The glossary of terms is transferred from the *Overall Program Guidebook*, but only definitions relevant to the RPS are transferred to the *RPS Guidebook*.~~ The following terms related to the RPS program have been added, revised, or removed from the ~~*Overall Program Guidebook's*~~ Glossary of Terms:

Added	Revised	Removed
Aggregated unit	Awardee	Aggregator
Beneficial use	Balancing authority	Biogas
Compliance period	Biomass	Central station facility
Compliance report	California balancing authority	Collaborative staff
Electricity product	Capacity	Community choice aggregator
e-Tag	Conduit hydroelectric facility	Competitive transition charge
Executive director	Dedicated pipeline	Control area
Grid electricity	Digester gas	Conventional Power Source
Historic carryover	Eligible renewable energy resource	Distributed generation facility
Load-serving entity	Fuel cell	Distribution network
Net energy metering	Hydroelectric	Electric service provider
Ownership agreement	IOU	Electrical corporations
Point of interconnection	Kilowatt (kW)	End-use customer (end user)

Added	Revised	Removed
Portfolio balance requirement	Kilowatt-hour (kWh)	Existing long-term contract
POU ~~or local publicly owned utility~~	Megawatt (MW)	Fixed energy payments
Renewable electrical generation facility	Megawatt-hour (MWh)	Grid
Retail sales	Metered	Green attributes
RPS procurement requirements	Multijurisdictional utility	Marketer
RPS procurement target	Nameplate capacity	Municipal utility
Test energy	NERC e-Tag	~~NERC e-Tag~~
Watt-hour (Wh)	Photovoltaic	Net Metering
WREGIS certificate	Portfolio content category	On-site generation
	Project	Power purchase contract
	Renewable energy credit	Procurement entity
	Renewables Portfolio Standard	Renewable energy public goods charge
	Reporting year	Self-generation
	Retail seller	Sewer gas
	RPS certification	Solid fuel biomass
	~~RPS precertification~~	System operator
	Small hydroelectrid facility	Transmission system
	Water supply or conveyance system	WECC interconnection
	Watt (W)	
	Western Electricity Coordinating Council (WECC)	
	Wind	
	Western Renewable Energy Generation Information system	

- ~~Biogas~~
    - ~~Biomass~~
    - ~~Biomethane~~
    - ~~California Balancing Authority~~
    - ~~Commercial operation~~
    - ~~Commercial operations date (COD)~~
    - ~~Common carrier pipeline~~
    - ~~Dedicated pipeline~~
    - ~~Investor-owned utility (IOU)~~
    - ~~Ocean thermal~~
    - ~~Ocean wave~~
    - ~~Pipeline biomethane~~
    - ~~Portfolio Content Category~~
    - ~~Reporting Year~~
    - ~~Water supply or conveyance system~~
    - ~~Retire~~
    -

I. Introduction

The California Energy Commission developed this guidebook to implement and administer portions of ~~its responsibilities under~~ California's Renewables Portfolio Standard (RPS) under Senate Bill 1038,[2] Senate Bill 1078,[3] Senate Bill 1250,[4] Senate Bill 107,[5] and Senate Bill X1-2.[6] These laws set a goal for retail sellers of electricity and local publicly owned electric utilities (POUs), collectively referred to as load-serving entities (LSEs), to increase the amount of renewable energy they procure until 33 percent of their retail sales are ~~are served with~~ from renewable energy resources by December 31, 2020. Under these laws, the Energy Commission is required to certify electrical generation facilities (facilities) as eligible renewable energy resources that may be used by LSEs~~retail sellers of electricity and POUs~~ to satisfy their RPS procurement requirements, develop an accounting system to verify LSEs~~retail sellers'~~ ~~and POUs'~~ compliance with the RPS, and adopt regulations specifying procedures for the enforcement of RPS procurement requirements of POUs.

This guidebook describes the requirements and process for certifying ~~electrical generation~~ facilities as RPS-eligible ~~renewable energy resources for the RPS~~ and describes how the Energy Commission will track and verify compliance with the RPS. The enforcement procedures for POUs are addressed in a separate document in the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities (POU Regulations)*, set forth in Title 20, California Code of Regulations, Ssections 1240 and 3200 – 3208~~Energy Commission is addressing its responsibilities for adopting regulations for enforcement provisions for POUs in a separate process~~.[7]

This guidebook continues the use of open public ~~establishes efficient and effective~~ processes to encourage participation in California's RPS while ~~and~~ assuringe program credibility to benefit stakeholders~~, regulators,~~ and consumers, and help meet important state policy goals. Although

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2 Senate Bill 1038 (Chapter 515, Statutes of 2002). The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code Ssections 383.5 and 445 but are now codified in Public Resources Code Ssections 25740 through 25751 as a result of Senate Bill 183 (Chapter 666, Statutes of 2003).

3 Senate Bill~~SB~~ 1078 (Chapter 516, Statutes of 2002). The pertinent provisions of SB 1078 are codified in Public Utilities Code Ssection 399.11 through 399.15. This law was subsequently amended to add Ssections 399.16, 399.17, and 399.12.5 under Senate Bill 67 (Chapter 731, Statutes of 2003), Assembly Bill 200 (Chapter 5, Statutes of 2005), and Assembly Bill 2189 (Chapter 747, Statutes of 2006), respectively.

4 Senate Bill~~SB~~ 1250 (Chapter 512, Statutes of 2006)~~. SB 1250~~ amends pertinent provisions in Public Resources Code Ssections 25740 through 25751.

5 Senate Bill~~SB~~ 107 (Chapter 464, Statutes of 2006)~~. SB 107~~ amends pertinent provisions in Public Resources Code Ssections 25740 through 25751 and Public Utilities Code Ssections 399.11 through 399.16.

6 Senate Bill ~~SB~~ X1-2 (Chapter 1, Statutes of 2011, First Extraordinary Session)~~. SB X1-2~~ amends pertinent provisions in Public Resources Code sections 25740 through 25751 and amends and/or adds Public Utilities Code Ssections 399.11 through 399.31.

7 See http://www.energy.ca.gov/portfolio/pou_rulemaking/ for information about the Energy Commission's regulations for *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*.

this guidebook addresses part of the Energy Commission's role in implementing the RPS, the Energy Commission recognizes that the California Public Utilities Commission (CPUC) and the California Air Resources Board (ARB) also have key RPS implementation and enforcement roles.

The enabling legislation established specific roles for the Energy Commission, the CPUC, and the ARB and directs the agencies to work together to implement the RPS.[8] ~~Although the law assigns lead roles for specific implementation efforts to each agency, the roles of the agencies are interrelated. The Energy Commission is responsible for certifying electrical generation facilities as eligible renewable energy resourcesand tracking the procurement of such resources to ensure compliance with the RPS. With the passage of SB X1-2, the Energy Commission is also responsible for adopting regulations specifying the enforcement provisions for the POUs. Under SB X1-2, the Energy Commission must refer violations by the POUs to the ARB, which may apply penalties for noncompliance.~~ The CPUC is responsible for establishing compliance targets for the amount of eligible renewable energy resources retail sellers of electricity must procure and determining~~s~~ compliance with the RPS for retail sellers. Retail sellers include electrical corporations,[9] electric service providers (ESPs), and community choice aggregators (CCAs). The Energy Commission is authorized to issue a notice of violation and correction with respect to a POU and to refer a POU to the ARB for possible penalties imposed pursuant to the California Global Warming Solutions Act of 2006 (Assembly Bill 32, Chapter 488, Statutes of 2006) or other laws if that act is suspended or repealed.

~~In February 2003, the CPUC issued a ruling formalizing collaboration on RPS issues, and in March 2003, the Energy Commission adopted a reciprocal agreement. The Energy Commission subsequently developed this guidebook collaboratively with the CPUC.~~

While this guidebook reflects current requirements, the Energy Commission recognizes that it may need to be revised ~~program guidelines~~ periodically to reflect market, regulatory, and legislative developments, as well as incorporate the lessons learned from experience implementing the RPS. The revision process is discussed in VII.A.4: Substantive Changes.

~~Information about the Energy Commission's Power Source Disclosure Program and related requirements for all retail suppliers of electricity on reporting disclosures and specific purchase claims to customers can be found in the California Code of Regulations, Title 20, Sections 1390-1394.~~

8 SB X1-2 modifies the roles and responsibilities of each agency in implementing the 33 percent RPS requirement, now assigned to all ~~of~~ California~~'s~~ load-serving entities. Both the CPUC and the Energy Commission will implement SB X1-2 through public processes that will define these roles and provide details of the rules and requirements for compliance.

9 Also referred to as investor-owned utilities (IOUs) in this guidebook.

A. RPS Legislation

Various laws related to the RPS have been enacted since the original adoption of this guidebook. These laws triggered the need for guidebook revisions. This guidebook incorporates changes in law as a result of: ~~. These laws triggered the need for guidebook revisions. The seventh edition of this guidebook incorporates changes in law resulting from the following legislation:~~

Assembly Bill 1478 (Chapter 664, Statutes of 2014).

Prior editions of the guidebook incorporated changes in law under ~~This guidebook incorporates~~ the following legislation~~. These laws triggered the need for guidebook revisions. The seventh edition of this guidebook incorporates changes in law resulting from the following legislation:~~

- ~~Senate Bill X1-2, signed into law on April 12, 2011, establishes the California Renewable Energy Resources Act and modifies and/or adds provisions in Public Resources Code Sections 25740 through 25751 and Public Utilities Code Sections 399.11 through 399.31. SB X1-2 increases the RPS procurement goal from 20 percent by 2010 to 33 percent by 2020, expands these requirements to include POUs, revises the responsibilities of the CPUC with respect to retail sellers of electricity, and gives the Energy Commission new regulatory responsibilities with respect to POUs. SB X1-2 also makes other changes to the RPS, including establishing new cost containment provisions and creating renewable energy product categories with specific procurement requirements for each compliance period.~~
- ~~Assembly Bill 2196,[10] signed into law on September 27, 2012, amends Section 25741 of the Public Resources Code and adds Section 399.12.6 to the Public Utilities Code. AB 2196 revises the requirements for renewable electrical generation facilities that use landfill gas, digester gas, or another renewable fuel delivered to the facility through a common carrier pipeline, and establishes conditions for the transactions for the procurement of such fuel, including the source of the fuel and delivery method.~~

~~This guidebook incorporates the following legislation:~~Legislation ~~incorporated into previous editions of the *RPS Eligibility Guidebook* includes~~:

- Senate Bill 1038 (Chapter 515, Statutes of 2002)
- Senate Bill 1078 (Chapter 516, Statutes of 2002)
- Senate Bill 1250 (Chapter 512, Statutes of 2006)
- Senate Bill 107 (Chapter 464, Statutes of 2006)
- Senate Bill 1036 (Chapter 685, Statutes of 2007)
- Assembly Bill 1969 (Chapter 731, Statutes of 2006)
- Assembly Bill 3048 (Chapter 558, Statutes of 2008)
- Assembly Bill 1351 (Chapter 5251351, Statutes of 2009)
- Assembly Bill 920 (Chapter 376, Statutes of 2009)

10 Assembly Bill 2196 (Chapter 605, Statutes of 2012) amends ~~S~~section 25741 of the Public Resources Code and adds ~~S~~section 399.12.6 to the Public Utilities Code.

- Senate Bill 32 (Chapter 328, Statutes of 2009)
- Senate Bill 1247 (Chapter 488, Statutes of 2010)
- Assembly Bill 1954 (Chapter 460, Statutes of 2010)
- Senate Bill X1-2 (Chapter 1, Statutes of 2011, First Extraordinary Session)
- Assembly Bill 2196 (Chapter 605, Statutes of 2012)
- Assembly Bill 2187 (Chapter 604, Statutes of 2012)

Additional information on ~~historical~~ RPS legislation is provided in ~~Appendix C: Statutory History of the RPS~~Appendix D: Statutory History.

~~B. Outstanding Issues~~

~~There are several outstanding issues that could affect these guidelines. Brief discussions follow regarding the major issues facing the Energy Commission, the CPUC, and the ARB as the RPS is implemented. The Energy Commission will continue to address these issues collaboratively with the CPUC, ARB, and interested parties as necessary.~~

~~1. Storage Facilities~~

~~The Energy Commission recognizes the importance of storage technologies for renewable energy resources and recognizes that there are many different storage technologies and methods to store both renewable and nonrenewable energy. Currently, only a small subset of energy storage methods may qualify as part of a facility for RPS certification or precertification; please see Section III.G: Energy Storage for specifics. To further expand the eligibility of facilities using energy storage or account for their contribution to the RPS, additional issues will need to be addressed in a future guidebook revision.~~

~~2. Station Service~~

~~With the adoption of the *Seventh Edition* of the *RPS Guidebook*, the Energy Commission clarifies that the electricity used to meet an electric generation facility's station service load is not eligible for the RPS. At this time, the WREGIS definition of station service remains in effect; the Energy Commission plans to consider the definition of station service with the adoption of a future *RPS Eligibility Guidebook*.~~[11]

~~3. Application of New Eligibility Requirements to RPS-Certified Facilities~~

~~The Energy Commission intends to evaluate if and how new eligibility requirements pursuant to changes in law apply to RPS certified facilities that were certified under a previous edition of the *RPS Guidebook*. Because consideration of this issue could affect facilities that are currently certified under the provisions listed below, this issue merits further consideration. These issues include:~~

~~11 Station service is defined in the WREGIS Operating Rules, available at: www.wecc.biz/WREGIS/Documents/WREGIS%20Operating%20Rules.pdf~~

a) As discussed in Section III.B.3: Other Nonrenewable Fuel Allowances, the Energy Commission has allowed generation from RPS-certified facilities using greater amounts of nonrenewable fuel than the de minimis quantity currently allowed by law to be considered 100 percent eligible for the RPS if certain conditions are met, as described below.

1) For solar thermal facilities that were eligible for funding under the Existing Renewable Resources Account (ERFP) as of December 31, 2011, the entire electrical generation output of the facility may count as RPS eligible. As was the case under the ERFP, this level is capped at 25 percent of the total annual energy input for facilities using solar thermal resources.

2) Facilities that commenced commercial operations before January 1, 2002, were certified and operational as a renewable qualifying small power production facility (QF)[12] pursuant to the federal Public Utility Regulatory Policies Act[13] before January 1, 2002, and are currently certified by the Federal Energy Regulatory Commission (FERC) as a renewable QF, may use up to 25 percent nonrenewable fuels and the entire electrical generation output of the facility will be considered RPS eligible.

3) A facility that was awarded a renewable power purchase contract as a result of a 2002/2003 interim RPS procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062 may use up to 25 percent nonrenewable energy resources, measured on an annual total energy input basis, and count 100 percent of the electricity generated as RPS-eligible.

b) An existing small hydroelectric facility that commenced commercial operations before January 1, 2006, is eligible for the California RPS if the facility was under contract to, or owned by, a retail seller or local publicly owned electric utility as of December 31, 2005.[14]

c) An existing facility that otherwise meets all of the eligibility criteria for facilities with a first point of interconnection to a non-CBA outside California, except that it commenced commercial operations before January 1, 2005, may be RPS eligible if electricity generated by the facility was procured by a retail seller or POU as of January 1, 2010.

4. Precertification

Staff continues to be interested in exploring options to revise the RPS precertification process for renewable projects that are in development and not yet commercially operational. Many stakeholders submitted comments in response to questions regarding precertification in the Energy Commission's notice for the October 21, 2011, workshop for revising the fifth edition of

12 A QF is a qualifying small power production facility eligible for certification pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations.

13 Section 1253 of the Energy Policy Act of 2005 ("EPAct") added Section 210(m) to Public Utility Regulatory Policies Act of 1978 ("PURPA").

14 Assembly Bill 3048 (Chapter 558, Statutes of 2008) revised the definition of an "eligible renewable energy resource" to include small hydroelectric facilities under contract with or owned by a local publicly owned electric utility.

~~this guidebook. Staff will continue working with interested stakeholders in efforts to reach consensus on how the Energy Commission can provide a measure of regulatory certainty for projects in development.~~

~~C.~~B. Guidebook Organization

This guidebook is organized as follows:

What's New in This Guidebook?

I. Introduction: Provides a brief introduction to the RPS, ~~RPS~~ enabling legislation, and the guidebook.

II. Energy Resource Eligibility Requirements: Identifies eligibility requirements specific to each energy resource type used to generate electricity at facilities.

III. Facility Requirements: Contains eligibility requirements for facilities depending on their operation, interconnection, and location. These requirements are independent of the renewable energy resource used to generate electricity.

IV. RPS Certification: Provides information on applying for and maintaining an RPS certification, including information on the types of RPS certification offered, submission deadlines, and yearly reporting requirements.

V. Annual Facility Reports: Identifies annual reporting requirements for applicants of certain facilities that are required to maintain RPS certification.

VI. Annual Load-Serving Entity Reports:~~Annual LSE Reports:~~ Identifies annual reporting requirements for LSEs and restrictions on the retirement of RECs for California's RPS.

~~V. RPS Tracking Systems, Reporting, and Verification~~

~~VI. RPS Procurement Requirements~~

~~VII. Retail Sellers' Procurement from POUs~~

VII~~VII~~~~VIII~~. Administration: Describes the protocol used by the Energy Commission to administer the RPS program.

Glossary of Terms: Defines ~~Provides definitions for~~ terms used in this guidebook.

List of Acronyms and Abbreviations: Identifies acronyms and abbreviations used in this guidebook.

~~Appendix A: WREGIS Reporting Instructions~~

Appendix A:~~Appendix A:~~ Appendix B: ~~RPS Certification Forms:~~ Contains the forms used to apply for RPS certification of a facility.

Appendix B: Contains the forms used to report facility operation and energy resource procurement information to the Energy Commission.

Appendix C: Contains the Energy Commission forms and information on the WREGIS forms used by LSEs to report procurement information to the Energy Commission.

Appendix D:~~: Appendix C: of the RPS:~~ Provides a summary of enacted legislation that affects the RPS program.

Appendix E:~~ Appendix D: Summary of Reporting Requirements and Deadlines:~~ Provides a table summarizing all RPS certification and reporting deadlines.

Index: Provides reference page numbers for various terms, forms, and concepts.

C. Outstanding Issue

The Energy Commission recognizes that there is renewable electricity being transferred between balancing authorities under the western Energy Imbalance Market (EIM) that began operating in November 2014. Currently, EIM transfers are not specifically contemplated by RPS statute or through the California Public Utilities Commission (CPUC) implementation of the Portfolio Content Category (PCC) classification Decision (D.11-12-052) or Compliance Decision (D.12-06-038), or through the Energy Commission's implementation of PCC classifications for local publicly owned electric utilities (POUs) in the Energy Commission's RPS POU Regulations (20 CCR sections 1240, 3200 – 3208). The California Independent System Operator, CPUC, and the Energy Commission have begun the discussion to address how RECs associated with electricity scheduled under EIM would be classified according to the portfolio content categories established in Public Utilities Code section 399.16, and how the EIM schedule would be reviewed. This and any additional issues will need to be addressed in a future guidebook revision, if deemed necessary.

~~Section II covers energy resource specific eligibility requirements for electrical generating facilities interested in producing electricity that can be procured by retail sellers and POUs to comply with the RPS.~~

~~Section III covers additional eligibility requirements for electrical generation facilities participating in the RPS, including generation tracking and accounting requirements as well as specific requirements for facilities with certain interconnection and operational characteristics that are independent of the energy resource used to generate electricity.~~

~~Section IV discusses the Energy Commission's certification and precertification process, including the types of certification and precertification currently offered and offered in the past. This section also contains a detailed explanation of the review process and any deadlines associated with the submission of an application for certification, precertification, or amended certification and precertification.~~

~~Section V discusses the RPS tracking, reporting, and verification processes the Energy Commission uses to verify retail sellers' and POUs' compliance with the RPS and to verify that generation is counted only once in California or any other state.~~

~~Section VI discusses the RPS procurement requirements and the agencies' roles for implementing them for the retail sellers and POUs.~~

~~Section VII discusses RPS requirements and verification when POUs sell RECs to retail sellers for RPS compliance.~~

~~Lastly, Section VIII covers the protocol used by the Energy Commission to administer the RPS program.~~

II. Energy Resource Eligibility Requirements

~~To become RPS certified, an electrical generation facility must be an "eligible renewable energy resource," which requires the facility to use one or more renewable energy resources or fuels as described in this section and to satisfy the additional eligibility requirements specified in Section III: Facility Requirements.~~ The Energy Commission's RPS certification of a facility means the facility~~'~~ is capable of producing electrical generation that may be used by a retail seller or POU to satisfy its RPS procurement requirements. ~~Facilities that are certified by the Energy Commission for the RPS are generally referred as "RPS eligible" or RPS certified."~~

~~The Energy Commission has determined that it is appropriate to define eligible renewable energy resources by renewable resource or fuel, rather than by the specific technology used. For certain eligible renewable energy resources, however, the law contains specific requirements, and the Energy Commission must consider both the resource or fuel and the technology to determine RPS eligibility for the facility that uses them for electricity generation.~~

To qualify for ~~as~~ RPS certification~~eligible for California's RPS~~, ~~an electrical generation~~ facility must use one or more ~~of the~~ eligible ~~following~~ renewable energy resources identified in Table 1 below. ~~or fuels:~~

~~Biodiesel~~

- ~~Biomass~~
- ~~Biomethane~~
  - ~~Digester gas~~
  - ~~Landfill gas~~
- ~~Fuel cell using renewable fuels~~
- ~~Geothermal~~
- ~~Hydroelectric~~
  - ~~Conduit hydroelectric~~
  - ~~Incremental hydroelectric generation from efficiency improvements~~
  - ~~Small hydroelectric~~
  - ~~Water supply and conveyance~~
- ~~Municipal solid waste~~
- ~~Ocean wave,~~
- ~~Ocean thermal~~
- ~~Solar~~
  - ~~Photovoltaic~~
  - ~~Solar thermal electric~~
- ~~Tidal current~~
- ~~Wind~~

Table 1 summarizes the resource-specific requirements for a facility to qualify for the RPS and provides information on ~~the appropriate~~ required forms and ~~additional required~~ information

necessary to apply ~~to submit~~ for ~~facilities seeking~~ RPS certification ~~or precertification~~. Additional resource-specific requirements are also provided in Table 1 below. ~~An explanation of the requirements for each resource type is included below.~~

Table 1: Summary of RPS Resource Eligibility Requirements

Note: A CEC-RPS-1 form must be submitted for each electrical generation facility seeking RPS certification or precertification. Applications for aggregated units must be made on a CEC-RPS-3 form. All forms can be found in Appendix A: RPS Certification Forms~~Appendix B: Forms~~.

Resource Used by Facility	Supplemental Form	Additional Required Information, or Notes
Biodiesel	~~CEC-RPS-1S1~~N/A	N/A~~Yes,~~ Refer to Section II.A.~~if MSW is all or part of the fuel source. Refer to Section II.C.~~
Biomass	~~CEC-RPS-1S1~~N/A	N/A. Refer to Section II.B.
Biomethane ~~including Digester Gas and Landfill Gas~~	CEC-RPS-1.S1	Yes, ~~if the biomethane is transported through a common carrier pipeline,~~ Refer to Section II.C.
Fuel Cell	~~CEC-RPS-1:S1~~N/A	Yes, submit material required for the feedstock or technology used for generation, if applicable. Refer to Section II.D.
Geothermal	N/A	N/A. Refer to Section -II.E.
Small Hydroelectric	CEC-RPS-1.S2, for new facilities	Yes. Refer to Section -II.F.1.
Conduit Hydroelectric	CEC-RPS-1.S2, for new facilities	Yes, ~~dependent on the classification of the facility.~~ Refer to Section II.F.2.
Water Supply or Conveyance System ~~Hydroelectric Unit~~	CEC-RPS-1.S2	Yes, must demonstrate that the unit is operated as part of a water supply or conveyance system. Refer to Section II.F.3~~II.F.3~~.
Incremental Hydroelectric	CEC-RPS-1.S2 and CEC-RPS-1.S4	Yes, must demonstrate that the generation is a result of efficiency improvements. Refer to Sections II.F.4~~II.F.4~~II.F.3~~II.F.4~~ and II.F.4.a.
~~Small Hydroelectric~~	~~CEC-RPS-1S2~~	~~Yes, Refer to Section II.F.1~~
~~Water Supply and Conveyance System~~	~~CEC-RPS-1S2~~	~~Yes, must demonstrate that the facility is operated as part of a water supply and conveyance system. Refer to Section II.F.3~~
Municipal Solid Waste Combustion	~~CEC-RPS-1S1~~N/A	Yes, dependent on the location and operations date. Refer to Section II.G.1.~~II.G~~
Municipal Solid Waste Conversion	~~CEC-RPS-1S1~~N/A	Yes, dependent on the technology. Refer to Section II.G.2.~~II.G~~
Ocean Thermal	N/A	Yes, briefly describe the technology. Refer to Section II.H.
Ocean Wave	N/A	Yes, briefly describe the technology. Refer to Section II.I.
Solar	N/A	N/A.~~Yes, depending on the classification of the facility.~~ Refer to Section II.J.
~~Photovoltaic~~	~~N/A~~	~~Some facilities may apply as part of an aggregated unit using the CEC-RPS-3 form Refer to Section IV.A.2.~~
~~Solar Thermal~~	~~N/A~~	~~N/A~~
Tidal Current	N/A	Yes, briefly describe the technology. Refer to Section II.K.
Wind	N/A	N/A.~~Some facilities may apply as part of an aggregated unit using the CEC-RPS-3 form~~ Refer to Section II.L~~IV.A.2~~.

Source: California Energy Commission

A. Biodiesel

A facility may qualify for RPS certification if it generates electricity using biodiesel derived from biomass feedstock or from an eligible solid waste conversion process using municipal solid waste. When applying for RPS certification, the applicant must submit information on the feedstock used to produce the biodiesel. For energy resource requirements, see Section II.B: Biomass, II.C: Biomethane, or II.G.2: MSW Conversion.

~~The electrical generation produced by a facility that uses biodiesel is eligible for the RPS if the biodiesel is derived from one or both of the following fuel sources and complies with the requirements for these fuel sources and multifuel technologies:~~

~~1) A biomass feedstock such as "agricultural crops and agricultural wastes and residues," including but not limited to animal waste, remains and tallow, food waste, recycled cooking oil, and pure vegetable oil, and consistent with the applicable requirements for multifuel technologies. (Refer to the requirements for biomass eligibility and for multifuel technologies below.)~~

~~2) An eligible "solid waste conversion" process using MSW and consistent with applicable requirements for multifuel technologies. (Refer to the requirements for MSW eligibility and for multifuel technologies below.)~~

~~When applying for RPS precertification or certification, the applicant must complete the biopower supplemental application form, CEC-RPS-1-S1 which can be found in Appendix B: Forms.~~

B. Biomass

A facility may qualify for ~~be~~ RPS ~~eligible~~ certification if it~~s~~ generates electricity ~~electrical generation is produced~~ using a biomass fuel. When applying for RPS certification of a facility using biomass, the applicant must submit information on the type and source of the biomass used, or planned to be used, at the facility.

If the facility is using fuel that results from "biomass conversion" as defined in Public Resources Code ~~S~~section 40106, documentation must be submitted to confirm the fuel was produced through a process that meets the definition of "biomass conversion" and satisfies the requirements of Public Resources Code ~~S~~section 44107.

~~Eligible biomass fuel includes, but is not limited to, agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, biosolids, sludge derived from organic matter, wood and wood waste from timbering operations, and any materials eligible for "biomass conversion" as defined in Public Resources Code Section 40106.~~

~~Agricultural wastes and residues include, but are not limited to, animal wastes, remains, and tallow; food wastes; recycled cooking oils; and pure vegetable oils.~~

~~Landscape or right-of-way tree trimmings include all solid waste materials that result from tree or vegetation trimming or removal to establish or maintain a right-of-way on public or private land for the following purposes:~~

- ~~For the provision of public utilities, including, but not limited to, natural gas, water, electricity, and telecommunications.~~
- ~~For fuel hazard reduction resulting in fire protection and prevention.~~
- ~~For the public's recreational use.~~

~~Failure to use eligible biomass fuel will jeopardize the RPS eligibility of the facility. Applicants for facilities using a mixture of biomass and nonrenewable energy resources must certify as multifuel facilities, as described in Section III.B: Renewable Facilities Using Multiple Energy Resources. Applicants for biomass facilities must complete and submit the Biopower supplemental application form, CEC-RPS-1-S1, which can be found in Appendix B: Forms.~~

C. Biomethane

> *Note: Substantive changes were made to this section to refine the definition of dedicated pipeline to include a functionally dedicated pipeline. No other substantive changes were intended or made to this section, although the section was reorganized and streamlined to improve clarity and reduce duplication.*

~~The passage of Assembly Bill 2196 in 2012 modified the RPS eligibility requirements for electrical generation facilities using biomethane to generate electricity. New requirements have been added for tracking and verifying such use of biomethane, including tracking and verifying the quantities and sources of biomethane and the related environmental and renewable attributes, and the deliveries of biomethane.~~

~~With adoption of this *Seventh Edition* of the *RPS Eligibility Guidebook*, the Energy Commission implements AB 2196 and concurrently lifts its March 28, 2012, suspension of eligibility for biomethane. Applicants representing facilities using biomethane (as defined in this edition of the *RPS Eligibility Guidebook*) that are RPS certified, precertified, or have pending certification or precertification applications must supplement their applications using the CEC-RPS-2196 form associated with this *Seventh Edition* of the *RPS Eligibility Guidebook* to demonstrate that they acknowledge the new requirements, attest that they meet these new requirements and all applicable requirements in this guidebook, and provide any additional information necessary for the Energy Commission to determine the electrical generation facility's eligibility for the RPS.~~

~~As with all renewable energy resources discussed in this guidebook, compliance with RPS procurement requirements for retail sellers claiming procurement from electric generating facilities using biomethane for the RPS is determined by the CPUC. Compliance determinations for procurement requirements for POUs are made by the Energy Commission in accordance with this guidebook and the RPS regulations for POUs as adopted by the Energy Commission.~~

A facility may qualify for RPS certification if it generates electricity using ~~The electrical generation produced by a facility that uses~~ biomethane ~~is eligible for the RPS if the biomethane is~~ derived from digester gas and/or landfill gas. Biomethane may be ~~converted~~ used to generate electricity at a ~~generation~~ facility that receives the biomethane in one of three ways:

1) Onsite Generating Facility Using a Dedicated Pipeline – Biomethane is produced and captured at a landfill and/or digester that is located at the same site as the electrical generation facility ~~that is~~ using the biomethane to generate electricity, and the biomethane is delivered from the source to the generating facility via a dedicated pipeline as defined in this guidebook.

2) Offsite Generating Facility Using a Dedicated Pipeline – Biomethane is produced and captured at a landfill and/or digester that is not located at the site of the electrical generation facility ~~that is~~ using the biomethane to generate electricity, and the biomethane is delivered to the facility through a dedicated pipeline as defined in this guidebook.

3) Offsite Generating Facility Using a Common Carrier Pipeline –Biomethane is produced and captured at a landfill and/or digester that is not located at the site of the electrical generation facility ~~that is~~ using the biomethane to generate electricity, and the biomethane is delivered to the facility through a common carrier pipeline as defined in this guidebook. ~~A biomethane procurement contract for this type of facility falls into one of two categories:~~

~~a) Existing biomethane procurement contract: Biomethane procurement contract that was executed by a retail seller or POU before March 29, 2012, and reported to the Energy Commission before March 29, 2012, in connection with an application for RPS certification or precertification of the designated electrical generation facility intended to use the procured biomethane.~~

~~b) New biomethane procurement contract: Biomethane procurement contract that was executed by a retail seller or POU on or after March 29, 2012; or was reported to the Energy Commission on or after March 29, 2012, in connection with an application for RPS certification or precertification of the designated electrical generation facility intended to use the procured biomethane.~~

~~The eligibility requirements for facilities using biomethane under existing and new biomethane procurement contracts are provided below. Applicants for facilities using a mixture of RPS-eligible biomethane and conventional natural gas must apply as a multifuel facility, as described in Section III.B: Renewable Facilities Using Multiple Energy Resources. If biomethane is mixed with conventional natural gas for conditioning purposes, the mixed gas must meet all delivery requirements, though only the electricity attributable to the biomethane portion will be considered RPS-eligible.~~

When applying for RPS certification of a facility using biomethane, the applicant must submit a CEC-RPS-1.S1 supplemental form, which can be found in Appendix A: RPS Certification Forms.

1. Dedicated Pipeline Using Biomethane

There are two classifications of dedicated pipelines:

a) Pipelines that are capable of delivering gas from one or more biomethane sources to ~~only~~ a single end user only, guaranteeing the gas can be consumed ~~only~~only ~~-~~at the designated generating facility. These pipelines deliver biomethane that may be located at the same site as the facility or at another site.

b) Pipelines that are functionally dedicated to a designated generating facility. Functionally dedicated pipelines are physically capable of delivering gas to one or more end users, but because of ~~due to~~ operational constraints or practices, only the designated facility will consume the gas. A functionally dedicated pipeline must demonstrate that:

~~1) The pipeline is not a common carrier pipeline.~~

1~~2~~) The generating facility operator, the biomethane producer, and the pipeline operator ~~are either the same entity or~~ have entered into an agreement and have prepared an operations plan to control the operations of the facility, the biomethane source, and the pipeline in such a manner that delivery of the injected biomethane will be physically delivered to and combusted at the facility in all controllable circumstances.

2~~3~~) ~~There is an operations plan in place that governs the operations of the facility, the biomethane source, and the pipeline in such a manner that delivery of the injected biomethane will be physically delivered to and combusted at the facility in all controllable circumstances.~~

2~~4~~) The generating facility is the only end user of any gas flowing in the pipeline between the biomethane injection point and the facility, based on the operational flow of the pipeline as described in the operations plan.

3~~5~~) Quantities of biomethane that were injected into the pipeline and not physically delivered to the facility due to any circumstance shall not be included in the quantity of biomethane consumed at the facility that is reported to the Energy Commission or associated with electricity generation attributable to that quantity of biomethane.

4~~6~~) An applicant or authorized representative of a certified facility using biomethane delivered in a functionally dedicated pipeline must demonstrate as part of the annual reporting ~~on a yearly basis~~ that the operations of the facility, the biomethane source, and the pipeline ~~complied~~ were in compliance with the approved operations plan in the agreement. (See Section V.C: Functionally Dedicated Pipeline for Biomethane~~Functionally Dedicated Pipeline for Biomethane~~.)

2. Common Carrier Pipeline Using Biomethane

A facility using biomethane delivered through a common carrier pipeline may qualify for RPS certification if the facility uses biomethane delivered under a new or existing biomethane

procurement contract. The biomethane procurement contract shall meet specific delivery requirements and, in the case of ~~a~~ new or amended biomethane procurement contract~~,~~ as described in Section II.C.a(2): Adjustment to Existing Biomethane Procurement Contract or Section II.C.2.(a)(3): New Biomethane Procurement Contract, provide one of three specific environmental benefits to California as described in Section II.C.2.c: Environmental Benefits to California.

When applying for ~~the~~ RPS certification of a facility using biomethane delivered via a common carrier pipeline, the applicant must attest that it has contracted for and schedules the delivery of the biomethane through the pipelines. This will be verified during the Energy Commission's verification process using the CEC-RPS-CCP form, which can be found in Appendix B: Annual Facility Reporting Forms.

An applicant or authorized representative of a certified facility using common carrier pipeline biomethane must submit information to the Energy Commission annually on the common carrier pipeline delivery; see Section V.B: Common Carrier Pipeline for Biomethane~~Common Carrier Pipeline Biomethane~~.

a. Biomethane Procurement Contract

A facility using biomethane delivered through a common carrier pipeline is subject to different requirements based on the biomethane procurement contract. An applicant shall provide a copy of the executed biomethane procurement contract when applying for RPS certification.

(1) Existing Biomethane Procurement Contract

A facility using biomethane under an existing contract executed by a retail seller or POU[15] before March 29, 2012, is subject to the following requirements. The applicant must demonstrate that:

~~Existing Biomethane Procurement Contracts~~

~~An electrical generating facility using biomethane delivered through a common carrier pipeline pursuant to a biomethane procurement contract executed by retail seller or POU[16] before March 29, 2012, is eligible for the RPS if the facility meets all of the following requirements:~~

a) ~~a)~~ One of the following was reported to the Energy Commission before March 29, 2012:

15 For purposes of this Existing Biomethane Procurement Contract section, a biomethane procurement contract executed by a retail seller or POU includes a biomethane procurement contract executed by an affiliate or subsidiary entity of a retail seller or POU for the purpose of the retail seller or POU.

~~16 For purposes of this Existing Biomethane Procurement Contracts section, a biomethane procurement contract executed by a retail seller or POU includes a biomethane procurement contract executed by an affiliate or subsidiary entity of a retail seller or POU for the purpose of the retail seller or POU.~~

1) The biomethane procurement contract, identifying the specific biomethane source(s), was reported to the Energy Commission before March 29, 2012, in connection with the application for RPS certification ~~or precertification~~ of the generating ~~designated electrical generation~~ facility.

2~~b~~) The specific biomethane source(s) and the amount of biomethane under the biomethane procurement contract were reported to the Energy Commission before March 29, 2012, in connection with ~~connection with the~~ an application for the generating facility.~~RPS certification or precertification of the designatedelectrical generation facility. A facility that was already RPS certified before March 29, 2012, and seeking to add a new biomethane source(s) pursuant to a biomethane procurement contract executed by the retail seller or POU before March 29, 2012, may provide a copy of written documentation submitted to and acknowledged by Energy Commission staff before March 29, 2012, in lieu of having reported the source(s) and the amount of biomethane under the biomethane procurement contract in an application for RPS certification or precertification.~~ [17]~~,~~

3) The specific biomethane source(s) as part of a preapproval request for adding a new fuel source to a specific facility that was already RPS certified. The applicant must submit the written acknowledgement provided by the Energy Commission of the facility owner's intent to procure biomethane from that fuel source for use at the facility.

~~c~~b) The facility meets the requirements ~~under~~ of the *RPS ~~Eligibility~~ Guidebook* ~~that was~~ in place when ~~at time of~~ the biomethane procurement contract was executed~~ion of the biomethane procurement contract~~, including but not limited to the *Fourth Edition* of the *RPS Eligibility Guidebook*.

~~d~~c) The biomethane source(s) under the biomethane procurement contract ~~are~~ produced~~ing~~ biomethane and injected~~ing~~ it into a common carrier pipeline before April 1, 2014.

~~Incremental electric generation attributable to a biomethane source that fails to produce and inject biomethane into a common carrier pipeline before April 1, 2014, is subject to the eligibility requirements in Section II.C.2: New Biomethane Procurement Contracts. The applicant must notify the Energy Commission when this requirement is met for each source associated with a biomethane procurement contract executed before March 29, 2012, and must attest to having met this requirement with an amended application for certification for each source.~~

~~e~~d) The biomethane is used by the designated electrical generation facility pursuant to the biomethane procurement contract that was executed by the retail seller or POU and reported to the Energy Commission before March 29, 2012. A different electric generating

~~17 The *Fourth Edition of the RPS Eligibility Guidebook* clarified that a party could request pre-approval for adding a new fuel source to a specific facility already RPS certified by submitting such documentation to Energy Commission staff. (Page 43)~~

facility may not be substituted for the designated facility. Biomethane under an existing biomethane procurement contract may not be used for RPS purposes at a different electrical generation facility.

(2) Adjustments to Existing Biomethane Procurement Contract

Amendments to, or portions of, existing biomethane procurement contracts finalized or exercised on or after March 29, 2012, must~~are required to~~ meet the requirements of new biomethane procurement contracts if any of the following is true for the contract amendment or specific portions of the contract:

a) The term of the existing biomethane procurement contract was extended.

b) Quantities of biomethane specified in the existing biomethane procurement contract were increased.

c) Quantities of biomethane specified as optional to the buyer in the existing biomethane procurement contract, as determined by the Energy Commission, are procured. Quantities will be deemed optional if the buyer, through his or her initiation or election, can decide whether to accept additional quantities of biomethane.

d) Biomethane sources are added to the existing biomethane procurement contract that were not identified in the existing contract or RPS certification application submitted before March 29, 2012.

e) Biomethane is procured from biomethane source(s) not producing biomethane and injecting it into a common carrier pipeline on or before April 1, 2014.

Only the biomethane associated with the above amendment(s) or portion(s) of the contract will be subject to the additional requirements placed on new biomethane procurement contracts.

~~A facility failing to meet all of the requirements above is subject to the eligibility requirements in Section II.C.2: New Biomethane Procurement Contracts.~~

(3) New Biomethane Procurement Contracts[~~18~~]

A facility using biomethane delivered through a common carrier pipeline under a new biomethane procurement contract[19] that was executed on or after March 29, 2012, is subject to the following requirements. The applicant must demonstrate that each biomethane source meets one of the following criteria:

~~18 A "new biomethane procurement contract" includes a biomethane procurement contract executed on or after March 29, 2012, an amendment executed on or after March 29, 2012, to an existing biomethane procurement contract, or a biomethane procurement contract or contract amendment executed before March 29, 2012, but reported to the Energy Commission on or after March 29, 2012.~~

19 A "new biomethane procurement contract" includes a biomethane procurement contract executed on or after March 29, 2012, an amendment executed on or after March 29, 2012, to an existing biomethane procurement contract, or a biomethane procurement contract or contract amendment executed before March 29, 2012, but reported to the Energy Commission on or after March 29, 2012.

a) Did not inject biomethane into a common carrier pipeline before March 29, 2012, pursuant to a contract with a retail seller or POU.

b) Commenced injection of sufficient incremental quantities of biomethane on or after March 29, 2012, to satisfy the contract requirements. The Energy Commission will determine the eligible quantity of incremental biomethane injections from an individual biomethane source based on the ~~source's~~ historical injection of biomethane from the source over the three-year period prior to the increase in biomethane injections.

~~a.~~*b. Biomethane Delivery Requirements ~~for Existing Biomethane Procurement Contracts~~*

The applicant must demonstrate that the delivery of biomethane through a common carrier pipeline meets the following requirements:~~A facility using biomethane procured under an existing biomethane procurement contract is required to meet the requirements of the *RPS Eligibility Guidebook* in place at the time the biomethane procurement contract was executed. The applicable guidebooks require that:[20]~~

1) The biomethane must be injected into a common carrier~~natural gas~~ pipeline system that is either within the Western Electricity Coordinating Council (WECC) region or interconnected to a common carrier~~natural gas~~ pipeline system located within the WECC region ~~that delivers gas into California (or delivers to the electrical generation facility if the electrical generation facility is located outside California) and the gas is delivered as specified below~~.

2) The applicant, or authorized party, of the facility must enter into contracts for the delivery (firm or interruptible) or storage of the gas with every pipeline or gas storage site~~facility~~ operator transporting or storing the gas from the injection point to the final delivery point.~~California (or to the electrical generation facility if the electrical generation facility is located outside California). Delivery contracts with the pipeline operators may be for delivery with or against the physical flow of the gas in the pipeline.~~

    a) For New Biomethane Procurement Contracts: The pipeline(s) along the delivery path must physically flow from the initial injection point toward the receipt point at the facility, as determined by the Energy Commission. To meet this requirement, the applicant must demonstrate that each segment of the pipeline on the delivery path from the point of injection to the point of receipt physically flows toward the generation facility at least 50 percent of the time on an annual basis. If storage is used, then the pipeline must flow in the direction of the facility from the injection point to the storage point and from the storage point to the receipt point at the facility at least 50 percent of the time on an annual basis.

~~20 The eligibility requirements for the third and fourth editions of the RPS Eligibility Guidebook are largely the same with some additions to the fourth edition of the guidebook that were largely introduced as clarifications to the third edition guidebook.~~

b) For Existing Biomethane Procurement Contracts: Delivery contracts with the pipeline operators may be for delivery with or against the physical flow of the gas in the pipeline.

3) The final delivery point of the biomethane must be the generation facility with the following exceptions:

a) New Biomethane Procurement Contracts: The delivery requirements are satisfied if the facility is located within California and receives biomethane from a biomethane production site that injects the biomethane into a common carrier pipeline that physically flows within California.

b) Existing Biomethane Procurement Contracts: The final delivery point may be at the California border, or any other point in California, if the facility is physically located in California.

4) Any nonrenewable energy source ~~fuel~~ mixed with the biomethane gas at the biomethane production site before injection into the common carrier pipeline system for conditioning ~~purposes~~ must be delivered with the biomethane as a ~~single~~ mixed gas. This mixed gas must meet all the above delivery requirements, though only the electricity attributable to the biomethane portion will be considered RPS-eligible.

Any change in pipeline injection or receipt points for biomethane procured as part of a new biomethane procurement contract that was identified in the initial application must be reported to the Energy Commission as part of an amended application within **90 days** of the change. (See Section IV.B: Amending an RPS Certification.)

~~It is the responsibility of the applicant to ensure that the delivery of biomethane complies with the requirements in the *RPS Guidebook* that was in place when the application for certification was submitted. An applicant may submit a complete delivery description as part of a certification or precertification application for Energy Commission staff's preliminary review. If this information is submitted with the application, staff may identify any potential issues with the delivery path, but a final determination on the eligibility of a delivery path will not be made until after the applicant submits the annual reporting requirements as specified in Section II.C.6: Annual Accounting and Reporting Requirements for Biomethane Injected into a Common Carrier Pipeline.~~

~~*b. Adjustments to Existing Biomethane Procurement Contracts*~~

~~Electrical generation that is attributable to any quantities of biomethane delivered through a common carrier pipeline and associated with any of the following changes under the existing biomethane procurement contract will be considered RPS-eligible only if the biomethane procurement complies with requirements of Section II.C.2: New Biomethane Procurement Contracts.~~

~~1) Any extension of the term of the existing biomethane procurement contract as originally executed and reported to the Energy Commission before March 29, 2012.~~

2) Any quantities of biomethane that exceed the quantities (as measured in millions of British thermal units [MMBTUs]) of biomethane specified in the existing biomethane procurement contract, as originally executed and reported to the Energy Commission before March 29, 2012, will be subject to the eligibility requirements specified in Section II.C.2: New Biomethane Procurement Contracts. Only the incremental generation that exceeds the quantities (as measured in MMBTUs) specified in the existing biomethane procurement contract will be subject to the requirements of Section II.C.2.

3) Any quantities of biomethane procurement from sources identified in the existing biomethane procurement contract, as originally executed and reported to the Energy Commission before March 29, 2012, that are specified as optional to the buyer in the contract, as determined by the Energy Commission. Quantities will be deemed optional if the buyer, through his or her initiation or election, can decide whether to accept the additional quantities of biomethane.

4) Any procurement from biomethane sources that were not identified in the existing biomethane procurement contract, as originally executed and reported to the Energy Commission before March 29, 2012, or not identified in the RPS certification application submitted to the Energy Commission before March 29, 2012. The removal of a source(s) of biomethane identified in the existing biomethane procurement contract or RPS application submitted to the Energy Commission will not be considered a "change in the source(s) of biomethane." The removal of a biomethane source cannot be replaced with a new source.

5) Any procurement from biomethane source(s) not producing biomethane and injecting it into a common carrier pipeline on or before April 1, 2014. If the facility fails to meet the requirements of Section II.C.2 below, then such procurement will not be eligible to count toward the RPS procurement requirements of a retail seller or POU.

c. Substitution of Electrical Generation Facilities

Biomethane under an existing biomethane procurement contract may only be used for RPS purposes at the designated electrical generation facility for which the biomethane procurement contract was originally reported to the Energy Commission prior to March 29, 2012, in connection with the RPS certification of the designated electrical generation facility. Biomethane under an existing biomethane procurement contract may not be used for RPS purposes at a different electrical generation facility.

2. New Biomethane Procurement Contracts

An electrical generating facility using biomethane delivered through a common carrier pipeline under a new biomethane procurement contract or contract amendment executed on or after March 29, 2012, or under a biomethane procurement contract reported to the Energy Commission on or after March 29, 2012, or associated with adjustments to existing biomethane procurement contracts reported to the Energy Commission prior to March 29, 2012, is subject to the requirements listed below and described in more detail in this section:

a) Common Carrier Pipeline Injection and Delivery Requirements.

b) New and Incremental Quantities of Biomethane Requirements. Original injection into a common carrier pipeline on or after March 29, 2012, or incremental biomethane injections.

c) Requirements for Environmental Benefits to California. The capture and injection of biomethane into a common carrier pipeline directly result in at least one of the following environmental benefits to California:

1) Reduction or avoidance of the emission of any criteria air pollutants (or their precursors) in California.

2) Reduction or avoidance of pollutants that could have an adverse impact on any surface water or groundwater in California

3) Mitigating a local nuisance in California associated with the emission of odors.

For purposes of this section, a "new biomethane procurement contract" includes a new biomethane procurement contract executed on or after March 29, 2012, an amendment executed on or after March 29, 2012, to an existing biomethane procurement contract, or a biomethane procurement contract or contract amendment executed before March 29, 2012, but reported to the Energy Commission on or after March 29, 2012.

a. Common Carrier Pipeline Injection and Delivery Requirements for New Biomethane Procurement Contracts

The delivery of biomethane procured through a new biomethane procurement contract and delivered through a common carrier pipeline must meet the following requirements. The delivery requirements are satisfied if the designated electrical generation facility is located within California and receives biomethane from a biomethane production facility that injects the biomethane into a common carrier pipeline that physically flows within California.

For an electrical generation facility receiving biomethane from a biomethane production facility with its initial injection point into a common carrier pipeline outside California, the biomethane delivery must comply with the following requirements:

1) The biomethane must be injected into a common carrier pipeline system that is either within the WECC region or interconnected to a common carrier pipeline system located within the WECC.

2) The applicant for RPS certification of the designated electrical generation facility, or authorized party, must enter into a contract for the delivery (firm or interruptible) or storage of the gas with every pipeline or storage facility operator transporting or storing the biomethane from the initial injection point to the final delivery point at the electrical generation facility.

3) The pipeline(s) along the delivery path must physically flow from the initial injection point towards the receipt point at the electrical generation facility, as determined by the Energy Commission. To meet this requirement, each segment of the pipeline on the

~~delivery path from the point of injection to the point of receipt must physically flow toward the electrical generating facility at least 50 percent of the time on an annual basis. If storage is used, then the pipeline must flow in the direction of the electrical generating facility from the injection point to the storage point and from the storage point to the receipt point at the electrical generating facility at least 50 percent of the time on an annual basis.~~

~~An applicant for an electrical generating facility using biomethane under a new biomethane procurement contract must provide the injection point and receipt point(s) and attest that the pipeline injection and delivery requirements will be met in an application for certification and provide verification from the transporting carrier pipeline regarding the physical flow of the pipeline(s) each year with the auditable package.~~

~~Any change in pipeline injection or receipt points for biomethane procured as part of new biomethane procurement contract that was identified in the initial application must be reported to the Energy Commission as part of an amended certification application within 90 days of the change.~~

~~*b. New or Incremental Quantities of Biomethane*~~

~~Biomethane sources associated with new biomethane procurement contracts with retail sellers, POUs, or any other entity must not have injected biomethane into a common carrier pipeline before March 29, 2012, pursuant to a contract with a retail seller or POU, unless the source commenced injection of sufficient incremental quantities of biomethane after March 29, 2012, to satisfy the contract requirements. Biomethane from a biomethane source that is or was part of an existing biomethane procurement contract with a retail seller or POU and originally executed and reported to the Energy Commission before March 29, 2012, may be used for RPS purposes only if the biomethane source produces sufficient incremental quantities of biomethane on or after March 29, 2012, to satisfy the new biomethane procurement contract requirements and the biomethane source otherwise satisfies the requirements of Section II.C.2: New Biomethane Procurement Contracts.~~

~~The Energy Commission will determine the eligible quantity of incremental biomethane injections from an individual biomethane source based on the source's historical injection of biomethane over three years prior to the increase in biomethane injections must be considered. The baseline amount of biomethane will then be defined and the amount of eligible incremental injections of biomethane will be determined similar to incremental generation as specified in Section III.E: Incremental Generation.~~

~~An applicant for an electrical generation facility using biomethane injected into a common carrier pipeline must provide documentation with a completed application for certification or precertification to demonstrate that the biomethane source meets these requirements.~~

c. Environmental Benefits to California

For new biomethane procurement contracts, the applicant must demonstrate that for each biomethane source, the ~~An applicant must demonstrate for each biomethane source under a~~

~~new biomethane procurement contract that the~~ capture and injection of biomethane into a common carrier pipeline directly result~~s~~ in at least one of the following environmental benefits in California:

1) Reduction or avoidance of the emission of any criteria air pollutants (or ~~their~~ related precursors) emissions in California, as defined by the ARB. A criteria air pollutant is an air pollutant for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. Examples include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter (including PM_{10} and $PM_{2.5}$).[21] This requirement may be satisfied by one of the following:

   a) ~~The Energy Commission will accept a~~A demonstration that actions planned or taken to capture and inject biomethane into a common carrier pipeline will likely lead to such an emission reduction or avoidance in California based on standard method~~s~~~~ologies~~ used in the field.

   ~~a) If such a demonstration is made to the Energy Commission's satisfaction, after~~After-the-fact studies of the emission reduction or avoidance will not be required.

   b) ~~If an acceptable~~A demonstration ~~is not made, an applicant must provide baseline emissions data of at least one criteria air pollutant (or its precursor) from the biomethane source, and show~~ that the capture and injection of biomethane from the source into a common carrier pipeline results in a reduction or avoidance of emissions of at least one~~the~~ criteria air pollutant (or ~~its~~ precursor thereof) in California compared to the baseline emissions.

2) Reduction or avoidance of pollutants that could have an adverse impact on any surface water or groundwater, including saline waters, within the boundaries of California, as defined by the State Water Resources Control Board, whether public or private, including waters in both natural and artificial channels.[22] This requirement may be satisfied by one of the following:

   a) ~~An applicant must demonstrate to the Energy Commission's satisfaction that this requirement is met by referencing~~Referencing at least one peer-reviewed published document that established a direct and quantifiable relationship between the capture and injection of biomethane from the source into a common carrier pipeline and the reduction or avoidance of pollutants that could have an adverse impact on waters of the state.

   b) ~~An applicant lacking such references must provide empirical~~Empirical evidence to demonstrate that this requirement is met.

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21 $PM_{2.5}$ refers to particulate matter that is 2.5 micrometers in diameter, and PM_{10} is larger particulate matter that is 10 micrometers in diameter.

~~22 See Water Code Section 13050(e).~~

3) Mitigating a local nuisance in California associated with the emission of odors.[23] This requirement is satisfied by meeting both of the following, if applicable:

   a) The applicant may p~~An applicant must demonstrate to the Energy Commission's satisfaction that this requirement is met by providing~~Provide~~ing~~ documentation showing a direct relationship between the capture and injection of biomethane into the common carrier pipeline and the minimization ~~or resolution of a violation~~ of a local nuisance in California associated with the emission of odors, as defined by the local jurisdiction. The local jurisdiction may be a city, county, air pollution control district or other local jurisdiction in California that establishes rules or standards for nuisances of odors. A local nuisance does not need to be established under the rules or standards of the local jurisdiction to meet this provision~~.~~

   b) ~~However, if a facility's operation~~ If the operation of the biomethane production has created a local nuisance associated with the emission of odors, the applicant must provide documentation of the nuisance and demonstrate that the capture of biomethane from the source and injection of biomethane into a common carrier pipeline directly results in the reduction ~~mitigation~~ of the odor nuisance in California.

Existing biomethane procurement contracts are subject to this requirement only for the biomethane procured as part of an amendment to, or portions of, existing biomethane procurement contracts finalized or executed on or after March 29, 2012. See Section II.C.2.a(2): Adjustments to Existing Biomethane Procurement Contract.

See Section VI.D: Special Consideration of Biomethane Procurement Contracts for relevant information regarding biomethane procurement contracts.

~~3. RPS Procurement Requirements for Facilities Using Biomethane Delivered Through a Common Carrier Pipeline~~

~~If the requirements of this guidebook are satisfied, the procurement of electricity products by a retail seller or POU from an electrical generation facility using biomethane is eligible to count toward the RPS procurement requirements in place at the time the biomethane procurement contract was executed by a retail seller or POU.~~

~~The RPS procurement requirements are established for retail sellers and POUs in Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, as enacted by Senate Bill X 1-2 (Stats. 2011, 1st Ex. Sess., ch.1), which draws a distinction for procurement contracts for electricity products executed before June 1, 2010, and contracts executed on or after this date. SBX1-2 generally requires retail sellers and POUs to satisfy the~~

23 A "nuisance" is generally defined in Civil Code ~~S~~section 3479 as "Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway…"

procurement requirements of Article 16 by procuring electricity products that 1) meet one of the three Portfolio Content Categories specified in Public Utilities Code Section 399.16 (b) and were procured under contracts executed on or after June 1, 2010 (generally referred to "PCC procurement") or 2) were procured under contracts executed before June 1, 2010, and satisfy the conditions of Public Utilities Code Section 399.16 (d) (generally referred to as "count in full procurement"). Hence, SBX1-2 draws a distinction between procurement contracts for electricity products executed before June 1, 2010, and procurement contracts executed on or after this date.

Compliance with RPS procurement requirements for retail sellers, including classification of Product Content Categories and Portfolio Balance Requirements, is determined by the CPUC pursuant to its Decision 11-12-052 or any future CPUC decision.

Compliance for POUs is determined by the Energy Commission pursuant to its RPS regulations for POUs, *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*.[24] For POUs, the Energy Commission will consider the dates of execution of the biomethane procurement contract and power purchase agreement (PPA) or ownership agreement in determining whether the electricity procurement qualifies as either PCC procurement or count in full procurement, provided all other requirements are satisfied. Each PPA or ownership agreement and biomethane procurement contract will generally fall into one of the following classifications:

a) Both the biomethane procurement contract and PPA or ownership agreement were executed on or after June 1, 2010; the procurement should be classified as PCC procurement.

b) The PPA or ownership agreement was executed before June 1, 2010, and specifies that the procurement of generation pursuant to the contract or agreement is attributable to biomethane, regardless of the biomethane procurement contract execution date; the procurement should be classified as count in full procurement.

c) The PPA or ownership agreement was executed before June 1, 2010, but it does not specify that the procurement of generation pursuant to the contract or agreement is attributable to biomethane. If the biomethane procurement contract was executed before June 1, 2010, then the procurement should be classified as count in full. If the biomethane procurement contract was executed on or after June 1, 2010, then the procurement should be classified as PCC procurement.

d) Both the biomethane procurement contract and PPA were executed before June 1, 2010; the procurement should be classified only as count in full procurement.

A copy of the PPA or ownership agreement executed by a POU for procurement of electricity generation attributed to biomethane, and a copy of the each biomethane procurement contract, with any sensitive or confidential information redacted from each of these agreements, must be submitted to the Energy Commission with an application for RPS

24 See http://www.energy.ca.gov/portfolio/pou_rulemaking/

certification of the electrical generation facility designated to use the biomethane. If the facility is already RPS certified, the PPA or ownership agreement and biomethane procurement contract(s) must be submitted with the submission of the existing biomethane supplemental information form, the CEC-RPS-2196, within 90 days of the adoption of this Seventh Edition of the *RPS Eligibility Guidebook* for the facility to retain its RPS status.

The PPA or ownership agreement must convey the following:

a) The PPA or ownership agreement execution date.

b) Sufficient environmental attributes are transferred to the POU to ensure that there are net zero emissions associated with the production of electricity from the generating facility using the biomethane. The Energy Commission will rely on CPUC Decision D.08-08-028, as may be subsequently modified, for the definition of "zero net emissions."[25]

The biomethane procurement contract for each biomethane source must demonstrate the following:

a) The biomethane procurement contract execution date and term.

b) The biomethane sources are specified in the contract. For facilities using biomethane that are certified under Section II.C.1: Existing Biomethane Procurement Contracts, the biomethane sources may be specified in the RPS certification application submitted to the Energy Commission before March 29, 2012.

c) The contracted quantity of biomethane in MMBtu from each source, which may include the full output or a percentage of the full output from each source, and the specific time frame for biomethane deliveries.

d) All renewable and environmental attributes associated with the production, capture, and injection of the biomethane are transferred in whole to the electrical generating facility using the biomethane.

4. Application Process for Facilities Using Biomethane

To implement AB 2196, applicants of all electrical generation facilities using biomethane that are certified or have applied for certification must submit a CEC-RPS-2196: Existing Biomethane Supplemental Information form regardless of whether the facility is already certified, precertified, or pending certification, and provide all necessary documents within 90 days of the adoption of the seventh edition of this guidebook to maintain or establish its RPS status; a facility failing to do so will be suspended and procurement from the facility will not be eligible

25 The CPUC is addressing the Zero Net Emissions requirement for retail sellers in its RPS proceeding (R.11-05-005) October 5, 2012 Assigned Commissioner Ruling http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M029/K970/29970716.PDF

~~for the RPS until the suspension is resolved. New applications will not be accepted unless they are submitted in accordance with the *RPS Eligibility Guidebook, Seventh Edition*.~~

~~An applicant for an electrical generation facility using biomethane must attest that the environmental and renewable attributes associated with the biomethane are transferred to the electrical generation facility and to no other entities, and provide a copy of the biomethane procurement contract with the application to demonstrate that the environmental and renewable attributes associated with the biomethane are transferred to the facility. For cases where the same entity owns the electrical generation facility and the biomethane source, and no biomethane procurement contract exists, the applicant must attest that that the environmental and renewable attributes associated with the biomethane are transferred to the electrical generation facility and to no other entities.~~

~~An RPS certified or precertified facility with a biomethane procurement contract executed and reported to the Energy Commission before March 29, 2012, must notify the Energy Commission when the facility begins taking delivery of biomethane from a source under the biomethane procurement contract by submitting an amended application for RPS certification within 90 days of commencement of delivery of the biomethane source.~~

~~An electrical generation facility that is RPS certified or precertified under Section II.C.1: Existing Biomethane Procurement Contracts, will be certified on a limited basis and will receive an RPS ID number with a "F" or "G" suffix indicating that the facility will not remain RPS certified after the existing biomethane procurement contract ends or it has used the quantities of biomethane specified in the existing biomethane procurement contract, whichever is earlier, as determined by the Energy Commission. If the facility amends the contract term, quantities of biomethane, or biomethane sources, the facility must submit an amended application to the Energy Commission within 90 days of the change, a facility failing to do so will risk losing its RPS certification status. A facility that meets the requirements of Section II.C.1, except that any biomethane source has not commenced biomethane delivery to the electrical generation facility, will be RPS precertified on a limited basis; the applicant must submit an application for RPS certification within 90 days of commencement of receipt of biomethane deliveries.~~

~~An applicant for an electrical generation facility using or proposing the use of biomethane that is already certified, precertified, or pending certification, must submit a CEC-RPS-2196: Existing Biomethane Supplemental Information Form as specified in this *Seventh Edition* of the *RPS Eligibility Guidebook* and provide all necessary documents within 90 days of the adoption of the seventh edition of this guidebook to retain the facility's certification or precertification status; a facility failing to do so will be suspended and procurement from the facility will not be eligible for the RPS until the suspension is resolved.~~

~~5.~~3. Biomethane Environmental Attributes

Special requirements exist for the environmental attributes associated with biomethane used to generate electricity for California's RPS.~~The renewable and environmental attributes associated with the biomethane production and capture must be transferred from the biomethane producer to the designated electrical generation facility.~~ Furthermore~~Additionally~~, only

appropriate marketing, regulatory, or retail claims from the reductions of greenhouse gases (GHGs) due to methane destruction may be made in connection with the biomethane procurement contract.

a. Renewable and Environmental Attributes

No party may sell, trade, give away, claim, or otherwise dispose of any of the attributes associated with the biomethane ~~a biomethane procurement contract~~ that are necessary for the ~~would prevent the~~ resulting electricity to be compliant with the definition ~~from~~ of a REC as defined in the Glossary of Terms in this guidebook~~being compliant with the definition of "green attributes" as defined in the glossary of terms~~. These attributes~~For biomethane delivered from the biomethane production facility to the electrical generation facility, these necessary attributes~~ must be conveyed along with the biomethane ~~and sold for the purpose of~~for use at the designated ~~electrical~~ generation facility and must include sufficient renewable and environmental attributes of biomethane production and capture to ensure that there are zero net emissions associated with the production of electricity from the generating facility using biomethane.[26] ~~such that RECs generated would be eligible to meet the RPS.~~

~~POUs must demonstrate to the Energy Commission that sufficient renewable and environmental attributes are transferred from the electrical generation facility to the POU to ensure that there are net zero emissions associated with the production of electricity from the generating facility using the biomethane.~~[27]

b. Claiming~~Marketing, Regulatory, or Retail Claim of~~ GHG Reductions From Methane Destruction

A POU or intermediary party, ~~including the electrical generator,~~ to a biomethane procurement contract, including the electrical generator, shall not make a marketing, regulatory, or retail claim that asserts that the biomethane procurement contract resulted, or will result, in GHG reductions related to the destruction of methane if the capture and destruction of methane are required by law.[28] If the biomethane source is required by law to capture and destroy the methane produced by the biomethane source, the applicant for the designated ~~electrical~~ generation facility must convey this information to the Energy Commission as part of the ~~RPS certification or precertification~~ application for RPS certification.

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26 This provision shall be applied in a manner consistent with Public Utilities Code ~~S~~section 399.12.6(c) and the CPUC's Standard Term and Condition 2, which applies to ~~B~~bioenergy t~~T~~ransactions as specified in CPUC Decision 13-11-024. Decision 13-11-024 deleted and replaced the definition of "green attributes" specified in CPUC Decision 08-08-028.

~~27 For retail sellers, Energy Commission staff defers to the CPUC in implementing Decision 08-08-028 on Definition and Attributes of Renewable Energy Credits for Compliance with the California RPS (August 21, 2008 – see (http://docs.cpuc.ca.gov/word_pdf/FINAL_DECISION/86954.pdf), as may be modified by a subsequent decision of the CPUC. (Also see CPUC decision D.04-06-014 setting forth RPS Standard Terms and Conditions in Appendix A (pp. A2-A3) – See STC 2 at (http://docs.cpuc.ca.gov/word_pdf/FINAL_DECISION/37401.pdf)~~

28 The CPUC will implement this provision for retail sellers.

If the biomethane source is not required by law to capture and destroy the methane produced by the biomethane source, a POU or intermediary party to a biomethane procurement contract, including the electrical generator, may make marketing, regulatory, or retail claim of GHG reductions related to the destruction of methane associated with the biomethane procurement contract only if one of the following applies:

1) The environmental attributes associated with the capture and destruction of the biomethane are transferred to the POU LSE and are retired on behalf of its customers consuming the electricity associated with the use of biomethane and not resold.

2) The biomethane procurement contract does not allow the biomethane source to separately market separately the environmental attributes associated with the capture and destruction of the biomethane sold under the contract, and the attributes are retired by the POU LSE on behalf of its customers, or by anythe intermediary party, and not resold.

If the POU or intermediary party to a biomethane procurement contract, including the electrical generator, makes a regulatory, marketing, or retail claim of GHG reductions related to the destruction of methane, the POU must demonstrate that the attributes associated with methane destruction are retired and not resold by demonstrating *both* of the following to the Energy Commission:

1) The biomethane source is registered with a GHG project verification program and registry.[29]

2) Carbon credits or offsets have been retired in a voluntary offset program on behalf of the POU's customers consuming the electricity associated with the use of biomethane.

[30]

6. Annual Accounting and Reporting Requirements for Biomethane Injected into a Common Carrier Pipeline

Note: Relevant information from this Ssection has been moved to Section "V.B: Common Carrier Pipeline Biomethane."

To ensure the use of biomethane injected into a common carrier pipeline and used by an RPS-certified electrical generation facility meets the requirements set forth in this guidebook, an applicant for an RPS-certified electrical generation facility using biomethane injected into a common carrier pipeline must report certain information to the Energy Commission annually. This information includes pipeline nomination reports, storage nomination reports, invoices, and meter reads necessary to monitor the eligibility of the designated electrical generation facility using the biomethane. These reporting requirements also satisfy part of the verification

29 An example of a GHG project verification program and registry is the Climate Action Reserve (http://www.climateactionreserve.org/)

30 An example of a program that oversees the voluntary GHG offset market is Green-e Climate® (http://www.green-e.org/getcert_ghg.shtml)

reporting requirements for all procurement from electric generating facilities using biomethane. The requirements for this documentation are also outlined in this section.

This documentation must be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the applicant lists all submitted documents, briefly summarizes the purpose of each document, identifies what requirement each document is being submitted to fulfill, and indicates where in each document the necessary information is contained.

The information shall be submitted annually to the Energy Commission by March 31 for the prior calendar year and shall include all relevant information for the prior calendar year, listed by month. Staff will not review the eligibility of any generation associated with biomethane use at an electrical generation facility until after the applicant has submitted the necessary information. Any discrepancies in the reported information must be explained in detail and supported with documentation. Staff may request additional documentation to determine whether the facility's use of biomethane and nonrenewable fuels may be counted for the RPS for a given year.

a. Pipeline Transport Contracts and Delivery Paths

The delivery path is the contractual route taken by the biomethane through a common carrier pipeline(s) from the biomethane source to the delivery point. RPS-certified electrical generation facilities using biomethane injected into a common carrier pipeline must use a delivery path that meets certain requirements set forth in this guidebook. To ensure that these requirements are met, a complete picture of that path must be provided to the Energy Commission. This includes copies of the contracts for transporting the biomethane through each pipeline along the delivery path, with any sensitive or confidential information redacted, a Delivery Path Summary Spreadsheet, and a Transport Contract Summary Spreadsheet. Both of these spreadsheets are provided in the CEC-RPS-Biomethane form found in Appendix B: Forms.

For all biomethane sources associated with existing biomethane procurement contracts subject to the requirements of Section II.C.1: Existing Biomethane Procurement Contracts, the applicant is responsible for ensuring that the delivery complies with the guidebook in place when the application for RPS certification was submitted. The pipeline transport contracts must demonstrate the following:

1) The point of receipt (POR), where the biomethane enters the pipeline.

2) The point of delivery (POD), where the gas exits the pipeline or enters storage.

3) The transport maximum daily quantity, the maximum amount that can be transferred through the pipeline each day, if specified in the transport contract.

As part of the annual reporting, the applicant of an RPS-certified electrical generation facility must submit the Delivery Path Summary Spreadsheet, which lists the pipelines used to deliver the gas, in order, from the fuel production facility to the RPS-certified electrical generation facility. For each pipeline in the delivery path, the spreadsheet must name the entity holding

ownership of the gas at the point of receipt (POR) and the entity holding ownership of the gas at the point of delivery (POD). A new path must be listed for any change in the path during the reporting year and the Delivery Path Summary Spreadsheet must show the timeframe that each delivery path was valid.

The Transport Contract Summary Spreadsheet summarizes the contracts for the delivery of the biomethane and contains columns with information listed below. All quantities should be in MMBtus unless otherwise noted. Each row in this spreadsheet represents one transport contract of the delivery path of the biomethane.

1) "POR Entity" – This is the entity that holds ownership of the gas at the POR.

2) "POR Name" – This is the name of the point of receipt listed on the transport contract, which is the point where the gas enters the pipeline. If multiple PORs and PODs are listed in the contract, indicate the contract multiple times, once for each combination of POR and POD actually used during the applicable year. If the contract does not specify a POR and is an "all points" contract, indicate "ALL."

3) "POR Meter Number" – The number or ID of the pipeline meter at the point of receipt. This is used to identify the POR on pipeline nomination reports and other documents. If multiple PORs and PODs are listed in the contract, indicate the contract multiple times, once for each combination of POR and POD that was actually used during the applicable year. As with the POR Name, if the contract does not specify a POR, indicate "ALL."

4) "Pipeline Name" – The name of the pipeline that this segment of the delivery path is covered by.

5) "POD Name" – The name of the point of delivery, the point where the gas exits the pipeline, either into another pipeline, storage, or the electricity generating facility. If multiple PORs and PODs are listed in the contract, indicate the contract multiple times, once for each combination of POR and POD that was actually used during the applicable year. As with the POR Name, if the contract does not specify a POR, indicate "ALL."

6) "POD Meter Number" – The number of ID of the pipeline meter at the point of delivery. This is used to identify the POR on pipeline nomination reports and other documents. If multiple PORs and PODs are listed in the contract, indicate the contract multiple times, once for each combination of POR and POD that was actually used during the applicable year. As with the POR Name, if the contract does not specify a POR, indicate "ALL."

7) "POD Entity" – The entity that holds ownership of the gas at the POD.

8) "Contract Number" – The contract number for the transport contract that covers this segment of the delivery path.

9) "Contract Effective Date" – The date the transport contract became effective. If the contract is renewed monthly, and there has been no change of terms, provide the earliest date.

10) "Contract Expiration Date" – The date the transport contract will expire. If the contract is renewed monthly, and there has been no change of terms, provide the most recent expiration date.

12) "TMDQ" – The maximum daily quantity, in MMBtus, that can be transported through the pipeline according to this contract, if specified in the transport contract. If a maximum daily quantity was not specified in the transport contract, indicate "N/A.".

b. Annual Accounting of Generation Attributable to Biomethane

The Energy Commission must ensure that the requirements in this section have been met before generation resulting from the use of biomethane is eligible to be counted towards a retail seller or POU's RPS procurement requirements. To help Energy Commission staff make its determination, the applicant for each RPS-certified electrical generation facility using biomethane injected into a common carrier pipeline shall provide auditable package documentation that includes the following information for each biomethane source:

1) Fuel Use Summary Spreadsheet (provided in the CEC-RPS-Biomethane form in Appendix B: Forms of this guidebook) showing the monthly fuel invoice, injection, delivery, and use quantities in MMBtus and the monthly total generation of the RPS-certified electrical generation facility.

2) Fuel Delivery Summary Spreadsheet showing the monthly fuel quantities received into and delivered from each pipeline along the delivery path.

3) Delivery Path Summary Spreadsheet summarizing the delivery path.

4) Transport Contract Summary Spreadsheet summarizing the information in the transport contracts.

5) Monthly meter data for the biomethane source's injection point on the delivery pipeline.

6) Monthly pipeline nomination reports for each pipeline and storage facility along the delivery path.

7) Monthly invoices for the procurement of the biomethane.

8) Monthly meter data showing the total use of all fuels (biomethane and nonrenewable fuels) at the electricity generating facility.

9) A summary statement, including supporting documentation, of all biomethane associated with, or planned to be delivered to, the RPS-certified facility remaining in a storage facility at the close of the calendar year. Biomethane quantities not identified in the summary report for an RPS-certified facility may not be used for the RPS at a later time.

10) Any additional documentation necessary for the Energy Commission to determine nonrenewable fuel use based on the fuel measurement methodology included in the RPS certification of the electrical generation facility, including the information submitted to WREGIS related to fuel use.

~~Electrical generation facilities using biomethane injected into a common carrier pipeline that are RPS certified or precertified under Section II.C.1: Existing Biomethane Procurement Contracts, are only eligible to use biomethane from the sources and in the quantities specified in the biomethane procurement contracts that were reported to the Energy Commission before March 29, 2012. To monitor this eligibility requirement, and to ensure that no facility using biomethane that was certified or precertified under Section II.C.1 exceeds these contracted amounts, the auditable documentation described above must be submitted to the Energy Commission for every year since and including the contract execution date, unless the facility is no longer operating or was decommissioned before January 1, 2011, and no longer has a biomethane procurement contract.~~

D. Fuel Cell ~~Facilities~~ Using Renewable Fuel

A facility that uses ~~The electrical generation produced by~~ a fuel cell conversion technology may qualify for RPS certification if the facility uses either an RPS-eligible renewable energy resource, qualifying hydrogen gas, or both, as described below. ~~When applying for RPS certification, the applicant must submit CEC-RPS-1S1 supplemental form found in .~~

1. Fuel Cells Using an RPS-Eligible Renewable Energy Resource

A facility converting gas to electricity in a fuel cell may qualify for RPS certification if the gas is an RPS-eligible renewable energy resource as described in this guidebook.

2. Fuel Cells Using Qualifying Hydrogen Gas

A facility converting hydrogen gas to electricity in a fuel cell may qualify for RPS certification if the hydrogen was derived from a non-fossil-based fuel or feedstock through a process powered using an eligible renewable energy resource. The electricity generated by a facility using this type of hydrogen gas is eligible for the RPS only if the electricity (that was used to derive the hydrogen) is not also counted toward an RPS compliance obligation, or claimed for any other program as renewable generation. The applicant must submit information on the hydrogen production process as part of the application.~~facility using renewable fuel is eligible for the RPS if the renewable fuel used is limited to one or more of the following fuel sources:~~

~~1) Landfill gas, digester gas, or other gases that meet the definition of an "eligible renewable energy resource" as defined in Public Utilities Code Section 399.12, Subdivision (c) with reference to Public Resources Code Section 25741(a).~~

~~2) Hydrogen or hydrogen-rich gases derived from a nonfossil fuel or feedstock through a catalytic or electrolytic process that is energized using power generated by an "eligible renewable energy resource." The electrical generation from a fuel cell using this source of fuel is eligible for the RPS only if the electricity (that was used to make the renewable fuel) is not also counted toward an RPS compliance obligation, or claimed for any other program as renewable generation. If the source of electricity used to make the renewable fuel is located at another site, the facility generating that electricity must be certified as~~

~~California RPS eligible.[31] An applicant may be required to submit a detailed description of the hydrogen production process.~~

~~Applicants for facilities using a mixture of RPS eligible and nonrenewable fuel must certify as multifuel facilities, as described in Section III.B: Renewable Facilities Using Multiple Energy Resources. Applicants for fuel cell facilities must complete the Biopower supplemental application form, CEC-RPS-1-S1, which can be found in Appendix B: Forms.~~

E. Geothermal ~~Facilities~~

A facility may qualify for RPS certification if it generates electricity using~~The electrical generation produced by a facility that uses~~ a geothermal resource ~~may be RPS eligible~~. Only natural heat from within the earth that is captured for production of electric power may be used to create RPS-eligible geothermal generation. ~~If the geothermal facility uses thermal energy that does not naturally occur, the facility would be subject to the requirements of Section III.B: Renewable Facilities Using Multiple Energy Resources~~

F. Hydroelectric

> *Note: Substantive changes were made to this section to implement AB 1478, which clarified and amended requirements for the RPS eligibility of hydroelectric units operated as part of a water supply or conveyance system. No other substantive changes were intended or made to this section, although the section was reorganized and streamlined to improve clarity and reduce duplication.*

The following types of hydroelectric facilities may be RPS-eligible:~~Electrical generation produced by the following types of hydroelectric facilities is eligible for the RPS:~~

1) Small hydroelectric facilities 30 MW or less.
2) Conduit hydroelectric facilities 30 MW or less.
3) ~~Existing~~ Hhydroelectric generation units 40 MW or less and operated as part of a water supply or conveyance system.
4) Incremental ~~generation from eligible efficiency improvements to~~ hydroelectric facilities ~~regardless of the facility's overall generating capacity~~.

~~31 An example of an eligible renewable fuel for a fuel cell is hydrogen derived from water through a catalytic or electrolytic process that is energized with electricity generated by a solar photovoltaic system. In this example, the hydrogen is derived from water (a non-fossil fuel or feedstock) through a process energized with electricity from an eligible renewable energy resource (a solar photovoltaic system). The electricity used to energize the process must be bundled with the RECs so that it is renewable energy that is used to produce the hydrogen. If the renewable attributes are unbundled from the electricity and disposed of separately, the hydrogen will be produced with null power and will not be considered a renewable fuel for purposes of fuel cell eligibility under the RPS.~~

A hydroelectric facility must meet the applicable conditions of a "project" as defined in the Glossary of Terms in this guidebook. When assessing the size of a hydroelectric facility, the Energy Commission will consider the capacity of all hydroelectric units located within a one-mile radius of the facility consistent with the definition of "project." The RPS eligibility requirements for each of these types of hydroelectric facilities are addressed separately in Section II.F.~~Subsections 1, 2, 3, and~~ through II.F.4 below. See Section ~~Subsection~~ II.F.5 below for ~~5 and 6 describes~~ additional eligibility requirements that apply to a hydroelectric facility that commences commercial operations on or after January 1, 2006, undergoes efficiency improvements after January 1, 2008, or increases its nameplate capacity. ~~to two or more of the groups above.~~ Nameplate capacity is the maximum rated electrical power output of a generator under specific conditions designated by the manufacturer.

When applying for ~~In addition to the~~ RPS certification, an applicant~~s~~ for a ~~small~~ hydroelectric facility~~ies or conduit hydroelectric facilities with eligible incremental efficiency improvements~~ must complete the hydroelectric supplemental ~~application~~ form, CEC-RPS-1.S2, for new small or conduit hydroelectric facilities or incremental hydroelectric facilities, ~~which can be~~ found in Appendix A:~~Appendix A:Appendix B:~~ RPS Certification Forms~~RPS Certification Forms~~, and provide additional required information described later in this section.

1. Small Hydroelectric Facilities

To qualify for RPS certification, the applicant for a small hydroelectric facility must demonstrate that the facility:

a) Has a nameplate capacity of 30 MW or less.

b) Satisfies one ~~Is not located within one mile of another hydroelectric facility that shares the same water source, water diversion, or beneficial uses, unless the combined nameplate capacity for all these hydroelectric facilities does not exceed 30 MW. The nameplate capacity from a certified conduit hydroelectric facility or a hydroelectric unit that is part of a water supply or conveyance system does not contribute to the 30 MW limit if the facilities are separately metered.~~

~~c)~~ of the following:

1) Commenced commercial operations on or before December 31, 2005, and a retail seller or POU procured the electricity from the facility as of December 31, 2005.

2) Commenced commercial operations after December 31, 2005, and the facility meets the additional requirements specified in Section II.F.5: Additional Information and Requirements for Select Hydroelectric Facilities.

2. Conduit Hydroelectric Facilities

To qualify for RPS certification, the applicant for a conduit hydroelectric facility must demonstrate that the facility:

a) Has a nameplate capacity of 30 MW or less.

~~Is not located within one mile of another hydroelectric facility that shares the same water source, water diversion, or beneficial uses, unless the nameplate capacity of all hydroelectric facilities not separately metered from the conduit hydroelectric facility does not exceed 30 MW. If the facility is metered as part of a small hydroelectric facility it must qualify as a part of that small hydroelectric facility.~~

b) Satisfies one of the following:

1) Commenced commercial operations on or before December 31, 2005.

2) Commenced commercial operations after December 31, 2005, and the facility meets the additional requirements specified in Section II.F.5: Additional Information and Requirements for Select Hydroelectric Facilities.

A conduit hydroelectric facility must use the hydroelectric potential of an existing pipe, ditch, flume, siphon, tunnel, canal, or other man-made conduit that is operated to distribute water for a beneficial use and was built before January 1, 2008.

~~The RPS eligibility of small hydroelectric facilities depends in part on whether the facility was operational before or after January 1, 2006, and whether energy efficiency improvements were made after January 1, 2008.~~

~~a) Pre January 1, 2006 (Existing Facility): Generation from a small hydroelectric facility that commenced commercial operations before January 1, 2006, is eligible for the California RPS if the facility meets all of the following criteria:~~

~~1) The facility has a nameplate capacity of 30 MW or less, with an exception for eligible efficiency improvements made after January 1, 2008, as discussed below.~~

~~2) The facility was under contract to, or owned by, a retail seller or local publicly owned electric utility as of December 31, 2005.[32]~~

~~b) Post January 1, 2006 (New Facility): Generation from a small hydroelectric facility that commences commercial operations or is repowered on or after January 1, 2006, is eligible for the California RPS if the facility meets all of the following criteria:~~

~~1) The facility has a nameplate capacity of 30 MW or less, with an exception for eligible efficiency improvements made after January 1, 2008, as discussed below.~~

~~2) The facility does not "cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow."[33][34]~~

~~32 Assembly Bill 3048 (Chapter 558, Statutes of 2008) revised the definition of an "eligible renewable energy resource" to include small hydroelectric facilities under contract with or owned by a local publicly owned electric utility.~~

~~33 Public Utilities Code Section 399.12, Subdivision (e)(1)(A).~~

~~34 A hydroelectric generation facility that is certified as eligible for the RPS as of January 1, 2010, shall not lose its eligibility if the facility causes a change in the volume or timing of~~

A small hydroelectric or conduit hydroelectric facility shall not lose its RPS eligibility if efficiency improvements undertaken after January 1, 2008, cause it to exceed 30 MW and the efficiency improvements do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. The entire generating capacity of the facility shall be RPS eligible.

2. Conduit Hydroelectric

To be eligible for the RPS, a conduit hydroelectric facility must use for its generation only the hydroelectric potential of an existing[35] pipe, ditch, flume, siphon, tunnel, canal, or other manmade conduit that is operated to distribute water for a beneficial use.[36] A conduit hydroelectric facility may be considered a separate project even though the facility itself is part of a larger hydroelectric facility. The RPS eligibility requirements for conduit hydroelectric facilities depend in part on whether the facility was operational before or after January 1, 2006, and whether eligible energy efficiency improvements were made after January 1, 2008. A discussion of eligible efficiency improvements can be found at the end of this section.

a) Pre-January 1, 2006 (Existing Facility): Generation from a conduit hydroelectric facility that commenced commercial operations before January 1, 2006, is eligible for the RPS if the facility meets the following criterion:

   1) The facility has a nameplate capacity of 30 MW or less, with the exception of eligible efficiency improvements made after January 1, 2008, as discussed below.

b) Post-January 1, 2006 (New Facility): Generation from a conduit hydroelectric facility that commences commercial operations or is repowered on or after January 1, 2006, is eligible for the California RPS if the facility meets all of the following criteria:

   1) The facility has a nameplate capacity of 30 MW or less, with the exception of eligible efficiency improvements made after January 1, 2008, as discussed below.

   2) The facility does not "cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow."[37][38]

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streamflow required by license conditions approved pursuant to the Federal Power Act (Chapter 12 [commencing with Section 791a] of Title 16 of the United States Code) on or after January 1, 2010.

35 "Existing" in this context is defined as built before January 1, 2008, the effective date of Assembly Bill 809. If the conduit hydroelectric facility is built in a new pipe, ditch, fume, siphon, tunnel, canal, or other manmade conduit, it may apply as a small hydroelectric facility if it meets all the eligibility requirements of a small hydroelectric facility.

36 "Beneficial use" shall be defined consistent with the California Code of Regulations, Title 23, Sections 659 through 672, to include the following uses of water: domestic use, irrigation use, power use, municipal use, mining use, industrial use, fish and wildlife preservation and enhancement use, aquaculture use, recreational use, and heat control use.

37 Public Utilities Code 399.12, Subdivision (e)(1)(B).

~~A conduit hydroelectric facility shall not lose its RPS eligibility if efficiency improvements undertaken after January 1, 2008, cause it to exceed 30 MW and do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. The entire generating capacity of the facility shall be RPS-eligible.~~

~~A conduit hydroelectric facility may be associated with or part of a larger existing hydroelectric facility and separately certified as RPS eligible if the facility meets the following criteria:~~

~~a) The associated existing hydroelectric facility commenced commercial operations before January 1, 2006.~~

~~b) The conduit hydroelectric facility commenced commercial operations on or after January 1, 2006.~~

~~c) The existing hydroelectric facility and conduit hydroelectric facility are separately metered to identify their respective generation.~~

3. ~~Existing~~ Hydroelectric Generation Unit Operated as Part of a Water Supply or Conveyance System

The ~~certification of~~ generation from an existing hydroelectric generation unit operated as part of a water supply or conveyance system[39] is eligible for the RPS, subject to the limitations specified below, if the following criteria are satisfied: ~~requires that the unit meet all of the following requirements:requires that :~~

a) The generation unit has a nameplate capacity ~~of of~~ not exceeding 40 MW ~~or less or less,~~ subject to the definition of a "project" as defined in this guidebook. ~~the Glossary of Terms.~~

b). ~~Generation from the facility was under contract to, or owned by, a~~ A retail seller or local publicly owned electric utility (POU) procured electricity from the generation unit as of December 31, 2005.

c). The generation unit commenced commercial operations on or before December 31, 2005.

~~38 A hydroelectric generation facility that is certified as eligible for the RPS as of January 1, 2010, shall not lose its eligibility if the facility causes a change in the volume or timing of streamflow required by license conditions approved pursuant to the Federal Power Act (Chapter 12 [commencing with Section 791a] of Title 16 of the United States Code) on or after January 1, 2010.~~

39 Senate Bill X1-2 revised Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (e)(1), to add existing hydroelectric generation units not exceeding 40 MW and operated as part of a water supply or conveyance system as an eligible renewable energy resource, if certain criteria are met. Section 399.12, ~~S~~subdivision (e)(1), was subsequently clarified and amended by Assembly Bill 1478 (Statutes of 2014, Chapter 664). ~~Hydroelectric generation units meeting these criteria are eligible for the RPS starting on January 1, 2011, consistent with SB X1-2, provided the eligibility requirements specified in this guidebook are satisfied.~~

d) The generation unit is operated as part of a "water supply or conveyance system," as defined in this guidebook~~the Glossary of Terms~~.

e) The electricity generated by the generation unit is metered separately from any other generating units located at or within the same hydroelectric generation facility.[40]

f) An application to certify the generation unit for the RPS was submitted to the Energy Commission before January 1, 2013.

Limitations on RPS Eligibility:

1) Generation units certified for the RPS pursuant to ~~this~~ Section II.F.3 are eligible for the RPS starting on January 1, 2011, consistent with Public Utilities Code section 399.12 (e)(1), as amended by Senate Bill X1-2 and subsequently clarified and amended by Assembly Bill 1478.

2) Electricity from the generating unit certified for the RPS pursuant to ~~this~~ Section II.F.3 may only be used to satisfy the RPS procurement requirements of the retail seller or POU that procured electricity from the generation unit as of December 31, 2005. If multiple retail sellers or POUs procured electricity from the generation unit as of December 31, 2005, only the retail seller or POU that owned the generation unit as of December 31, 2005, may use electricity from the generation unit to meet its RPS procurement requirements, except as provided in paragraph (3).

3) A POU that meets the criteria of Public Utilities Code section 399.30 (j) may sell to another POU up to 100,000 megawatt-hours of electricity from all generation units certified for the RPS pursuant to ~~this~~ Section II.F.3, and that electricity may be used by the POU that purchased the electricity to meet its RPS procurement requirements. Electricity from the certified generation units may be sold as bundled electricity (electricity bundled with the associated RECs) or as just the RECs, and may be sold to multiple POUs, but the total of all such sales of bundled electricity and RECs shall not exceed 100,000 megawatt-hours.

4) A POU that meets the criteria of Public Utilities Code section 399.30 (j) shall report to the Energy Commission all sales of electricity from generation units certified for the RPS pursuant to ~~this~~ Section II.F.3 to ensure compliance with the 100,000 megawatt-hour limit of paragraph (3). The electricity sales shall be reported to the Energy Commission using the CEC-RPS-399 form as specified in Section VI.B.2. of this guidebook.

The applicant shall provide the additional documentation described below with a complete application for RPS certification~~.~~

40 For example, if a powerhouse located on a water supply or conveyance system includes three separate hydroelectric generating units, each unit for which RPS certification is sought must be separately metered.

~~Additional must be included or precertification. An applicant must provide the following additional information~~ to substantiate that the hydroelectric generation unit is operated as part of a water supply or conveyance system:

a) The ~~C~~current water supply permit issued by the State Water Resources Control Board (SWRCB)~~California Department of Public Health~~, if applicable, or ~~its~~ the equivalent from another state or local government agency.

b) The ~~C~~current hydroelectric project license, permits, or exemption from licensing from the Federal Energy Regulatory Commission (FERC), if applicable, or the equivalent from another federal, state, or local government agency. If no FERC hydroelectric project licenses, permits, or exemptions were issued for the facility, the applicant must submit documentation explaining why the FERC project licenses, permits, or exemptions are not applicable to the facility.

c) Documentation showing the water supply or ~~and~~ conveyance system was ~~initially~~ built ~~solely~~ for the distribution of water for agricultural, municipal, or industrial consumption and operated primarily for this purpose.

4. Incremental Hydroelectric Facilities ~~Generation From Efficiency Improvements Regardless of Facility Output~~

For the incremental generation from a hydroelectric facility that underwent eligible efficiency improvements to qualify for RPS certification, the applicant ~~must~~ shall demonstrate that ~~one of~~ the following criteria are satisfied~~applies~~:~~The incremental increase in generation that results from efficiency improvements to a hydroelectric facility, regardless of the electrical output of the facility, is eligible for the RPS if all of the following conditions are met:~~

a) Either:

1) The hydroelectric facility was RPS-eligible as a small or conduit hydroelectric facility before the efficiency improvements were undertaken, and the efficiency improvements were undertaken after January 1, 2008. If the efficiency improvements cause an RPS-certified facility to exceed the 30 MW nameplate capacity, the facility shall not lose its RPS eligibility.

2) The nameplate capacity of the hydroelectric facility before completion of the efficiency improvements exceeded 30 MW. ~~(See II.F.4.a: Incremental Generation of Large Hydroelectric Facilities for additional requirements.)~~ The~~Only the~~ incremental generation resulting from eligible efficiency improvements may qualify~~be used~~ for the RPS if the additional requirements of paragraph (e) below are satisfied.

b) The efficiency improvements to the hydroelectric facility are limited to improvements that make more efficient use of the existing water resource and improve the efficiency of equipment, rather than increase the storage capacity or head of an existing water reservoir. Efficiency improvements do not include regular or routine maintenance.

Efficiency improvements may include, but are not limited to, rewinding or replacing the existing turbine generator, replacing the turbines, and computerizing control of the turbines and generators to improve ~~optimize~~ operations.

c) The efficiency improvements do not result in an adverse impact on instream beneficial uses[41] or cause a change in the volume or timing of streamflow.

~~e~~d) ~~–~~The operation of the portions of the facility that include the efficiency improvements meet the additional requirements specified in Section II.F.5: Additional Information and Requirements for Select Hydroelectric Facilities.

~~*Incremental Generation of Large Hydroelectric Facilities*~~

e) For the incremental generation from a large hydroelectric facility that underwent efficiency improvements to qualify for RPS certification, the applicant shall meet the following additional requirements ~~conditions~~ and provide documentation, if requested:

~~a~~1) The facility is owned by a retail seller or a ~~local publicly owned electric utility.~~[42]POU.

~~b~~2) The facility was operational before January 1, 2007.

~~c~~3) The efficiency improvements were~~are~~ initiated on or after January 1, 2008, ~~are not the result of routine maintenance activities and~~ were not included in any resource plan sponsored by the facility owner before January 1, 2008.

~~d~~4) The facility meets one of the following conditions:

i~~1~~) The facility is located in California and has, ~~For a facility located in California, the facility has,~~ within the immediately preceding 15 years from the date the efficiency improvements are initiated, received certification from the ~~State Water Resources Control Board (~~SWRCB~~)~~ pursuant to ~~S~~section 401 of the Clean Water Act (33 U.S.C. Sec. 1341) or has received certification from a regional board to which the SWRCB has delegated authority to issue a certification for such purposes, unless the facility is exempt from this certification because there is no potential discharge into waters of the United States.

ii~~2~~) For a facility not located in California, it may receive the certification pursuant to ~~S~~section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341) ~~may be received~~ from the applicable state board or agency, as determined by the Energy Commission,

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41 *Beneficial use* shall be defined consistent with the California Code of Regulations, Title 23, sections 659 through 672, to include the following uses of water: domestic use, irrigation use, power use, municipal use, mining use, industrial use, fish and wildlife preservation and enhancement use, aquaculture use, recreational use, and heat control use.

~~42 Assembly Bill 1351 (Chapter 525, Statutes of 2009). AB 1351, amended then Section 399.12.5 of the Public Utilities Code to require that a hydroelectric facility, regardless of output, be owned by a retail seller or local publicly owned electric utility for the facility's incremental generation from efficiency improvements to be eligible for the RPS, and to authorize the applicable state board, agency, or regional board outside California to issue a certification to the facility pursuant to the federal Clean Water Act.~~

or from a regional board to which the state board has delegated authority to issue the certification.[43]

3iii) The facility is the Rock Creek Powerhouse, FERC Project Number 1962, and has received any necessary incremental certification from the ~~State Water Resources Control Board~~ SWRCB as specified in ~~meets the requirements of the~~ Public Utilities Code section 399.12.5, ~~S~~subdivision (b)(2)(C).

~~e) The incremental increase is the result of efficiency improvements from a retrofit, and the efficiency improvements do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.[44]~~

5~~f~~) All of the incremental increase in electricity generation resulting from the efficiency improvements is the result of a long-term financial commitment by the retail seller or POU, either as a new ownership investment in the facility by the retail seller or POU, or a new or renewed contract with a term of 10 or more years, which includes procurement of the incremental generation.~~must be demonstrated to result from a long-term financial commitment by the retail seller or local publicly owned electric utility.[45]~~

6~~g~~) The incremental generation can be accurately determined consistent with the requirements in Section III.E: Incremental Generation.

When applying for RPS certification, an applicant must complete and submit the CEC-RPS-1.S4 incremental supplemental form, which can be found in Appendix A: RPS Certification Forms. This form will be provided to WREGIS as part of the registration process if the facility is certified.

~~*a. General Requirements for Hydroelectric Facilities*~~

~~To be eligible for the RPS, a new or repowered small hydroelectric facility, conduit hydroelectric facility, or a hydroelectric facility with incremental generation from eligible efficiency improvements must demonstrate that it can operate without adversely impacting the instream beneficial uses or causing a change in the volume or timing of streamflow.[46]~~

~~A facility could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water, including a change in the volume, rate, timing, temperature, turbidity, or dissolved oxygen content of the stream water.~~

~~43 Public Utilities Code Section 399.12.5, Subdivision (b).~~

~~44 A hydroelectric generation facility that is certified as eligible for the RPS as of January 1, 2010, shall not lose its eligibility if the facility causes a change in the volume or timing of streamflow required by license conditions approved pursuant to the Federal Power Act (Chapter 12 [commencing with Section 791a] of Title 16 of the United States Code) on or after January 1, 2010.~~

~~45 "Long-term financial commitment" means either new ownership investment in the facility by the retail seller or local publicly owned electric utility or a new or renewed contract with a term of 10 or more years, which includes procurement of the incremental generation. (Public Utilities Code Section 399.12.5, Subdivision [b][4].)~~

~~5. Eligible Efficiency Improvements~~

~~Eligible efficiency improvements to hydroelectric facilities are limited to those improvements that make more efficient use of the existing water resource and equipment, rather than increase the storage capacity or head of an existing water reservoir. Efficiency improvements do not include regular or routine maintenance activities. Eligible efficiency improvements may include the following measures:~~

- ~~Rewinding or replacing the existing turbine generator.~~
- ~~Replacing turbines.~~
- ~~Computerizing control of turbines and generators to optimize regulation of flows for generation.~~

~~The applicant is responsible for showing that its facility qualifies for the RPS. The eligible incremental generation from a hydroelectric facility that underwent efficiency improvements will be determined in accordance with Section III.E: Incremental Generation. Additional information required of applicants for small hydroelectric, conduit hydroelectric facilities, and incremental generation regardless of output is discussed below.~~

~~6.~~5. Additional ~~Required~~ Information and Requirements for Select Hydroelectric Facilities

An applicant must provide additional information to substantiate its application ~~for RPS precertification or certification~~ for a ~~small~~ hydroelectric facility~~, conduit hydroelectric facility, or incremental generation from efficiency improvements to hydroelectric facilities regardless of overall facility size~~ if the facility either:

a) Commenced commercial operations or was repowered on or after January 1, 2006, for small or conduit hydroelectric facilities.

b) Commenced commercial operations before January 1, 2007, for incremental generation from efficiency improvements, regardless of facility size.

c) Was added to an existing water conduit on or after January 1, 2006, for conduit hydroelectric facilities.

d) ~~Was an existing small hydroelectric or conduit hydroelectric facility and made~~ Underwent efficiency improvements after January 1, 2008, incrementally increasing the generation of the facility, or the nameplate capacity~~that caused it to exceed 30 MW~~.

An applicant for these facilities must demonstrate that the facility does not cause an adverse impact on the instream beneficial uses. A facility could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water, including a change in the volume, rate, timing, temperature, turbidity, or dissolved oxygen content of the stream water. In accordance with Public Utilities Code section 399.12.5 (d), a ~~A~~ hydroelectric facility that is certified as RPS-eligible as of January 1, 2010, shall not lose its eligibility if the facility causes a change in the volume or timing of streamflow required by license conditions approved pursuant to the Federal Power Act

(Chapter 12 [commencing with Ssection 791a] of Title 16 of the United States Code) on or after January 1, 2010.

In addition to demonstrating the facility does not have an adverse impact on the instream beneficial uses, the applicant ~~Additional~~ shall ~~required~~ submit the water-use data and documentation described below ~~must be included with~~ as part of an ~~complete~~ application for RPS certification. ~~for RPS precertification or certification. This information must be included in the CEC-RPS-1-S2 that accompanies a completed CEC-RPS-1 application form. Applicants possessing a permit or license from the SWRCB or from another governing body if located in another state – must submit a copy of the permit or license as well as the application for the permit or license.~~

a. Name of the ~~f~~Facility

The applicant shall ~~must~~ identify any and all names ~~of the facility~~ used for the facility in any documentation submitted to the Energy Commission and in any other public proceeding.

b. Ownership of the ~~f~~Facility

In addition to the current facility owner, the applicant ~~should~~ shall identify any previous facility owners listed in any of the documents submitted to the Energy Commission or relevant to the information listed below.

c. Source water description

The applicant~~tion must~~ shall:

1) ~~i~~Identify the source of the water for the hydroelectric facility~~project~~, characterizing the source. ~~The source must be characterized~~ as surface, groundwater, or other (for example, recycled water).

2) Provide a map and written description identifying the location of the diversion, well, conveyance system, beneficial uses of the water, and any other hydroelectric facilities or generation units within one mile of the ~~facility's~~ generating equipment of the facility. ~~For surface water sources, a map at a scale of 1:24,000 must be provided. The map should also identify the location of the diversion point and all other facilities. In addition, a written description of the location of the diversion should be provided (county and nearest city) as well as the name of the body of water at the point of diversion. For groundwater, the location of the well(s) and conveyance facilities shall be identified on a map of 1:24,000 scale. The~~

3) ~~applicant must also s~~Specify the volumes of water supplied by each source and how much water is used for each of the identified beneficial uses.

d. Water ~~r~~Rights

Applicants shall~~must~~ clearly establish their right to divert water by submitting ~~all necessary information as well as~~ all appropriate licenses or permits. ~~Within California, this~~This information shall~~must~~ identify the permitted volume, rate and timing of water diversions, the

place of diversion, and beneficial uses. ~~This may be achieved through submittal of the appropriate SWRCB appropriation permit or license, or the Statement of Water Diversion and Use filed with SWRCB. For diversions not subject to an appropriation permit or license, a copy of any Statement of Water Diversion and Use filed with SWRCB should be provided. Facilities located outside California must provide similar documentation of an existing water right for water diversion.~~

e. Hydrologic ~~d~~Data

The applicant shall~~must~~ submit appropriation and/or diversion data for the last five years or for the period of operation if the facility ~~project~~ has been operating less than five years, including~~.~~ ~~Information contained in any legally required reports may be used to meet this requirement if sufficient information is included in the report. For other projects, the hydrologic data submitted must be accompanied by~~ a description of how the data ~~is~~ are collected. Flow data shall be provided at the frequency set forth in the applicable water appropriation permit~~; for example, if the permit specifies minimum and maximum flows on a monthly basis, then that is the level of information necessary to be submitted~~.

f. Other ~~p~~Permits

The applicant ~~must~~ shall submit all other applicable permits, including those project licenses, permits, and exemptions issued by ~~the Federal Energy Regulatory Commission (~~FERC~~)~~, if applicable, or the equivalent from another federal, state, or local government agency. If no FERC project licenses, permits, or exemptions were issued, the applicant shall~~must~~ submit documentation explaining why the FERC project licenses, permits, or exemptions are not applicable to the facility. Applicants possessing a permit or license from the SWRCB or from another governing body, if located in another state, shall submit a copy of the permit or license, as well as the application for the permit or license.

g. Environmental ~~d~~Documentation

The applicant shall~~must~~ submit copies of any permits, agreements, contracts, or other requirements affecting the operation of the facility, especially those that affect the volume, rate, timing, temperature, turbidity, and dissolved oxygen content of the stream water before and after the points of diversion.

~~h. Capacity~~

~~For small and conduit hydroelectric facilities, the applicant must demonstrate how the project will comply with the 30 MW nameplate capacity size limitations under the RPS and not cause an adverse impact on instream beneficial uses or a change in the volume or timing of streamflow. For this purpose, a facility may have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.~~

~~i.~~h. Efficiency ~~i~~Improvements

Applicants seeking certification of small or conduit hydroelectric facilities that exceed 30 MW due to efficiency improvements must provide:

1) Documentation showing when the existing small or conduit hydroelectric facility commenced commercial operations.

2) Documentation describing the efficiency improvements and when they were initiated and completed.

3) Documentation demonstrating that the efficiency improvements are not the result of routine maintenance.

4) Documentation demonstrating that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. For this purpose, an efficiency improvement could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

~~*j. Incremental Hydroelectric Generation*~~

~~Applicants seeking certification of incremental hydroelectric generation due to efficiency improvements regardless of facility output are required to provide:~~

~~1) Documentation showing when the existing hydroelectric facility commenced commercial operations.~~

~~2) Documentation describing the efficiency improvements and when they were initiated and completed.~~

~~3) Documentation demonstrating that the efficiency improvements are not the result of routine maintenance.~~

~~4) Documentation demonstrating that the efficiency improvements were not included in any resource plan sponsored by the facility owner before January 1, 2008. An example of this documentation is submission of pertinent sections of such a resource plan.~~

~~5) One of the following:~~

~~a) A copy of certification from the State Water Resources Control Board (SWRCB) pursuant to Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341) or the certification from a regional board to which the SWRCB has delegated authority to issue certification, unless the facility is exempt from certification because there is no potential discharge into waters of the United States. The certification must have been received within the immediately preceding 15 years before the improvements were initiated.~~

~~b) If the hydroelectric facility is located in a state in the United States other than California, the certification pursuant to Section 401 of the federal Clean Water Act~~

(33 U.S.C. Sec. 1341) may be received from the applicable state board or agency or from a regional board to which the state board has delegated authority to issue the certification.

c) The facility meets the requirements of the Public Utilities Code Section 399.12.5, Subdivision (b)(2)(C).

6) Documentation demonstrating that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. For this purpose, an efficiency improvement would have an adverse impact on instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

7) Documentation demonstrating that the efficiency improvements to the facility resulted from a long-term financial commitment by the retail seller or POU.[47]

8) A calculation of the historical average annual production of the existing hydroelectric facility, including verifiable generation data for the 20 years preceding the efficiency improvements, including supporting water flow data. If the facility has not been operating 20 years, then provide data for the years it has been operational.

9) The actual or expected efficiency improvement and increase in production in MWh resulting from the efficiency improvement and a discussion of the method used to estimate increased energy production. The actual or expected efficiency improvement should be based on the same data that are used to calculate the historical average annual production of the existing hydroelectric facility. If production data are available for years following the efficiency improvement, please provide those data.

G. Municipal Solid Waste

A facility may qualify for RPS certification if it generates electricity using municipal solid waste (MSW) in either combustion or conversion process. Electrical generation produced by a facility that uses (MSW) as defined in the glossary of terms is eligible for the RPS. Two types of MSW facilities are eligible:

1. Municipal Solid Waste Combustion Facilities:

A facility that directly combustings MSW to produce electricity may qualify for beisRPS certification for the RPS only if it is located in Stanislaus County, California, and was operational before September- 26,- 1996, as specified in Public Utilities Code Ssection 399.12,

47 "Long-term financial commitment" means either new ownership investment in the facility by the retail seller or local publicly owned electric utility or a new or renewed contract with a term of 10 years or more, which includes procurement of the incremental generation. (Public Utilities Code Section 399.12.5, Subdivision (b)(4).

subdivision (e)(2).[48] An applicant for a combustion facility shall~~must~~ submit documentation to the Energy Commission demonstrating that the facility meets these requirements.

2. ~~Municipal Solid~~ Waste Conversion ~~Facilities:~~

A facility may qualify for ~~is~~RPS certification ~~eligible for the RPS~~ if ~~1)~~ it uses a two-step process to generate electricity from MSW. In~~ereate energy whereby in~~ the first step, ~~gasification~~[49] ~~conversion,~~ the facility uses a non-combustion thermal process ~~that consumes no excess oxygen, is used~~ to convert MSW into a clean-burning gaseous or liquid fuel.~~,~~ In~~and then in~~ the second step, the facility uses this clean-burning fuel ~~is used~~ to generate electricity. ~~, and 2) the~~The facility and conversion technology shall meet all of the following ~~applicable~~ criteria ~~in accordance with Public Resources Code Section 25741, Subdivision (b)~~:

a) The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.

b) The technology produces no discharges of air contaminants or emissions, including greenhouse gases as defined in ~~S~~section 38505 of the Health and Safety Code.

c) The technology produces no discharges to surface or groundwaters of the state.

d) The technology produces no hazardous wastes.

e) To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process, and the owner or operator of the facility certifies that those materials will be recycled or composted.

f) The facility at which the technology is used complies with all applicable laws, regulations, and ordinances.

g) The technology meets any other conditions established by the Energy Commission.

h) The facility certifies that any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and/or composting.

In addition to the ~~certification or precertification~~ application for RPS certification, applicants for MSW conversion facilities ~~must~~ shall submit supplemental documentation demonstrating the facility and technology meet the above requirements~~complete the supplemental application form for biopower, CEC-RPS-1-S1, found in Appendix B: Forms, and provide the additional required information described below~~. The supplemental documentation shall include copies of any solid waste facility permits issued by the appropriate enforcement agency (EA) with

~~48 Public Utilities Code Section 399.12, Subdivision (e)(2).~~
~~49 This process is referred to as "gasification" in Public Resources Code Section 40117, as implemented by the California Department of Resources Recycling and Recovery (CalRecycle). The requirements of Section 40117 mirror the requirements of Public Resources Code Section 25741, Subdivision (b), as applicable to municipal solid waste conversion.~~

jurisdiction over the facility. If a solid waste facility permit is unavailable for precertification, a copy of the permit application should be included.

~~3. MSW Conversion Facilities Located in California~~

~~Applicants for RPS certification of solid waste conversion facilities must provide copies of any solid waste facilities permits issued by the appropriate enforcement agency[50] (EA) pursuant to regulations promulgated by the California Department of Resources Recycling and Recovery (CalRecycle). These permits must be attached to the completed CEC-RPS-1 form to verify compliance with the requirements specified above. Applicants seeking RPS precertification must attach copies of their Solid Waste Facilities Permit Application, as submitted to the EA. The Energy Commission will verify compliance in consultation with CalRecycle based on the adopted regulations as set forth in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with Section 17400.~~

~~To become certified as an eligible renewable energy resource for the RPS, an applicant for a solid waste conversion facility must submit to the Energy Commission a copy of any applicable permits issued pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with Section 17400. The Energy Commission will confirm that the permit is approved, active, and applicable to the facility seeking RPS certification. These permits must demonstrate:~~

- ~~a) The facility is using only a "gasification" conversion technology, as defined in Public Resources Code Section 40117.~~
- ~~b) The facility accepts and processes "solid waste" as defined in Public Resources Code Section 40191 and is not limited to receiving and processing "source-separated" waste as defined in Title 14, California Code of Regulations, Section 17402.5, Subdivision (b)(4).~~
- ~~c) The facility processes solid waste from which, to the maximum extent feasible, all recyclable materials and marketable green waste compostable materials have been removed before the solid waste conversion process.~~

~~In addition, an applicant for a solid waste conversion facility must certify to the Energy Commission that:~~

- ~~a) All recyclable materials and marketable green waste compostable materials removed from solid waste prior to the conversion process are recycled or composted.~~
- ~~b) Any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting. For purposes of this certification, "local agency" means any city, county, or special district, or subdivision thereof that is authorized to provide solid waste handling services.~~

~~50 Enforcement agency as defined in Public Resources Code Section 40130. A list of enforcement agencies can be found at http://www.calrecycle.ca.gov/LES/Directory/.~~

~~To become precertified as RPS eligible, the applicant must submit to the Energy Commission copies of its Solid Waste Facilities Permit Application, as submitted to the EA or a letter from CalRecycle stating that the facility, if built and operated as proposed, is using a "gasification" conversion technology, as defined in Public Resources Code Section 40117.~~ In the event that the EA determines that no solid waste permit is required, then the applicant must submit to the Energy Commission the information provided to the EA and the EA's official determination of the facility's regulatory status. The Energy Commission may consult with the California Department of Resources Recycling and Recovery (CalRecycle) in determining if the above requirements are satisfied.[51] ~~The Energy Commission will review this information and consult with CalRecycle to determine if the information is complete and satisfies the requirements specified in Public Resources Code Section 25741, Subdivision (b). The Energy Commission will confer with CalRecycle to determine that the information included on any final approved solid waste facility permit is consistent with the requirements of the RPS eligibility criteria.~~

~~If a precertified applicant does not obtain an applicable solid waste facility permit, if such a permit is deemed necessary, by the time the project commences commercial operation, or if it is denied approval for a required permit, the Energy Commission will revoke the applicant's precertification.~~

~~4. MSW Conversion Facilities Located Outside California~~

~~In the case of an MSW conversion facility not located within California and thus not under the jurisdiction of CalRecycle or an EA, the facility must meet the same requirements for in-state facilities, except that the Energy Commission will accept similar permits (as described above) from the corresponding local agency or agencies with the authority to issue such permits. The applicant must submit copies of the permit applications and all documentation required to receive the local equivalent of the required EA permits as well as any additional information that would be required to receive these permits from the EA.~~

~~For RPS precertification, the applicant must submit all available documentation required to receive the local equivalent of the EA permits, as well as the permits required by the local authority. If a precertified applicant does not obtain all required permits from the local authority or meet all standards placed on similar facilities located in California by the EA to receive the required permits by the time the project commences commercial operation, or if it is denied approval for a permit, the Energy Commission will revoke the applicant's precertification.~~

H. Ocean Thermal

A facility may qualify for RPS certification if it generates electricity using ~~The electrical generation produced by a facility that uses~~ an ocean thermal resource, such as the temperature

51 CalRecycle is charged with implementing provisions for facilities using "gasification" technology as defined in Public Resources Code ~~S~~section 40117. The criteria for "gasification" under Public Resources Code ~~S~~section 40117 essentially mirror the requirements above for MSW conversion as specified in Public Resources Code ~~S~~section 25741, ~~S~~subdivision (b).

differences between deep and surface ocean water~~, may be RPSeligible~~. As part of the application for ~~the~~ RPS certification ~~or precertification~~ of an ocean thermal facility, the applicant shall~~must~~ include a ~~brief~~ description of the technology used to generate electricity.

I. Ocean Wave

A facility may qualify for RPS certification if it generates electricity using~~The electrical generation produced by a facility that uses~~ an ocean wave ~~resource may be RPS eligible~~. As part of the application for ~~the~~ RPS certification ~~or precertification~~ of an ocean wave facility, the applicant ~~must~~ shall include a description of the technology used to generate electricity.

J. Solar

A solar facility may qualify RPS certification if it generates electricity using ~~The electrical generation produced by a facility using a solar resource may be RPS eligible if the facility uses~~ either a ~~solar~~ photovoltaic or solar thermal process to produce electricity.

~~1. Photovoltaic~~

~~Solar photovoltaic processes use photons from the sun to excite electrons contained in a semiconductor from a low energy state to a higher energy state through the photoelectric effect. These facilities may use tracking systems or concentrating systems to increase the amount of solar radiation available to the photovoltaic cells. The RPS makes no distinction between the different solar cells that may be used or between facilities that use concentrating or tracking systems and those that do not for the purposes of eligibility.~~

~~2. Solar Thermal~~

~~Solar thermal electric facilities use solar radiation to create a thermal potential, typically in a fluid. Many solar thermal electric facilities incorporate supplemental boilers or some form of thermal energy storage. Solar thermal electric facilities that include a supplemental boiler to add thermal energy to the working fluid for any purpose are subject to the requirements of Section III.B: Renewable Facilities Using Multiple Energy Resources. Solar thermal electric facilities with thermal storage incorporated into the generating process are eligible consistent with Section III.C: Energy Storage~~

K. Tidal Current

A facility may qualify for RPS certification if it generates electricity using~~The electrical generation produced by a facility that uses~~ a tidal current ~~resource may be RPS eligible~~. As part of the application for ~~the~~ RPS certification ~~or precertification~~ of a tidal current facility, the applicant shall~~must~~ include a description of the technology used to generate electricity.

L. Wind

A facility may qualify for RPS certification if it generates electricity using~~The electrical generation produced by a facility that uses~~ a wind resource ~~may be RPS eligible~~. Facilities using

wind resources can use any method to capture the naturally occurring wind ~~resource~~, convert it to mechanical energy, and then generate electricity.

III. Facility Requirements

~~Electrical generation f~~Facilities ~~using one or more of the renewable energy resources or fuels discussed above~~ are subject to ~~additional~~ eligibility requirements governing the operations, location, or other characteristics of the facility. ~~and the methods used to track and account for the electricity generated by the facility. The requirements of Section III.A: Generation Tracking and Accounting apply to all facilities, regardless of facility operations. The remaining facility requirements apply only to select facilities depending on their operations, interconnection, or other characteristics.~~ Table 2 summarizes ~~the different~~ facility characteristics that may ~~trigger the need to submit~~ require the submission of a supplemental form or additional information to receive RPS certification.

Table 2: Summary of RPS Facility Characteristics Eligibility Requirements

~~Note: A CEC-RPS-1 form must be submitted for each electrical generation facility seeking the certification or precertification of an individual facility. Applications for aggregated units must be made on a CEC-RPS-3 form. All forms can be found in Appendix B: Forms.~~

Characteristics~~zations~~	Supplemental Form	Additional Required Information, or Notes
All Facilities	Depens on Characteristics	Generation tracking and accounting requirements for certified facilities. Refer to Section III.A.
~~Distributed Generation~~Facilities Serving Onsite Loads	N/A	~~May group small facilities that use either wind or solar photovoltaic using the CEC-RPS-3.~~Additional metering requirements may exist. Refer to Section III.A.5. ~~Section III.A.4III.A.3 III.F~~
Energy Storage	Depends on Technology ~~Dependent~~	Yes, refer to Section III.F~~III.FIII.FIII.C~~
Incremental Generation	CEC-RPS-1.S4~~N/A~~	Yes, ~~must~~ report historical generation information and improvement or expansion ~~activities~~. Refer to Section III.E
Interconnected to a non-CBA Outside CA	CEC-RPS-1. ~~-~~S3	Yes, refer to Section III.C
Multifuel Facility	N/A	Yes, ~~must~~ report fuel use information. Refer to Section III.B
Out-of-Country	CEC-RPS-1-S3	Yes, refer to Section III.C.2~~III.C.2III.C.3~~
Repowered	N/A	Yes, ~~must~~ describe repowering ~~activities~~ and financial investment. Refer to Section III.D

Source: California Energy Commission

A. Generation Tracking and Accounting

The following generation tracking and accounting requirements apply to all ~~electrical generation~~ facilities that are RPS-certified ~~or precertified~~ by the Energy Commission or represented in an application for certification ~~for California's RPS~~. A facility may be precertified prior to meeting these requirements if the planned operations of the facility comply with these requirements. For more information on the Energy Commission's process for verifying RPS

procurement and generation data, see Section VI: Annual Load-Serving Entity ReportsLSE ReportsV: RPS Tracking Systems, Reporting, and Verification.

1. WREGIS

An electrical generation A facility shallmust be registered in the WREGIS system before the Energy Commission will accept the applicant may apply for thean application RPS certification for certificationof that facility.[52] As part of the application process, the applicant shallmust provide the Energy Commission with the WREGIS generating unit identification number(s) or numbers (GU IDs), for the facility, including what generation is represented by that GU ID, exported generation, onsite load, or other; whether that GU ID represents multiple fuel types; and the total nameplate capacity registered under that GU ID. If any of the information about the facility that was provided to WREGIS about the facility differs from the information provided to the Energy Commission, the applicant must identify and explain the reasons for the discrepancies information and explain the reasons for those discrepancies.

All generation from facilities certified as eligible for California's RPS must be tracked in WREGIS, with the limited exceptions for 2011-2012 generation noted in this guidebook. Applicants for certification must provide the WREGIS Generating Unit Identification number (GU ID) for each certified facility to the Energy Commission.[53,54] An RPS certified facility must remain registered in the WREGIS system and comply with all WREGIS rules, and all generation must be tracked in from that facility must be tracked in the WREGIS system to be considered RPS-eligible, with the limited exceptions noted in Section III.A.1.aIII.A.1.aIII.A.1.b: Creation of Retroactive Renewable Energy Credits in WREGISthis guidebook. Failure to remain registered in the WREGIS system, or the inability to provide proof of registration in WREGIS upon request, may result in the jeopardize the RPS facility's RPS certification of the facility being revoked. The applicant for the It is the responsibility of the applicant of an RPS certified facility shallto notify the Energy Commission in writing within **90 days** of a change in its status in the WREGIS system.

Any information about the certification of a facility for California's RPS that is provided to WREGIS or represented in a WREGIS Certificate is for informational purposes only; the actual certification status of a facility is defined by Energy Commission records and not by information that is or is not included in a WREGIS Certificate.

All electrical generation facilities participating in the RPS must use a meter with an independently verified rating of 2 percent of higher accuracy to report the generation output of the facility to WREGIS.

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52 This requirement may not be applied to facilities that have ceased to operate and are applying for a limited RPS certification.

53 POUs may use the Interim Tracking System (ITS) to report generation occurring through October 2012 that is not tracked in WREGIS; for more information on the ITS, see Section V: RPS Tracking System, Reporting and Verification.

54 The facility must be registered with WREGIS to receive a WREGIS ID number that can be used for California's RPS.

~~The Energy Commission will strive to accurately identify, or label, WREGIS certificates in the WREGIS system, or RECs, as coming from an RPS certified facilities when applicable. If RECs for a facility have been created prior to the addition of a label by staff, an applicant may request in writing that the label be added to the RECs already created. RECs that have been transferred from the original WREGIS subaccount cannot be edited or later labeled as California RPS eligible. Facilities with utility contracts that require immediate transfer to the utility for RPS retirement, as described in Section V: RPS Tracking Systems, Reporting, and Verification, will not necessarily reside in the generator's initial subaccount and therefore will not be labeled as RPS eligible. RECs that are not labeled as RPS eligible may still be used for California's RPS if the generation that produced the RECs complied with all requirements of this guidebook. Any REC that does not meet the requirements of this guidebook will not be treated as California RPS eligible regardless of the information printed on the REC.~~

a. Creation of Retroactive Renewable Energy Credits in WREGIS

An authorized representative of a generating facility or generating unit, if certified on a unit basis, may request the Energy Commission's Executive Director to authorize the creation of retroactive renewable energy credits (RECs) consistent with WREGIS Operating Rule Section 12.9.[55] At the time of the request, the generating facility or unit shall be RPS-certified by the Energy Commission and registered and approved by WREGIS as a generating unit consistent with WREGIS Operating Rules.

Retroactive RECs shall not be permitted for any generation that precedes the date of the request by more than 24 months or the RPS eligibility date assigned to the generating facility or unit by the Energy Commission, whichever is earlier.

The following is the process for requesting creation of retroactive RECs:

1) A request for creation of retroactive RECs shall be made by an authorized representative of the generating facility ~~-~~or unit as reflected in the ~~facility's~~RPS certificate ~~of RPS certification~~ issued by the Energy Commission or by authorized individuals identified in the approved certification application. A request for creation of retroactive RECs shall be made only once for a generating facility or unit. Multiple requests for the same generating facility or unit are not permitted.

2) A request for creation of retroactive RECs shall be submitted in writing to the Executive Director at the following address:

California Energy Commission
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

3) A request for creation of retroactive RECs shall include the following information:

55 The process for creating retroactive WREGIS certificates was adopted by the Energy Commission on October 7, 2014, as part of Resolution No. 14-1007-10.

a. The name and address of the authorized representative submitting the request and the name, location, and other identifying information of the generation facility or unit for which the creation of retroactive RECs is being requested.

b. The generating facility~~'s~~ or unit~~'s~~ RPS identification number issued by the Energy Commission.

c. The generating facility~~'s~~ or unit~~'s~~ WREGIS GU ID.

d. The vintage month(s) and year(s) of the generating facility~~'s~~ or unit~~'s~~ generation for which the creation of retroactive RECs is being requested.

e. The reason(s) why retroactive RECs are needed.

f. Documentation, if available, to support the information provided in items (a) through (e).

g. An attestation by the authorized representative of the generating facility or unit declaring the following:

1) That the RECs, as defined in Public Utilities Code section 399.12 and this guidebook, associated with the generation for the vintage month and year specified in Item 3.d, have not been sold, traded, or otherwise transferred to any other individual or entity or used to satisfy any state regulatory or voluntary program.

2) That the representative will submit an audit report as specified below within **90 days** after~~of submitting the request, if~~ the request is approved.

3) That the applicant or owner of the generation facility or unit~~facility owner~~ will pay for all costs and expenses incurred by WREGIS staff to create the retroactive RECs, if the request is approved.

4) That the information contained in the request and any supporting documentation is true, correct, and complete to the best of the representative's knowledge.

If a request for creation of retroactive RECs is incomplete, the Executive Director may either request additional information or return the request unprocessed.

If the request for creation of retroactive RECs is approved, the Executive Director shall notify the authorized representative of the generating facility or unit that the request for creation of retroactive RECs has been approved by the Energy Commission, subject to any specified conditions, and will be forwarded to WREGIS staff for its consideration and approval. The Energy Commission shall request WREGIS staff to create retroactive RECs consistent with the Executive Director's approval and in accordance with WREGIS Operating Rule Section 12.9, and request WREGIS staff to invoice the authorized representative of the generation facility or unit for all costs and expenses incurred by WREGIS staff to create the retroactive RECs.

Furthermore, if the request is approved by the Executive Director, the authorized representative of the generating facility or unit shall submit an audit report to the Executive Director within **90 days** after the request is approved by the Executive Director ~~of the date of the request.~~ The audit report shall meet the following criteria:

1) The audit report shall be prepared by an independent accountant or certified internal auditor in accordance with standards of the American Institute of Certified Public Accountants. The audit report shall summarize the auditor's findings.

2) The auditor shall verify that the RECs, as defined in Public Utilities Code section 399.12 and this guidebook, associated with the generation for the vintage month(s) and year(s) specified in Item 3.d have not been sold, traded, or otherwise transferred to any other individual or entity or used to satisfy any state regulatory or voluntary program.- This verification shall be satisfied as follows:

   a. The auditor shall determine whether the RECs in question would have been eligible to satisfy any state regulatory or voluntary program. If so, the auditor must obtain either of the following:

      1. A letter from the administrator of each state regulatory or voluntary program-, or the administrator of the tracking system used to track renewable energy credits for state regulatory or voluntary program, documenting that the RECs in question were not used to satisfy that program.
      2. A letter from the administrator of each state regulatory or voluntary program, , or the administrator of the tracking system used to track renewable energy credits for the state regulatory or voluntary program, documenting that the RECs in question were tracked for that program, but have been retired without having been claimed to satisfy the requirements of that program.

   b. The auditor shall confirm that the RECs in question were not sold, traded, or otherwise transferred to any other individual or entity. The auditor shall satisfy this criterion by reviewing contracts, invoices, and other accounting documents prepared for, by, or on behalf of the generating facility or unit, and confirming that the RECs in question were not sold, traded, or otherwise transferred to any other individual or entity, or used to satisfy any state regulatory or voluntary program.

c. If the RECs in question have already been sold, traded, or otherwise transferred to other individuals or entities, the auditor shall identify the name and address of these other individuals and entities and the corresponding amounts, vintages, and transaction dates of the transferred RECs.

Retroactive RECs, if created by WREGIS, shall not be used to satisfy an RPS procurement requirement if the authorized representative of the generating facility fails to submit an audit report as specified above.

If the audit report verifies that the RECs associated with the facility or unit generation (for which the creation of retroactive RECs is requested) have **not** been sold, traded, or otherwise transferred to another entity or used to satisfy a state regulatory or voluntary program, then the retroactive RECs created by WREGIS may be used to satisfy an RPS procurement requirement. If the audit report verifies that **only some** of the RECs associated with the facility or unit generation (for which the creation of retroactive RECs is requested) have **not** been sold, traded, or otherwise transferred to another entity or used to satisfy a state regulatory or voluntary program, then the retroactive RECs created by WREGIS for that portion of the generation may be used to satisfy an RPS procurement requirement.

If retroactive RECs are created by WREGIS and an audit report was submitted as specified above, a POU may submit a revised compliance report to include the retroactive RECs.

2. Extension of Deadline for POUs to Use the Interim Tracking System

This subsection is being provided for information purposes only. The deadline for POUs to use the interim tracking system (ITS) to report procurement of generation for the RPS is extended from October 1, 2012, to December 31, 2013, subject to the following requirements:

1) A POU shall report procurement data not tracked in WREGIS by submitting a completed CEC-RPS-Track form to the Energy Commission no later than November 6, 2014 – **30 calendar days** after the Energy Commission adopted Resolution No. 14-1007-10 extending the ITS deadline[56] pursuant to Section III.A.~~1.b~~2: Extension of Deadline for POUs to Use the Interim Tracking System.

2) To report e-Tag data not available in WREGIS, a POU reporting through the ITS shall submit a completed CEC-RPS-eTag Summary Report with the CEC-RPS-Track form as part of the annual reporting requirement described in Section VI: Annual Load-Serving Entity Reports.

3) When the ITS is used for reporting procurement, the generating facility (or POU, if the generating facility is owned by the POU) shall report monthly generation data to the Energy Commission on the CEC-RPS-GEN form for the entire previous calendar year for which any WREGIS data are unavailable as part of the annual reporting requirement described in Section VI: Annual Load-Serving Entity Reports.

56 Resolution No. 14-1007-10 was adopted by the Energy Commission on October 7, 2014.

4) WREGIS shall be used to track generation for the entire month for which reporting is available in WREGIS; reporting is available during the earliest active certificate creation cycle at the time the generating facility is registered and approved in WREGIS, as described in WREGIS Operating Rules Section 5. WREGIS shall be used to track all months of generation thereafter.

5) The ITS shall not be used to report generation or procurement data from aggregated generating facilities. Generation and procurement data for aggregated generating facilities shall be reported using WREGIS.

6) A generating facility (or POU) that reports generation using the ITS shall comply with all other requirements set forth in this guidebook.

7) All POU generation and procurement data must be tracked and reported using WREGIS beginning January 1, 2014.

~~All generation retired through the ITS must be submitted to the Energy Commission on or before December 31, 2014. Retirement claims made after December 31, 2014, on the ITS will not be accepted. See V.A: Generator Information and VI.A: Reporting Generation Procurement for information on the ITS.~~

~~2.~~3. Metering Requirements

Generation from an RPS-certified facility ~~must~~ shall be measured using a meter~~,~~ or meters~~,~~ with an independently verified accuracy rating of ±2 percent~~,~~ or better~~,~~ to be counted for the RPS. Any electricity considered for the RPS, including electricity from any additions or enhancements to a~~that~~ facility, must be measured by the same meter~~,~~ or meters~~,~~ used to report generation to WREGIS.

An applicant ~~s submitting an application for the RPS certification of a facility~~ must ensure that the facility is using appropriate metering as required by this guidebook ~~for all RPS related purposes~~ and WREGIS before applying for RPS certification. Additional metering at the facility may be required if the existing metering system does not conform to the requirements of this guidebook and WREGIS.

4. Station Service

Electricity used for station service, or parasitic load, is not eligible for California's RPS. Station service loads include all energy consumption necessary for the generation of electricity that can be supplied by the facility itself while it is generating electricity, and any loads not separately metered from any station service load. These~~is~~ includes, but are ~~is~~ not limited to, pumps, condensers, pollution controls, monitoring and control equipment, and any energy demand used in the operations of a facility that occur only in response to the operations or changes in operation of the facility itself.[57] ~~onsite or near-site transportation of ready-to-use energy~~

57 For example, for a geothermal facility, the energy demand to transport the brine from the geothermal well to the expansion chamber or heat transfer equipment (or the like) is considered *station service*. For a

~~resources from the energy resource storage site for the facility to the point in the facility where the energy resource is used to generate electricity~~. This does not include any energy used at the facility that is needed when the facility itself is not generating, maintenance ~~activities~~, vehicle transportation, cleaning, or other similar energy uses, unless these energy uses are not separately metered from a station service load.

According to the WREGIS Operating Rules Section 9.6, WREGIS Certificates will not be created for generation supplying station service. Generation supplying station service must be netted from total generation, regardless of whether the Generating Unit provides its own station service or purchases it from another entity. (See the WREGIS Operating Rules[58] for information about the netting process.)

5. Onsite Load

Generation from a certified facility serving onsite load may be claimed for use in the RPS if all eligibility requirements are met and the generation serving onsite load is metered independently from any station service loads using a meter with a verified accuracy rating of 2 percent or higher.

B. Renewable Facilities Using Multiple Energy Resources

Renewable facilities ~~using multiple energy resources~~ must use one or more RPS-eligible renewable energy resources and may use one or more nonrenewable energy resources to generate electricity.~~to generate electricity are eligible for the RPS. These renewable facilities are referred to as "multifuel" facilities and use a mix of fuels or energy resources that can include fossil fuels, other nonrenewable energy resources, and one or more RPS-eligible renewable energy resources to generate electricity. Applicants for these multifuel facilities must accurately measure the annual contribution of each fuel and energy resource type and maintain and report this information to the Energy Commission and WREGIS, as required.~~ Electricity from the grid is considered to be a nonrenewable energy resource for this purpose. An applicant for certified facilities using multiple energy resources shall accurately measure the annual contribution of each energy resource used at the facility and maintain and report this information to the Energy Commission annually to retain the ~~facility's~~ certification of the facility. (See Section V.A: Generator Information.)

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biomass facility, the energy demand to transport the biomass material that has undergone all processing necessary for consumption in the biomass boiler into the boiler, using stationary equipment (or at least stationary while operating) is considered station service. For a biomethane facility, the energy demand to transport the biomethane from the purchase point to the combustor (which could be the same point), and only if additional energy must be expended to move or compress the fuel beyond what is done to transport the fuel to the facility is considered station service. Any similar energy demands at facilities using other resource types will be considered station service.

58 https://www.wecc.biz/~~Corporate/WREGIS Operating Rules.pdf.~~

1. Measuring ~~the~~ Renewable Generation ~~From Multifuel Facilities~~

All applications ~~to certify or precertify a multifuel facility~~ must include a measurement method~~ology~~ to determine the contribution of each ~~fuel or~~ energy resource~~,~~ and a list of all energy resources used at the facility. The facility operator shall maintain adequate documentation to substantiate the reported energy resource use at the facility. The Energy Commission will use the annual energy resource use and annual generation data to evaluate what portion of the facility output is from a renewable energy resource(s). ~~, and the actual, or anticipated, percentage of the contribution of each energy resource to the total generation output as measured by the fuel measurement methodology on an annual basis. Any significant change in the fuel amounts should be reported to the Energy Commission through an amended application for certification, or precertification; significant changes are discussed in Section IV.B.7: Amending Certification or Precertification. Unless the facility's operations comply with one of the requirements described below to treat an amount of nonrenewable generation as RPS eligible, no generation attributable to the use of nonrenewable fuel or energy resource will be counted as RPS eligible.~~

~~The Energy Commission will allow one of the methods provided below for measuring the fraction of a multifuel facility's electricity output attributable to renewable energy resources. An application for RPS precertification or certification of a multifuel facility must indicate which of these methods will be used to measure the renewable fraction of the facility's generation. The applicant shall report the fraction of renewable energy relative to the total electricity generation from a multifuel facility to WREGIS on a monthly basis.~~

a. Thermal Conversion and Fuel Cell Technologies

All ~~fuels or~~ energy resources contributing thermal energy to the system that generates electricity ~~(except for solar thermal facilities using direct steam generation systems with no thermal storage capacity proposing an alternative measurement methodology)~~, and any inputs not separately metered, must be accounted for in the measurement method~~ology~~ for all thermal conversion technologies. These~~is~~ include~~s~~, but are~~is~~ not limited to, energy resource ~~fuel~~ use for startup, freeze protection, flame stabilization, supplemental firing, and any input of thermal energy used to maintain, increase, or control the ~~decrease of the~~ thermal energy within the generation system. Similarly, all ~~fuels or~~ energy resources entering a fuel cell must be considered. ~~Nonthermal technologies should independently and accurately measure all generation directly from each technology or separate unit. Facilities with internal metering must use a meter with an independently verified rating of 2 percent or higher accuracy.~~ These energy resource uses must be considered whether ~~or not~~ the facility is generating electricity at the time the energy resource is consumed. The contribution of each energy resource can be determined in one of the following methods:

~~Below are the methods for measuring the contribution of each fuel or energy resource at RPS eligible facilities.~~

1~~a~~) Direct Energy Resource Measurement: ~~Combustion technologies and fuel cell technologies: For eligible renewable resources using the combustion of renewable fuels to~~

~~generate electricity, such as biomass or digester gas, the percentage of the~~ The energy content of each energy resource is measured, and the electric generation attributable to the RPS-eligible source shall be determined by the ratio of the eligible renewable energy input (million British thermal units [MMBtu])~~(MMBtu)~~ to the total energy input (MMBtu) contributing thermal energy to the system~~generate electricity or improve efficiency by adding heat to the system~~, given by the following equation:

$$Percent\ Renewable = \frac{\sum(\text{MMBtu})_{\text{RPS}}}{\sum(\text{MMBtu})_{\text{RPS}} + \sum(\text{MMBtu})_{\text{non-RPS}} + \sum\left((\text{MWh})_{\text{grid}} \cdot \frac{3.413\ \text{MMBtu}}{1\ \text{MWh}}\right)}$$

$(MWh)_{grid}$ = *Grid ~~E~~electrictiy adding heat to the system*(MWh)

$(MMBtu)_{RPS}$ = *RPS ~~E~~eligible energy resource~~Rrenewable Ffuel~~*(s) $(MMBtu)$

$(MMBtu)_{non-RPS}$ = *Non − ~~R~~renewable energy resource~~Fuel~~*(s) $(MMBtu)$

~~b) Noncombustion, thermal technologies: Renewable technologies that do not use a combustion process to generate RPS-eligible electricity, such as solar thermal and geothermal technologies, have two possible methods to measure the renewable contribution to the total generation.~~

2~~1~~) Net Renewable Energy Resources Contribution: This option is available only to facilities using a noncombustion renewable energy resource. The energy content of the nonrenewable energy resource(s) is measured, and ~~The first option takes~~ the ratio of the total nonrenewable energy (grid electricity and nonrenewable energy inputs) contributing thermal energy to the system is compared to the total generation of the facility~~,~~ and subtracted~~s it~~ from one to determine the percentage of the output that is renewable. The contribution of the nonrenewable energy resource~~fuel~~ will be measured by the generation that an equivalent amount of MMBtu~~s~~ of natural gas would produce at a similar natural gas facility. The result of the equation, provided below, is the contribution attributable to the non-combustion renewable technology.

$$\text{Percent Renewable} = 1 - \frac{\left[(\text{MMBtu})_{\text{non-RPS}} \cdot \frac{1\ \text{MWh}}{3.413\ \text{MMBtu}} \cdot (\text{eff})_{\text{plant}} + (\text{MWh})_{\text{grid}}\right]}{(\text{MWh})_{\text{Total}}}$$

$(\text{MWh}$~~H~~$)_{\text{Total}}$ = Gross~~Total~~ electricial generation of all generators at the facility (MWh)~~,~~ ~~not the net electricial output of the facility (MWh)~~

$(\text{MWh})_{\text{grid}}$ = Grid ~~E~~electricity~~tiy~~ adding heat to the system(MWh)

$(\text{MMBtu})_{\text{non-RPS}}$ = Non − ~~R~~renewable energy resource~~Fuel~~(s) (MMBtu)

$(\text{eff})_{\text{plant}}$ = The actual conversion efficiency of the facility or 0.425

3~~2~~) Direct Measurement of the Thermal Contribution: The ~~second option for noncombustion, thermal renewable technologies is to measure the~~ change in the heat

content of the medium[59] is measured~~medium used to collect the heat attributable to the thermal contribution of the renewable technology~~. This is done by measuring the heat content of the medium before and after thermal energy is added to the system~~the heat energy from the renewable source is absorbed and after that heat is absorbed~~. To use this method, the applicant must provide a single line drawing of the electric generating system identifying every heat source and the proposed points to measure the change in the heat content of the medium. If multiple media are used ~~to collect heat at the facility from the thermal sources~~, the heat added to the system shall be measured using the medium that turns the ~~electric generating~~generation turbine, where possible. ~~For this option, the applicant may use the following Percent Renewable equation:~~

$$\text{Percent Renewable} = \frac{\sum(\text{MMBtu})_{\text{RPS}}}{\sum(\text{MMBtu})_{\text{RPS}} + \sum(\text{MMBtu})_{\text{non-RPS}} + \sum\left((\text{MWh})_{\text{grid}} \cdot \frac{3.413\ \text{MMBtu}}{1\ \text{MWh}}\right)}$$

Where the noncombustion, thermal renewable contribution is defined by:

$(MMBtu)_{RPS} = (MMBtu)_{medium_{out}} - (MMBtu)_{medium~~working\ fluid~~_{in}}$

$(MMBtu)_{RPS}$ $= The$ ~~H~~$heat$ ~~C~~$contribution\ of\ the\ RPS\ eligible$ ~~T~~$technology\ (MMBtu)$

$(MMBtu)_{medium_{out}}$
$= The$ ~~H~~$heat$ ~~C~~$content\ of\ the\ heated$ ~~$medium$~~ ~~E~~$exiting\ the$ ~~R~~renewable ~~B~~$boiler\ (MMBtu)$

$(MMBtu)_{medium_{in}}$
$= The$ ~~H~~$heat$ ~~C~~$content\ of\ the\ heated\ medium$ ~~E~~$entering\ the$ ~~R~~$renewable$ ~~B~~$boiler\ (MMBtu)$

$(\text{MWh})_{\text{grid}}$ $= \text{Grid}$ ~~E~~electrictiy adding heat to the system(MWh)

$(\text{MMBtu})_{\text{non-RPS}} = \text{Non} -$ ~~R~~renewable energy resource~~Fuel~~(s) (MMBtu)

~~In the event that any thermal renewable facility uses a nonrenewable energy input to add heat to the system through a noncombustion, thermal process, the contribution of that fuel shall be accounted for in a method similar to the second option for noncombustion, thermal renewable technologies.~~

b. Direct Measurement of the Generator Output

~~c) Nonthermal electric generating technologies (except fuel cell technologies): Some~~ The electricity output of some renewable technologies, such as solar photovoltaic and wind, can be directly measured~~are nonthermal electricity generation technologies~~. Therefore, ~~measurement of total annual energy input is not appropriate for these technologies. Instead,~~ a facility incorporating one or more of these technologies must have internal metering to measure the electrical generation directly associated with that specific technology. Only the metered output of the renewable portion of the facility will be

59 The medium includes working fluids, heat transfer fluids, and any material used to transfer heat from one part of the system to the other.

eligible for the RPS. ~~The internal metering shall be compared to the total output of the facility to determine the percentage attributable to any nonthermal renewable technology, if applicable. The percentages attributable to the technology shall be recorded monthly and reported to WREGIS on a monthly basis.~~

c. Alternative Measurement Methods

~~d) Alternative measurement methodology:~~ Applicants may submit an alternative measurement method if it can be demonstrated to the Energy Commission's satisfaction that the method is superior to the methods discussed above and is the most appropriate method for the specific facility ~~that technology, fuel, or energy resource~~. The method~~ology~~ shall be based on the total annual energy input of each energy resource to the generating system, and any inputs not separately metered ~~, measurable on a monthly basis~~. The Energy Commission will evaluate and consider the proposed measurement method as part of the facility~~'s~~ application ~~for precertification or certification~~.

(1) Special Alternative Measurement Methods for Solar Thermal Facilities

An applicant for a ~~S~~solar thermal facility~~ies~~ that uses~~using~~ direct steam generation systems with no thermal storage capacity may propose an alternative measurement method that does not consider the use of a nonrenewable ~~fuel~~ energy resource if the nonrenewable energy resource is used to ~~for the purpose of~~ increase~~ing~~ or maintain~~ing~~ the thermal energy of the generation system, and not ~~for the purpose of~~ generating electricity. ~~as contributing to the generation of electricity.~~ This alternative measurement method is available only if the use of the nonrenewable energy resource satisfies ~~subject to~~ all the following limitations:

~~1~~a) The maintenance or increase in thermal energy is limited to levels not exceeding temperatures necessary to generate electricity.

~~2~~b) The maintenance or increase in thermal energy may not exceed 25 percent of the hourly thermal capacity of the receiver system.

~~3~~c) The use of a nonrenewable energy resource ~~fuel~~ for maintenance or increase in thermal energy is limited to the period ~~of time~~ between the final daily termination of generation and ~~the facility's~~ daily initial commencement of generation for the facility the next morning.[60]

Use of nonrenewable energy resources falling within these limitations need not be considered as contributing to electricity generation in the alternative measurement method. ~~Uses of nonrenewable fuel falling within these limitations need not be considered as contributing to electricity generation in the measurement methodology for solar thermal facilities using direct steam generation systems with no thermal storage capacity. The applicant must demonstrate to the Energy Commission's satisfaction that the proposed method is superior to the methods~~

~~60 For example, the pregeneration warming period for the daily initial startup and overnight freeze protection would be treated as part of the period of time between the facility's final daily termination of generation and the facility's initial commencement of generation the next morning.~~

~~discussed above and is the most appropriate method for solar thermal facilities using direct steam generation systems with no thermal storage capacity, similar to all other proposed alternative measurement methodologies.~~ The alternative measurement method shall include separate metering of the ~~total amount of~~ nonrenewable energy resources~~fuel~~ used while electricity is generated and~~daily by the facility and separate metering for the portion of this total~~ used between shutdown and commencement of generation the next morning~~,~~ for reporting the energy resource ~~fuel~~ usage to the Energy Commission. ~~The facility operator shall maintain adequate documentation to substantiate the reported nonrenewable fuel use at the facility.~~

(2) Facilities ~~w~~With Directly Connected Energy Storage Devices

An applicant for a facility with a directly connected energy storage device may propose to treat only the electricity leaving the facility in excess of the imported grid electricity as RPS-eligible, if it can be shown that this approach will underestimate the renewable portion of the stored and exported electricity in all possible cases.

2. De Minimis Quantity of Nonrenewable ~~Fuels or~~ Energy Resources

All of the generation from multifuel facilities using a de minimis quantity of nonrenewable ~~fuels or~~ energy resources in the same generation process as the renewable energy ~~fuel or~~ resource, ~~and~~ as calculated ~~measured~~ by the approved method~~ology approved for that specific facility~~, may be counted as RPS-eligible.[61]~~62~~ The de minimis quantity is 2 percent of the annual energy input to the facility, except as specified below in Section III.B.2.a: Adjusted De Minimis Quantity. ~~Public Utilities Code Section 399.12, Subdivision (h)(3), requires that the Energy Commission set the de minimis quantity for all facilities applying for precertification or certification at a level of no more than 2 percent of the total annual contribution of nonrenewable fuel to the facility's annual electricity output. The Energy Commission has determined that all facilities using nonrenewable fuels in the generation process may use a de minimis quantity of nonrenewable fuel of 2 percent annually, as calculated by a measurement methodology approved under this guidebook.~~

Facilities using nonrenewable energy resources in excess of the de minimis quantity may continue to claim a de minimis quantity of the facility output attributable to nonrenewable energy resources as RPS-eligible if the total contribution of the nonrenewable energy resource does not exceed 10 percent of the total energy inputs.[63]

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61 As used in this guidebook, "de minimis" means an insignificant amount of nonrewable energy resources allowed to be counted as RPS-eligible.

~~62 The Merriam-Webster Dictionary defines "de minimis" as "lacking significance or importance; so minor as to merit disregard." www.merriam-webster.com accessed October 23, 2014.~~

63 For example, a facility with a nonrenewable energy resource contribution of 10 percent may claim 92 percent of the output as RPS-eligible, 90 percent from the renewable fuel and 2 percent from a de minimis quantity of nonrenewable energy resource. Alternatively, a facility with a nonrenewable energy resource contribution of 11 percent may claim only 89 percent of the facility output as RPS-eligible.

a. Adjusted De Minimis Quantity

The ~~law authorizes the Energy Commission to adjust the~~ de minimis quantity for ~~an individual~~a facility may be adjusted up to a maximum level of 5 percent of the total annual contribution of nonrenewable energy resources~~fuel~~ to the facility's annual electricity output, if the applicant can demonstrate that all of the following ~~that several~~conditions are met by the facility~~'s~~ use of the increased amount of nonrenewable energy resource~~fuel. The Energy Commission has determined that individual facilities meeting the criteria below will be allowed a de minimis quantity of 5 percent nonrenewable fuel use, as measured by the approved fuel measurement methodology. Applicants for individual facilities seeking this adjusted de minimis nonrenewable fuel use must demonstrate in their applications for precertification or certification that the facility meets *all* of the following criteria:~~

1~~a~~) The higher quantity of nonrenewable energy resource~~fuel~~ used at the facility will lead to an increase in overall generation from the facility that is ~~significantly greater than generation from the nonrenewable fuel alone. Significantly greater generation from the facility is defined as an increase in generation that, as a result of the increased quantity of nonrenewable fuel use, is~~ greater than twice the ~~generation~~ potential generation of the increased quantity of nonrenewable energy resource~~fuel~~ alone. This is calculated by applying the heat rate of the facility to the increased quantity of the nonrenewable energy resource.[64] ~~This equates to an increase in generation attributable to the renewable fuel that is greater than the generation potential from the increased quantity of nonrenewable fuel alone.[65]~~

2~~b~~) The increased use of nonrenewable energy resource~~fuel~~ reduces the ~~facility's~~ electrical output variability of the facility in a manner that results in net environmental benefits to the state. ~~Reduced variability of output from a facility can improve its synchronization to the grid or improve the facility ramp rates, which can improve the ability of renewables to integrate into the California electrical system and achieve the state's RPS and climate change targets, and, thereby, demonstrate a net environmental benefit to the state.~~

3~~c~~)The higher quantity of nonrenewable energy resource, specifically the energy resources used above the 2 percent limit, but not exceeding 5 percent,~~fuel~~ is limited to either natural gas or hydrogen derived by the reformation of a fossil fuel. ~~Specifically, an adjusted de minimis quantity of nonrenewable fuel greater than 2 percent but not greater than 5 percent may be sourced from either natural gas or hydrogen derived by the reformation of a fossil fuel.~~

~~All facilities using a de minimis amount of nonrenewable fuels to count toward the RPS must retain records to verify the facility's ongoing compliance with the above requirements and must submit this information to the Energy Commission as required below, and upon request.~~ If the

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~~64 The generation potential of the increased nonrenewable fuel alone is calculated by applying the heat rate of the facility to the increased quantity of the nonrenewable fuel.~~

~~65 The Energy Commission may revise the definition of "significant" for this purpose after a sampling of operational data is available.~~

Energy Commission determines that thea ~~facility's~~ adjusted nonrenewable ~~fuel~~ energy resource use of a facility does not meet the above requirements, the facility will be subject to the 2 percent de minimis limit for the applicable year(s) and all subsequent years unless the applicant provides sufficient documentation to demonstrate its qualifies~~qualities~~ for the 5 percent de minimis limit. If the Energy Commission readjusts the annual de minimis quantity of nonrenewable ~~fuels~~ energy resources to 5 percent for that facility, it will be applied to generation that occurs subsequent to the Energy Commission's determination.

~~**For counting generation attributed to nonrenewable fuel as California RPS-eligible, see Section III.B.4: Accounting for Nonrenewable Fuel Use below.**~~

3. Other Nonrenewable Energy Resource ~~Fuel~~ Allowances

~~In the past~~Historically, the Energy Commission has allowed the generation from facilities using greater amounts of nonrenewable energy resources ~~fuel~~ than the de minimis quantity to be considered 100 percent eligible for the RPS if certain conditions were met, as described below. Only facilities that ~~continue to meet these conditions and~~ are currently ~~RPS~~ certified under these conditions and continue to meet these conditions may ~~continue to~~ receive RPS credit for the entire output of the facility. ~~For these facilities to count 100 percent of the electricity generated toward the RPS, one of the following four conditions must be met in the current certification for that facility. If the allowable nonrenewable energy amount is exceeded, then only the generation attributable to renewable energy inputs will be counted for the RPS. For counting generation attributed to nonrenewable fuel for the RPS, see Section III.B.4: Accounting for Nonrenewable Fuel Use below.~~

a) Facilities that were eligible for and participated in the Existing Renewable Facility Program (ERFP) as of December 31, 2011: If the facility met all the conditions for 100 percent of its generation to be eligible for ERFP funding under the January 2009 edition of the *Existing Renewables Facilities Program Guidebook, Sixth Edition*, on December 31, 2011, the following limitations apply. In addition, these facilities will need to submit a CEC-RPS-De Minimis supplemental form within **90 days** of the adoption of this eighth edition of the *RPS Guidebook* to provide information on the contract, and acknowledge that they will be subject to the de minimis quantity rules in place after the contract ends.

    1) ~~As of January 1, 2014, b~~Biomass facilities that participated in the ERFP may use up to 5 percent nonrenewable energy resources and count the entire output of the facility as RPS-eligible through the end of the electricity procurement contract between the facility and the LSE that was in place at the time the ERFP program ended on December 31, 2011. Once that contract ends under the term in place as of December 31, 2011 (or December 31, 2013, if the contract ended before this date), these facilities will be subject to the de minimis quantity rules in the *RPS Guidebook* in place at that time. For purposes of this limitation, the term of the contract shall not be deemed extended by virtue of any contract amendment that adds time to the term. ~~are now limited to the de minimus amount of nonrenewable energy resources specified in III.B.2: De Minimis Quantity of Nonrenewable Energy Resources.~~

2) Solar thermal facilities may use up to 25 percent nonrenewable energy resources and count the entire output of the facility as RPS-eligible through the end of ~~the term of~~ the electricity procurement contract between the facility and the LSE that was in place as of December 31, 2011. Once that contract ends under the term in place as of December 31, 2011,~~.~~ ~~T~~these facilities will ~~then~~ be subject to the de minimis quantity rules in the *RPS Guidebook* in place at that time. For purposes of this limitation, the term of the contract shall not be deemed extended by virtue of any contract amendment that adds time to the term.

~~a) Biomass facilities eligible for Existing Renewable Facility Program (ERFP) funding as of December 31, 2011. If a biomass facility met the conditions to qualify 100 percent of its generation for ERFP funding under the January 2009 edition of the *Existing Renewables Facilities Program Guidebook, Sixth Edition*, on December 31, 2011, then the entire electrical generation output of the facility can count as RPS-eligible through the end of the facility's electricity procurement contract with the utility that was in place at the time the ERFP program ended or through 2013, whichever is later. As was the case under the ERFP, for facilities using biomass fuel, this level of nonrenewable fuel use is 5 percent of the total annual energy input. Once the contract is terminated (or through 2013, whichever is later), these facilities will be subject to the de minimis quantity rules in the *RPS Eligibility Guidebook* in place at that time. The applicant for the facility must reapply for RPS certification to maintain the facility's RPS eligibility.~~

~~b) Solar thermal facilities eligible for ERFP funding as of December 31, 2011. If a solar thermal facility met the conditions to qualify 100 percent of its generation for ERFP funding under the January 2009 edition of the *Existing Renewables Facilities Program Guidebook, Sixth Edition*, on December 31, 2011, then the entire electrical generation output of the facility can count as RPS-eligible. As was the case under the Existing Renewable Facilities Program, for facilities using solar thermal resources, this level is 25 percent of the total annual energy input. As noted in Section I.B: Outstanding Issues, the Energy Commission plans to consider how to treat the use of nonrenewable fuel for the RPS at solar thermal facilities previously eligible for the ERFP in a future edition of this guidebook.~~

b~~c~~) Facilities that did not participate in the ERFP and that commenced commercial operations before January 1, 2002, were certified and operational as a renewable qualifying small power production facility (QF) eligible for certification pursuant to S~~s~~ection 292.207 of Title 18 of the Code of Federal Regulations[66] ~~pursuant to the federal Public Utility Regulatory Policies Act[67]~~ before January 1, 2002, and are ~~currently~~ certified ~~by the Federal Energy Regulatory Commission (FERC)~~ as a renewable QF pursuant to section 292.207:~~.~~ The facility may use up to 25 percent nonrenewable energy

~~66 A QF is a qualifying small power production facility eligible for certification pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations.~~

~~67 Section 1253 of the Energy Policy Act of 2005 ("EPAct") added Section 210(m) to Public Utility Regulatory Policies Act of 1978 ("PURPA").~~

resources,~~fuels~~ and the entire electrical generation output of the facility will be considered RPS-eligible through the end of, ~~or upon renegotiation of,~~ the electricity procurement contract between the facility and the LSE that~~, which~~ is in place on the day this eighth edition of *RPS Guidebook* ~~guidebook~~ is adopted, these facilities will be subject to the de minimis quantity rules in place at the time the contract ends.~~.~~ These facilities will need to submit a CEC-RPS-De Minimis supplemental form within **90 days** of the adoption of this eighth edition of the *RPS Guidebook* to provide contract information and acknowledge that they will ~~then~~ be subject to the de minimis quantity rules in the *RPS Guidebook* in place at the~~at~~ time the contract ends. For purposes of this limitation, the term of the contract shall not be deemed extended by virtue of any contract amendment that adds time to the term.

~~. As noted in Section I.B: Outstanding Issues, the Energy Commission plans to consider how to treat the use of nonrenewable fuel for the RPS by these facilities in a future guidebook revision.~~

~~d) If the facility was awarded a renewable power purchase contract as a result of a 2002/2003 interim RPS procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062, these facilities may use up to 25 percent nonrenewable energy resources, measured on an annual total energy input basis, and count 100 percent of the electricity generated as RPS eligible. As noted in Section I.B: Outstanding Issues, the Energy Commission plans to consider how to treat these facilities' use of nonrenewable fuel for the RPS in a future guidebook revision.~~

~~4. Accounting for Nonrenewable Fuel Use~~

Note: Relevant information from this ~~S~~section has been moved to *"Section V.A: Generator Information."*

~~All generation from multifuel facilities using nonrenewable fuels must be evaluated annually to determine compliance with the fuel measurement methodology applicable to the facility. To help the Energy Commission staff make its determination regarding nonrenewable fuel use, the applicant for each multifuel facility shall provide the following information to the Energy Commission annually:~~

~~a) The total annual generation from the facility, including monthly data, in MWh.~~

~~b) A list of energy resources contributing to electricity generation at the facility, and the monthly energy input for each fuel measured in BTUs. (In the case of electricity, contribution should be measured in MWh.) The use of any energy resource that is not separately metered, even if it does not contribute to electricity generation, must be included in this list.~~

~~c) For solar thermal facilities using direct steam generation systems with no thermal storage capacity using an alternative fuel measurement methodology the monthly energy input for each fuel, in BTUs, used for maintenance or increase in thermal energy of the~~

generation system during the period of time between the final daily termination of generation and the facility's daily initial commencement of generation the next morning. Each of these fuel uses must be identified separately.

d) Any additional documentation necessary for the Energy Commission to determine nonrenewable fuel use based on the fuel measurement methodology included in the RPS certification, including the information submitted to WREGIS related to fuel use.

This documentation must be presented in a clear and logical manner. If documentation created for other purposes is submitted with the application, for example, historical contracts, water rights, or environmental documentation, the applicant should list all submitted documents, briefly summarize the purpose of each document, identify what requirement each document is being submitted to fulfill, and indicate where in the each document the necessary information is contained.

The information shall be submitted to the Energy Commission by March 31 for the prior calendar year and shall include all relevant information for the prior calendar year, listed by month. Staff will not begin review of the fuel use at a facility until after the applicant has submitted the necessary information. Any discrepancies in the reported information shall be explained in detail and supported with documentation. Staff may request additional documentation to determine whether the facility's use of nonrenewable fuels complies with the applicable fuel measurement methodology and whether the use of nonrenewable fuels may be counted for the RPS for a given year.

Multifuel facilities using fossil fuel or other nonrenewable fuel and meeting the conditions described in Subsection 2: De Minimis Quantity of Nonrenewable Fuels or Energy Resources or in Subsection 3: Other Nonrenewable Fuel Allowances, may count a quantity of nonrenewable fuel use for the RPS. The Energy Commission will not verify that RECs associated with electricity generation from nonrenewable fuels qualify as eligible for California's RPS until after annual data are available, provided by the applicant, and reviewed by the Energy Commission. Energy Commission staff will not label any RECs representing electricity generated from nonrenewable fuels as eligible for California's RPS until after the end of the calendar year during which the generation occurred and the fuel use data has been reviewed.

a. Evaluation of Standard Facilities

For facilities subject to the de minimis quantity described in Subsection 2 of this section, the Energy Commission will make one of the following determinations:

1) The use of nonrenewable fuel at the facility did not exceed the facility's de minimis quantity as calculated by the approved measurement methodology for that facility. The RECs representing generation attributable to the use of nonrenewable fuels or energy resources for that year that comply with the requirements of this guidebook will be labeled as "California RPS Eligible" in the WREGIS system.

2) The use of nonrenewable fuel at the facility exceeded the facility's de minimis quantity but remained below 10 percent of the total energy inputs of the system, as calculated by

the approved measurement methodology for that facility. The generation attributable to the use of nonrenewable fuels or energy resources that exceeds the de minimis quantity will not be considered RPS-eligible. However, the RECs representing the quantity of generation attributable to the nonrenewable fuel use that does not exceed the de minimis quantity for that year that comply with the requirements of this guidebook will be labeled as "California RPS-Eligible" in the WREGIS system.[68]

3) The use of nonrenewable fuel at the facility exceeded 10 percent of the facility's total energy inputs as calculated by the approved measurement methodology for that facility. None of the generation attributable to the use of nonrenewable fuels or energy resources will be RPS-eligible, and the RECs representing the nonrenewable generation will not be labeled as "California RPS-Eligible" in the WREGIS system.

b. Evaluation of Facilities with Other Nonrenewable Fuel Allowances

For facilities subject to one of the other nonrenewable fuel allowances described in Subsection 3 of this section, the Energy Commission will make one of the following determinations:

1) The use of nonrenewable fuel at the facility did not exceed the facility's nonrenewable fuel allowance as calculated by the approved measurement methodology for that facility. The generation attributable to the use of nonrenewable fuels or energy resources for that year will be RPS-eligible, and the RECs representing the nonrenewable generation will be labeled as "California RPS-Eligible" in the WREGIS system.

2) The use of nonrenewable fuel at the facility exceeded the facility's nonrenewable fuel allowance as calculated by the approved measurement method for that facility. None of the generation attributable to the use of nonrenewable fuels or energy resources will be RPS-eligible, and the RECs representing the nonrenewable generation will not be labeled as "California RPS-Eligible" in the WREGIS system.[69]

Beginning with the adoption of the fifth edition of this guidebook adopted on May 9, 2012, no REC created in the WREGIS system representing generation attributable to nonrenewable fuel will be considered California RPS-eligible or labeled as such until the Energy Commission has

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68 RECs representing eligible generation that occurred before the month during which the nonrenewable fuel use exceeded the annual allowable de minimis quantity will be labeled California RPS-eligible if they remain in the original WREGIS subaccount. The nonrenewable RECs representing generation for the month during which the limit was exceeded beyond the fraction that are eligible, and the nonrenewable RECS generated during the remainder of that year, will not be labeled as California RPS-eligible.

69 Facilities that were eligible for Existing Renewable Facility Program (ERFP) funding on December 31, 2011, must comply with the requirements to count the entire electrical output of the facility as RPS-eligible to treat any of the generation attributable to nonrenewable fuels or energy resources as RPS-eligible regardless of the level of nonrenewable fuel allowance. For example, a facility eligible to use up to 5 percent nonrenewable fuel and consider the entire output of the facility as renewable due to participation in the ERFP, may not treat the allowable 5 percent as RPS-eligible if the nonrenewable fuel use exceeds 5 percent.

made such a determination as described above.[70] For more information on WREGIS Certificates and when RECs are labeled as coming from an RPS certified facility see Section III.A.1: WREGIS.

C. Location RequirementsFacilities with a First Point of Interconnection to a non-California Balancing Authority Outside California or Facilities Located Outside the United States

The requirements of this section apply to renewable facilities that have their first point of interconnection to a non-California balancing authority (non-CBA) outside the state, but within the WECC service area. Facilities within the WECC service area that are located outside the United States must meet the out-of-country requirements below regardless of the location of their first point of interconnection to the transmission network. Facilities located in California or near the border of the state with their first point of interconnection to a California balancing authority are not subject to the additional requirements of this section. Applicants may be required to submit documentation to verify the location of their first point of interconnection to the transmission network with their application for precertification or certification.

Facilities that are not or will not be interconnected to a transmission network within the WECC service area are not eligible for the RPS.

1. General Requirements

With the exceptions noted below for certain POUs, electrical generation from a renewable facility with its first point of interconnection to a non-CBA outside the state can qualify for the RPS if it meets the RPS eligibility requirements described in this guidebook andAn applicant for facilities located outside California must demonstrate that the facility either has its first point of interconnection to a California Balancing Authority (CBA) or demonstrate that the facility satisfies all of the following criteria.[71]

a) Facility has its first point of interconnection to an out-of-state transmission network within the WECC service area.

1) One of the following is true:

a)b) The Ffacility commences initial commercial operations on or after January 1, 2005.

b) Electricity generated by the facility was procured by a retail seller or POU as of January 1, 2010.

70 When determining whether nonrenewable fuel or energy resource uses exceed the de minimis quantity, or the applicable fuel allowance, the Energy Commission will round the percentage up to the nearest one-thousandth of a percent. Any use of nonrenewable fuel above the de minimis quantity, or other applicable fuel allowance, will result in the facility exceeding that allowance, regardless of its magnitude.

71 Public Resources Code Section 25741, Subdivision (a)(2)(B).

c) The facility underwent an expansion or repowering on or after January 1, 2005, and only RPS certification of the resulting incremental generation is being sought. (See Section III.E: Incremental Generation.)

d) The facility qualifies as a repowered facility under Section III.D: Repowered Facilities and recommenced commercial operations on or after January 1, 2005.

2~~e~~) The ~~F~~facility does not cause or contribute to any violation of a California environmental quality ~~L~~laws, ~~O~~ordinances, ~~R~~regulations, or ~~S~~standards (LORS)~~standard or requirement~~ within California. (See Section III.C.1: LORS Requirement.)

3) The facility has its first point of interconnection to the ~~Western Electricity Coordinating Council (~~WECC~~)~~ service area.

~~d)~~ For facilities~~If~~ located outside the United States, regardless of facility interconnection, the applicant must demonstrate that the facility is, or will be, developed and operated in a manner that is as protective of the environment as a similar facility would be if it were located in California. (See Section III.C.2: Out-of-Country Requirements.) ~~72~~

When applying for RPS certification, an applicant for a facility located outside California must complete the location supplemental application form, CEC-RPS-1.S3, which can be found in Appendix A: RPS Certification Forms, and provide additional required information described later in this section.

~~e) Facility and any retail seller, POU or third parties procuring generation from the facility participate in WREGIS.~~

~~*a. Existing Facilities*~~

~~If the facility meets all of the above criteria for facilities with a first point of interconnection to a non-CBA outside California except it commenced commercial operations before January 1, 2005 (criterion "2" above), then it may be RPS eligible if it meets one of the following criteria:~~

~~1) The electricity is from incremental generation resulting from project expansion or repowering of the facility on or after January 1, 2005.~~

~~2) Electricity generated by the facility was procured by a retail seller or POU as of January 1, 2010.~~

~~An applicant seeking to certify the incremental generation of an existing electrical generation facility due to project expansion or repowering on or after January 1, 2005, must meet the requirements in Section III.E: Incremental Generation.~~

~~An applicant seeking to certify an existing electrical generation facility that commenced commercial operations before January 1, 2005, must provide a procurement invoice or similar document on the letterhead of the retail seller or POU to demonstrate that the facility meets this requirement.~~

~~72 Public Resources Code Section 25741, Subdivision (a)(3).~~

b. Local Publicly Owned Electric Utilities

For a POU that is interconnected to a non-CBA located outside California but within the WECC, procurement is not subject to the eligibility requirements in this section for facilities with a first point of interconnection outside California if all of the following conditions are met:[73]

1) The POU was in existence on or before January 1, 2009.

2) The POU provides retail electric service to 15,000 or fewer customer accounts in California.

3) Electricity generated by the facility is procured by the POU, delivered to the balancing authority area in which the POU is located, and is not used to fulfill the renewable energy procurement requirements of other states.

4) The POU and facility participate in WREGIS.

5) The Energy Commission verifies that the electricity generated by the facility meets the RPS procurement requirements.

The application for certification of such a facility must indicate it is applying under these requirements. The RPS certification issued will indicate the special conditions on the certificate. This exception to the requirements in this section for facilities with a first point of interconnection outside California applies only to situations wherein these POUs procure energy to meet their own RPS obligations. If generation from these facilities is procured to meet the RPS obligations of another POU or retail seller of electricity, the facility will be **subject to all** of the eligibility requirements in Section III.C: Facilities with a First Point of Interconnection to a non-California Balancing Authority Outside California or Facilities Located Outside the United States.

2.1. LORS RequirementAdditional Required Information for Facilities With a First Point of Interconnection to a non-CBA Outside California

All facilities with a first point of interconnection to a non-CBA outside California must provide the following additional required information when applying for certification as RPS-eligible. Further requirements apply to facilities that commenced commercial operations before January 1, 2005, as described below. However, the additional reporting requirements for facilities with a first point of interconnection to a non-CBA outside California do not apply to a facility that is exclusively serving POUs subject to Public Utilities Code Section 399.30, Subdivision (h).:

Applicants for all other facilities with a first point of interconnection to a non-CBA outside California seeking RPS certification must analyze and document the impacts, if any, the facility has or may have on California's environmental quality.

An applicant forThe law requires a facility located outside California with a first point of interconnection to a non-CBA shall outside California to demonstrate that the facilityit will not cause or contribute to a violation of any California's LORSenvironmental quality standard or

73 Public Utilities Code Section 399.30, Subdivision (i).

~~requirement~~ within California.[74] For this analysis, the Energy Commission has divided the relevant California LORS into two categories:

a) Discrete Thresholds: The potential impact depends largely on the distance of the facility to the California border and the project viewshed or the natural environment visible from the project.

b) Conditional Thresholds: The potential impact depends on the nature of the facility and its location.

The relevant environmental areas,[75] along with the thresholds, are identified in Table 3.

~~To meet this requirement, the analysis performed by the applicant must include the following, subject to the Environmental Area Thresholds set forth in Table 3:~~

~~a) A comprehensive list and description of all California environmental quality laws, ordinances, regulations, and standards (collectively referred to as "LORS") that may be directly or indirectly violated by the facility's development or operation.~~

~~b) An assessment of whether the facility's development or operation will cause or contribute to a violation of any of these LORS in the region of California most likely to be affected by the facility's development or operation.~~

~~c) Documentation substantiating the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials demonstrating that the facility's development or operation will not cause or contribute to a violation of a California environmental quality standard or requirement in California.~~

~~At a minimum, the LORS described in the applicant's analysis shall address the following environmental areas consistent with Appendix B, Section (g), of the Energy Commission's regulations for power plant certification, Title 20, California Code of Regulations, Sections 1701, et seq, to the extent that application of the Environmental Area Thresholds for Facilities With a First Point of Interconnection to a non-CBA Outside California set forth in Table 3 shows that the project has the potential to impact resources within California:~~

- ~~Cultural Resources~~
- ~~Land Use~~
- ~~Traffic and Transportation~~
- ~~Visual Resources~~
- ~~Air Quality~~
- ~~Public Health~~
- ~~Hazardous Materials Handling~~

~~74 Public Resources Code Section 25741, Subdivision (a)(2)(B)(ii).~~

75 These environmental areas are consistent with Appendix B, ~~S~~section (g), of the Energy Commission's regulations for power plant certification, as set forth in Title 20, California Code of Regulations, ~~S~~sections 1701, et seq.

- ~~Waste Management~~
- ~~Biological Resources~~
- ~~Water Resources~~
- ~~Agriculture and Soil~~
- ~~Paleontological Resources~~
- ~~Geological Hazards and Resources~~
- ~~Transmission System Safety and Nuisance~~
- ~~Noise~~

~~The assessment of the potential for a facility with a first point of interconnection to a non-CBA outside California to cause or contribute to any violation of a California environmental quality standard or requirement depends on the environmental resource area and the facility's distance from the region in California most likely to be impacted by the facility's development or operation. The likelihood that a facility located outside California will affect California's environmental quality is primarily related to distance. For example, a facility located in a state not adjacent to California is unlikely to contribute to a violation of a California visual resource LORS. The supplemental form for a facility with a first point of interconnection to a non-CBA outside California, CEC-RPS-1-S3, requires an applicant to identify the project's distance from California, as well as the location in California most likely to be impacted by the project.~~

~~The applicable LORS for a given facility will vary depending on the facility's location, since the LORS across California vary. For example, the air quality standards in Southern California may differ from the air quality standards in Northern California. Accordingly, for demonstrating whether the facility with a first point of interconnection to a non-CBA outside California will cause or contribute to a violation of any of these LORS in California, the applicant should select the region in California most likely to be affected by the facility's development or operation.~~

~~The Energy Commission will first consider the facility's technology and distance from the California region most likely to be impacted to assess the applicant's LORS documentation. Table 3 describes the thresholds the Energy Commission will apply when evaluating the likelihood of a facility to cause or contribute to a violation of a California LORS, with projects located beyond those thresholds being unlikely to violate a California LORS. As shown in Table 3, some environmental areas have discrete distance limits beyond which the project is unlikely to impact California's environmental quality. Other environmental areas have conditional thresholds for which the potential impact depends on the nature of the facility and its location.~~

~~All applicants must submit a written explanation substantiating the claim that the facility does not and will not cause or contribute to a violation of a California LORS within California. For facilities beyond the discrete thresholds identified in Table 3, submission of a simple explanation documenting how the facility's development and operation does not cause or contribute to a violation of a California LORS is sufficient. For projects closer than the discreet threshold for an environmental area, a detailed explanation documenting how the facility's development and operation does not cause or contribute to a violation of a California LORS for the environmental area is required. An applicant may submit a simple explanation for each~~

~~environmental area with a conditional threshold if there is no potential for a violation of a California LORS. If, however, there is potential for such a violation for an area with a conditional threshold, a detailed explanation is required. For example, Traffic and Transportation is an area with a conditional distance of 20 miles. A facility located in Wyoming, which is farther than 20 miles from the California border, could provide a simple explanation describing how its development and operation have no impact on California's LORS because its transportation activities do not involve California air or highway travel. All LORS assessments and explanations should be submitted in a document to accompany the CEC-RPS-1 Form and supplemental form for a facility with a first point of interconnection to a non-CBA outside California, along with documentation substantiating the applicant's assessment as required in this section.~~

Table 3: Environmental Area Thresholds

Environmental Area	Threshold or Minimum Distance From the California Border
Discrete Thresholds	
Agricultural and Soil	2 miles
Cultural Resources	Project viewshed/20 miles
Geological Hazards	2 miles
Land Use/Recreation	Project viewshed/20 miles
Noise	2 miles
Paleontological Resources	Project viewshed/1 mile
Visual Resources	Project viewshed/20 miles
Conditional Thresholds	
Air Quality	10 miles, or greater if there is potential for transportation or other emissions to impact California air quality
Biological Resources	10 miles, unless the project has the potential to impact a California migratory bird or animal population
Public Health	10 miles, or greater if there is potential for project-related wildfire risk
Traffic and Transportation	20 miles, or greater if the project could impact California air travel or traffic on California highways
Transmission System Safety and Nuisance	2 miles, although if the transmission line interconnection extends into California, the facility would be considered in-state, and an environmental review pursuant to the California Environmental Quality Act would be required
Waste Management/Hazardous Materials Handling	No distance limit if California disposal site is used or materials are transported through California.
Water Resources	2 miles, or farther distance if project has the potential to impact a drainage flowing into California

Source: California Energy Commission

For facilities meeting or exceeding all minimum thresholds for each environmental area, the submission of a simple explanation documenting how ~~the facility's~~ development and operation of the facility do not cause or contribute to a violation of California LORS is sufficient. If the facility does not meet all the minimum thresholds for a particular environmental area, the applicant must provide the following for that environmental area:

1~~a~~) A comprehensive list and description of all California LORS relating to the environmental area that may be directly or indirectly violated by the ~~facility's~~ development or operation of the facility.

2~~b~~) An assessment of whether the ~~facility's~~ development or operation of a facility will cause or contribute to a violation of any California LORS in the region of California most likely to be affected by the ~~facility's~~ development or operation of the facility.

3~~c~~)Documentation substantiating the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials demonstrating that the ~~facility's~~ development or operation of the facility will not cause or contribute to a violation of California LORS in California.

~~3.~~2. Out-of-Country Requirements~~Additional Required Information for Out-of-Country Facilities~~

An applicant for~~For~~ a facility~~ies~~ located outside the United States~~, but within the WECC, the applicant~~ shall ~~must~~ analyze and document that the facility is developed and operated in a manner that is as protective of the environment as a similar facility in California.[76] To meet this requirement, the analysis performed by the applicant must include all of the following:[77]

a) A comprehensive list and description of all California ~~environmental quality~~ LORS that would apply to a similar facility located within California at a location designated by the applicant.

b) An explanation of how the facility will be developed and operated in a manner that is as protective of the environment as a similar facility located in California, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are followed.

c) Documentation substantiating the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials demonstrating that the ~~facility's~~ development and operation of the facility will

~~76 This requirement applies effective January 1, 2011, consistent with SB X1-2.~~
~~77 Depending on the location and interconnection of the facility, the applicant may also need to address the requirements for facilities with a first point of interconnection to a non-CBA outside California. In such cases, the applicant must analyze and document the impacts, if any, the facility has or may have on California's environmental quality, as specified in section E.1, and must also analyze and document that the facility is developed and operated in a manner that is as protective of the environment as a similar facility in California, as specified in this section E.3.~~

protect the environment to the same extent as provided by these LORS for a similar facility located in California.

D. Repowered Facilities

An applicant wishing to revise ~~the~~ a facility's commercial operations date of a facility may do so by repowering the facility as described in this section. The date the facility recommences commercial operations may be used as the new commercial operations date. ~~As noted earlier in this guidebook, the criteria for RPS eligibility may depend on the date a facility begins commercial operations. If a facility is repowered as provided in this section, the date it recommences commercial operations after repowering may be used as its commercial operation date for the RPS application instead of its initial commencement date of commercial operations. In general, o~~Only an applicant seeking to revise ~~the~~ a facility's ~~date of~~ commercial operations date of a facility needs to apply for RPS certification as a repowered facility. ~~An applicant for a facility that is RPS-certified or not subject to the eligibility restrictions based on the facility's online date may not need to apply as a repowered facility, even if the facility's prime generation equipment is replaced with new equipment.~~

Applicants seeking to certify a facility as a repowered facility shall ~~must~~ document the following:

1) The ~~facility's~~ prime generating equipment of the facility is replaced with new equipment.
2) The capital investments made to repower the facility have a value equal to at least 80 percent of the repowered facility.

Facilities consisting of multiple electrical generation units may be partially repowered if the repowered generating unit can be RPS-certified as an individual facility, separate from the generating units that were not repowered. ~~submit documentation confirming the replacement of the facility's prime generating equipment and the capital investment made to repower the facility, as well as the value of those investments, in addition to the appropriate application form(s) and any other required information necessary for the generating technology.~~

1. Prime Generating Equipment

~~The applicant must document that the facility's prime generating equipment is new and that the repowered facility re-entered commercial operations on or after January 1, 2005. Applicants for repowered small hydroelectric facilities and conduit hydroelectric facilities must document the facilities re-entered commercial operations on or after January 1, 2006.~~

All prime generating equipment at the facility shall be replaced with new equipment for the facility. The "prime generating equipment" for each renewable resource is defined as follows:

a) Wind: the ~~entire~~ wind turbine, including the electricity generator, gearbox (if any), nacelle, and blades.

b) Biomass: the ~~entire~~ boiler, electricity generator, and the steam turbine. ~~Stoker boilers may be replaced with boilers using improved stoker technology or fluidized bed technology.~~

c) Geothermal: the electricity generator and the~~entire steam~~ turbine~~generator~~, including the turbine rotors, shaft, stationary blades, and any gear assemblies.

d) Small and conduit hydroelectric: the electricity generator, ~~entire~~ turbine, and structures directly supporting the turbine.

e) Solid waste conversion: the ~~entire~~ gasifier (gasifying equipment), the electricity generator, and either the internal combustion engine or combustion turbine, as applicable.

f) Biomethane~~Landfill gas~~: the electricity generator and either the~~entire~~ internal combustion engine or combustion turbine, as applicable.

~~g) Digester gas: the entire digester unit and internal combustion engine or combustion turbine as applicable.~~

g~~h~~) Solar:

1) Solar thermal: the electricity generator, ~~entire~~ steam turbine, and solar boiler.

2) Solar Photovoltaic: the photovoltaic panel(s).

A facility that does not use any of the prime generating equipment listed above shall replace the equivalent equipment or the appropriate prime generating equipment for that technology type.

~~All prime generating equipment at the facility must be replaced with new equipment for the facility to qualify as a repowered facility. For example, a 25 MW wind facility consisting of 50 separate wind turbines must, at a minimum, replace each of the 50 wind turbines with new turbines of like or greater capacity for the entire 25 MW facility to qualify as a repowered facility. The Energy Commission recognizes that a wind facility owner may want or need to repower only a portion of the turbines owned at a site and does not exclude that option. In the event that a generator is interested in repowering a portion of a site, then it will need to recertify the remaining portion of the site that is not being repowered.~~

2. Capital Investments

The applicant must document that the capital investments to the portions of the facility directly contributing to electricity production have a value equal to at least 80 percent of the value of the repowered facility. The portion of the facility that directly contributes to electricity production includes the prime generating equipment; fuel processing, enhancing, and delivery equipment located at the facility; and any associated process control equipment and structures at the facility.

The capital investments shall be made not more than two years before the facility re-enters commercial operations, unless it can demonstrate that the procurement or construction ~~activities~~ associated with repowering began more than two years before the date the facility re-enters commercial operations.

Capital investments in the following equipment may be used to meet the 80 percent threshold: electricity generators and related equipment, fuel processing, enhancing, and delivery

equipment, control equipment, associated process control equipment, and structures used to support the aforementioned equipment. Expenditures for environmental control equipment, air pollution control equipment, land, or in tangibles, such as goodwill or the value of thea ~~facility's~~ power purchase contract of a facility, may not be used to meet the 80 percent threshold, because these expenditures do not directly contribute to the production of electricity. ~~The applicant must document that the value of the capital investment made to repower the facility equals at least 80 percent of the total value of the repowered facility. In addition, the applicant must document that capital investments were made not more than two years before the date that the facility re-entered commercial operations.[78] In addition to the prime generating equipment that must be replaced to qualify as a repowered facility, other capital investments may be used to meet the 80 percent threshold if they were made to that portion of the facility that contributes directly to the production of electricity. This includes:~~

~~The applicant must document that the value of the capital investment made to repower the facility equals at least 80 percent of the total value of the repowered facility. In addition, the applicant must document that capital investments were made not more than two years before the date that the facility re-entered commercial operations.[79] In addition to the prime generating equipment that must be replaced to qualify as a repowered facility, other capital investments may be used to meet the 80 percent threshold if they were made to that portion of the facility that contributes directly to the production of electricity. This includes:~~

~~a) Electricity generators and related equipment~~

~~b) Fuel processing, enhancing, and delivery equipment~~

~~c) Control equipment~~

~~d) Associated process control equipment~~

~~e) Structures used to support the aforementioned equipment.~~

~~It is not necessary for this equipment to be replaced for the facility to qualify as a repower, unless the equipment is listed as part of the prime generating equipment above in Section III.D.1: Prime Generating Equipment. However, if this equipment is replaced, the capital investment to do so may be considered toward meeting the 80 percent threshold.~~

~~A capital expenditure may not be used to meet the 80 percent threshold if the investment does not directly contribute to the production of electricity, such as:~~

~~a) Environmental control equipment~~

~~78 If it can be documented to the Energy Commission's satisfaction that construction activities associated with the repowering process began more than two years before the date the facility re-entered commercial operations the two year window may be extended.~~

~~79 If it can be documented to the Energy Commission's satisfaction that construction activities associated with the repowering process began more than two years before the date the facility re-entered commercial operations the two year window may be extended.~~

~~b) Air pollution control equipment~~

~~c) Land on which the facility sits or was purchased as part of the repowered process~~

~~Similarly, intangibles such as the value of a facility's power purchase contract or its goodwill will not be considered part of the repowered facility.~~

The applicant must provide documentation, such as invoice receipts, verifying the replacement of the old equipment, as well as other relevant components of the ~~technology~~ facility.~~relevant to the repowering application. The Energy Commission will confirm that the equipment listed is appropriate for certification as a repowered facility.~~ Only documented capital investments to the portions of the facility directly contributing to the production of electricity are eligible to contribute to the 80 percent threshold.

An applicant shall demonstrate compliance with the 80 percent threshold by one of two methods:

a) Tax records method

b) Replacement value method

~~The "repowered facility" is defined as the new prime generating equipment and all of the new and/or existing electrical generators; fuel processing, enhancing, and delivery equipment; and any associated process control equipment and structures at the facility.~~ An applicant for precertification must provide documentation available to support the future compliance with these requirements, including any documentation available demonstrating preliminary compliance with these requirements.

~~3. Evidence of the 80 Percent Threshold~~

~~The applicant may show that it has met the 80 percent threshold by submitting either tax records or an assessment of the "replacement value" of the facility along with documentation of the cost of the new equipment. The applicant must notify the Energy Commission which methodology it is using and provide the appropriate information as described below.~~

a. Tax Records Method

The applicant shall ~~must~~ document and provide all of the following to the Energy Commission: ~~submit to the Energy Commission all relevant tax records needed to demonstrate that the capital investments made to repower the facility are equal to at least 80 percent of the value of the repowered facility.~~

1) All relevant tax records.

2) A list of all eligible capital investments made to the facility.

3) The year and month in which the investments were made.

4) ~~The applicant must document the value of the capital investments and the year the investments were made. In this case, t~~The value of capital investments, which is the

original tax "basis" declared to the Internal Revenue Service to calculate depreciation. The tax basis should reflect the value of the equipment the applicant has attested to purchasing. ~~The tax basis is generally what a business pays for an item to be depreciated.~~

52) The ~~applicant must document the~~ value of the repowered facility~~.~~, ~~In this case, the value of the repowered facility~~ which is based on the sum of the tax basis declared for all of the equipment and structures in the repowered facility as of the year the facility is repowered. For new equipment and structures, the value of the repowered facility is the original tax basis. For existing equipment and structures, the value of the repowered facility is the tax basis as adjusted for depreciation. For facilities financed using a sale/lease-back or similar structure, the original tax basis of the equipment and structures for both the lessor and lessee will be considered.

~~3) The applicant must divide the total value of capital investments by the total value of the repowered facility. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.~~

b. Replacement Value Method

The applicant must document and provide all of the following to the Energy Commission: ~~This alternative approach may make it more difficult for a facility to meet the 80 percent repowering threshold, but it is a reasonable alternative for parties who are unable or unwilling to secure the necessary tax records to use the adjusted tax basis approach.~~

1) All relevant financial records.

2) A list of all eligible capital investments made to the facility.

3) The year and month in which the investments were made.

41) The ~~applicant must document the~~ value of the equipment replaced in the facility~~.~~, ~~. The replacement cost of new equipment is~~ based on the ~~equipment's~~ purchase price of the equipment. ~~and, consequently, is the same value when compared to the adjusted tax basis approach.~~

52) ~~The applicant must submit a~~An independent evaluation of the replacement cost of existing~~, unreplaced~~ equipment ~~("retained equipment")~~. The evaluation should be an estimate of the capital costs that would have to be incurred to replace the existing~~retained~~ equipment. This estimate must be provided by an accountant in good standing with the American Institute of Certified Public Accountants or a member in good standing and certified as an internal auditor with the Institute of Internal Audits.

~~3) The applicant must divide the total value of capital investments by the sum of the replacement cost of the new equipment and the independent estimate of the replacement cost of the retained equipment. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.~~

E. Incremental Generation

An applicant may seek RPS certification for only the incremental output of a facility. ~~that is otherwise ineligible for the RPS certification.~~ To do so, the applicant shall document and provide all of the following:

1) A brief description of each capital investment made to the facility and how the capital investment resulted in incremental generation at the facility. These capital investments cannot include any investment that would have been made on operation and maintenance in the normal course of business.

2) Evidence that the incremental generation is not the result of weather fluctuations, a recurring or random event, economic events including decreased energy resource costs or increased electricity demand, ~~or~~ some similar event that is not associated with a capital investment made to the facility, or an increased use of the water resource for hydroelectric facilities.

3) Information necessary to comply with one of the following methods to determine the incremental generation at the facility:

   a) Direct Measurement

   b) Calculated Measurement

   c) Rated Facility Improvement, hydroelectric facilities only

An applicant for the certification of incremental generation must submit the CEC-RPS-1.S4 incremental supplemental form, which can be found in Appendix A: RPS Certification Forms, and provide additional required information described later in this section. This form will be provided to WREGIS as part of the registration process if the facility is certified.

~~The Energy Commission may certify incremental generation from the expansion or repowering of a facility or as a result of efficiency improvements at hydroelectric facilities. All applicants seeking RPS certification of incremental generation must provide evidence that the incremental generation from the facility resulted (or will result if the applicant is seeking precertification) from a capital expenditure in the facility. This information is needed to verify that the incremental production is not a result of weather fluctuations or some other recurring or random event. The capital investment must exclude monies that would have been spent on operation and maintenance in the normal course of doing business. The applicant must provide a brief description of each capital investment made for facility expansion, repowering, or efficiency improvements, including a discussion of the nature of the capital investments and how they resulted in the incremental generation. In substantiating an application to certify incremental production, the burden of proof will be on the applicant to submit compelling evidence to demonstrate the effect that capital expenditures had on production.~~

~~Only the incremental portion of the facility output will be considered RPS eligible. The incremental portion of the facility output will be determined either by direct measurement of~~

~~the facility expansion or by comparison of the facility output to the historical baseline of the facility.~~

~~All data submitted are expected to be public. However, the Energy Commission is interested only in data with a direct bearing on the application. For example, although information on capital investments and the resulting production increases is expected to be submitted publicly, the Energy Commission has no interest in any proprietary underlying economic analyses that may have led to the decision to make such an investment.~~

1. Direct Measurement Method~~of the Incremental Generation~~

Directly measuring the incremental generation of the facility requires that the portion of the facility producing the incremental generation be metered separately from the remainder of the facility.~~For facilities that directly meter the expanded portion of the facility separate from the existing portion of the facility and report it separately in the WREGIS system using a distinct WREGIS GU ID, the baseline is the capacity of the facility before the facility expansion.~~ Facilities capable of separately measuring the incremental portion of the facility~~, such as wind and solar photovoltaic facilities~~ are strongly encouraged to account for the incremental portion of the facility in this manner.

~~Consistent with Section III.B: Renewable Facilities Using Multiple Energy Resources the nonrenewable fuel and the use will be evaluated after the end of the generation year.~~

2. Calculated Measurement Method~~of the Incremental Generation~~

In cases where the incremental portion of the facility output is not separately metered, the historical and renewable baselines for the facility must be established as described below.

~~Facilities unable or unwilling to separately meter the incremental portion of the facility output will need to establish the historical generation baseline of the facility.~~

a) ~~The h~~Historical baseline: ~~is~~ the average monthly ~~calculated based on the~~ generation from ~~the facility in~~ the 36 ~~calendar~~ month~~s~~ period (for hydroelectric facilities, 240 ~~calendar~~ months~~—20 years—for all hydroelectric facilities~~), immediately preceding the initiation of construction ~~activities~~ to which the incremental generation is attributed, or any generation decreases in anticipation of construction ~~activities~~. If a major maintenance or economic event results in a reduction of more than 25 percent from the average monthly generation for one or more months during this period, ~~the 36 calendar months, or 240 calendar months for hydroelectric facilities, an additional month, or months, worth of generation~~ generation month(s) must be added~~will be required~~ to replace the month(s) with a significant decrease in generation. ~~This grouping of 36 calendar months, or 240 calendar months for hydroelectric facilities, is referred to as the historical baseline period. If the facility has not operated for at least 36 calendar months, 240 calendar months for hydroelectric facilities, the entire generation history for the plant must be provided.~~

b) ~~The historical baseline is the average amount of electricity generated by the facility each month during the historical baseline period. In addition to the historical baseline, facilities~~

~~will receive a renewables baseline. The r~~Renewable baseline: ~~is~~ the average monthly generation attributable to only the renewable portion of the generation~~.~~ over the same period as the historical baseline. (See Section III.B: Renewable Facilities Using Multiple Energy Resources~~Renewable Facilities Using Multiple Energy Resources)Multiple Energy Resources~~~~Renewable Facilities Using Multiple Energy Resources, over the same period as the historic baseline~~.) If no nonrenewable energy resources were used at the facility to generate electricity during the historical baseline period, the renewable baseline will be equal to the historical baseline.

The incremental generation ~~from the facility~~ is defined as the electricity generated by the facility in excess of the historical baseline.[80] The generation attributed to the baseline generation, which ~~generation that~~ cannot be counted as RPS-eligible, ~~must~~ shall include renewable generation equal to the renewable baseline and include additional generation, renewable or nonrenewable, equal to the remainder of the historical baseline. Facilities not producing renewable generation in excess of the renewable baseline, or any generation in excess of the historical baseline, in a particular month will not produce any incremental generation that month.

Electricity generation attributable to the use of nonrenewable energy resources may be used as RPS-eligible incremental generation only if the nonrenewable energy resource contribution to both the entire output of the facility and the incremental generation complies with the requirements in Section III.B~~Consistent with~~ : Renewable Facilities Using Multiple Energy Resources.

~~the nonrenewable fuel use will be evaluated after the end of the generation year. For any entity to count generation resulting from the use of a nonrenewable energy resource at an incremental generation facility as eligible in California's RPS the total fuel use at the facility must comply with the requirements of Section III.B. Additionally, the fuel use attributed to the incremental generation must also comply with the requirements of Section III.B.~~[81]

~~80 The RECs determined to be in excess of the historic and renewable baselines may be attributable to generation from any hour within the generation month at the facility owner's discretion. The facility owner is responsible for ensuring both the historic and renewable baselines are met for each month, only generation not used to meet these baselines may be claimed as incremental.~~

~~81 For example, a facility with a historic baseline and renewable baseline of 90 MWh producing 100 MWh in a month could potentially count 10 MWh as RPS-eligible. If 2 MWh are attributable to nonrenewable energy resources then the entire output of the facility is only 2 percent nonrenewable, but the incremental generation from the facility would be 20 percent nonrenewable, and thus not counted toward the RPS. Additionally, a facility with a historic baseline of 90 MWh and a renewable baseline of 10 MWh that produces 100 MWh of electricity each month could potentially count 10 MWh as RPS-eligible. If 80.2 MWh of the generation are attributable to the nonrenewable fuel, then the entire output of the facility would be 80.2 percent nonrenewable, but the incremental portion of the facility would be 2 percent nonrenewable. None of this facility's electricity from the use of nonrenewable fuels could count toward the RPS because the total nonrenewable generation from the facility exceeded allowable limits.~~

3. Rated Facility Improvement

If preferred, a~~A~~n applicant for hydroelectric facilities may use a pro rata approach to determine the incremental generation of a facility. The approach will be based on a percentage calculation of the additional generation due to a facility improvement. To do so, the applicant must demonstrate that all of the following are true, and provide supporting documentation as necessary:

a) The facility has collected water flow information over a sufficient period to demonstrate a historical average annual hydropower production baseline and has documented the anticipated improvement in annual generation for the facility based on the same water flow information and conditions used to support the calculation of historic average annual hydropower production baseline. The water flow information and conditions, and all associated documentation~~conducted before and after testing over the entire load range of the facility to determine the portion of the facility output that is incremental to the original generation output and based on the changes to the facility. Results of these tests~~ shall be provided to the Energy Commission.

b) The proposed pro rata approach has been approved by FERC under the FERC Renewable Energy Production Tax Credit, pursuant to the Energy Policy Act (2005)~~.~~ as evidenced by an application complying with FERC's published guidance document and a FERC Order Certifying Incremental Hydropower Generation.

~~c) The proposed method is superior to the methods discussed above and is the most appropriate method for the specific facility.~~

~~F. Eligibility of Renewable Energy Credits for Distributed Generation Facilities and Onsite Load~~

Note: Relevant information from this section has been moved to Section III.A.4: Onsite Load.

~~With the adoption of the fifth edition of this guidebook on May 9, 2012, the Energy Commission determined that all grid-connected renewable electric generation facilities in the WECC may be certified as RPS-eligible, including generation serving onsite load, if all eligibility requirements are met for the specific renewable energy resource used by the facility to generate electricity.~~

~~Applicants for a renewable facility that serves onsite load must meet all RPS eligibility requirements including, but not limited to participation in WREGIS and reporting eligible generation based on a meter with an independently verified rating of 2 percent or higher accuracy.~~

~~Both the Energy Commission and the CPUC have roles in determining RPS implementation for renewable distributed generation (DG) facilities, and both have established that Renewable Energy Credits (RECs) created by a renewable DG facility belongs to the owner of the RPS-eligible facility. The CPUC issued a decision on January 11, 2007, allowing DG facility owners to retain 100 percent of the RECs associated with the electricity produced. Facilities that have been or will be funded, entirely or in part, by the following programs may apply for certification or~~

~~precertification as RPS-eligible, if all eligibility requirements are met for that resource type: New Solar Homes Partnership program, Emerging Renewables Program, or Pilot Performance-Based Incentive Program; the CPUC-approved Self-Generation Incentive Program or California Solar Initiative; or any similar ratepayer-funded program. Similarly, grid-connected facilities participating in net-metering tariffs or consuming some or all of the electricity produced by the renewable energy resource onsite and not exporting all of the electricity to the electricity grid may apply for certification to be RPS-eligible, if all eligibility requirements are met for that resource type.~~

~~On June 9, 2011, the CPUC adopted a decision establishing a rate for payment of excess generation from distributed wind and solar systems, as required by AB 920, and requiring electric utilities to compensate net energy metering customers for electricity they produce in excess of their onsite load at the end of a 12-month period (net surplus generation).[82] In all cases the meter used to report generation to WREGIS must have an independently verified accuracy rating of 2 percent or higher. It is the responsibility of the facility owner and the utility procuring the RECs associated with the net surplus compensation under an AB 920 program to ensure the RECs are transferred appropriately.~~

~~G.~~F. Energy Storage

~~There are a wide variety of energy storage technologies. None of these technologies are inherently renewable as they are not dependent on the use of a renewable energy resource. However, energy storage technologies can be used to store energy from a renewable energy resource to produce electricity at a later time. In such cases the resulting electricity may be eligible to produce RECs.~~

An energy storage device may be considered an addition or enhancement to a ~~renewable electrical generation~~ facility ~~consistent with Public Resources Code 25741, Subdivision (a)(1),~~ if the device is either:

a) Integrated into the facility, such that the energy storage device is capable of storing only energy produced by the facility, either as an intermediary form of energy during the generation cycle or after electricity has been generated.

b) Directly connected to the facility, such that electricity is delivered from the renewable generator to the energy storage device behind the meter used for RPS purposes and any electricity from a source other than the renewable generator is included as an energy input to the facility. The energy storage device must be operated as part of the facility represented in the application and not in conjunction with any other facility, renewable or otherwise.

All applicable energy resource eligibility requirements and facility requirements must be met by the facility as a whole, including the energy storage device~~falls within one of the two classifications below~~. Energy storage devices or facilities not falling into one of these two

~~82 CPUC, Decision D.11-06-016, June 9, 2011.~~

classifications are not eligible for the RPS as part of a ~~electrical generation~~ facility and may not receive RPS certification. ~~or precertification as they do not generate electricity from a renewable energy resource or directly store energy from a renewable energy resource for delivery of electricity at a later time, but rather store electricity as part of the electric transmission system.~~

~~All renewable electrical generation facilities including energy storage in an application for RPS certification must comply with the metering requirements specified in Section III.A.2: Metering Requirements Energy storage systems using pumped storage hydroelectric must meet the eligibility requirements for small hydroelectric facilities.~~

~~1. Integrated Energy Storage~~

~~Methods of storing energy from a renewable energy resource that are integrated into the renewable electrical generation facility as part of the generation process are enhancements to the renewable electrical generation facility.[83] These methods generally store an energy potential created at the electrical generation facility by the renewable energy resource, or a mix of renewable and nonrenewable energy resources, before the generation of electricity occurs. If a storage device stores energy after the production of electricity, for example battery storage, then the storage device must only be capable of storing energy coming from the renewable generator.[84]~~

~~Facilities can use renewable and nonrenewable energy resources to generate electricity. For these facilities the output of a storage device integrated into a renewable electrical generation facility using nonrenewable energy resources will be a mix of renewable and nonrenewable energy, regardless of the fuel used at the time energy is stored in the device. For information on facilities using multiple energy resources see Section III.B: Renewable Facilities Using Multiple Energy Resources.~~

~~2. Directly Connected Energy Storage~~

~~An energy storage device not integrated into the operations of a renewable electrical generation facility and able to receive energy inputs from other sources is an addition to the renewable electrical generation facility if the energy storage device and the renewable electrical generation facility are both:~~

~~a) Directly connected.[85]~~

~~83 For example, thermal energy storage incorporated into a solar thermal electric facility.~~
~~84 For example, if the electrical generation facility is a solar photovoltaic system with a battery storage device, the battery must be incapable of receiving electricity from any source except the photovoltaic system. If the generation facility is a biomass plant that also uses natural gas in the electricity generation process, then the battery may only receive electricity from the generation facility associated with the biomass-fired gas boiler(s).~~
~~85 Electricity from the renewable generator is transmitted to the storage device on an internal power line and not on any electrical transmission or distribution line(s) used for any purpose other than delivering power to or from the energy storage device. An internal power line is any power line on the generator~~

b) Operated as part of the same RPS eligible electrical generation facility.

All energy inputs to the facility, the renewable generator and the energy storage system, would be considered in the fuel measurement methodology, see Section III.B: Renewable Facilities Using Multiple Energy Resources. The resulting percentage of renewable fuel used to generate electricity would be applied to the generation output of the facility.

Alternatively, the applicant may propose to treat only the energy leaving the facility, including the renewable generator and storage device, in excess of the imported grid electricity as RPS eligible, if it can be shown that this approach will underestimate the renewable portion of the stored and exported electricity in all possible cases.

side of the meter(s) used to report generation for RPS purposes. Such lines may be used to serve onsite load.+

IV. RPS Certification

The Energy Commission offers two types of RPS certification:

1) Certification: the facility has commenced commercial operations using an eligible renewable energy resource and complies with all applicable requirements of the *RPS Guidebook* in place when the application is submitted.

2) Precertification: the facility has not commenced commercial operations or is not yet using an eligible renewable energy resource in compliance with this guidebook. The applicant is seeking an initial assessment on whether planned operations of the facility could comply with applicable requirements of the *RPS Guidebook* in place when the application is submitted. **The Energy Commission's approval of a facility for precertification does not and cannot guarantee that a facility will be eligible for certification ~~if and~~ when the facility commences commercial operations.**

All applications will be evaluated under the *RPS Guidebook* in place at the time a completed application is submitted to the Energy Commission. Electricity generation from a facility cannot be counted toward meeting an LSE's RPS procurement requirements unless the facility is first certified by the Energy Commission.

All applications and supplemental forms may be submitted either by mail, in person, or e-mail in accordance with Section VII.A.5: Deadlines and Submission Dates. If by mail or in person, a ~~An original, a~~ signed application shall be submitted in hard copy to the Energy Commission at:

California Energy Commission
Attn: RPS Certification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

If by e-mail, a signed application shall be submitted in Adobe PDF format. An additional unsigned copy of the application shall be submitted electronically in Microsoft® Excel format. The electronic version shall be sent by e-mail to the Energy Commission at RPSTrack@energy.ca.gov. ~~Both the hard copy and electronic version of t~~The application shall be complete when submitted in accordance with Section VII.A.5: Deadlines and Submission Dates. For additional information on the submission and complete versions of the required forms, see Appendix A: RPS Certification Forms. ~~Supplemental documentation may be submitted in hard copy or electronically.~~ Table 4 summarizes the types of certification and the necessary forms for each type including due dates.

Any information submitted to the Energy Commission in addition to the required forms shall be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the applicant lists all submitted documents, summarizes the purpose of each document, identifies what requirement each document is being submitted to fulfill, and indicates where in each document the necessary information is contained. An applicant needing to submit sensitive or

confidential information to fulfill these requirements may request confidential designation of the record. (For additional information on confidential designation, see Section VII.B.3: Use and Disclosure of Information and Records.) It is the responsibility of the applicant to demonstrate that the facility represented in the application complies with all applicable requirements of the *RPS Guidebook*.

Table 4: Types of RPS Certification

Characterization	Form	Due Dates and Notes
Precertification	CEC-RPS-1	Prior to the commercial operations date (COD). See Section IV.
Amendment to a Precertification	CEC-RPS-1	Within 90 days after the change requiring an amendment and prior to COD. See Section IV.B.
Certification of a Precertified Facility	CEC-RPS-1	No later than 90 days after COD to receive an early eligibility date. See Section IV.A.2.
Certification	CEC-RPS-1	Within 90 after COD. See Section IV.
Amendment to a Certification	CEC-RPS-1	Within 90 days after the change requiring an amendment. See Section IV.B.
Precertification of Aggregated Unit	CEC-RPS-3	Prior to the commercial operations date (COD). See Sections IV and IV.C.2.
Amendment to a Precertified Aggregated Unit	CEC-RPS-3	90 days after the change requiring an amendment, and prior to COD. See Section IV.B.
Certification of Aggregated Unit	CEC-RPS-3	After the creation of the unit, consistent with the appropriate requirements for certification and precertification. See Sections IV and IV.C.2.
Amendment to a Certified Aggregated Unit	CEC-RPS-3	90 days after the change requiring an amendment. See Section IV.B.

Source: California Energy Commission

Staff will not review the application for a facility until after the applicant has submitted, and staff has received, the necessary information to perform the review. Any discrepancies in the reported information shall be explained in detail and appropriately supported. Staff may request additional documentation to determine whether the facility meets the eligibility criteria to be RPS-certified.

A. Applications

Upon receiving a properly submitted application, the Energy Commission will send the applicant an e-mail confirming the receipt of the application. The e-mail will include the RPS identification number (ID) for the facility and the date the application is deemed submitted. Facilities that have already been assigned an RPS ID will retain that ID for the life of the facility; however, the suffix may change. (See Section IV.C: RPS Certification Types for additional information.)

When processing applications, the Energy Commission may determine RPS eligibility and compliance using any information or records submitted by the applicant or obtained as part of

the application review or any audit, as described in Section VII.B.3: Use and Disclosure of Information and Records.

The applicant may be required to submit additional information or clarify information submitted in or with the application. Any requested information shall be submitted by an authorized individual as identified on the application form, and with the consent of the authorized officer or agent that attested to the accuracy of the information submitted. If staff requests the submission of additional information, the applicant will have **60 days** to provide the information requested. If the information is not submitted within 60 days, the application will be returned to the applicant as incomplete.

After completing its review, the Energy Commission will notify the applicant and the facility owner, if different, in writing of its determination on the application. If the application is approved, the Energy Commission will issue a certificate stating that the facility, or aggregated unit, is certified or precertified for the RPS. A certificate will list the Energy Commission-issued certification number for the facility (or aggregated unit with the number of facilities in the unit) as well as the total facility or unit size, fuel or resource type(s), annual percentage of nonrenewable energy resources (if any), name and/or aggregating entity, location, owner/operator of the facility, applicant or certifying agent, RPS eligibility date, and other information relevant to the eligibility of the facility's or aggregated unit.~~'s eligibility.~~ The certificate will also indicate whether the facility or unit was certified by the facility owner/operator, an agent of the facility owner/operator, or a LSE on the owner's/operator's behalf. In addition, the certificate will indicate whether the facility or unit was certified as part of a larger facility, is associated with other generating units,[86] or is subject to any limits on certification. Applications for facilities may be approved only for the generation that meets the requirements of this guidebook; additional energy resources used at the facility, or used in an ineligible manner, may not be included in the approval. Moreover, applications for facilities clearly in violation of any requirements will be denied for that reason without further review.

If the applicant disagrees with the Energy Commission's determination on an application, the applicant may submit an amended application with additional information supporting the claim that the facility meets the RPS-eligibility requirements. If the applicant believes the information provided clearly demonstrates that the facility is eligible for certification based on the criteria in the *RPS Guidebook*, the applicant may petition the Energy Commission for reconsideration as described in Section VII.C: Reconsideration of RPS Certification.

As specified in Section VII.B.1: Audits, the Energy Commission may conduct periodic or random reviews to verify records submitted for RPS certification.

1. Facility Status

The Energy Commission will periodically post on its website a list of all facilities and aggregated units that have been represented in an application and the status of the RPS

86 For example, in the case of a hydroelectric facility composed~~comprised~~ of multiple hydroelectric units.

certification for each facility~~'s RPS certification.~~[87] Table 5 identifies the statuses used by the Energy Commission.

Table 5: Facility Statuses and RPS Eligibility

Facility Status	RPS Eligibility	Notes
Approved	Yes, if Certified	The application is approved and either certification or precertification has been awarded, the certificate and accompanying letter have been sent.
Disapproved	No	The facility is not eligible for California's RPS, and no generation from the facility may be used to meet RPS procurement obligations. If the facility had been certified, generation before disapproval, or the event resulting in disapproval, may be eligible for the RPS depending on the circumstances of disapproval.
Withdrawn	No	The applicant for the facility has voluntarily withdrawn the application before completion of the application review process, or the applicant has requested an end to the RPS certification.
Decommissioned	No	The facility has ceased to operate, as confirmed by the applicant, the facility owner, or an appropriate authority.
Received	Potentially	The application has been received but has not yet been deemed complete or reviewed.
Corrections Sent	Potentially	The staff analyst has submitted a request for more information or clarification to the applicant; the review is on hold until the requested information is provided in writing. The applicant will have 60 days to respond before the application is classified incomplete.
Pending	Potentially	The application has passed initial review and is in the queue for final review; staff may make further inquiries as needed.
Incomplete	No	The application is incomplete or the review cannot be completed as submitted, and the application has been returned to the applicant.
Suspended	No, unless resolved	The eligibility of an approved facility is in question and the applicant, as listed on the application, has been contacted for clarification. Once the issues are resolved, the suspension will be lifted and generation from that facility, including generation occurring during the period of suspension, may be used to meet RPS obligations. Failure to resolve the suspension within a year may result in the disapproval of the facility.

Source: California Energy Commission

Facilities that are RPS-certified at the time of submission of an amended application will retain that RPS certification throughout the review of the amended application, unless the ~~facility's~~

87 Posted online at http://www.energy.ca.gov/portfolio/documents/list_RPS_certified.html.

eligibility of the facility ended because the facility no longer satisfies the applicable requirements.

Generation from facilities with a suspended status may not be used to meet the RPS obligations of any entity until the issues are resolved, which may require the submission of an amended application. If the issues are resolved and the suspension is lifted, generation from that facility, including generation occurring during the period of the suspension, may be used to meet RPS obligations.

Generation from facilities that have had the~~ir~~ RPS certification revoked or voided may not be used to meet RPS procurement obligations. Certification that is revoked or voided is similar to disapproved certification.

2. Facility Eligibility

All generation meeting the requirements of this guidebook from certified facilities and produced in the month of the eligibility date or later may be procured by an LSE to meet its RPS obligations, except as identified in Section IV.A.2.b: Special Cases.

a. Eligibility Date

The eligibility date for a facility represented in a certification application that is submitted within **90 days** of commencing commercial operation is the first date upon which the applicant can demonstrate that all the following are true:

1) Operations of the facility are consistent with those described in the certification application. Operations for testing purposes may comply with this requirement.

2) The facility met the requirements of the *RPS Guidebook* in place at the time electricity was generated.

3) Generation from the facility is tracked in WREGIS, or retroactive WREGIS Certificates can be created for the generation. (See Section III.A.1.a: Creation or Retroactive Renewable Energy Credits in WREGIS.)

Facilities represented in a certification application submitted after 90 days of commencing commercial operations will receive an eligibility date that coincides with the date the certification application is submitted to the Energy Commission. For more information, see Section VII.A.5: Deadline and Submission Dates. Furthermore, facilities represented in a certification application submitted after 90 days of commencing commercial applications may request an extension of time or a waiver of the original certification deadline as described in Section VII.D.3: Extensions of Certification Application Deadlines.

(1) Revisions to the Eligibility Date

The eligibility date for a facility may be revised for several reasons. If the eligibility date is revised, the applicant will be notified of the new eligibility date. The eligibility date will be revised if any of the following occurs:

1) Denial of an application or the revocation of an existing RPS certification.
2) Substantial changes in the operations of the facility from the planned operations or actual operations as indicated in a previous application. (See Section IV.B.1: Substantial Amendments.)
3) Withdrawing the RPS certification of a facility or removing a facility from an aggregated unit, affecting only the removed facility.
4) Failure to submit an amended RPS certification within **90 days** of a change requiring an amendment. (See Section IV.B: Amending an RPS Certification.)

The revised eligibility date will coincide with the date the first certification application that is submitted to the Energy Commission after the above event.

Generation from a facility that was certified before the revision to the eligibility date may still be used for California's RPS if the original certification was appropriately approved and occurred before the event causing the denial or withdrawal of an application or occurred before the change in operations that required the submission of an amended application.

b. Special Cases

There are several special cases where the generation from a specific certified facility or an aggregated unit may count for California's RPS prior to the eligibility date:

1) Net Surplus Generation: Generation procured by a utility as part of an AB 920 net surplus compensation program before November 2012.
2) Hydroelectric generation unit operated as part of a water supply or conveyance system: Electricity generation from these units that are certified pursuant to Section II.F.3 in this guidebook may be claimed by a retail seller or POU beginning with January 1, 2011.
3) Facilities serving a POU: Electricity generation from a facility may be claimed by a POU beginning January 1, 2011, if the facility met the requirements of the *RPS Guidebook* in place at the time the generation occurred, a complete certification application for the facility was received on or before December 31, 2013, and the facility is subsequently certified based on that application.
4) Aggregate units~~facilities~~ owned by a POU: Electricity generation tracked in WREGIS from an aggregated unit~~facility~~ that is registered and approved in WREGIS may be claimed by a POU beginning January 1, 2011, or when the generation is first available in WREGIS, whichever is later, if each of the facilities~~units~~ within the aggregated unit~~facility~~ are owned by the POU, a complete certification application for the aggregated unit~~facility~~

was received on or before December 31, 2013, and the aggregated unit~~facility~~ is subsequently certified based on that application.

Generation that may count for California's RPS prior to the eligibility date must still comply with the requirements in Section III.A: Generation Tracking and Accounting.

B. Amending an RPS Certification

An authorized individual of an RPS-certified or precertified facility must notify the Energy Commission promptly of any changes in information previously submitted in an application for the facility. Failure to do so within **90 days** of the change may result in the facility losing its RPS certification status. Any changes shall be reported on an amended CEC-RPS-1 form or an amended CEC-RPS-3 form. These forms shall be submitted and reviewed as described in Section IV.A: Applications.

The amendments should be submitted by one of the "authorized individuals" listed on the original application.[88] If none of the authorized individuals listed on the original application are available, the individual submitting the amendment (~~i.e.~~that is, the new applicant) shall include a cover letter, signed by an authorized officer or agent of the facility owner, verifying the legitimacy of the changes. The Energy Commission will review the amended application and notify the applicant, as identified in the amended application, of any modifications to its RPS certification.

1. Substantial Amendments

An amended application with any of the following substantial changes will be reviewed under the edition of the *RPS Guidebook* in place at the time the Energy Commission receives the amended application:

a) Change in fuel, technology, or energy resource type

b) Increase in nameplate capacity

c) Change in QF status

d) For biomethane facilities, change in fuel suppliers or contract affecting the eligibility of a facility~~'s eligibility, including contract termination or completion.~~

e) Changes in the common carrier pipeline biomethane delivery path for biomethane procured as part of a new biomethane procurement contract.

f) Repowering of the facility pursuant to provisions in this guidebook to revise the commercial operations date (-COD) for the facility.

g) Increase in the amount of nonrenewable energy resource used annually beyond the allowable amount, or a change that exceeds 10 percent of the total annual energy input.

88 The section of the CEC-RPS-1 form ~~en~~titled *Application Contact Information* includes an area to list additional persons authorized to make changes to the application.

h) The addition or removal of any facility within an aggregated unit.

2. Simple Amendments

Changes to applicant information, facility owner, or facility contact information may be reported to the Energy Commission without subjecting the facility to a full review, provided that none of these changes affects the eligibility of the facility. In these limited cases, the applicant must submit a CEC-RPS-1 form with only the following sections completed:

a) Section I: Type of Certification Requested

b) Section II: Facility Name and Location

c) Section VI: Application Contact Information

d) Section VII: Facility Ownership and Contact Information

e) Section XVI: Attestation

For biomethane facilities with simple amendments associated with only contract termination or completion, the applicant may submit a signed cover letter verifying the change(s) with supporting documentation. An amended CEC-RPS-1 form is not required with this change.

Revisions to the authorized individuals, or authorized officer or agent, for any ~~utility-certified or POU-~~certified facility may be made by sending a signed letter on company~~the utility or POU's~~ letterhead, verifying the changes. An amended CEC-RPS-1 form is not required with this change, provided the new applicant, authorized individual, or authorized officer or agent is a representative of the facility~~utility or POU~~ holding the original certification for the facility in question.

For these simple amendments, supplemental applications should not be submitted. An applicant wishing to amend any other part of the RPS certification shall submit a complete application. After completing its review, the Energy Commission will notify the applicant and the facility owner, if different, in writing confirming the revisions. Any change to RPS certification will be posted on the Energy Commission's website.

C. RPS Certification Types

The Energy Commission uses a suffix for the different types of RPS certification, depending on the facility operations, contractual obligations, and applicant preference. Each type of RPS certification may require the use of a specific application form. Table 6 describes the different types of application for RPS certification and the suffix used for each.

Table 6: Summary of RPS ID Suffix

Suffix	Represents	Eligible For the RPS
A	Certification	Yes, no restrictions unless specified.
C	Precertification	No, must apply for certification after COD of the facility
E	Utility certification	Yes, only utility representing the facility and only for the duration of the original utility contract. See Section IV.C.1.b.
F	Certification for biomethane using only existing contracts	Yes, with restrictions. See Section IV.C.1.a.
G	Precertification for biomethane using only existing contracts	No, must apply for certification after COD for the facility or after biomethane use begins. See Section IV.C.1.a.
~~H~~	~~Historic carryover certification~~	~~No, may only be counted for historic carryover purposes. See IV.C.1.b.~~
R	Aggregated unit	Yes, no restrictions unless specified. See Section IV.C.2.
M	Certification for biomethane using both new and existing contracts	Yes, with restrictions. See Section IV.C.1.a.
N	Precertification for biomethane using both new and existing contracts	No, must apply for certification after COD of the facility or after biomethane use begins. See Section IV.C.1.a
No Longer Offered	**Represents**	**Eligible For the RPS**
B	Certification and SEPs	These are no longer offered but several certifications still retain the suffix indicating the original RPS/SEP eligibility.
D	Precertification and SEPs	These are no longer offered but several precertifications still retain the suffix indicating the original RPS/SEP eligibility.
H	Historic carryover certification	These are no longer offered. See Section IV.C.1.b.
L	Limited Certifications	These are no longer offered but several certifications still retain the suffix indicating the original RPS eligibility. These applied only to POUs contracting with the facility prior to June 1, 2010.
P	POU Precertification	POUs that precertified facilities that were operational but were not eligible for the RPS.

Source: California Energy Commission

1. Individual Facilities

An applicant seeking RPS certification of a~~n individual~~ facility must apply using the CEC-RPS-1 form. The facility must be independently operated of any other RPS certified facility, and

registered separately in WREGIS.[89] A~~n individual~~ facility that has never been represented in an application is assigned a six-digit RPS identification number, consisting of five numerical digits followed by a single letter suffix. See Table 6 for information on the applicable suffix.

a. Existing Common Carrier Pipeline Biomethane

A facility that was RPS certified using only an existing biomethane procurement contract(s) will be RPS-certified on a limited basis. The facility will not remain RPS-certified after the contract termination date or after the facility has used the quantities of biomethane specified in the original contract, as determined by the Energy Commission.

A facility certified using eligible biomethane sources under both an existing biomethane procurement contract(s) and a new biomethane procurement contract(s) will retain RPS certification after the biomethane contract termination date, or after the facility has used the quantities of biomethane specified in the original contract, as determined by the Energy Commission. However, the applicant must amend the RPS certification for these facilities after the existing biomethane procurement contract(s) end.

b. Old RPS Certification Types

The Energy Commission previously used three RPS certification types that are no longer assigned to new applicant facilities but are still in use by existing applicants, specifically:

1) Facilities Serving Multijurisdictional Utilities: Facilities exclusively serving a Multijurisdictional Utility (MJU) were not subject to the location and interconnection facility requirements of Section III.C: Location Requirements, pursuant to a former Public Utilities Code S~~s~~ection 399.17. Only the generation procured by the MJU was considered RPS-eligible unless the facility submits an amended application to certify the facility on its own behalf.

2) Utility-Certified Facilities: Utility-certified facilities were granted certification for only the generation procured under a specific contract by the retail seller submitting the application. Only the generation procured by the retail seller identified in the application may be used to meet California's RPS requirements.

3) Historic Carryover Facilities: Facilities that provided electricity to a POU prior to January 1, 2011, consistent with the *RPS Guidebook* requirements in place at the time the POU signed a procurement contract or a later edition of the adopted *RPS Guidebook* prior to January 1, 2011, but did not meet the requirements of the *RPS Guidebook* in place when the application was submitted. A POU may use generation from these facilities for historic carryover beginning with the contract execution date, or if using a later edition of the *RPS Guidebook*, beginning with the adoption date of that guidebook. Generation from these facilities that is used for historic carryover is not required to be tracked in WREGIS. After

89 A small hydroelectric facility may be consist~~comprised~~ of multiple hydroelectric units, some of which may be operated independently and registered with WREGIS separately. These units, however, may still be considered part of the small hydroelectric facility "project" for ~~purposes of~~ determining RPS eligibility.

the Energy Commission has completed its review of the historic carryover for California's RPS, the certification for these facilities will be automatically withdrawn. [90]

Facilities previously RPS-certified in one of these categories may retain that RPS certification, unless otherwise specified, until the contract with the identified utility ends, is revised for utility certifications,[91] or a change in the facility operations or contracting parties requires an amended application, whichever is earliest. If the facility owner, or agent thereof, applies for RPS certification within **90 days** of the contract termination or revision date, the new RPS certification will retain the existing eligibility date. If another LSE plans to procure electricity from a facility with one of these certifications, the facility operator, or agent thereof, must submit an amended application and must submit all applicable RPS certification forms and information demonstrating compliance with this guidebook.

2. Aggregated Units

An applicant seeking RPS certification of a group of facilities as part of an aggregated unit shall submit a CEC-RPS-3 form. Aggregated units are generally treated as a single facility in the RPS program. An application for an aggregated unit will not be approved unless all facilities in the unit are eligible. If the Energy Commission determines that one facility in an approved unit is not RPS-eligible, the applicant shall have **30 days**, once notified, to submit an amended application that removes any ineligible facilities from the aggregated unit, or the entire unit will lose its certification. The aggregated unit shall:

a) Be registered in WREGIS as a single Distributed Generation Aggregation Project,[92] and all facilities that are part of the WREGIS Distributed Generation Aggregation Project are included in the aggregated unit.

b) Contain only facilities using the same renewable energy resource.

c) Generate electricity using either wind or solar photovoltaic.

d) Contain only facilities that meet one of the following:

   1) Have received benefits from a ratepayer-funded incentive program.

   2) Participate in a net metering tariff with an LSE.

   3) Primarily serves onsite load.

e) Include only facilities meeting all RPS eligibility requirements.

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90 If an HCO facility chooses to retain certification status after a POU uses the generation for RPS compliance, a representative of the facility owner must submit a new application as an individual facility and meet the requirements of the *RPS Guidebook* in place when the application is submitted.

91 Any revision to a contract will be considered a renegotiation, will void the previously awarded utility certification, and will require the submission of an amended certification application form.

92 See the WREGIS Operating Rules Appendix F: Small Scale Aggregation. -https://www.wecc.biz/WREGIS/Pages/Default.aspx.

f) Have a total aggregated unit nameplate capacity not exceeding 250 kW for the initial application, allowing growth up to a maximum of 360 kW.

In the case where an aggregated unit will build a group of facilities in phases and have different commercial operations dates, the applicant shall submit an application with commercial operations date for the first phase and thereafter by either submitting an amended application or a separate application for each subsequent phase.

Aggregated units that have never been represented in an application are assigned a six-digit RPS identification number, consisting of five numerical digits followed by a single-letter suffix of "R." Facilities in the unit will be assigned a five-digit identifier, consisting of four numerical digits followed by a single-letter suffix of "A" for certification, or "C" for precertification, so the extended RPS ID number for a facility in an aggregated unit will have the format #####R-####A(C).

IV. Certification

This section describes the process for RPS precertification and certification of electrical generation facilities that use renewable energy resources to generate electricity. Applications will be evaluated under the edition of this guidebook that is in place at the time a complete application is received by the Energy Commission. Applications that are submitted using forms no longer in use by the Energy Commission will not be accepted.

Electricity generation from an electrical generation facility cannot be counted toward meeting a retail seller or POU's RPS procurement requirements unless the facility is first certified by the Energy Commission as eligible for the RPS. Any facility operator who owns a facility or is interested in entering into a contract to generate electricity that will count toward a retail seller's or POU's RPS obligation must certify the facility with the Energy Commission before the generation may be counted toward a retail seller's or POU's RPS obligation.[93] Procurement of RPS-eligible electricity may count toward a retailer seller's or POU's RPS obligation if the electrical generation facility uses an eligible renewable energy resource and was RPS-certified at the time of procurement or applied for RPS certification or precertification at the time of procurement, with some exemptions as noted below.

When applying for RPS certification, the facility operator or agent applying on the operator's behalf agrees to participate in the Energy Commission's generation tracking and verification system. For more information about the tracking and verification system, please refer to Section V: RPS Tracking Systems, Reporting, and Verification.

A. Certification Types

The Energy Commission approves RPS certification for electrical generation facilities that have commenced commercial operations and are generating renewable electricity, as described in this guidebook. Provisional certification or "precertification" as an eligible renewable energy resource is available for an applicant whose facility has not commenced commercial operations or is not yet using an eligible renewable energy resource. **The Energy Commission's approval of a facility for precertification does not guarantee that a facility will be eligible for RPS certification in the future, and the precertification certificate will indicate this on its face.** All applications for RPS certification or precertification will be evaluated under the guidebook in place at the time the Energy Commission receives a complete application from the applicant, see Section IV.B: The RPS Application Process for more information on what constitutes a complete

93 The Third Edition of the *RPS Eligibility Guidebook* allows generation to count only toward a retail seller's RPS procurement obligation if it occurs after the Energy Commission receives the precertification or certification application. Earlier editions of the *RPS Eligibility Guidebook* editions did not contain this restriction and counted all generation toward a retail seller's RPS obligation so long as the facility eventually became certified. The Fourth Edition of the *RPS Eligibility Guidebook* provided notice that, going forward, the Energy Commission will no longer count pre-2008 procurement toward a retail seller's RPS obligation unless the facility was certified at the time of the procurement or the Energy Commission received an application for certification before March 1, 2011.

applications. The Energy Commission provides different types of certification, depending on the facility operations, contractual obligations, and applicant preference. Each type of certification may require the use of a specific application form. Provided below are descriptions of the different types of certification and the necessary forms for each type, Table 4 summarizes the types of certification.

Table 4: summary of RPS Certification Types

Section	Certification Type	Eligible For RPS	Application Form
1	Individual Facilities	Yes, no restrictions	CEC RPS 1
2	Aggregated Facilities	Yes, no restrictions	CEC RPS 3
3	Multijurisdictional Utility Certification	Yes, only for the specified MJU	No longer offered
4	POU Certification	Yes, no restrictions	No longer offered
5	Utility Certification	Yes, only utility representing the facility and only for the duration of the original utility contract	No longer offered
6	Limited Certification	Yes, only the POU contracting with the facility prior to June 1, 2010	CEC RPS 1
7	Special POU Precertification	No, must apply for certification before considered eligible	No longer offered
8	Pre March 29, 2012 Biomethane Injected into a Common Carrier Pipeline	Yes, with restrictions, see Section	CEC RPS 2196
9	Historic Carryover only	No, may only be counted for historic carryover purposes	CEC RPS 1 with exceptions

Source: Energy Commission

The Energy Commission assigns a unique RPS identification number, RPS ID, to each facility represented in a certification, precertification, or aggregated unit application. For certification and precertification applications this number consists of five numerals and a letter suffix. For aggregated units the number has the same format, but each facility in the aggregated unit has an additional four digit identifier with an additional suffix, see Section IV.A.2: Aggregated Facilities for more information. The numeral portion of the RPS ID is assigned in numerical order, beginning with 60,000, and typically will not change over the life of the facility. The suffix is assigned to the facility based on the application type and may be revised as the participation in California's RPS changes over time, see Table 5for a summary of the RPS ID suffixes.

The Energy Commission provides different types of certification, depending on the facility operations, contractual obligations, and applicant preference. Each type of certification may

require the use of a specific application form. Provided below are descriptions of the different types of certification and the necessary forms for each type. Table 5, provides a list of the certification and precertification types, as well as the suffix used for each type.

Table 5: RPS ID Suffix Summary

Suffix	Represents	Certification Types**
A	Certification	1, 3, 4
B	Certification and SEPs*	1
C	Precertification	1, 3
D	Precertification and SEPs*	1
E	Utility Certification	5
F	Certification for Pre March 29, 2012 Biomethane	8
G	Precertification for Pre March 29, 2012 Biomethane	8
H	Historic Carryover only	9
L	Limited Certifications	6
M	Certification for Biomethane Facilities Subject to Sections II.C.1 and II.C.2.	1 and 8
N	Precertification for Biomethane Facilities Subject to Sections II.C.1 and II.C.2	1 and 8
P	Special POU Precertification	7
R	Facility in an Aggregated Unit	2

Source: Energy Commission

*SEPs (supplemental energy payments) are no longer offered by the Energy Commission, but several certifications or precertifications still retain the suffix indicating the original RPS/SEP eligibility.

**Numbers represent the certification types as listed in Table 4

Individual Facilities

Applicants seeking certification of an individual facility must apply using the CEC-RPS-1 form. These facilities must constitute an individual project, as defined in the glossary of terms. Applications for both certification and precertification can be made for this certification type. Upon receipt of an application for a facility not previously certified with the Energy Commission's RPS program, the facility will be assigned a unique RPS certification number with a suffix of "A" for certification applications, and a suffix of "C" for precertification applications. A previously certified or precertified facility will

retain its RPS identification number, but the suffix will change to reflect the most recent application type.

1. Aggregated Facilities

To streamline the process for certifying and precertifying distributed generation facilities, the Energy Commission provides an aggregated application process for wind and solar photovoltaic facilities. An aggregated unit is a group of facilities having both similar characteristics and registered in WREGIS as an aggregated unit. The eligibility of an aggregated unit depends on the eligibility of all facilities within the aggregated unit. An application for an aggregated unit will not be approved unless all facilities in the unit are eligible. If the Energy Commission determines that one facility in an approved unit is not RPS eligible, the applicant shall have 30 days, once notified, to submit an amended application that removes any ineligible facilities from the aggregated unit, or the entire unit will lose its certification.

A facility may be part of an aggregated unit using the CEC-RPS-3 form if it meets any one of the following:

a) Has received benefits from a ratepayer-funded incentive program.
b) Participates in a net metering tariff.
c) Primarily serves onsite load.

Facilities that are less than 20 kW (AC) and that received benefits, or plan to receive benefits, from a ratepayer-funded incentive program or a net metering tariff are encouraged to apply for certification as part of an aggregated unit.

All facilities applying for certification as an aggregated unit on the CEC-RPS-3 application form must share a WREGIS Generating Unit ID number (GU ID).[94] The application form must also include all the facilities using that WREGIS GU ID, so that the RPS ID and the WREGIS GU ID numbers assigned to an aggregated unit will include an identical set of generating facilities. All facilities must also use the same generation technology (for example, wind or solar photovoltaic).

Aggregated units will receive an RPS ID with an "R" suffix, and each facility in the unit will be assigned a four-digit identifier with an additional suffix of "A" for certification, or "C" for precertification, so the extended RPS ID number for a facility in an aggregated unit will have the format #####R-####.A.

a. Net Surplus Compensation Participation

Facilities receiving compensation for excess RECs under an AB 920 program may also be certified in an aggregated unit. In all cases the meter used to report generation to WREGIS must have an independently verified accuracy rating of 2 percent or higher. It is the responsibility of the facility owner and the retail seller or POU procuring the

94 See the WREGIS Operating Rules Appendix A, the WREGIS Interface Control Document, Addendum A, WREGIS Generation Classification.

excess RECs under an AB 920 program to ensure the RECs are transferred appropriately. To count RECs procured under an AB 920 program, the retail seller or POU must retire the RECs in WREGIS and may be required to submit documentation demonstrating that the RECs and the associated electricity were procured together as part of an AB 920 program.

2. Facilities Serving Multijurisdictional Utilities

In the past the Energy Commission provided a special certification for facilities serving a multijurisdictional utility under former Public Utilities Code Section 399.17. These facilities applied for certification using the CEC-RPS-1 form and were approved for certification with different certification requirements, but only the generation procured by the multijurisdictional utility was considered RPS-eligible.

The Energy Commission will no longer accept an application for the certification of a facility in this manner. A facility previously certified as serving only a multijurisdictional utility may retain its current RPS certification until such time as the contract with the multijurisdictional utility ends or a change in the facility operations or contracting parties requires an amended application for RPS certification, whichever is earlier. If another load-serving entity plans to procure electricity from a facility certified in this manner, the facility operator, or agent thereof, must submit an amended application to certify the facility as an individual facility and must submit all applicable certification forms and information.

3. Facilities Serving POUs

To expedite the initial RPS certification of facilities selling electricity to POUs, the Energy Commission accepted new applications for commercially on-line facilities serving POUs submitted on the CEC-RPS-4 form until October 1, 2012. This certification type is no longer offered by the Energy Commission. For a facility to become certified using the CEC-RPS-4 form, the facility must have been under contract with and delivering electricity to the POU submitting the form as of January 1, 2012. In addition the POU must have been able to provide all necessary material for certification of the facility; the facility must not have been previously certified in the RPS program; the technology, fuel, or energy resource used by the facility must not require use of supplemental forms or additional reporting requirements; and no fewer than 5 facilities must be included in the application. A facility certified using a CEC-RPS-4 form was assigned an RPS ID with an "A" suffix, and any utility may procure generation from the facility as RPS-eligible.

4. Utility-Certified Facilities

The Energy Commission will not accept an application on the facility operator's behalf using a CEC-RPS-2 form.[95] Instead, a retail seller must now use the CEC-RPS-1 form to apply for

95 The Energy Commission developed the CEC-RPS-2 Form in 2004 to facilitate the initial application process for the RPS and to accommodate retail sellers applying for a significant number of facilities on the

certification or precertification as a facility's agent; in this instance, the generation would be eligible for use by any retail seller or POU, subject to other applicable limitations.

Facilities certified by a retail seller using a CEC-RPS-2 form before the publication of the fourth edition of this guidebook were assigned RPS IDs with an "E" suffix and were granted certification for only the generation procured under contract by that retail seller. The facility operator must separately certify any facility capacity that is not subject to its procurement contract with the retail seller, but that is procured to satisfy the RPS targets of another retail seller or POU. If a facility operator, or agent thereof, seeks certification on its own behalf using the CEC-RPS-1 form, however, the facility operator need submit only one application for that facility regardless of whether its generation is sold to one or multiple retail sellers or POUs.

Except for CPUC-ordered extensions to existing QF power purchase contracts, retail seller certification on the operator's behalf using the CEC-RPS-2 form becomes void in the event the facility's contract with the retail seller expires, is voluntarily extended, or is otherwise renegotiated[96] by the retail seller and the facility operator. Once the contract expires or is voluntarily renegotiated, the facility operator, or agent thereof, must apply for certification from the Energy Commission using a CEC-RPS-1 form within 90 days of the contract termination date. Facilities that have applied using a CEC-RPS-1 form as of the adoption date of this *Seventh Edition* of the *RPS Guidebook* are not subject to this requirement, if the application is approved. The retail seller may not recertify the facility on the operator's behalf using a CEC-RPS-2 form.

a. Maintaining a Utility Certification

Utilities wishing to maintain utility certifications for specific electrical generation facilities are required to provide additional information to the Energy Commission. The additional information will include information on the facility location, ownership, contact information, identification number (including the WREGIS GU ID); the contract term and quantities of electricity allowed to be procured under that contract; and other information necessary for Energy Commission staff to have a complete picture of the facility consistent with other certified facilities. After the adoption of this *Seventh Edition* of the *RPS Guidebook,* Energy Commission staff will provide each utility with a list of the utility-certified facilities that were certified as being under contract with the utility and the requested information that is needed. A utility wishing to continue the certification of any utility-owned facility that is currently utility certified will be required to submit a

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facilities' behalf. The Energy Commission will no longer accept the RPS-2 Form for this purpose, or any other purpose.

96 Historically, only revisions to contracts affecting the amount of electricity procured by the retail seller, such as contract term or quantities, or the resource used to generate that electricity constituted a renegotiation and required a new application. As of the adoption date of this seventh edition of the *RPS Guidebook,* any revision to a contract will be considered a renegotiation, will void the previously awarded utility certification and require the submission of an amended certification application form.

CEC-RPS-1 application form instead of the additional data request for utility-certified facilities.

Staff will work with the appropriate utilities to develop a reasonable time frame for their response. Failure to respond within the specified time frame may jeopardize the certification for these facilities. After the additional information has been evaluated by staff, new RPS certification certificates may be issued for the utility certified facilities.

5. Limited Certifications

A facility using renewable energy resources that was under contract with, or owned by, a retail seller or POU with the contract or ownership agreement having been originally executed prior to June 1, 2010, and not meeting the eligibility requirements of the current *RPS Guidebook*, may receive a limited certification of the facility so that the electricity procured under that contract or ownership agreement may be counted for the RPS if all the following conditions are met:

a) The facility was eligible for the RPS under the rules in the *RPS Guidebook* in place when the contract was executed, or the *First Edition* of the *RPS Guidebook* if the contract predates the adoption of the first edition.

b) For an electrical corporation, the contract has been approved by the CPUC, even if that approval occurs after June 1, 2010.

c) Any contract amendments or modifications occurring after June 1, 2010, do not increase the nameplate capacity or expected quantities of annual generation, or substitute a different renewable energy resource. The duration of the contract may be extended if the original contract specified a procurement commitment of 15 or more years.

A facility meeting the above requirements, but failing to meet the eligibility requirements of the current *RPS Guidebook*, may apply for a limited certification on the CEC-RPS-1 form. Except for contract modifications noted above, a facility receiving a limited certification will be eligible for the RPS only for the duration of the contract or ownership agreement originally executed prior to June 1, 2010;[97] this provision applies to only the generation procured under the contract or ownership agreement. These facilities will be assigned a unique RPS certification number with an "L" suffix signifying limited certification applications.

6. Special Precertification for POU-Related Facilities

Facilities previously assigned a precertification RPS ID number with a "P" suffix are owned by or under contract with a POU rather than a retail seller. The "P" suffix indicates that these facilities met all RPS eligibility requirements, except for previous limitations in the law precluding POU-owned or contracted facilities from being RPS-certified. Thus, the Energy Commission could have assigned only a precertification status to these facilities. A change in law has now removed this restriction, and precertified facilities with a "P"

97 Public Utilities Code Ssection 399.16, Ssubdivision (d).

suffix may now apply for RPS certification. Applicants for such facilities must apply for RPS certification and must provide all supporting documentation required in the current edition of the guidebook, if the facility has not already been certified. However, if the applicant previously provided such documentation and it remains accurate, the applicant may simply reference the documentation when submitting a new application for certification. If RPS certification is approved for a facility with a "P" suffix, all generation from the date the initial precertification application was received by the Energy Commission will be considered RPS eligible[98]. The Energy Commission will change the "P" suffix to an "A" suffix once a facility is again approved for certification.

No new special precertifications for POU-related facilities will be awarded.

7. Facilities with Pre-March 29, 2012, Contracts for Biomethane Injected into a Common Carrier Pipeline

An electrical generation facility that is certified or precertified under Section II.C.1: Existing Biomethane Procurement Contracts above will be certified on a limited basis and will receive an RPS ID number with an "F" or "C" suffix, for certification and precertification, respectively. These suffixes indicate that the facility will not remain certified or precertified after it has used the quantities of biomethane specified in the original contract, as determined by the Energy Commission. If the facility amends the contract term, quantities of biomethane, or biomethane sources, the facility must submit an amended application for RPS certification to the Energy Commission within 90 days of the change. A facility failing to do so will risk losing its RPS certification status, see section IV.B.7: Amending Certification or Precertification. A facility that meets the requirements of Section II.C.1, except that the biomethane source has not commenced biomethane delivery will be precertified on a limited basis; the applicant must submit an application for RPS certification within 90 days of commencement of receipt of biomethane deliveries to retain treatment under Section II.C.1.

Facilities using biomethane sources eligible under both Sections II.C.1: Existing Biomethane Procurement Contracts and II.C.2: New Biomethane Procurement Contracts will receive an "M" or "N" suffix, for certification and precertification, respectively, signifying that the facility is eligible under both rules. Once the biomethane source(s) eligible under Section 1 are no longer used, the facility must amend the certification on a CEC-RPS-1 form and will be issued an "A" suffix, see Section IV.B.7: Amending Certification or Precertification.

8. Historic Carryover

A POU may count historic carryover to meet its RPS procurement requirements as specified in the Energy Commission's adopted regulations for *Enforcement Procedures for the*

98 Facilities that received the special precertification for POU-related facilities are not required to have applied for certification within 90 days of commencing commercial operations. These facilities are required to apply for certification within 90 days of any material change in the facility operations as a special precertification cannot be amended.

Renewables Portfolio Standard for Local Publicly Owned Electric Utilities. The generation from historic carryover must have been produced at a renewable electrical generation facility that was RPS eligible under the *RPS Eligibility Guidebook* current at the time of execution of the contract or ownership agreement, except that the generation from such resources need not have been tracked in WREGIS. If the contract or ownership agreement was executed prior to April 21, 2004, the procurement must have been from resources that were RPS eligible under the *RPS Eligibility Guidebook* in place as of April 21, 2004.

A POU wishing to count historic carryover from a particular facility to meet the POU's RPS procurement requirements must identify the facility on the CEC-RPS-POU form and identify the following:

a) If the facility is currently RPS certified, not RPS certified, or whether an application for RPS certification is currently under review.

b) The edition of the *RPS Eligibility Guidebook* in effect at the time the contract or ownership agreement was executed.

c) Whether the facility met the requirements of the *RPS Eligibility Guidebook* in effect at the time the contract or ownership agreement was executed. The POU is responsible for providing supporting documentation, as necessary, to support this claim. Evidence of compliance with a former edition of the *RPS Eligibility Guidebook* may include:

1) A previously awarded certification under the guidebook in place when the PPA or ownership agreement was signed. The RPS ID for the facility will suffice.

2) A current certification under a different guidebook with all supplemental information required by the edition in place when the PPA or ownership agreement was signed. This includes facilities with pending certification applications. It also requires the RPS ID for the facility and the supplemental information required by the edition in place when the PPA or ownership agreement was signed.

3) For facilities not currently RPS certified nor represented in a pending RPS application and that the POU is incapable of applying for the certification as an agent of the facility owner, the POU must submit an unsigned CEC-RPS-1 form, under the current *RPS guidebook*, with the necessary supporting documentation required by the guidebook edition in place when the PPA or ownership agreement was signed.[99]

The POU submitting the CEC-RPS-POU form will be required to submit all necessary supporting documentation for all historic carryover claims.

A facility that produced generation that a POU wishes to count as historic carryover, but which does not need to be otherwise RPS certified, will be assigned an "H" suffix to their RPS

99 If the POU is the facility owner or is capable of applying for certification of the facility on behalf of the facility owner, the POU must separately apply for certification under the current *RPS Guidebook*.

IDs, representing an historic carryover only certification. After the Energy Commission has completed its review of the historic carryover for California's RPS, it will cancel each facility's historic carryover certifications unless an application for ongoing RPS certification of the facility has been submitted by a representative of the facility owner.

A facility that produced generation that a POU wishes to count as historic carryover, and was previously awarded RPS certification or limited certification, will retain the original suffix on its RPS ID.

B. The RPS Application Process

The next section outlines the process of applying for precertification and certification, provides information on completing the application forms and submission requirements, and describes the application review and approval processes. Only facilities that have begun commercial operations may apply for RPS certification.

1. Completing Application Forms

Individual facility or aggregated unit applicants must submit a completed application (see Section IV.A: Certification Types) and all required supplemental information; for more information please review Section II: Energy Resource Eligibility Requirements. All information requested in the application forms must be provided unless otherwise specified. The additional required information described in this guidebook must be submitted along with any application for certification.

Any additional information provided to the Energy Commission as part of the application process must be presented in a clear and logical manner. If documentation created for other purposes is submitted with the application, for example, historic contract, water rights, or environmental documentation, the applicant should list all submitted documents, briefly summarize the purpose of each document, identify what requirement each document is being submitted to fulfill, and indicate where in the each document the necessary information is contained.

When a retail seller, POU, or agent applies on a facility operator's behalf, the retail seller or agent must furnish all additional required information. To the extent that the facility's agent or a retail seller applies for certification on a facility's behalf, the agent or retail seller must secure and have available for inspection records to verify the application for certification or precertification. In addition, the agent, POU, or retail seller must possess documents to verify a facility's compliance with the requirements of certification and precertification. These documents must be available to the Energy Commission upon request for auditing purposes.

Only the authorized officer or agent of the facility, the applicant, or the persons identified on the application form, as listed on the submitted application, may approve or request any changes to an application form during the review process. No changes may be made to an application once the review has been finalized; if the applicant wishes to make any changes, an amended certification (or precertification) application must be submitted. If

during the application process substantial revisions to the application are requested by the applicant, or are necessary to continue the review of the application, the Energy Commission may request a new application be submitted to replace the existing application. If the persons identified on the application form are unavailable or no longer associated with the facility, an amended application must be immediately submitted to name a new applicant or contact person, see Subsection 7 below.

Application forms can be found on the Energy Commission's website at:

http://www.energy.ca.gov/renewables/documents/index.html#rps

2. Submission Requirements

Before an application for RPS precertification or certification is considered received by the Energy Commission, the applicant must submit both a hard copy and an electronic copy of the completed application form. The hard copy of the complete application, with an original signature (not a copy) of the authorized officer or agent of the facility, along with all supporting documentation (supplemental information may be provided either in hard copy or electronically), must be submitted to the Energy Commission at:California Energy Commission
Attn: RPS Certification
1516 Ninth Street, MS-45
Sacramento, CA 95814

The electronic version of the unsigned application form in Excel® format must be submitted to the Energy Commission via email to [RPSTrack@energy.ca.gov]. The subject line of the e-mail and the name of the Excel® file should include "Certification," the facility name (or aggregated unit name), and the RPS ID number (if applicable) in the following format:

RPS Certification (or Precertification) of the [Facility Name], [RPS ID number if available]

Once the Energy Commission has received all of the above information from the applicant, including all required supplemental information, the application will proceed into the review process.[100] Prior to beginning the review process the Energy Commission will e-mail the applicant a confirmation that both a hard copy and electronic copy of the application has been received.[101] An application for certification for a facility that has not

100 If the applicant does not have the required software or Internet access to complete an electronic submission in the required format, and has made all reasonable attempts to complete an electronic submission, the applicant may request a waiver of the electronic submission requirement by submitting a written request to Energy Commission staff that includes an explanation of the circumstances. Staff may explore alternatives with the applicant before considering a waiver. The applicant shall make a written request for a waiver before submitting an application in an alternate format.

101 A confirmation email does not indicate that the application submission is complete, will be reviewed as submitted, or that the application will be approved. The confirmation will only indicate that both a hard copy and electronic copy of the application have been received on the current application forms.

yet begun commercial operations using a renewable fuel will be returned to the applicant; only an application for precertification will be accepted for such facilities.

3. Eligibility Date

Upon receipt of the application, electronic and hard copy, staff will date stamp the hard copy of the application as received. This is the official date upon which the Energy Commission deems the application received. For first time applications of precertification, certification, or aggregated units that are approved this date will become the eligibility date, or beginning on date, for the facility. Facilities that are part of an aggregated until will receive an eligibility date that is later than the eligibility date for the remainder of the unit if the facility is added to the unit after the original creation of the aggregated unit. If the facility, or facilities in an aggregated unit, is subsequently certified as RPS-eligible, all generation beginning with the month of the eligibility date that is tracked in WREGIS will be considered RPS eligible. The eligibility date will be provided with the approval notification.

The eligibility date for a facility may be revised for several reasons. If the eligibility date is revised for any reason the applicant will be notified. These reasons include:

a) Denial of an application.[102]

b) Failure to submit a certification application within 90 days of commencing commercial operations for a precertified facility, or before the adoption date of this *Seventh Edition* of the *RPS Guidebook*.[103]

c) Substantial changes in the operations of the facility from the precertification application.

d) Moving a facility from one aggregated unit to another, affects only the moved facility.

e) Withdrawing the certification or precertification of a facility or removing a facility from an aggregated unit.

f) Failure to submit an amended certification within 90 days of the change requiring an amendment, or before the adoption date of this *Seventh Edition* of the *RPS Guidebook*.

g) Revoking the certification of a facility.

If the eligibility date is revised for a facility, aggregated unit, or facility in an aggregated unit that was not previously certified, the generation occurring before the new eligibility date will not be RPS eligible. Generation from facilities that were certified before the revision

102 Applications that were denied for being incomplete after the adoption of the fifth edition of the *RPS Eligibility Guidebook* may reinstate the original eligibility date, assigned to the facility in an approved application, if an application was received by the Energy Commission before the adoption of this guidebook.

103 An operating nonrenewable electrical generation facility that was precertified for planned use of a renewable fuel must apply within 90 days of commencing operations using renewable fuel to retain the facility's RPS-eligibility date that was assigned at the time of precertification.

to the eligibility date may still be used for California's RPS if the original certification was appropriately approved and occurred before the denial or withdrawal of an application or before the change in operations that required a submission of an amended application.

There are several special cases where the generation from a specific facility or aggregated unit may count for California's RPS prior to the eligibility date, or may be able to retain a previous eligibility date despite a failure to submit a certification or amended certification application in a timely manner. These special cases are explained in more detail below and include:

a) Net Surplus Generation: Generation procured as part of an AB 920 net surplus compensation program prior to October 1, 2012.

b) Existing hydroelectric generation unit operated as part of a water supply or conveyance system.

c) A facility serving a POU.

d) A facility using biomethane that fails to apply for certification or amended certification within 90 days.

In all cases, the electricity will not be considered eligible and will not be counted toward meeting an RPS obligation until the facility is actually certified by the Energy Commission as eligible for the RPS, and the facility's operations are consistent with the information provided in the certification application. This applies to all facilities regardless of whether they previously registered with the Energy Commission's Renewable Energy Program.

All eligible generation produced in the month of the eligibility date, or later, and properly tracked in the WREGIS system[104] will be considered RPS eligible generation.

a. Net Surplus Generation

Generation procured by a utility under an AB 920 net surplus compensation program prior to the electrical generation facility's eligibility date will be considered RPS eligible once the facility has become RPS certified. The generation produced and procured pursuant to an AB 920 net surplus compensation program prior to the facility applying for certification or October 1, 2012, whichever is earlier, may be reported to the Energy Commission using the ITS if the facility is registered in WREGIS when applying for RPS certification. It is the responsibility of the utility claiming the RECs procured under an AB 920 program to provide evidence that the quantity of claimed RECs does not exceed the quantity procured under AB 920.

104 Limited exceptions to this requirement exist. Please see Section IV: RPS Tracking, Reporting, and Verification.

b. Existing Hydroelectric Generation Unit Operated as Part of a Water Supply or Conveyance System

Generation from an existing small hydroelectric generation unit up to 40 MW that is operated as part of a water supply or conveyance system, as defined in the Glossary of Terms, and that is RPS certified by the Energy Commission may be counted toward a retail seller's or POU's RPS procurement requirements beginning on January 1, 2011, consistent with SB X1-2, if an application for certification is received by the Energy Commission no later than 90 days after the adoption of the *Seventh Edition* of the *RPS Eligibility Guidebook*.

c. Grace Period Exception for Facilities Serving Local Publicly Owned Electric Utilities

For generation occurring on or after January 1, 2011, to count toward a POU's RPS procurement obligations from a facility that was not certified by the Energy Commission as RPS eligible at the time of generation, the Energy Commission must receive an application for RPS certification by December 31, 2013, and subsequently certify the facility as RPS-eligible.[105] An applicant must include the facility's assigned WREGIS GU ID number on the application for RPS certification. As noted above, applicants must register facilities with WREGIS to be assigned a WREGIS ID number. If the generation occurred before adoption of the *Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition*, the Energy Commission must determine that the facility met the eligibility requirements of the *Renewables Portfolio Standard Eligibility Guidebook, Fourth Edition*, at the time the generation occurred for the generation to count toward the POU's RPS. Generation meeting these requirements may only be counted toward the RPS procurement obligations of a POU.

d. Facilities Using Biomethane

Many facilities using biomethane that are certified or precertified to use biomethane under earlier editions of this guidebook were unable to apply for certification or amended certification or precertification within 90 days after the commercial operations date, or other significant change in operations that requires an amended application, because of the biomethane suspension that was implemented by the Energy Commission on March 29, 2012. These facilities may retain the original eligibility date provided in a previously approved precertification or certification if an application for certification or amended certification or precertification is received within 90 days after the adoption of this *Seventh Edition* of the *RPS Guidebook* and all other eligibility requirements are met.

105 A facility must be RPS-certified by the Energy Commission before a POU or retail seller may report procurement of its generation toward the POU's or retail seller's RPS procurement requirements. In earlier editions of this guidebook, a facility under contract with or approved by a POU for its RPS before June 1, 2010, was encouraged to apply for certification by October 1, 2012.

4. Application Review Process

Upon receipt of the completed application, staff will date stamp the application as received and begin the review process. A valid RPS ID will be assigned to the facility or aggregated unit, as necessary. Facilities that have already been assigned an RPS ID will retain that ID for the life of the project. The suffix may change if additional applications for certification or precertification are submitted for the facility; see Table 5 for the meaning of various RPS ID suffixes. Complete applications are processed in the order they are received.

The Energy Commission may use any information or records submitted to the Energy Commission or obtained as part of the application review process or any audit to determine eligibility and compliance with the RPS. The information and records may include, but are not limited to, applications for RPS precertification and certification, supplemental documentation submitted with RPS applications, documents submitted to substantiate procurement or generation claims, any other documentation submitted upon request of the Energy Commission, publicly available information and documents, and information submitted to other state, federal, or local agencies. This information and these records may be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.). If, as part of any audit, the Energy Commission requires the applicant to provide copies of records that the applicant believes contain proprietary information entitled to protection under the California Public Records Act or other law, the applicant may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.[106]

The Energy Commission will make every effort to notify applicants if their facility is eligible for the RPS as soon as possible. For facilities that are not required to submit additional information pursuant to this guidebook, the Energy Commission expects to review and process applications for certification and precertification within 30 business days of their receipt, unless questions or concerns arise regarding the applications. For applicants that must submit additional required information, such as for biopower, hydroelectric, repowered, facilities with a first point of interconnection to a non-CBA outside California, or out-of-country facilities, the Energy Commission must conduct an extensive review of the additional data, which could take more than 60 days from the date a complete application is received by the Energy Commission and, if applicable, the Executive Director makes a determination on any related requests from the applicant for confidential designation.[107]

106 Please refer to the ~~s~~Section VII.B.3~~VII.B.3~~VIII.B.4: Use and Disclosure of Information and Records for more information.

107 Review times provided are estimates and are subject to change depending on the complexity of the application and the activity in the application queue.

If questions arise, the applicant will be contacted and may be asked to submit additional information. A request for additional information will place a hold on the review process for that facility until the Energy Commission receives the requested information. If the applicant does not respond within 60 days to a request for clarification or additional information regarding the application, the application will expire without approval, be returned, and the application will be labeled incomplete. The applicant must submit a new application with complete information to reinstate the certification request. The Energy Commission may not seek clarifications on all points of an application for a facility that is not using, nor plans to use, a renewable energy resource, or that clearly fails to satisfy any portion of the eligibility requirements of this guidebook. These applications will be disapproved for failing to meet the RPS eligibility requirements as indicated by the applicant, and not the incompleteness of the application.

5. Notification of the Final Determination

After completing its review, the Energy Commission will notify applicants in writing of its determination on the application for certification or precertification. If the application for certification or precertification is approved, the Energy Commission will issue a certificate stating that the facility, or aggregated unit, is certified or pre-certified as eligible for the RPS. An individual facility certificate will list the Energy Commission-issued certification number for the facility as well as the size, fuel type or types, annual percentage of nonrenewable energy resources (if any), name, location, owner/operator of the facility, applicant or certifying agent, date RPS eligibility begins, and other information relevant to the facility's eligibility. The certificate will also indicate whether the facility was certified by the facility owner/operator, an agent of the facility owner/operator, or a retail seller on the owner/operator's behalf. A copy of the certificate will also be sent to the owner/operator as indicated on the application form, if different than the applicant. An aggregated unit certificate will list the Energy Commission-issued certification number for the unit as well as the number of facilities in the unit, the total size, fuel type, name, aggregating entity, applicant or certifying agent, the applicable RPS eligibility dates, and other information relevant to the facilities' eligibility.

Previous approval of precertification status does not guarantee that a facility will be eligible for RPS certification in the future, and the precertification certificate will indicate this on its face. All facilities must meet the eligibility requirements set forth in the edition of the *RPS Eligibility Guidebook* in place at the time the Energy Commission receives an application for certification, regardless of whether the facility had previously been awarded precertification status.

In addition, the certificate will identify any limits on certification (or precertification). For example, a certificate issued for a multijurisdictional facility certified pursuant to Public Utilities Code Section 399.17 will indicate that the generation of the facility is only

eligible to be claimed for RPS compliance by the multijurisdictional utility identified in the application.

If the applicant disagrees with the Energy Commission's determination on a certification (or precertification) application, the applicant may petition the Energy Commission for reconsideration as described in Section VIII.C: Reconsideration of Certification.

As specified in Section VIII.B.2: Audits, the Energy Commission may conduct periodic or random reviews to verify records submitted for certification (or precertification) for the RPS. Further, the Energy Commission may conduct on-site audits and facility inspections to verify compliance with the requirements for certification (or precertification). The Energy Commission may request additional information it deems necessary to monitor compliance with the certification requirements specified in this guidebook. The information submitted by applicants for precertification is subject to further verification once the facility comes on line. Applicants for precertified facilities must submit a complete certification application (CEC-RPS-1) with all additional required information and be certified as RPS-eligible before any of the facility's generation may be counted toward satisfying a retail seller's or POU's RPS procurement requirements.

6. Checking the RPS-Eligibility Status of a Facility

Upon receipt of an RPS application using the appropriate RPS application forms the Energy Commission will record the status of the facility in the RPS program. The Energy Commission will post information on its website listing all facilities and aggregated units that have been represented in an RPS application and the status of the most recent application, which dictates the status of the facility in the RPS program. Any changes in a facility's certification status will also be posted on the Energy Commission's website. This information can be found online at:

http://www.energy.ca.gov/portfolio/documents/list_RPS_certified.html

The status of each facility listed will indicate as one of the following:

a) Received: The application has been received by the Energy Commission, but the review has not begun or only a minimal review has been performed.

b) Corrections Sent: The staff analyst has submitted a request for more information or clarification on the application to the applicant, the review is on hold until the requested information is provided in writing. The applicant will have 60 days to respond before the application is classified incomplete.

c) Pending: The application has passed the initial review and is in the queue for the final review, further inquiries may be pursued as needed.

d) Approved: The application is approved and either certification or precertification has been awarded, the certificate and an accompanying letter have been sent.

e) Suspended: The eligibility of an approved facility or aggregated unit is in question and the applicant, as listed on the application, has been contacted for clarification when possible.[108] Generation from facilities with a suspended status may not be used to meet the RPS obligations of any entity until the issues are resolved, which may require the submission of an amended application form. Once the issues are resolved the suspension will be lifted and generation from that facility, including generation occurring during the period of suspension, may be used to meet RPS obligations. Failure to resolve the suspension within a year may result in the disapproval of the facility.

f) Incomplete: The application for certification, precertification, or an aggregated unit is incomplete and the review cannot be completed as submitted. These applications have been returned to the applicant. For facilities that have not previously been RPS certified or precertified a new eligibility date will be assigned to a future application.

g) Disapproved: The facility is not eligible for California's RPS and no generation from the facility may be claimed for compliance. If the facility had been certified, generation occurring before the disapproval, or the event resulting in disapproval, may be eligible depending on the circumstances of the disapproval. Facility certifications that have been disapproved will receive a new eligibility date if certification is later pursued.

e) Withdrawn: The applicant for the facility has voluntarily withdrawn the RPS application before the completion of the application review process, or the applicant has requested an end to the precertification or certification of a facility or aggregated unit. Facility certifications that have been withdrawn will receive a new eligibility date if certification is later pursued.

f) Decommissioned: The electric generation facility has ceased to operate, as confirmed by the applicant, the facility owner, or the system operator.

7. Amending Certification or Precertification

Representatives of certified and precertified facilities must notify the Energy Commission promptly of any changes in information previously submitted in an application for certification or precertification. A facility failing to do so within 90 days of the change risks losing its certification status. Any changes to a certified or precertified facility should be reported on an amended CEC-RPS-1 form or an amended CEC-RPS-3 form; certifications cannot be amended on the CEC-RPS-2 form or on the CEC-RPS-4 form. An amended application with any of the following significant changes will be reviewed under the edition of the guidebook in place at the time the Energy Commission receives a complete amended application for precertification or certification:

a) Change in fuel, technology, or energy resource type

b) Increase in nameplate capacity

108 If the contact information provided on the most recent application is invalid the facility or aggregated unit will be immediately suspended.

c) Change in QF status

d) Change in fuel suppliers (except for biomass facilities)

e) Repowering of the facility[109]

f) Increase in the amount of nonrenewable fuel used annually beyond the allowable amount, or a change that exceeds 10 percent of the total annual energy input.

If, when applying for an amended certification or precertification, all authorized individuals listed on the original application form are no longer associated with the facility described in the application, the new applicant must include a cover letter, signed by a new authorized officer or agent, verifying the legitimacy of the changes. The Energy Commission will review the amended application and notify the applicant of any modifications to its certification status.

Changes to applicant information, authorized individuals, facility owner, facility contact information, or the authorized officer or agent for a facility may be reported to the Energy Commission without subjecting the facility to a full review, provided that none of these changes affect the eligibility of the facility. In these limited cases the applicant must submit a CEC-RPS-1 form with only the following sections completed:

a) Section I: Type of Certification Requested

b) Section II: Facility Name and Location

c) Section V: Application Contact Information

d) Section VI: Facility Ownership and Contact Information

e) Section XI: General Information

f) Section XII: Attestation

Supplemental applications should not be submitted. Applicants wishing to amend any other part of the facility certification or precertification must submit a complete certification or

109 An amended application for an RPS-certified facility that is repowered, as defined in this guidebook, will be evaluated under the edition of this guidebook in place at the time the Energy Commission receives a complete amended application for certification only if the applicant seeks to revise the commercial operations date of the facility based on the date the repowered facility reentered commercial operations. Applicants of previously certified facilities that are repowered but not seeking to revise the operations date need not amend the facility's certification if all information in the original certification remains accurate and no change in facility ownership or applicant representing the facility have occurred. However, such an applicant is encouraged to notify the Energy Commission to document that the facility was repowered.

precertification application.[110] A new certificate will only be issued for this amendment if the information on the original certificate is no longer correct.

Also, any changes to the status of a facility's certification will be posted on the Energy Commission's website.

110 Revisions to the applicant and authorized officer or agent for a utility-certified facility may be made by sending a letter, on the utility's letterhead, verifying the change in the applicant or authorized officer.

V. Annual Facility Reports

Some applicants shall report to the Energy Commission annually on the ~~facility's~~ operations of the facility~~from~~ the previous calendar year. Table 7 summarizes these reporting requirements.

An authorized individual of the facility, as listed on the facility~~'s~~ application, shall submit all signed documentation to the Energy Commission by e-mail to RPSTrack@energy.ca.gov or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

In addition, the authorized individual shall submit an unsigned electronic copy of the forms in Microsoft® Excel format available on the Energy Commission's website. The hard copy and electronic copy of the forms shall be submitted to the Energy Commission on or before the reporting deadline. For additional submission information and the required forms, see Appendix B: Annual Facility Reporting Forms. The annual reports for a given calendar year are due on April 1 of the subsequent year.

Table 7: Summary of Annual Reporting Requirements for Applicants

Characterization	Form	Due Date	Notes
Generator Information	CEC-RPS-GEN	April 1	See Section V.A.
Common Carrier Pipeline for Biomethane	CEC-RPS-CCP	April 1	See Section V.B.
Functionally Dedicated Pipeline for Biomethane	CEC-RPS-FDP~~CCP~~	April 1	See Section V.C.

Source: California Energy Commission

Any documentation submitted to the Energy Commission in support of the required forms must be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the applicant lists all documents being submitted, briefly summarizes the purpose of each document, identifies what requirement each document fulfills, and indicates where each document contains the necessary information (for example, page number). **An applicant should redact the information that is not required and considered confidential by the applicant.** An applicant may request confidential designation of records. (See Section VII.B.3: Use and Disclosure of Information and Records.) It is the responsibility of the applicant

to demonstrate that the facility represented in the submitted documentation complies with all applicable requirements of the *RPS Guidebook*.

Energy Commission staff will not begin to review the eligibility of generation from a facility that is required to submit information on the annual operations of the facility until after the applicant has submitted the necessary information. Any discrepancies in the reported information must be explained in detail and supported with documentation. Energy Commission staff may request additional documentation to determine whether, and what amount, of the facility's generation may be counted for the RPS for a given year.

A. Generator Information

An authorized individual of a certified facility shall to report information on the facility's generation to the Energy Commission using the CEC-RPS-GEN form, if any of the following is true:

1) Any generation from the facility is tracked using the ITS in a calendar year, and that generation meets the requirements to be reported using the ITS. (See Section III.A.1: WREGIS.)

2) The facility used more than one energy resource in a calendar year. (See Section III.B: Renewable Facilities Using Multiple Energy Resources.) In addition to the CEC-RPS-GEN form, an authorized individual shall submit both of the following:

   a) Detailed information necessary to determine compliance with the approved measurement method. In some cases this could include information on the time of energy resource consumption and generation of electricity.

   b) The information submitted to WREGIS related to fuel use, if applicable.

3) The Energy Commission requests submission of the CEC-RPS-GEN form. An applicant will have **30 days** to fulfill this request once notified of the request.

The Energy Commission may request that an authorized individual of the facility submit payment statements or other documentation supporting the information provided on the CEC-RPS-GEN form. The authorized individual shall have **30 days** to fulfill this request once notified of the request.

B. Common Carrier Pipeline for Biomethane

The applicant for a certified facility using common carrier pipeline biomethane during the previous calendar year shall provide the following information annually:

1) A complete CEC-RPS-CCP form.

2) Monthly meter data for the injection point of the biomethane source on the delivery pipeline.

3) Monthly pipeline nomination reports for each pipeline and storage site along the delivery path.

4) Monthly invoices for the procurement of the biomethane.

5) Monthly meter data showing the total use of all biomethane and nonrenewable energy resources at the generating facility.

6) A summary statement, including supporting documentation, of all biomethane associated with, or planned to be delivered to, the certified facility remaining in a storage site at the close of the calendar year. Biomethane quantities not identified in the summary report for a certified facility may not be used for the RPS at a later time.

7) Any additional documentation necessary for the Energy Commission to determine nonrenewable energy resource use based on the energy resource measurement method included in the certification of the facility, including the information submitted to WREGIS related to energy resource use.

8) Contract(s) for the transportation of biomethane through the common carrier pipeline; if no contract exists due to the ownership of the pipeline, alternative documentation may be submitted. If this contract has already been provided to the Energy Commission and has not been subsequently amended, a letter confirming this will suffice. Contract(s) or additional documentation shall include:

   a) The point of receipt, where the biomethane enters the pipeline or begins transportation under the specific contract.

   b) The point of delivery, where the gas exits the pipeline, enters storage, or is no longer being transported under the specific contract.

   c) Any limitations on the maximum quantity of gas that can be delivered in a specific period ~~of time~~, for example, daily, monthly, yearly.

9) The biomethane procurement contract. If this contract has already been provided to the Energy Commission and has not been subsequently amended, a letter confirming this will suffice.

The Energy Commission may request that the facility applicant submit payment statements or other documentation supporting the claims made in the CEC-RPS-CCP form. An applicant will have **30 days** to fulfill this request once notified of the request.

C. Functionally Dedicated Pipeline for Biomethane

The applicant for a certified facility using biomethane delivered in a functionally dedicated pipeline during the prior calendar year shall report the following information annually:

1) A complete CEC-RPS-FDP~~CCP~~ form.

2) Information on outages or shutdowns at the facility, the biomethane source, and the pipeline that affect the ability of the facility to utilize the biomethane including:

~~, or the pipeline that impact delivery of biomethane from the source to the facility, including:~~

a) The amount of biomethane injected into the pipeline and the amount withdrawn at the electrical generating facility.~~The nature of the outage.~~

b) The time and date of the outage.

~~c) Any actions taken in response to the outage relating to biomethane delivery.~~

c~~d~~) The quantity of biomethane injected into the pipeline that may not have been delivered to the facility due to the outage.

3) Any instances in operations that are not consistent with the operations plan submitted as part of the certification.

4) Any revised or updated operations plans, as applicable.

VI. Annual Load-Serving Entity Reports

Note: Substantive changes were made to this section to implement AB 1478, which clarified and amended requirements for the RPS eligibility of hydroelectric units operated as part of a water supply or conveyance system, in particular, the reporting of sales from such hydroelectric generation units. No other substantive changes were intended or made to this section, although the section was reorganized and streamlined to improve clarity and reduce duplication.

Load-serving entities (LSEs) shall report retirement of RECs for the California RPS to the Energy Commission annually on July 1 for the previous reporting year. The Energy Commission uses the retirement information to verify the claims an LSE plans to use toward its RPS procurement requirements, and to ensure that a REC is counted only once for compliance with the California RPS, for the regulatory requirements of any other state, or to satisfy any other retail, regulatory, or voluntary market claim.[111] Table 8 summarizes the annual reporting requirements for all LSEs for the previous calendar year. Retirement of RECs in the Interim Tracking System (ITS) is effectuated by submittal of the appropriate form(s) to the Energy Commission.

111 Use of a REC for compliance with the California RPS does not preclude an LSE's ability to report a specified import or use the RPS adjustment in accordance with the California Air Resources Board's "California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms to Allow for Use of Compliance Instruments Issues by Linked Jurisdictions and Regulation for the Mandatory Reporting of Greenhouse Gas"(California Code of Regulations, Title 17, sections 95801 - 96022).

Table 8: Summary of Annual Reporting Requirements for Load-Serving Entities

Characterization		Form	Due Date	Additional Required Information, or Notes
Generation Reporting		WREGIS Compliance Report	July 1	Must be completed by all LSEs and come directly from WREGIS to the CEC. See Section VI.A.
Supplemental Attestation for WREGIS reports		WREGIS Attestation Form	July 1	Must be submitted by all LSEs providing a WREGIS report. See Section VI.A
Alternative Retirement Reporting		CEC-RPS-Track	July 1	May be used to report retirement in specific cases. See Section VI.A.
Forms for POU ~~Reporting~~Reporting	General POU Reporting	CEC-RPS-POU	July 1	General annual and compliance period reporting for POUs. See Section VI.A.
	Evidence of Electricity Scheduling	WREGIS Matched e-Tag Summary Report[112]	July 1	For POUs to demonstrate scheduling of electricity into a CBA. See Section VI.B.1.
	Alternative Evidence of Electricity Scheduling	CEC-RPS-eTag	July 1	For POUs to demonstrate scheduling of electricity into a CBA in specific cases. See Section VI.B.1.
	Evidence of Hourly Scheduling	CEC-RPS-HOURLY	July 1	For POUs to demonstrate scheduling of electricity into a CBA with hourly scheduling requirements. See Section VI.B.1.

Source: California Energy Commission

LSEs must send all signed documentation to the Energy Commission by e-mail to RPSTrack@energy.ca.gov or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

Furthermore, LSEs shall submit an unsigned electronic copy of all forms in Microsoft® Excel format available on the Energy Commission's website. The hard copy and electronic copy of the forms shall be submitted to the Energy Commission on or before the reporting deadline. For additional submission information and required forms, see Appendix C: Annual LSE Reporting

112 This form will be changed to "CA-eTag Report" and available in WREGIS sometime in September 2015 or early 2016. The WREGIS Matched e-Tag Summary Report will no longer be used once the new form becomes available.

Forms. Annual reports for a given calendar year are due on July 1 of the subsequent year. LSEs should not expect to be able to supplement REC retirement reports submitted for a previous reporting year and are encouraged to take a prudent approach to retire sufficient RECs to meet their RPS requirements.

Any documentation submitted to the Energy Commission in addition to or in support of the required forms must be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the LSE lists all submitted documents, summarizes the purpose of each document, identifies what requirement each document fulfills, and indicates where in each document (for example, page number) the necessary information ~~(for example, page number)~~ is contained. LSEs needing to submit sensitive or confidential information to fulfill these requirements may request confidential designation of records. (See Section VII.B.3: Use and Disclosure of Information and Records.) It is the responsibility of the LSE to demonstrate that all REC retirements comply with all applicable requirements of the *RPS Guidebook*.

The Energy Commission will review the eligibility of retirement claims made by an LSE after the LSE representative has submitted all necessary information. Discrepancies in the reported information must be explained in detail and supported with documentation. The Energy Commission may request additional documentation to determine whether, and what amount of, RECs claimed by the LSE may be counted for the RPS.

A. Reporting Procurement Claims

LSEs are required to use WREGIS to report REC claims to the Energy Commission, except in limited instances as described in Sections ~~III.A.1.a: Creation of Retroactive Renewable Energy Credits in WREGIS and III.A III.A.2.1.b~~III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System and VI.A.1: Prior Period Adjustments. Some generation procurement structures may also require third parties to be registered in WREGIS. The LSE RPS claim information shall be reported as follows:

1) For all generation tracked by WREGIS, the following forms shall be submitted:

    a) WREGIS Compliance Report: For RPS retirement information, this information shall be submitted to the Energy Commission through WREGIS and not directly from the LSE. Requirements for the WREGIS Compliance Report are discussed further in Appendix C: Annual LSE Reporting Forms.

    b) WREGIS Attestation Form: This attestation form covers all information submitted to the Energy Commission through WREGIS and shall be submitted directly to the Energy Commission. The WREGIS Attestation form can be found in Appendix C: Annual LSE Reporting Forms.

2) For generation not tracked in WREGIS and not required to be reported in WREGIS, see ~~s~~Sections ~~III.A.1.a: Creation of Retroactive Renewable Energy Credits in WREGIS and III.A.1.b~~III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System and VI.A.1: Prior Period Adjustments. The following ITS forms shall be submitted.

a) CEC-RPS-Track: Used to report RPS retirement information, this form shall be submitted directly to the Energy Commission. The CEC-RPS-Track form can be found in Appendix C: Annual LSE Reporting Forms.

b) CEC-RPS-GEN: Used to report generation from an RPS-certified facility that is reported to the Energy Commission using the CEC-RPS-Track form. The CEC-RPS-GEN shall be filled out by a representative of the facility. (See V: Annual Facility Reports.) The CEC-RPS-GEN form can be found in Appendix B: Annual Facility Reporting Forms.

1. Prior Period Adjustments

When a discrepancy is identified between actual generation and a WREGIS Certificate for a generation month, the WREGIS system makes a prior period adjustment to correct the WREGIS Certificate total. A prior period adjustment will result in either the overproduction or underproduction of the current vintage of WREGIS Certificates. LSEs should claim procurement to reflect the ~~facility's~~ actual generation amounts of the facility, regardless of the vintage date(s) on the WREGIS Certificates.

If the prior period adjustment ~~impacts~~affects WREGIS Certificates that have already been retired, the LSE may submit a letter to the Energy Commission staff withdrawing the claims to prevent the claims from being found ineligible. The LSE may submit a letter requesting that the withdrawn RECs be reallocated to the year in which WREGIS is withholding creation of WREGIS certificates due to the prior period adjustment. If Energy Commission staff approves the reallocation of the RECs, the LSE will report the REC claims on the CEC-RPS-Track form for the year that the RECs will be applied.

LSEs shall submit supporting documentation to the Energy Commission explaining the discrepancy between WREGIS Certificate creation and actual generation, and how the prior period adjustment was used to correct this discrepancy.

2. WREGIS Retirement Accounts

When retiring and reporting information in WREGIS, LSEs shall use specific retirement subaccounts using specified naming formats. The subaccounts used by an LSE will vary for different types of LSEs:

a) Retail Sellers

b) POUs interconnected to a CBA: POUs that do not meet the requirements of Public Utilities Code ~~S~~sections 399.18 or 399.30(h).

c) POUs not interconnected to a CBA: POUs that meet the requirements of Public Utilities Code ~~S~~sections 399.18 or 399.30(h) and have demonstrated this pursuant to the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities (POU Regulations).*

a. Retail Sellers

Retail sellers retire all claims into one retirement subaccount for each reporting year. This subaccount shall be named using the following format:

[Reporting Year (YYYY)] CA RPS RTSL

b. POUs ~~i~~Interconnected to a CBA

POUs that do not meet the requirements of Public Utilities Code ~~S~~sections 399.18 or 399.30(h) shall retire RECs into one of the following four retirement subaccounts for each reporting year. These four retirement subaccounts are used to preliminarily classify WREGIS Certificates into the Portfolio Content Categories (PCCs). These subaccounts shall be named using the following format:

[Reporting Year (YYYY)] CA RPS [PCC code]

The PCC code for each retirement subaccount is specified in Table 9.

Table 9: PCC Codes for POUs in CBAs

Portfolio Content Category (PCC)	Code
Count in Full RECs	PCC0
Portfolio Content Category 1 RECs	PCC1
Portfolio Content Category 2 RECs	PCC2
Portfolio Content Category 3 RECs	PCC3

Source: California Energy Commission

For additional information on the PCCs, see the *POU Regulations*.

c. POUs ~~n~~Not ~~i~~Interconnected to a CBA

POUs that meet the requirements of Public Utilities Code ~~S~~sections 399.18 or 399.30(h) shall retire RECs into one of the following three retirement subaccounts for each reporting year. These three retirement subaccounts are used to preliminarily classify WREGIS Certificates for verification purposes. These subaccounts shall be named using the following format:

[Reporting Year (YYYY)] CA RPS [Subaccount Code]

The subaccount type code for each retirement subaccount is specified in Table 10.

Table 10: Subaccount Codes for POUs ~~o~~Outside CBAs

Subaccount Type	Code
Count in Full RECs	PCC0
Bundled RECs	BNDL
Unbundled RECs	TREC

Source: California Energy Commission

For additional information on these classifications for POUs meeting the requirements of Public Utilities Code ~~S~~sections 399.18 or 399.30(h), see the *POU Regulations.*

B. Additional POU Reporting Requirements

The Energy Commission is tasked with verifying POU compliance with RPS procurement targets and portfolio balance requirements, as specified in the *POU Regulations*. To demonstrate compliance with these requirements, POUs shall provide general procurement and contractual information on the CEC-RPS-POU form, which can be found in Appendix C: Annual LSE Reporting Forms.

In support of the information provided in the CEC-RPS-POU form, POUs shall submit their procurement contracts or ownership agreements and any additional documentation necessary to demonstrate, to the Energy Commission's satisfaction, that the electricity product meets applicable PCC criteria and other requirements of the *POU Regulations*. For RECs that are resold or originally procured by a different entity, the POU shall demonstrate that both the original procurement contract and the resale contract satisfy the requirements of the *POU Regulations*.

POUs shall initially classify the RECs they procure when retiring the RECs. (See Section VI.A.2: WREGIS Retirement Accounts for information on specific retirement accounts.) The POUs' initial classification is nonbinding. For all count in full,[113] PCC 1, and PCC 2 electricity products, the REC vintage shall not precede the contract execution or the ownership agreement date. Furthermore, RECs cannot be counted for a reporting year earlier than the vintage year of the RECs.

1. Scheduled Delivery of Electricity

As specified in the *POU Regulations*, electricity products from facilities not interconnected to a CBA that meet specific schedule requirements may qualify as PCC 1 or PCC 2 electricity products. POUs shall submit supporting documentation on the scheduling arrangements as part of their annual and compliance period reports.

113 See section 3202 (a)(2) of the *POU Regulations.*

RECs retired from these facilities shall be accompanied by e-Tag data demonstrating that electricity was scheduled into a CBA,[114] using one of the following forms:

a) WREGIS Matched e-Tag Summary Report[115]: for all generation e-Tag data, information on this form can be found in Appendix C: Annual LSE Reporting Forms.

b) CEC- RPS-eTag: for generation e-Tag data, if the information is not available in WREGIS. This form is included in Appendix C: Annual LSE Reporting Forms. Available for use only to POUs.

c) CEC-RPS-HOURLY: for electricity that is scheduled using standard hourly or subhourly scheduling (not dynamic transfer or EIM). This form is included in Appendix C: Annual LSE Reporting Forms. Available for use only to POUs.

In all cases, the REC(s) and the accompanying e-Tag(s) shall be from the same calendar year, and the e-Tag(s) shall identify the facility that produced the RECs by either including the RPS ID for the facility in the miscellaneous field, listing the facility name as the source on the e-Tag, or both.

For PCC 1 RECs for which the associated electricity must be scheduled into a CBA pursuant to the *POU Regulations*, the electricity scheduling arrangement shall be from the facility without the substitution of electricity from another source. Beginning January 2014, the e-Tags for these scheduling structures shall identify the certified facility as the source point of the electricity. The Energy Commission will audit the electricity scheduling arrangements by requesting the submission of select e-Tags.

~~8.~~2. Sales from Existing Hydroelectric Generation Units Operated as Part of a Water Supply or Conveyance System

A POU that meets the criteria of Public Utilities Code section 399.30(j) shall report annually to the Energy Commission on all sales of bundled electricity (electricity bundled with the associated RECs) and RECs to other POUs ~~utilities~~ from hydroelectric generation units certified for the RPS pursuant to Section II.F.3. of this guidebook. Annual reports shall address only sales of bundled electricity and RECs that are eligible for the RPS by the procuring utility. By July 1 of each year, the POU shall submit an annual report to the Energy Commission using the CEC-RPS-399 form that includes the information in paragraphs (1) – (3) below for all bundled electricity and RECs sales from certified hydroelectric generation units made in the prior calendar year.

(1) The name and RPS identification number of each certified generation unit from which bundled electricity or RECs were ~~was~~ sold.

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114 WREGIS cannot pull e-Tag information from generation and schedules that have occurred in the past; thus parties must sign up for this service in WREGIS before commencing scheduled deliveries of electricity. See www.wecc.biz/WREGIS.

115 This form will be changed to "CA-eTag Report" and available in WREGIS sometime in September 2015 or early 2016. The WREGIS Matched e-Tag Summary Report will no longer be used once the new form becomes available.

(2) The quantity of bundled electricity or RECs sold, in megawatt-hours, from each certified generation unit per month for the previous calendar year.
(3) The name, contact information, and mailing address of the POU that purchased bundled electricity or RECs from the certified generation unit.

A POU may combine the annual report required pursuant to this subsection with other annual reports due to the Energy Commission, provided the reports are submitted to the Energy Commission by July 1 of each year.

C. RPS Procurement Verification

The Energy Commission will verify procurement claims made by each LSE for each compliance period. In its analysis, the Energy Commission will ensure:

1) A REC claimed by an LSE represents generation from a certified facility that is eligible to be used for an LSE's RPS obligation, and no other REC represents the same generation.

2) No REC is claimed by more than one LSE for California's RPS.

3) A REC claimed by an LSE for California's RPS is not used for any other competing purpose.

LSEs may be required to submit supporting documentation to verify procurement from facilities or demonstrate that the LSE has not also claimed RECs in another program. The Energy Commission may use any information or records submitted to the Energy Commission or obtained in cooperation with other agencies or voluntary markets to verify compliance with the RPS, as described in Section VII.B.3: Use and Disclosure of Information and Records.

Energy Commission staff will analyze annual REC retirement data submitted by the LSEs and work with the LSEs to resolve any outstanding questions or issues, which may include clarifying or correcting claimed or retired RECs. As part of the verification process, staff's initial analysis of the REC retirement data will be made publicly available after notifying and working with the LSEs to resolve outstanding questions or issues. An LSE may un-retire previously retired RECs or retire additional RECs beyond those initially reported to the Energy Commission consistent with WREGIS rules and other requirements, including but not limited to the 36-month REC retirement rule. Retired RECs may be un-retired within one year of the REC retirement date[116] or prior to the final determination of REC eligibility for all LSEs, whichever occurs first. Additional RECs beyond those initially reported to the Energy Commission may be retired within one year of the date of the initial compliance period report submittal, or prior to the final determination of REC eligibility for all LSEs, whichever occurs first.

Following the end of each compliance period, the Energy Commission will combine the analysis for each reporting year within the compliance period and evaluate the combined data. Energy Commission staff will then prepare the following reports on its findings:

116 See WREGIS Operating Rules Section 16.2.

1) *RPS Verification Report for Retail Sellers*: The Energy Commission findings on the procurement claims made by retail sellers. This report will be supplied to the CPUC, which regulates retail sellers.

2) *RPS Verification Report for POUs*: The Energy Commission findings on the procurement claims made by POUs. This report will be used to inform the Energy Commission compliance determinations for POUs.

Retail sellers and POUs will have an opportunity to provide comments on the draft RPS verification reports. Public comments will be taken into consideration when finalizing these reports. Upon finalization, these reports will be made publicly available.

D. Special Consideration of Biomethane Procurement Contracts

This section reflects changes in law that were enacted under Assembly Bill 2196 ~~(Chapter 605, Statutes of 2012)~~ and codified in Public Utilities Code ~~S~~section 399.12.6. If the requirements of this guidebook are satisfied, the procurement of electricity products by a retail seller or POU from an electrical generation facility using biomethane is eligible to count toward the RPS procurement requirements in place at the time the biomethane procurement contract was executed by a retail seller or POU.

The RPS procurement requirements are established for retail sellers and POUs in Article 16 (commencing with ~~S~~section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, as enacted by Senate Bill X 1-2 (Stats. 2011, 1st Ex. Sess., ch.1), which draws a distinction for procurement contracts for electricity products executed before June 1, 2010, and contracts executed on or after this date.[117] SBX1-2 generally requires retail sellers and POUs to satisfy the procurement requirements of Article 16 by procuring electricity products that 1) meet one of the three Portfolio Content Categories specified in Public Utilities Code ~~S~~section 399.16(b) and were procured under contracts executed on or after June 1, 2010 (generally referred to "PCC procurement") or 2) were procured under contracts executed before June 1, 2010, and satisfy the conditions of Public Utilities Code ~~S~~section 399.16(d) (generally referred to as "count in full procurement"). Hence, SBX1-2 draws a distinction between procurement contracts for electricity products executed before June 1, 2010, and procurement contracts executed on or after this date.

Compliance with RPS procurement requirements for retail sellers, including classification of Product Content Categories and Portfolio Balance Requirements, is determined by the CPUC pursuant to its Decision 11-12-052, Decision 12-06-038, or any future CPUC decision.

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117 Assembly Bill 2187 (Chapter 604, Statutes of 2012) subsequently amended the law to make a further distinction for electric service providers. Under AB 2187, an electric service provider must satisfy the procurement requirements of Article 16 by procuring electricity products that meet one of the three Portfolio Content Categories specified in Public Utilities Code ~~S~~section 399.16(b) and were procured under contracts executed after January 13, 2011. Pursuant to CPUC Decision 14-12-023, ordering paragraph 1, RECs from contracts executed by electric service providers prior to January 14, 2011, will be treated the same way as RECs from contracts executed by investor-owned utilities and community choice aggregators prior to June 1, 2010, for purposes of compliance with the portfolio balance requirements of Public Utilities Code ~~S~~section 399.16(c).

Compliance for POUs is determined by the Energy Commission pursuant to its RPS regulations for POUs, *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*.[118] For POUs, the Energy Commission will consider the dates of execution of the biomethane procurement contract and power purchase agreement (PPA) or ownership agreement in determining whether the electricity procurement qualifies as either PCC procurement or count-in-full procurement, provided all other requirements are satisfied. Each PPA or ownership agreement and biomethane procurement contract will generally fall into one of the following classifications:

a) Both the biomethane procurement contract and PPA or ownership agreement were executed on or after June 1, 2010; the procurement should be classified as PCC procurement.

b) The PPA or ownership agreement was executed before June 1, 2010, and specifies that the procurement of generation pursuant to the contract or agreement is attributable to biomethane, regardless of the biomethane procurement contract execution date; the procurement should be classified as count in full procurement.

c) The PPA or ownership agreement was executed before June 1, 2010, but it does not specify that the procurement of generation pursuant to the contract or agreement is attributable to biomethane. If the biomethane procurement contract was executed before June 1, 2010, then the procurement should be classified as count in full. If the biomethane procurement contract was executed on or after June 1, 2010, then the procurement should be classified as PCC procurement.

d) Both the biomethane procurement contract and PPA were executed before June 1, 2010; the procurement should be classified only as count in full procurement.

A copy of the PPA or ownership agreement executed by a POU for procurement of electricity generation attributed to biomethane, and a copy of the biomethane procurement contract, with any sensitive or confidential information redacted from each of these agreements, must be submitted to the Energy Commission with an application for RPS certification of the electrical generation facility designated to use the biomethane. If the facility is already RPS certified, the PPA or ownership agreement and biomethane procurement contract(s) should have been submitted with the submission of the existing biomethane supplemental information form, the CEC-RPS-2196 which is no longer available for use, within 90 days of the adoption of the Seventh Edition of the *RPS Eligibility Guidebook* for the facility to retain its RPS status.

The PPA or ownership agreement must convey ~~the following~~:

a) The PPA or ownership agreement execution date.

b) Sufficient environmental attributes are transferred to the POU to ensure that there are zero net emissions associated with the production of electricity from the generating facility using the biomethane. The term "zero net emissions" shall be applied in a manner

118 See http://www.energy.ca.gov/portfolio/pou_rulemaking/

consistent with Public Utilities Code ~~S~~section 399.12.6(c) and the CPUC's Standard Term and Condition 2, which applies to Bioenergy Transactions as specified in CPUC Decision 13-11-024.

The biomethane procurement contract for each biomethane source must demonstrate ~~the following~~:

a) The biomethane procurement contract execution date and term.

b) The biomethane sources are specified in the contract. For facilities using biomethane that are certified under Section II.C.2.a(1): Existing Biomethane Procurement Contract, the biomethane sources may be specified in the RPS certification application submitted to the Energy Commission before March 29, 2012.

c) The contracted quantity of biomethane in MMBtu from each source, which may include the full output or a percentage of the full output from each source, and the specific time frame for biomethane deliveries.

d) All renewable and environmental attributes associated with the production, capture, and injection of the biomethane are transferred in whole to the electrical generating facility using the biomethane.

V. RPS Tracking Systems, Reporting, and Verification

This section describes the Energy Commission's RPS tracking systems and the requirements for reporting and verifying RPS procurement and generation data. RPS-certified facilities, retail sellers, POUs and other third parties participating in the RPS must report procurement and generation data to the Energy Commission so that it may verify the data to ensure procurement claims and related RECs are counted only once for the RPS of California and other states. Once these data are verified by the Energy Commission staff, it is summarized in an RPS Verification Report after the end of each RPS compliance period and used by the CPUC and the Energy Commission to determine RPS compliance of retail sellers and POUs, respectively.

Throughout this section, references are made to the Energy Commission's regulations for the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*[119] *(Enforcement Procedures for the RPS for POUs)*, for POUs and to CPUC Decisions[120] for retail sellers. This section also uses the term "load-serving entity" (LSE) to refer to retail sellers and POUs, collectively.

A. RPS Tracking Systems

The Energy Commission is responsible for developing a tracking system to verify compliance with the RPS pursuant to Public Utilities Code Section 399.25, Subdivisions (b) and (c), which provide as follows:

> The Energy Commission shall do the following:
>
> (b) Design and implement an accounting system to verify compliance with the renewables portfolio standard by retail sellers and POUs to ensure that electricity generated by an eligible renewable energy resource is counted only once for the purpose of meeting the renewables portfolio standard of this state or any other state, to certify renewable energy certificates produced by eligible renewable energy resources, and to verify retail product claims in this state or any other state. In establishing the guidelines governing this accounting system, the Energy Commission shall collect data from electricity market participants that it deems necessary to verify compliance of retail sellers and POUs in accordance with the requirements of this article and the California Public Records Act (Chapter 3.5 [commencing with Section 6250] of Division 7 of Title 1 of the Government Code). In seeking data from electrical corporations, the Energy Commission shall request data from the [California Public Utilities] commission.
>
> (c) Establish a system for tracking and verifying renewable energy credits that, through the use of independently audited data, verifies the generation of electricity associated with each

119 Draft versions of these regulations are available at: http://www.energy.ca.gov/2013publications/CEC-300-2013-002/CEC-300-2013-002-SD.pdf. as adopted.

120 See http://www.cpuc.ca.gov/PUC/energy/Renewables/decisions.htm for relevant RPS Decisions as updated by the CPUC.

REC and protects against multiple counting of the same renewable energy credit. The Energy Commission shall consult with other western states and with the WECC in the development of this system.

The Energy Commission developed two RPS tracking systems to carry out its responsibilities under Section 399.25: the Interim Tracking System (ITS) and the Western Renewable Energy Generation Information System (WREGIS). The ITS, initially established while WREGIS was being developed, is being phased out. WREGIS is an electronic tracking system that covers the WECC service area. It was launched in June 2007, and issues a REC, termed a WREGIS Certificate, for each reported megawatt-hour of eligible generation on a monthly basis. WREGIS Certificates document the amount of energy generated by a participating facility using renewable energy resources and located in the WECC.

The ITS was utilized to verify all RPS generation and procurement while WREGIS was being developed. Retail sellers were initially required to report the quantity of RECs associated with RPS procurement to the Energy Commission using the ITS. The ITS is based on self-reported data and data collected from various other sources to verify RPS procurement claims and energy deliveries. As explained below in the Section V.B: Reporting to the Energy Commission, the Energy Commission still uses the ITS on a limited basis to verify certain RPS procurement claims. The ITS will no longer be used when all LSEs have fully transitioned to WREGIS. The process for transitioning from the ITS to WREGIS is described in Section V.B.3: Transitioning from ITS to WREGIS.

A REC shall be counted only once for compliance with the California RPS and may not be used to count toward the regulatory requirements of any other state or to satisfy any other retail regulatory or voluntary market product claims.[121] RPS-certified facilities, POUs, retail sellers and third-parties who enter into REC transactions for RPS compliance purposes must participate in WREGIS and report procurement and generation data to the Energy Commission so that the data may be verified for RPS compliance purposes.

B. Reporting to the Energy Commission

Although the law now establishes multiyear compliance periods for the RPS, the Energy Commission still tracks and examines RPS procurement and generation data annually to help facilitate verification for RPS compliance at the end of each compliance period. Retail sellers and POUs must therefore report data annually to the Energy Commission as described below. All reports are due to the Energy Commission on July 1 (or the next business day if the first falls on a weekend) of each year for procurement claims to be counted for the previous year. The Energy Commission had previously directed retail sellers and POUs to postpone reporting for 2011. With adoption of this *Seventh Edition* of the *RPS Guidebook*, the Energy Commission

121 The ARB provides for RPS adjustments in its cap and trade program, but requires RECs to be retired for the RPS to qualify for the adjustment. Section 95111(b)(5) http://www.arb.ca.gov/cc/reporting/ghg-rep/tool/power_regreqs_4page.pdf

provides instructions on how to report RPS procurement beginning with the 2011 and 2012 reporting years. These instructions are provided in the following subsections.

In certain situations, RPS-certified facilities may be required to report generation data to the Energy Commission or to the LSEs to whom they sell, in addition to what is reported to WREGIS.

1. RPS-certified Facilities with Generation Reported Using the ITS

Except as noted below for test energy and temporary use of the ITS for POUs transitioning to WREGIS, use of the ITS is no longer allowed. Beginning January 1, 2011, procurement data for retail sellers must be tracked and reported to the Energy Commission using WREGIS. For POUs, procurement data must be tracked and reported to the Energy Commission using WREGIS beginning October, 2012.

When the ITS is used for reporting procurement, a generating facility (a retail seller or POU, if the generating facility is owned by the LSE) must report monthly and annual generation data to the Energy Commission on the CEC-RPS-GEN form for the entire previous calendar year for which any WREGIS data are unavailable. Note that for 2011 and 2012 generation data that has not already been reported to the Energy Commission, the CEC-RPS-GEN forms are due to the Energy Commission on July 1, 2013, or ninety days after the adoption date of the *Seventh Edition* of the *RPS Guidebook*, whichever is later. The CEC-RPS-GEN form and instructions are provided in Appendix B: Forms. Energy Commission staff may request that the facility additionally submit monthly payment statements from the LSE, procurement entity, or third party, showing the amount of energy procured from the facility, as an attachment to the CEC-RPS-GEN form. If the facility uses the payment statement to serve as supporting verification documentation, the facility should strike out any price or other sensitive/confidential data on the statement that it does not want to make publicly available.

If an LSE certifies a facility for the RPS on the facility's behalf, the LSE is responsible for reporting the generation data for that facility.[122] This reporting requirement will be satisfied through the interim tracking forms and WREGIS data. LSEs do not need to file a separate CEC-RPS-GEN form to report generation for a generating facility the LSE certifies, nor does the LSE have to separately provide third-party verification of the generation, unless requested to do so for verification purposes. Regardless of whether generation is reported to the Energy Commission using the ITS or WREGIS, the Energy Commission may conduct audits or request additional information, including CEC-RPS-GEN forms, to verify RPS compliance.

2. RPS-certified Facilities Not Interconnected to a CBA and Multifuel Facilities

Additional reporting for generation data will be necessary for facilities whose generation is:

a) Scheduled into a California balancing authority (CBA), where staff will need to analyze hourly meter and schedule data; or

122 Energy Commission staff plan to phase out utility certification by the end of 2013, as discussed earlier in this guidebook.

b) From multifuel facilities, for which Energy Commission staff must determine if the entire output of the facility is RPS-eligible and/or if the LSE may only claim the renewable portion of a facility's output. This includes RPS-eligible facilities using biomethane.

Annual hourly data for facilities scheduled into a CBA is required as described in Section VI.C.1: Portfolio Content Category 1. The reporting requirements for multifuel facilities are explained in Section III.B.4: Accounting for Nonrenewable Fuel Use.

3. Transitioning from ITS to WREGIS

As specified in the *RPS Eligibility Guidebook, Third Edition*, effective January 1, 2008, the Energy Commission requires RPS-certified facilities, retail sellers, procurement entities and third parties to participate in WREGIS as part of RPS compliance. In addition, it specified that a Qualified Reporting Entity (QRE)[123] must register with WREGIS before it can report generation data on a facility's behalf. The exceptions to this requirement are discussed below.

a. Using the ITS for Test Energy

Beginning with reporting year 2011, the Energy Commission will accept only retail seller procurement claims for generation that is tracked in WREGIS and reported to the Energy Commission using WREGIS State/Provincial/Voluntary Compliance Reports (WREGIS Compliance Reports), except in the cases where tracking RECs for test energy was not available in WREGIS.[124] Initially, the WREGIS system created RECs for generation associated with the earliest active certificate issuance cycle at the time the facility was approved in the WREGIS system.[125] For new facilities with a recent commercial on-line date, this may include "test energy."[126] In July 2012, the functional requirements of WREGIS were changed so that WREGIS may now create RECs for test energy generated during longer periods that precede the generator's registration and approval in WREGIS. Therefore, retail sellers may use the ITS to report test energy not tracked in WREGIS until July 31, 2012. After this date, retail sellers must report all test energy using WREGIS. As explained below, POUs may use the ITS until October 2012 for all reporting not available in WREGIS, including test energy.

b. Transitioning to WREGIS for POUs

The Energy Commission will track and verify the procurement of POUs to determine compliance with the RPS. A POU claiming RECs for the RPS before October 2012, may use the ITS to report data to the Energy Commission that are not available in WREGIS. A POU may not

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123 A Qualified Reporting Entity (QRE) is an individual or an organization providing renewable generation data to WREGIS on a unit-specific basis for the purpose of creating WREGIS Certificates.

124 *RPS Eligibility Guidebook, Fifth Edition*. http://www.energy.ca.gov/2012publications/CEC-300-2012-002/CEC-300-2012-002-CMF.pdf page 66.

125 The WREGIS Certificate Issuance Cycle begins on the first day *after* the end of the Current Period Generation Month.

126 For purposes of the RPS, test energy refers to preproduction electricity generation that occurs during the testing period of a facility before it commences commercial operations.

report using the ITS for generation that is, or is expected to become available, in WREGIS, and should work closely with facilities to ensure WREGIS certificates representing procured RECs are properly transferred to the purchasing POUs. Supporting documentation from WREGIS staff may be necessary to confirm that amounts claimed on the ITS are not, or will not become, available in WREGIS. Beginning with generation on October 2012, the Energy Commission will accept only POU procurement tracked and reported through WREGIS.

4. Reporting Using WREGIS

QREs report generation data to WREGIS. When one megawatt hour of reported generation is accumulated, WREGIS creates one WREGIS Certificate (REC issued through WREGIS with a unique serial number). For purposes of RPS compliance, retail sellers and POUs must retire RECs to demonstrate procurement of the generation represented in the RECs. In practical terms, WREGIS Certificates that are retired represent both procurement and generation data.

Additional generation data may be required to verify procurement and the Energy Commission may conduct audits or request additional information, including CEC-RPS-GEN forms in addition to WREGIS Compliance Reports, as needed to verify RPS Compliance.

WREGIS has its own rules and functionality requirements independent of the Energy Commission's RPS program. As a result, there may be instances when RPS information reported through WREGIS may ultimately differ from amounts verified by the Energy Commission in its RPS Procurement Verification Reports for retail sellers and POUs. To reconcile differences that occur in WREGIS and verified data, additional documentation may need to be provided by the reporting entities, RPS certified facilities, WREGIS staff, and/or others involved to substantiate the reason(s) why WREGIS Certificate amounts may ultimately differ from the amounts reported in the RPS Verification Report. The process for reconciling differences with WREGIS data and what is ultimately verified as allowable for the RPS is explained below in Section V.C.4: Accounting for WREGIS Prior Period Adjustments.

5. RPS Procurement Reporting Due Dates

a. RPS Reporting for Retail Sellers

Retail Sellers will retire RECs into an annual WREGIS retirement subaccount for the reporting year in which they are retired. Test energy claims falling under the ITS reporting allowances described above may be reported on the ITS and reported to the Energy Commission at the same time as the WREGIS Compliance Reports. For retail sellers, RECs retired for the 2011 reporting year must be reported by July 1, 2013 or within 90 days after the adoption of the *RPS Eligibility Guidebook, Seventh Edition*, whichever is later, and RECs retired for the 2012 reporting year must be reported within 120 days after the adoption of the *RPS Eligibility Guidebook, Seventh Edition*. For 2013 forward, the due date for reporting RPS procurement retired for the previous reporting year is July 1 of the following year. For example, RECs retired for 2013 reporting year, would be submitted to the Energy Commission on July 1, 2014. Analysis of

e-Tag[127] data is necessary to determine Portfolio Content Category classification. Therefore, WREGIS NERC E-Tag and CA RPS E-Tag Summary Reports no longer need to be sent to Energy Commission staff. Retail sellers must complete WREGIS forms authorizing WREGIS to send the WREGIS NERC e-Tag Summary Reports to CPUC staff. Details for RPS reporting using WREGIS are included in Appendix A: WREGIS Reporting Instructions.

b. RPS Reporting for POUs

POUs will retire RECs into annual WREGIS retirement subaccounts, preliminarily classified into portfolio content categories, for the reporting year in which they are claimed. Claims that meet the criteria for ITS reporting described above may be reported using the ITS and will be submitted at the same time as the WREGIS Compliance Reports. Claims available in WREGIS may not be reported using the ITS. POUs must report historic carryover claims as specified in the *Enforcement Procedures for the RPS for POUs*, by 30 calendar days after the effective date of the regulations.

Energy Commission staff must review contract and other static data (data not expected to change over multiple years) to determine proper portfolio content category classification. The CEC-RPS-POU Compliance Reporting Spreadsheet (CEC-RPS-POU) must be used for this purpose. POUs are encouraged to submit the static contract data to Energy Commission staff in the "Static Information" tabs on the POU compliance reporting spreadsheet and the necessary supporting documentations as soon as possible upon finalization of the *RPS Eligibility Guidebook, Seventh Edition* and adoption of the *Enforcement Procedures for the RPS for POUs* to expedite Energy Commission staff's review. If POUs are unable to submit the information required in the "Static Information" tabs and the supporting documentation as soon as possible, they are encouraged to submit it at the same time that the historic carryover information is due. Delays in providing the information could delay the Energy Commission's determination of POUs' RPS compliance.

POUs must report RECs claimed for the 2011 and 2012 reporting years and all other required reporting information as described in the *Enforcement Procedures for the RPS for POUs* by September 1, 2013 or 30 calendar days after the effective date of the POU regulations whichever is later. For 2013 forward, the due date for reporting RPS procurement retired for the previous reporting year is July 1 of the following year. For example, claims retired for 2013 reporting year, would be submitted to the Energy Commission on July 1, 2014. Details for reporting using WREGIS are included in Appendix A: WREGIS Reporting Instructions.

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127 The North American Electric Reliability Corporation (NERC) is the entity responsible for the implementation of the first energy tagging process. An e-Tag is an electronic record that contains the details of a transaction to transfer electricity from a seller to a buyer where the electricity is scheduled for transmission across one or more balancing authority area boundaries.

c. Public Utilities Code Sections 399.17; 399.18; and 399.30 (h) Exemptions from the Procurement Balance Requirements

Small and Multijurisdictional Utilities (SMJUs), and POUs that meet the requirements of Public Utilities Code (PUC) Sections 399.17, 399.18,[128] and 399.30 (h),[129] respectively, are not subject to the portfolio balance requirements established by PUC Section 399.16 (c).

For a POU that meets the criteria of PUC Section 399.30 (h) and is not subject to the portfolio balance requirements, reporting and verification will differ from the other POUs. A POU that meets the criteria of PUC Section 399.30 (h) will not classify its procurement by portfolio content category in its compliance reports or when reporting procurement for verification. These POUs will classify their procurement in the following categories: count in full, bundled, and unbundled. Verification efforts for POUs that meet the criteria of PUC Section 399.30 (h) will be focused on RPS eligibility, contract execution dates, and whether the RECs are bundled. POUs meeting the criteria of PUC Section 399.30 (h) must report to the Energy Commission in accordance with the *Enforcement Procedures for the RPS for POUs*. Details for reporting using WREGIS are included in Appendix A: WREGIS Reporting Instructions.

For SMJUs, reporting to and verification by the Energy Commission will not differ from that of all other retail sellers. Energy Commission staff will verify the eligibility of the RPS procurement, while CPUC staff will determine the procurement classification. Retail Sellers meeting the criteria of PUC Section 399.17 and/or 399.18 must report to the Energy Commission consistent with the time frames described above for all other retail sellers. Details for reporting using WREGIS are included in Appendix A: WREGIS Reporting Instructions.

C. REC Retirement and Reporting Requirements

The law establishes certain requirements that merit special instructions for when a REC must be retired. The retirement and reporting requirements that apply to retail sellers and POUs are described below.

1. Up to 36 Months for RECs to be Retired and Used for Compliance.

WREGIS certificates, or RECs, used for the RPS starting January 2011 and later must be retired by the retail seller or POU within 36 months from the initial month and year of generation of the

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128 http://docs.cpuc.ca.gov/WORD_PDF/FINAL_DECISION/169704.pdf This section applies to utilities (or their successors) having fewer than 60,000 California customers and either serving retail end-use customers outside of California or being located outside the California ISO and receiving the majority of their electricity from generation sources outside California. The first condition applies to PacifiCorp. The second applies to California Pacific Energy Company, the successor to the California assets of Sierra Pacific Power Company. (D.11-02-015; D.11-04-030.)

129 Public Utilities Code section 399.30 (h) applies to POUs that were in existence on or before January 1, 2009, provide retail electric service to 15,000 or fewer customer accounts in California, and are interconnected to a balancing authority located outside California but within the WECC. There are currently two POUs that appear to meet these criteria: City of Needles and Truckee Donner Public Utilities District.

associated electricity to be eligible for the RPS.[130,131] Retire means to claim a renewable energy credit in the tracking system established by the Energy Commission pursuant to the Public Utilities Code Section 399.25(c) and thereby commit the renewable energy credit to be used for compliance with the RPS.

Energy Commission staff will verify that this requirement has been met by comparing the WREGIS Certificate vintage month and year to the WREGIS retirement month and year, as represented by the Action Date on the WREGIS Compliance Report. RECs retired after the 36 month retirement requirement will be deemed ineligible for the RPS, unless documentation is provided to demonstrate that the vintage month and year on the WREGIS Certificate is not representative of the actual generation month and year as described below in Section V.C.4: Accounting for WREGIS Prior Period Adjustments.

2. Procurement Claims May Not Be Made Before the Contract Execution and/or Ownership Agreement Date

RECs cannot be claimed for RPS compliance before the contract execution and or ownership agreement date, as specified in the *Enforcement Procedures for the RPS for POUs* and CPUC decisions for retail sellers. Specifically, RECs cannot be retired for a reporting year prior to when the RECs were procured and, moreover, cannot meet one compliance period's portfolio quantity requirements with procurement dating from a later compliance period.[132] This analysis will be conducted based on month and year of the procurement and/or ownership agreement.

3. Supplements for Previously Reported Years through the Following Reporting Year

LSEs should not expect to supplement REC retirement reports submitted for a previous year. The multi-year compliance periods and the 36 month retirement requirement allowance, combined with allowances for excess procurement, provide LSEs flexibility in determining the necessary amount of RECs to retire per reporting year to meet their RPS procurement requirements. LSEs are encouraged to take a prudent approach to retirement and achievement of the RPS requirements by retiring enough RECs to meet their RPS requirements and, perhaps, retiring more to cover unexpected situations or to qualify as excess procurement.

4. Accounting for WREGIS Prior Period Adjustments

WREGIS Certificates are based on revenue meter data, and when prior period settlement data are finalized, debits or credits may occur in the current reporting period. The WREGIS functionality process called a "prior period adjustment" allows WREGIS to create additional WREGIS Certificates or withhold the creation of WREGIS Certificates in a future month, and

130 Public Utilities Code Section 399.21, Subdivision (a)(6).

131 The requirement that RECs be retired within 36 month will not be applied to historic carryover.

132 Public Utilities Code Section 399.15(b)(2)(c) and 399.30(c)(2).

possibly in a future year.[133] As a result, there may be fewer WREGIS Certificates created in a later month than actual generation for that month to adjust for an earlier month when there were more WREGIS Certificates created than should have been created. In situations like this, where WREGIS prior period adjustments are made to correct the total number of certificates issued to a facility over a certain period, LSEs should claim procurement to reflect the facility's actual generation amounts versus prior period adjustment WREGIS Certificates. If the vintage date on the WREGIS Certificate is not representative of the actual month and year of generation as a result of a prior period adjustment, then additional documentation may be required to verify procurement requirements.

In situations where the actual generation differs from WREGIS Certificate data, LSEs may retire WREGIS Certificates with a vintage that may not match actual generation, as long as there is sufficient documentation to explain the difference. If the prior period adjustment occurs for WREGIS Certificates already retired, LSEs may request Energy Commission staff to "withdraw" the claims, rather than have them be determined as ineligible. If in another year, WREGIS accounts for the reporting error by not creating additional WREGIS Certificates, the LSE may request that the WREGIS Certificates that were withdrawn be re-allocated to the year in which WREGIS withholds the creation of WREGIS Certificates. In this way, although different from the WREGIS data, LSEs are able to have an accurate reporting of the amount of actual RPS generation for RPS purposes.

To account for prior period adjustments in the Energy Commission's *RPS Verification Reports*, supporting documentation will be necessary. Supporting documentation may include one or more of the following:

a) A letter from the LSE explaining the discrepancy and the reason for the discrepancy between WREGIS Certificates and actual generation amounts, particularly in the case where WREGIS Certificates have been retired and an LSE wishes to request the claims be withdrawn;

b) Documentation from WREGIS staff explaining how the prior period adjustment(s) were handled in WREGIS; and/or

c) Additional supporting information that would allow Energy Commission staff to determine the actual generation month and year versus the vintage month and year as indicated on the WREGIS Certificates.

5. Facilities with Special RPS Restrictions

The law provides that RECs may not be created for electricity generated pursuant to any electricity purchase contract with a retail seller or POU executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of those RECs. The law requires procurement under those contracts to be tracked through

133 Refer to the WREGIS Operating Rules for details regarding adjustments to reported generation, including prior period adjustments, which can only be made within two years after the end of the electricity generation month.

WREGIS and counted toward the RPS procurement requirement of the retail seller or POU purchasing the electricity.[134]

Similarly, the law states that no RECs shall be created for contracts with Qualified Facilities[135] under the federal Public Utility Regulatory Policies Act[136] executed after January 1, 2005. The law requires that procurement under these contracts be tracked through WREGIS and counted toward the purchasing retail seller's RPS procurement requirement.[137]

To ensure these statutory requirements are met automatic retirement subaccounts may be used to retire WREGIS Certificates from the two types of contracts described above.

Because Energy Commission staff requested LSEs to delay retiring and reporting data in the *Fifth Edition* of the *RPS Eligibility Guidebook* for the 2011 and 2012 reporting years, RECs under contract types discussed above have not necessarily been automatically retired. With the adoption of this *Seventh Edition* of the *RPS Guidebook* , retail sellers may now retire RECs associated with the contracts described above, and report the 2011 and 2012 WREGIS Certificates in accordance with the instructions in this guidebook; see Appendix A: WREGIS Reporting Instructions for details.

Additionally, for 2013 forward, retail sellers may reinstate the automatic retirement subaccounts for RECs created as a result of these contractual arrangements and begin the automatic retirement process. For the 2013 WREGIS Certificates created before establishment of the automatic retirement subaccounts, retail sellers may retire the WREGIS Certificates and report them with the 2013 reporting year.

LSEs must inform Energy Commission staff of special restriction facilities, from which they have claims, when submitting RPS procurement claims. Once the necessary information has been recorded by Energy Commission staff, LSEs will not need to report the information again unless there is an amendment or relevant change to the contract.

D. RPS Procurement Verification

The Energy Commission will verify whether procurement is consistent with the requirements of this edition of the *RPS Guidebook* and other applicable *RPS Guidebooks* and, for POUs only, consistent with the Energy Commission's *Enforcement Procedures for the RPS for POUs*.

The Energy Commission intends to verify procurement claims for each retail seller and POU on an annual basis for each year of a multi-year compliance period. This process will begin with an Energy Commission staff analysis of annual procurement data as submitted by the LSEs for the preceding reporting year. Staff will work with each retail seller and POU to verify the reported

134 Public Utilities Code Section 399.21, Subdivision (a)(4).
135 A QF is a qualifying small power production facility eligible for certification pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations.
136 Section 1253 of the Energy Policy Act of 2005 ("EPAct") added Section 210(m) to Public Utility Regulatory Policies Act of 1978 ("PURPA").
137 Public Utilities Code Section 399.21, Subdivision (a)(5).

procurement claims and the Energy Commission staff expect to hold an annual public workshop to present Energy Commission staff's findings and discuss outstanding issues. The Energy Commission plans to post its findings on its website.

Following the end of each compliance period, the Energy Commission will combine the verification results of the intervening years with those for the final year of the compliance period and prepare a report summarizing the results. Because reporting for 2011was delayed, Energy Commission staff may initially combine the verification results for multiple years in a single workshop, particularly if it will lead to overall efficiencies in processing and presenting the data.

The Energy Commission expects to prepare two RPS reports per compliance period, one for retail sellers – *RPS Verification Report for Retail Sellers* and one for POUs – *RPS Verification and Compliance Report for POUs*.

1. Verification Methodology Using the ITS

As discussed above, the Energy Commission developed an ITS for use until WREGIS became operational. Under the ITS, the Energy Commission first verifies that the RPS procurement reported to the Energy Commission is from an RPS-certified facility. Also, to the extent possible, the Energy Commission ensures that electricity products procured by LSEs for the RPS are counted only once in California or any other state. The Energy Commission will conduct this verification by cross-checking RPS procurement with retail claims reported under the Energy Commission's Power Source Disclosure Program and other similar data sources. For RPS-certified facilities for which available generation data indicate that procurement exceeded generation by 5 percent or greater, the procuring LSE must submit supporting documentation to verify procurement from those facilities.

The Energy Commission will apply the applicable provisions of law, this guidebook, and the Energy Commission's *Enforcement Procedures for the RPS for POUs* when verifying the amount of RPS-eligible procurement. The Energy Commission will verify the energy generation to the extent possible and will verify that the amount of RPS-eligible procurement as reported to the Energy Commission did not exceed the facility's total generation. The Energy Commission will check that if two or more utilities procured electricity products from the same facility, the cumulative amount of electricity procured does not exceed the facility's total generation. If procurement exceeds generation, the Energy Commission will report the discrepancies in its RPS Verification Reports.

The Energy Commission will collaborate with other state agencies to determine if generation from each facility is claimed in more than one state's regulatory programs. Additionally, the Energy Commission will monitor renewable energy claims on the voluntary market, where possible. For example, Green-e Energy[138] and the Energy Commission collaborate to help ensure against double-counting of the same renewable energy claims.

138 Green-e Energy is a voluntary certification program for renewable energy.

2. Verification Method Using WREGIS

Beginning with the 2008 compliance year, the Energy Commission started conducting its RPS procurement verification process by analyzing available WREGIS data, and will use WREGIS data to compile and prepare RPS Procurement Verification reports. As with the ITS, the Energy Commission will compare the reported energy generation with other available generation data and will verify that the amount of RPS eligible procurement as reported to the Energy Commission did not exceed each facility's total generation. Additionally, the Energy Commission will work with other western states and the voluntary market to help ensure against double-counting of RECs.

In the case of a multijurisdictional utility that has retired RECs in a tracking system other than WREGIS (such as NVTREC[139]), the utility may be required to provide a compliance report from such a system to the Energy Commission to assist staff in verifying against double-counting.

As noted in Section III.B.4: Accounting for Nonrenewable Fuel Use, additional information is needed to verify that the nonrenewable RECs are not inappropriately counted for California's RPS. Nonrenewable fuel use information must be submitted to the Energy Commission no later than March 31 of the year following the generation year so staff may verify that the facility's use of nonrenewable fuel did not exceed the facility's de minimis or nonrenewable fuel allowance as specified in Section III.B: Renewable Facilities Using Multiple Energy Resources.

3. Retail Sellers – Finalizing Verified Data

For retail sellers, Energy Commission staff will review the WREGIS Compliance reports and verify the claims as eligible or disallowed; Energy Commission staff will not address Portfolio Content Category (PCC) classification in the *RPS Verification Report for Retail Sellers*. The CPUC will determine PCC classification for retail sellers as part of the RPS compliance determination process.

Energy Commission staff will prepare RPS Verification Summary Tables to show retail sellers the procurement amounts that are determined to be eligible, suspended, or disallowed. Reasons for procurement claims that are suspended or disallowed will be identified in the summary tables. Retail sellers should work with Energy Commission staff to provide any additional information that may change Energy Commission staff's assessment. As appropriate, Energy Commission staff will update the tables. The tables will be presented at a public workshop. If retail sellers disagree with the information provided in the tables, they should provide written and/or verbal comments at the workshop. Comments will be taken into consideration as staff develops and prepares the draft *RPS Verification Report for Retail Sellers*. After it adopts the *RPS Verification Report* for retail sellers, the Energy Commission will transmit the report to the CPUC for its use in determining RPS compliance for the retail sellers.

139 NVTREC is the REC tracking and verification system used for Nevada's RPS.

4. POUs – Finalizing Verified Data

POUs should retire electricity product procurement based on the PCC classification. This will be considered the POU's initial non-binding classification. A POU should, to the best of its ability, retire RECs in the correct PCC retirement subaccount. After Energy Commission staff has conducted its initial verification process, which will include PCC classification, data summary tables will be developed that list claims as eligible, suspended, or disallowed. Reasons for procurement claims that are suspended or disallowed will be identified in the summary data tables. The data tables will also identify the amounts of procurement classified as Historic Carryover (HC10), Count in Full (PCC0), or as one of the three types of electricity products in the Portfolio Content Categories, referred to as PCC 1, PCC 2, and PCC 3. For POUs that are not subject to the portfolio balance requirements, the data tables will include procurement claims classified as Count in Full (PCC0), bundled electricity procurement (BNDL), and unbundled procurement (TREC).

Energy Commission staff will work with POUs to update the data tables, as appropriate. Claims submitted as PCC 1 or PCC 2 without sufficient supporting documentation may be classified by Energy Commission staff as PCC 3 unless sufficient documentation is provided to reclassify the claim. The data tables will be presented at a public workshop. If POUs disagree with the information provided in the data tables, they may provide written and/or verbal comments at the workshop. Public comments will be taken into consideration as staff develops the *Draft RPS Verification and Compliance Report for POUs*, which will be based on all years within the compliance period. After it adopts the *RPS Verification and Compliance Report for POUs*, the Energy Commission will use the report as a first step in determining RPS compliance for POUs.

VI. RPS Procurement Requirements

A. Energy Commission and CPUC - Agency Roles

Retail sellers are subject to relevant CPUC Decisions and should refer to the CPUC for additional reporting information related to a retail seller's RPS procurement requirements, including the Portfolio Balance Requirements (PBRs). The following sections address the reporting requirements for POU RPS procurement, including the PBRs. Details regarding POU enforcement of the RPS regulations are found in the *Enforcement Procedures for the RPS for POUs.*

The following section applies to POUs only. When providing supporting documentation, confidential or commercially sensitive information, such as price or bid information, should be redacted to the extent appropriate.

B. Portfolio Content Category 0 - Count in Full

For POUs, procurement claims may qualify as "count in full" if they meet the criteria in the *Enforcement Procedures for the RPS for POUs*.

Procurement claims from "count in full" contracts are not classified in PCCs. Additionally, there is no delivery requirement for "count in full" procurement. As such, there are no delivery or scheduling verification responsibilities associated with "count in full" procurement claims.

C. RPS Portfolio Content Categories for POUs

This section describe the supporting documentation required for Energy Commission staff to analyze PCCs claims for POUs, as required in the *Enforcement Procedures for the RPS for POUs.*

1. Portfolio Content Category 1

POUs must provide Energy Commission staff with contractual documentation to demonstrate the contracting requirements for PCC 1 are met.[140] Contractual documentation substantiating PCC 1 claims must be initially provided along with the CEC-RPS-POU reporting form and then as part of annual reports and/or compliance reports as updates and amendments occur. Information must be sufficient to demonstrate the following:

- The contract execution date and/or ownership agreement date.
- That the electricity and RECs were procured together.[141]
- That there was no resale of the electricity back to the facility.
- The contracted MWh amount; specify if it includes the full output, a percentage of the full output, fixed volume, or other.

Facilities must meet one of the following criteria:

- Have first point of interconnection within a California balancing authority (CBA);

140 See Enforcement Procedures for the RPS for POUs.

141 WREGIS certificates generated before the contract date will not count as PCC 1.

- Have first point of interconnection to a distribution system to serve CBA end users;
- Have generation scheduled for delivery into a CBA; or
- Have dynamic transfer agreement with a CBA.

Documentation requirements for the different PCC 1 criteria are provided below.

a. Facilities that Have a First Point of Interconnection with a CBA or to a Distribution System to Serve CBA End Users

For facilities with a first point of interconnection within a CBA, the interconnection status must be verified for procurement claims to count as PCC 1. If the Energy Commission does not already have information confirming that a facility or a distribution facility has a first point of interconnection within a CBA or to a distribution system to serve CBA end users, the POU must provide information demonstrating that the facility has a first point of interconnection within a CBA or to a distribution system to serve CBA end users before it can be verified as PCC 1.

Energy Commission staff is working to obtain interconnection agreement information for facilities that are currently RPS certified, but in cases where the necessary interconnection information is not on hand for Energy Commission staff, a POU will need to work with its contracted generating facilities to ensure that the required information is provided.

In cases where POUs must provide supporting documentation to demonstrate a facility is interconnected to a CBA or to a distribution system to serve CBA end users, supporting documentation may, if determined sufficient by Energy Commission staff, include at least one of the following:

1) A copy of the interconnection agreement or distribution system interconnection agreements demonstrating a first point of interconnection within a CBA or to a distribution system to serve CBA end users (preferred).

2) A Power Purchase Agreement ("PPA"), ownership agreement, or other contractual documentation specifying the Point of Interconnection, provided the documentation clearly verifies the point of interconnection as being in a CBA or to a distribution system to serve CBA end users.

3) An interconnection agreement between a distribution utility and an electrical generation facility that identifies the point of interconnection to the distribution system, provided the documentation clearly verifies the point of interconnection as being in a CBA or to a distribution system to serve CBA end users.

4) An interconnection agreement between a balancing authority and an electrical generation facility or facility developer that specifies the point of interconnection, provided the documentation clearly verifies the point of interconnection as being in a CBA or to a distribution system to serve CBA end users.

5) A rate schedule supporting the purchase and sale of renewable electricity, such as a feed-in tariff, which also identifies the point of interconnection, provided the documentation

clearly verifies the point of interconnection as being in a CBA or to a distribution system to serve CBA end users.

Energy Commission staff may require additional information if the supporting documentation above is determined to be insufficient.

POUs with PCC 1 procurement claims from facilities confirmed by Energy Commission staff to have a first point of interconnection within a CBA or to a distribution system to serve CBA end users and to have met the contractual requirements, may not need to provide information other than the RPS procurement claim (ITS and/or WREGIS, as applicable) to support the PCC 1 claim, for the length of the contract. However, any changes to the facility's interconnection or distribution system status or contract amendments must be reported to Energy Commission staff.

b. Agreements to Dynamically Transfer Electricity to a California Balancing Authority

For RPS-certified facilities that are dynamically transferred into a CBA, the POU should identify all balancing areas in the scheduling "chain," and provide copies of agreements that demonstrate that all parties in the scheduling chain have agreed to dynamic scheduling, such that the electricity generated by the RPS-certified facility is delivered in real time to a CBA.

The date from which generation may begin to be classified as PCC 1 will be determined by the details specified in the dynamic transfer agreement and/or as specified in the procurement contract. Generation that was not dynamically transferred in real time may not be classified as PCC 1, including generation that occurs before the dynamic transfer agreement and/or procurement contract start date or after the dynamic transfer agreement and/or procurement contract end date.

Energy Commission staff may request additional supporting documentation from POUs to establish that procurement claims from facilities with dynamic transfer agreements may be classified as PCC 1.

POUs with procurement claims from an RPS-certified facility with a first point of interconnection within a CBA, but that has a dynamic transfer agreement to schedule generation outside a CBA, must provide supporting documentation to demonstrate that arrangements have been made to ensure that the facility's generation remains with a CBA. Supporting documentation may include documentation that the dynamic transfer agreement was terminated or adjusted in a way that would ensure the facility's generation remains within a CBA. A POU must identify all RPS-certified facilities from which it is claiming procurement, that are interconnected to a CBA, but that have dynamic transfer agreements to transfer electricity to locations outside of a CBA.

c. Facilities with First Point of Interconnection Outside a CBA - Scheduling Generation into a CBA

(1) Scheduling Documentation

The RPS-certified facility, or party responsible for the scheduling arrangements, typically engages in an interchange transaction with the appropriate control area operator to deliver the facility's generation to a CBA. In accordance with the policies of the NERC, the interchange transaction must be tagged as what is commonly referred to as an e-Tag.[142]

For RPS-certified facilities that are physically located outside a CBA, the POU should provide documentation that demonstrates the nature of the scheduling arrangements, in accordance with the *Enforcement Procedures for the RPS for POUs*.

POU scheduling agreement documentation should be submitted as part of supporting documentation for the CEC-RPS-POU form and, in the future, as part of the POU's annual reports and/or compliance reports. Supporting documentation may include, but is not limited to, the following:

- Any relevant agreements adopted by the POU governing board;
- Power Purchase Agreements ("PPAs") that specify scheduling procedures and processes among the various counterparties;
- PPA that specifies responsibility for transmission to a Point of Delivery (POD) that is within or in a CBA area;
- An ownership agreement combined with the demonstration of the purchase of transmission rights (firm, contingent firm, or nonfirm) that support delivery of the renewable energy to a CBA area;
- Transmission service agreements;
- Bilateral agreements;
- Broker agreements;
- Evidence from online trading platforms;
- Inter-Scheduling Coordinator Trade Agreements, if available; and/or
- Copies of firm transmission scheduling arrangements, if relevant.

As the RPS markets evolve, additional forms of documentation may be included. If a scheduling agreement covers multiple years, the POU does not need to resubmit the documentation annually, provided the POU demonstrates the length of the scheduling agreement and reports to the Energy Commission any amendments or changes to the agreement.

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142 The North American Electric Reliability Corporation (NERC) is the entity responsible for the implementation of the first energy tagging process. An e-Tag is an electronic record that contains the details of a transaction to transfer electricity from a seller to a buyer where the electricity is scheduled for transmission across one or more balancing authority area boundaries. The North American Energy Standards Board (NAESB) uses an Electric Industry Registry (EIR), known as the OATI webRegistry as the official source of e-Tag registry data. http://www.naesb.org/weq/weq_eir.asp The previous EIR was the NERC TSIN Registry, which was expected to cease publishing of registry data on November 13, 2012 with the OATI webRegistry becoming the official source of registry data.

(2) Verification of Final Schedule and Generation Data

RPS certified facilities with generation scheduled into a CBA may use another source to provide the real-time ancillary services[143] required to maintain an hourly or subhourly import schedule into a CBA, but only the fraction of the schedule actually generated by the RPS facility may count toward PCC 1. The final schedule amount as indicated on an e-Tag may be larger than the actual generation amount from the facility; however, only the amount actually generated by the facility and scheduled into a CBA may be classified as PCC 1 in accordance with the *Enforcement Procedures for the RPS for POUs*.

RECs may be created for all electricity generated by the RPS certified facility, including generation that exceeds the schedule; however, only the fraction of the generation that meets the schedule will be classified as PCC 1.

POUs may not retire more RECs for PCC 1 than the amount (MWh including four decimal points to account for stranded kWh) equal to the lesser of the hourly amount scheduled for delivery as indicated in final e-Tags and the hourly amount of electricity generated.

Energy Commission staff will work to ensure that the number of RECs initially classified by POUs as PCC 1 is equal to the lesser of the hourly amount scheduled for delivery as indicated in final e-Tags and the hourly amount of electricity generated. Given the restrictions of matching within the WREGIS system, an entity can only match a whole MWh of an e-Tag schedule with the same amount of WREGIS certificates. To avoid stranding kWh of scheduled generation, the reported MWh quantities in the lesser of analysis includes four decimal points.

Analysis of PCC 1 data is based on the RPS certified facility's annual, hourly generation and the annual, hourly schedule, regardless if all RECs are retired and reported in the year of generation. POUs must provide sufficient documentation to support PCC 1 claims in the form of an auditable package.

The auditable package includes the following information and should be provided as part of the POU's annual RPS reporting package:

- Annual Hourly Comparison Spreadsheet; and

143 The Energy Information Administration provides the following information regarding the definition of Ancillary Services: "Necessary services that must be provided in the generation and delivery of electricity. As defined by the Federal Energy Regulatory Commission, ancillary services include: coordination and scheduling services (load following, energy imbalance service, control of transmission congestion); automatic generation control (load frequency control and the economic dispatch of plants); contractual agreements (loss compensation service); and support of system integrity and security (reactive power, or spinning and operating reserves)." http://www.eia.gov/cneaf/electricity/page/glossary.html

- WREGIS NERC e-Tag Summary Report (if not available, POUs may use the CA RPS e-Tag Summary Report144).

The Annual Hourly Comparison Spreadsheet must contain the following information:

- Date (for example, 01/01/2011; 01/02/2011, and so forth);
- Hour Ending (1; 2; 3 and so forth);
- E-Tags ID Number – this is the identification number for the final e-Tag schedule. In the case of multiple e-Tags per hour, report e-Tag information on its own row;
- Hourly Final Schedule – RPS facility's final hourly schedule volume as represented on e-Tag (reported in MWh – include four decimal points if converting from kWh);
- Hourly Meter Data –RPS facility's hourly meter data. This is the full output from the facility, (reported in MWh – include four decimal points if converting from kWh);
- Percent Share of Facility Output (%) – This is to report the procuring entity's percent share of the facility's generating capacity output. When reporting data from fixed volume contracts, use the values calculated in the "Fixed Amount Calculation" tab as the "Percent Share of Facility Output." For any contracting or power purchase agreement situations not captured in the spreadsheet, the percent share amount may need to be calculated outside of the spreadsheet. Contact staff to make calculations outside of this summary spreadsheet or to combine multiple reporting entities onto one reporting form (combined reporting will still require individual attestations from each POU);
- Eligible PCC 1 Volume Procured (MWh) – this is the amount of the Eligible PCC 1 Volume and is automatically calculated as the lesser of (Final Schedule*Percent Share of Final Schedule) and (Hourly Meter Data*Percent Share of Facility Output). Given the restrictions of matching within the WREGIS system, an entity may only match a whole MWh of an e-Tag schedule with the same amount of WREGIS certificates. To avoid stranding kWh of scheduled generation, the reported MWh quantities in the lesser of analysis includes four decimal points. The maximum amount of PCC 1 for a year that may be matched with e-Tags is the sum of this column. The sum of this column is calculated and displayed on the front page of the reporting spreadsheet. Amounts matched must include only actual generation amounts that were scheduled into a CBA as demonstrated on the final e-Tag schedule.

144 Although e-Tags are commonly referenced as "NERC e-Tags," the North American Electric Reliability Council (NERC) has transferred the e-Tag system to the North American Energy Standards Board (NAESB). NAESB's e-Tag information may be found at: http://www.naesb.org/weq/weq_jiswg_etag_1.8.asp. This *Guidebook* will refer to the electronic tagging information as e-Tags; however, it will refer to the "WREGIS NERC e-Tag Summary Report" as such because this remains the current name of the report. WREGIS intends to update the name "WREGIS NERC e-Tag Summary Report" to remove "NERC" but as of the writing of this report, the update in WREGIS has not occurred.

- Contract or Power Purchase Identification - this is the identification number or associated name assigned to the contract, power purchase or ownership agreement under which the power was purchased.

A WREGIS NERC e-Tag Summary Report is used to report e-Tag data.[145] The CA RPS e-Tag Summary Report is a spreadsheet with headers matching those in the WREGIS NERC e-Tag Summary Report and may be used by POUs in the first compliance period, if the WREGIS NERC e-Tag Summary Report is not available. If a third party is responsible for e-Tag import data on behalf of a POU and, as a result, the POU is unable to provide e-Tag data to the Energy Commission using WREGIS, the POU may use the CA RPS e-Tag Summary Report for reporting to the Energy Commission.[146]

WREGIS NERC e-Tag Summary Reports[147] include a list of all NERC e-Tags contained within the account for use in RPS retirements.[148] The following information is pulled from the e-Tags and included in the WREGIS NERC e-Tag Summary Report. The same information is required in the CA RPS e-Tag Summary Report:

- e-Tag Identification number (e-Tag Code);
- Start Date (date/time of energy flow during the query period);
- Stop Date (date/time of energy flow during the query period);
- Generator Name as listed on e-Tag - (Source – this should be the facility generating PCC 1 RECs) For the first compliance period only, if there is another source listed, the POU must provide a written explanation as to why this is the case and how staff can determine that the amount or percentage of the amount on the e-Tag is attributable to the specific RPS facility. Staff will evaluate the explanation to determine if the claim or a portion of the claim can be classified as PCC 1.For the second compliance period and forward, the source on the e-Tag must be the RPS-certified facility for which the PCC 1 claims are made.

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145 Some POUs may not have signed up for the WREGIS NERC e-Tag Service as this requirement was not specified for POUs in previous editions of the *RPS Guidebook*. However, POUs must now sign up for the WREGIS NERC e-Tagging service so that all 2014 vintage RECs are matched with e-Tags in WREGIS.

146 If WREGIS functionality is changed to accommodate third parties matching and transferring of necessary e-Tag data to allow POUs to provide the Energy Commission with a complete WREGIS NERC e-Tag Summary Report, the CA RPS e-Tag Summary Report should no longer be used for reporting e-Tag data. Until such a WREGIS functionality change is made, the CA RPS e-Tag Summary Report may be provided by POUs to report e-Tag data from third parties, when the e-Tag data are not available to POUs through WREGIS.

147 WREGIS may periodically update the headers used in the WREGIS NERC e-Tag Summary Report, and the changes are expected to be acceptable for California's RPS purposes. As a result, the headers included on the e-Tag Summary Report may periodically be updated to match WREGIS NERC e-Tag Summary Reports.

148 See the following link for WREGIS NERC e-Tag TRAINING Slides: http://www.wecc.biz/WREGIS/Documents/WREGIS%20NERC%20e%20Tag%20TRAINING%20Slides.pdf

- ~~Load as listed on e-Tag (Load facility NERC registered as "Sink Point" aka Sink, Last Point of Delivery, POD) – note that the Load must be within a CBA;~~
- ~~Load Control Area (LCA) as listed on e-Tag – Note that the LCA must represent generation scheduled into a CBA. LCAs that are not also CBAs or are not located in CBAs should not be included. Amounts that are associated with LCAs that cannot be determined to be the same as a CBA or located in a CBA will not be classified as PCC 1;~~
- ~~Generator Control Area as listed on e-Tag (aka Generator Balancing Area – Note for PCC 1 claims, this must be the GCA or for the first compliance period, at a minimum, the BA where the RPS renewable energy resource is located);~~
- ~~Total MWh on Tag for the time period (query period) as listed on e-Tag;~~
- ~~Used MWh – this is the MWh amount of scheduled electricity used from the e-Tag and matched to WREGIS Certificates. The "Used MWh" amount should not be higher than the sum of the lesser of the hourly generation and hourly final schedule amounts for the timeframe on the e-Tag, but may include the accumulated kWh in. No more than what was generated by the RPS-certified facility and which met the final schedule should be matched per e-Tag.~~
- ~~MWh remaining – this is the number of MWhs on the e-Tag not yet matched to WREGIS Certificates;~~
- ~~Importing Entity (PSE from line of E-tag with "RPS ID" in the Miscellaneous token field);~~
- ~~Miscellaneous Token Field RPS_ID (concatenation of up to 10 Miscellaneous token values all associated with the same line of the physical path) – note that for PCC 1, the RPS Identification number must be the matching number for the PCC1 source facility;~~
- ~~Comments – if in WREGIS, WREGIS Certificate Serial Numbers.~~

~~Additional supporting documentation may be needed by staff during the verification process and may include:~~

- ~~invoices~~
- ~~contract information~~
- ~~other supporting documentation as necessary~~

~~POUs should associate e-Tag data with WREGIS Certificates before or during retirement. When matching e-Tags using WREGIS, no more than the sum of the lesser of the hourly meter and schedule amount per e-Tag should be matched per e-Tag, as indicated in the NERC e-Tag Summary Report under the column "Used MWh." A WREGIS NERC e-Tag[149] Summary Report~~

~~149 Although e-Tags are commonly referenced as "NERC e-Tags," the North American Electric Reliability Council (NERC) has transferred the e-Tag system to the North American Energy Standards Board (NAESB). NAESB's e-Tag information may be found at http://www.naesb.org/weq/weq_jiswg_etag_1.8.asp. This *Guidebook* will refer to the electronic tagging information as e-Tags; however, this Guidebook will refer to the WREGIS NERC e-Tag~~

must be created and submitted to the Energy Commission, along with WREGIS Compliance Reports. Instructions for filing a WREGIS NERC e-Tag Summary Report are included in Appendix A: WREGIS Reporting Instructions. When third parties are responsible for e-Tag import data on behalf of a POU and, as a result, the POU is unable to provide e-tag data using WREGIS, the POU may use the CA RPS e-Tag Summary Report for reporting to the Energy Commission.

(3) Verification of Final Schedule Information for the Second Compliance Period and Forward

For POUs, beginning with RPS Compliance Period 2014-2016, if the generator name/ source point on the e-Tag is not that of the RPS-certified facility, the e-Tag documentation will not be accepted for PCC 1 classification. By narrowing the Generator Name/Source Point to the RPS-certified facility, staff is attempting to ensure that the amount claimed as PCC 1 is generated solely by the facility. As described above, no more RECs will count as PCC 1 than the lesser of the hourly generation and hourly schedule amount.

POUs should register for the WREGIS NERC e-Tag service in order to facilitate and expedite the analysis of PCC 1 claims from RPS facilities scheduling electricity into a CBA. POUs, or entities providing delivery services on behalf of POUs, should sign up for this WREGIS service as soon as possible and no later than is required to have all necessary e-Tag information imported into WREGIS beginning January 1, 2014.[150]

POUs must provide sufficient documentation to demonstrate PCC 1 classification. If Energy Commission staff identifies RECs that were classified as PCC 1, but were not determined by Energy Commission staff to have met the requirements for PCC 1, for example the e-Tag did not specify the RPS-certified facility as the source, the REC amounts may be counted as PCC 2 or PCC 3, if adequate documentations is provided for such classifications in the RPS Verification and Compliance Report for POUs.

(4) Registration of the Facility as a "Source" Required by 2014

Energy Commission staff will evaluate WREGIS NERC e-tag Summary Report data to verify that the unique source as registered and reported on the NERC e-Tag is the RPS-certified facility associated with the matching RECs that are being claimed as PCC 1.

The owner of the RPS-certified facility shall register the facility as a unique Source with NERC. This Source shall be used on NERC e-tags for all eligible energy deliveries. Either the POU or the facility must provide the Energy Commission with the facility's NERC identification (Source point name), as formerly registered in the Transmission Services Information Network (TSIN),

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Summary Report as such. It is likely that the title: WREGIS NERC e-Tag Summary Report will eventually be updated to remove NERC from the title.

150 Until a change is made to WREGIS' e-Tag data functionality allowing third parties to transfer necessary e-Tag information to POUs in WREGIS, the CA RPS e-Tag Summary Report may be used to report e-Tag data.

and any updated NERC identification registration source name information as registered in the OATI webRegistry system[151] when the facility applies for RPS certification.

For facilities that are already RPS certified, the POUs must provide the unique Source name as registered under the NERC requirements described above for purposes of PCC 1 classification. POUs should include the Source point identification name in the static reporting spreadsheet. If Energy Commission staff needs information outside of the regular reporting periods, POUs must be prepared to provide the information as it becomes available.

2. Portfolio Content Category 2

POUs must satisfy the PCC 2 requirements specified in *Enforcement Procedures for the RPS for POUs* and provide Energy Commission staff with all necessary contractual and supporting documentation in order to claim electricity procurement as PCC 2.

a. General Contractual Requirements for POUs with PCC 2 Claims, Including Resale

Contractual documentation substantiating PCC 2 procurement claims, including documentation for the resale of PCC 2, must initially be provided by the reporting POU along with the CEC-RPS-POU and then as part of the annual reports and/or compliance reports, as necessary. Information must be sufficient to demonstrate that procurement classified as PCC 2 meets the requirements in the *Enforcement Procedures for the RPS for POUs*.

In the static reporting form, POUs must provide the name and identification numbers (EIA, EAO, etc., as known) of the facilities from which RECs are expected to be retired and used for RPS compliance. If electricity products will be purchased from a portfolio of assets, the POU should list all the RPS certified facilities included in the assets. WREGIS certificates generated before the contract or ownership agreement execution date will not count as PCC 2.

b. Demonstration of incremental electricity used to Firm and Shape

The WREGIS NERC e-Tag Summary Report must be submitted with a POU's annual or compliance reports. If the e-Tags are not available in WREGIS, POUs may use the CA RPS e-Tag Summary Report through 2013.

As described above in Section VI.C.1.c: Facilities with First Point of Interconnection Outside a CBA – Scheduling Generation into a CBA. Scheduling Generation into a CBA, an E-Tag Summary Report with headers matching those in the WREGIS NERC e-Tag Summary Report must be provided, listing all e-Tags used for PCC 2 procurement claims. WREGIS NERC e-Tag Summary Reports include a list of all NERC e-Tags contained within the account for use in RPS retirements. The following information is pulled from the e-Tags and included in the NERC e-

151 The NERC identification is the Source point name, an alpha-numeric code the generator used to identify itself when it registered with the Transmission Services Information Network (TSIN). All POR/POD and Source/Sink data must be registered in the OATI webRegistry system.

~~Tag Summary Report:[152] When third parties are responsible for e-Tag import data on behalf of a POU, and, as a result, the POU is unable to provide e-tag data using WREGIS, the CA RPS e-Tag Summary Report may be used for reporting.~~

- ~~E-Tag Identification number (Schedule Name E-Tag Code);~~
- ~~Start Date (date/time of energy flow during the query period);~~
- ~~Stop Date (date/time of energy flow during the query period);~~
- ~~Generator Name or more generic "Source Point" (sometimes also referred to as the Point of Receipt POR) – (note that for PCC 2, the source claims must meet the requirements specified in the *Enforcement Procedures for the RPS for POUs* ;~~
- ~~Load (Load facility NERC registered as "Sink Point" aka Sink, Last Point of Delivery POD) – (note that the Load must be within a CBA);~~
- ~~Load Control Area (LCA) – (note that the LCA must represent generation scheduled into a CBA. LCAs that are not also CBAs or are not located in CBAs should not be included. Amounts that are associated with LCAs that cannot be determined to be the same as a CBA or located in a CBA will not be classified as PCC 2);~~
- ~~Generator Control Area (aka Generator Balancing Area) –;~~
- ~~Total MWh on Tag for the time period (query period);~~
- ~~Used MWh – (the amount matched to WREGIS Certificates);~~
- ~~MWh remaining – (the amount not yet matched to WREGIS Certificates);~~
- ~~Importing Entity (PSE from line of E-tag with "RPS ID" in the Miscellaneous token field);~~
- ~~Miscellaneous Token Field RPS_ID (concatenation of up to 10 Miscellaneous token values all associated with the same line of the physical path. Note that for PCC 2, one of the RPS Identification numbers must match the source facility being claimed for PCC 2).~~

~~The WREGIS NERC (or CA RPS) e-Tag Summary Reports will be used to make the initial assessment about the number of WREGIS Certificates claimed as PCC 2 procurement that have been matched with associated scheduled deliveries. For PCC 2, the amount eligible will be the lesser of the number of RECs and the number of MWhs in the final schedule as shown in the WREGIS e-Tag Summary Report, as aggregated on an annual basis.~~

~~Additional supporting documentation will be specified by staff during the verification process and is expected to include:~~

- ~~invoices~~
- ~~contract information~~
- ~~other supporting documentation as necessary~~

~~POUs should associate e-Tag data with WREGIS Certificates. A WREGIS NERC e-Tag Summary Report must be created and submitted to the Energy Commission, along with WREGIS~~

~~152 WREGIS may periodically update the headers used in the WREGIS NERC e-Tag Summary Report, and the changes are expected to be acceptable for RPS purposes. As a result, the headers included on the e-Tag Summary Report may periodically be updated to match WREGIS NERE e-Tag Summary Reports.~~

Compliance Reports. Instructions for filing a WREGIS NERC e-Tag Summary Report are included in Appendix A: WREGIS Reporting Instructions. When third parties are responsible for e-Tag import data on behalf of a POU and, as a result, the POU is unable to provide e-tag data using WREGIS, the POU may use the CA RPS e-Tag Summary Report for reporting to the Energy Commission.

3. Portfolio Content Category 3

Unbundled renewable energy credits and other electricity products procured from RPS-certified facilities located within the WECC transmission network that do not meet the requirements of either PCC 1 or PCC 2 fall within PCC 3.

As explained in Section V.C.2: Procurement Claims May Not Be Made Before the Contract Execution and/or Ownership Agreement Date , REC procurement claims may not be made before the contract execution date. This also applies to PCC 3. POUs should provide contractual documentation confirming that the REC vintage is not before the contract execution date.

PCC 3 claims will be determined based on REC claims (WREGIS and ITS, as applicable) and contract dates.

4. Process for Contesting and Correcting Erroneous Categorizations in the Verification Process

The process for contesting or correcting erroneous categorizations of PCC or other procurement claims is described above in Section V.D.4: POUs – Finalizing Verified Data.

In sum, Energy Commission staff will work with POU staff to attempt to resolve outstanding issues in advance of the public workshop to present the results of staff's analysis. However, issues that cannot be resolved in advance of the public workshop will be discussed at the workshop. Public comments will be considered in preparing the *Draft RPS Verification and Compliance Report for POUs*. Public comments will also be considered in the drafting of the *Final RPS Verification and Compliance Report for POUs*. After adoption of the *Final RPS Verification and Compliance Report for POUs,* compliance procedures will be followed in accordance with the *Enforcement Procedures for the RPS for POUs.*

VII. Retail Sellers' Procurement from POUs

A retail seller may claim RECs it has procured that are associated with deliveries of electricity by an eligible renewable energy resource to a POU, for purposes of satisfying the retail sellers' RPS procurement requirements, if the Energy Commission verifies the procurement and the following conditions[153]:

a) The POU has adopted and implemented a renewable energy resources procurement plan that complies with the RPS pursuant to Public Utilities Code Section 399.30; and

b) The POU is procuring sufficient eligible renewable energy resources to satisfy the target standard, and will not fail to satisfy the target standard in the event that the REC is sold to the retail seller.

The Energy Commission will take the following measures to verify that the retail seller may claim RECs procured from a POU:

a) Verify that the POU, to which deliveries of electricity from the RPS certified facility were made, has adopted and implemented an RPS procurement plan.

b) Verify that the electrical generation associated with the RECs is from an electrical generation facility that has been certified for the RPS by the Energy Commission.

c) Verify that the POU has satisfied its RPS target for the compliance period for which the retail seller claimed the RECs.

The Energy Commission will verify the above conditions are satisfied only after the compliance period ends and the Energy Commission determines whether the POU has complied with the RPS procurement targets.

153 Public Utilities Code Section 399.25, Subdivision (d), and Public Utilities Code Section 399.31.

~~VIII.~~VII. Administration

This section describes the protocol used by the Energy Commission to administer the RPS program. ~~For the purposes of this section, RPS certification refers to all certification and precertification types, including aggregated units that the Energy Commission uses, and has used, as part of the RPS program. See Section IV.A: Certification Types for a list of all certification types offered by the Energy Commission,~~

A. General Provisions

This section provides information on the authority, interpretation, and effective date of the *RPS Guidebook,* as well as the process for making substantive changes to the *RPS Guidebook* and applicable deadlines and submission dates.

~~1. Guidelines~~

~~**This guidebook shall be known as the *Renewables Portfolio Standard Eligibility Guidebook* and may be referred to as the RPS guidelines or *RPS Guidebook*.**~~

~~2.~~1. Authority

~~These RPS guidelines are~~The *RPS Guidebook* is adopted pursuant to Public Resources Code ~~S~~section 25747, ~~S~~subdivision (a), which directs the Energy Commission to adopt guidelines governing the programs authorized by Public Resources Code ~~S~~sections 25740 through 25751~~,~~ and portions of the RPS under Public Utilities Code ~~S~~section 399.25. The guidelines adopted pursuant to this authority are exempt from the formal rulemaking requirements of the Administrative Procedures Act, as specified in Chapter 3.5 (commencing with ~~S~~section 11340) of Division 3 of Title 2 of the Government Code. ~~These RPS guidelines~~The *RPS Guidebook* may be revised pursuant to Public Resources Code ~~S~~section 25747, ~~S~~subdivision (a).[~~154~~]

~~3.~~2. Interpretation

Nothing in ~~these RPS guidelines~~ the *RPS Guidebook* shall be construed to abridge the powers or authority of the Energy Commission or any Energy Commission-designated committee as specified in Division 15 of the Public Resources Code, commencing with ~~S~~section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with ~~S~~section 1001.

~~4.~~3. Effective Date

~~These RPS guidelines~~ The *RPS Guidebook* shall take effect once adopted by the Energy Commission at a publicly noticed business meeting pursuant to Public Resources Code ~~S~~section

~~154 The *RPS Guidebook* was *RPS Guidelines* were initially adopted pursuant to Public Utilities Code Section 383.5, Subdivision (h), which was subsequently amended and recast as Public Resources Code Section 25747, Subdivision (a), pursuant to Senate Bill 183 (Chapter 666, Statutes of 2003stats. 2003, ch. 666).~~

25747, Ssubdivision (a). The *RPS Guidebook* ~~RPS guidelines~~ may be given retroactive effect as specified by the Energy Commission and according to ~~its~~ statutory authority.

~~5.~~4. Substantive Changes

The Energy Commission may make substantive changes to the *RPS Guidebook* ~~these RPS guidelines~~ pursuant to Public Resources Code Ssection 25747, Ssubdivision (a). Substantive changes shall take effect once adopted by the Energy Commission at a publicly noticed business meeting with no fewer than 10 days public notice. Substantive changes include, but are not limited to, changes in the RPS eligibility or evaluation criteria.

5. Deadlines and Submission Dates

Submissions will meet the specified deadlines in the guidebook if one of the following applicable criteria is met:

a) In–Person Submissions: Must be received on or before 5 p.m. on the date specified. Submissions that are not provided directly to the Energy Commission's Renewable Energy Office will not be deemed submitted on time.

b) Mailed Submissions: Must be postmarked on or before the due date. Receipt from a mail/package carrier can also be provided to show proof of drop off or mail date. Submissions that are not properly addressed or are lost in transit will not be deemed submitted on time.

c) Electronic Submissions: Must be time stamped by the electronic submission, such as e-mail, on or before 11:59 p.m. Pacific Time Zone on the due date. Submissions that are not properly addressed or are lost in transit will not be deemed submitted on time.

In all cases, if the due date falls on a weekend or state holiday, the due date becomes the next business day.

~~6. Definitions~~

~~The terms defined below are used repeatedly throughout this guidebook. For reference a glossary of pertinent terms used in the program element guidebooks is provided at the end of this guidebook.~~

B. Records and Audits~~Renewables Portfolio Standard Certification~~

This section provides additional information on ~~cancelation of RPS certification,~~ audits, record retention, and use and disclosure of information and records by the Energy Commission.

~~1. Cancellation of RPS Certification~~

~~The Energy Commission, through its Executive Director, may cancel the RPS certification of any awardee that changes its basis for RPS certification eligibility under these RPS *guidelines* and no longer satisfies the requisite eligibility criteria. The Executive Director shall notify the awardee in writing of the basis for canceling the awardee's RPS certification and the effective date of the cancellation. The written notice required herein shall be given at least 15 days before the~~

~~effective date of the cancellation to provide the awardee an opportunity to file a petition for reconsideration under Section VIII.C: Reconsideration of Certification.~~

~~2.~~1. Audits

The Energy Commission or its authorized agents may audit any awardee to verify the accuracy of any information included as part of an application ~~for RPS certification~~ or report required under the *RPS Guidebook*~~these RPS *guidelines*~~. As part of an audit, the Energy Commission may require an awardee ~~may be required~~ to provide the Energy Commission or its authorized agents with all information and records necessary to verify the accuracy of any information included in the awardee's applications or reports. An awardee may also be required to open its business records for on-site inspection and audit by the Energy Commission or its authorized agents to verify the accuracy of any information included in the awardee's applications and reports. ~~Furthermore, the Energy Commission may conduct facility inspections to verify compliance with the RPS requirements.~~

If an audit finds that an awardee has incorrectly stated or falsified information included on the awardee's applications or reports or is unable to furnish evidence supporting the information included in the awardee's applications or reports, the Energy Commission shall notify the awardee of its findings in writing within 30 days of completing the audit. Based on the audit results, the awardee's RPS certification may be revoked ~~cancelled~~pursuant to Section~~Subsection VII.D.1: Revocation of RPS Certification~~~~VIII.B.1: Cancellation of RPS Certification~~, or a verification claim may be listed as ineligible.

~~3.~~2. Record Retention

Awardees shall keep all records relating to and verifying the accuracy of any information included in an application for RPS certification or report submitted pursuant to the *RPS Guidebook*~~these RPS *guidelines*~~. These records shall be kept for no fewer than five~~three~~ years after the end of the calendar year in which the awardee's RPS certification is approved or the report submitted pursuant to the *RPS Guidebook*~~these RPS guidelines is submitted~~, whichever is longer. These records shall be made available to the Energy Commission or its authorized agents as part of any audit conducted pursuant to the *RPS Guidebook*~~these RPS *guidelines*~~.

~~4.~~3. Use and Disclosure of Information and Records

The Energy Commission or its authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit pursuant to the *RPS Guidebook* ~~these RPS *guidelines*~~ to determine eligibility and compliance with the *RPS Guidebook*~~RPS *guidelines*~~, verify and assess an entity's RPS procurement and compliance status, evaluate the RPS~~,~~ or related Energy Commission program, or~~and~~ prepare necessary reports as required by law. The information and records include, but are not limited to, applications for RPS certification and any documentation submitted in support of said applications; documents submitted to substantiate procurement or generation claims; any other documentation submitted upon request of the Energy Commission; publicly available information and documents; information submitted to other state, federal, or local agencies; information submitted to voluntary

renewable energy markets; and any other documents provided to or obtained by the Energy Commission.

Information and records submitted pursuant to the *RPS Guidebook* ~~these RPS *guidelines*~~ will be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code ~~S~~section 6250, et seq.). Personal information, such as taxpayer identification or social security numbers, will not be disclosed to the public.

Information concerning the identity of awardees is public information and will be disclosed pursuant to the California Public Records Act. This information, along with other public information describing program participants, may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy Commission's website or other means, as the Energy Commission deems appropriate.

If, as part of any application for RPS certification, required report, or audit, the Energy Commission requires the awardee to provide copies of records that the awardee believes contain proprietary information entitled to protection under the California Public Records Act or other law, the awardee may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, ~~S~~section 2505.

C. Reconsideration of RPS Certification

Pursuant to Public Resources Code ~~S~~section 25747, applicants and awardees of RPS certification may appeal the Energy Commission's denial~~,~~ or revocation of RPS certification under the *RPS Guidebook*~~these RPS guidelines~~. Appeals will be considered as provided in this section only upon a showing that factors other than those described in the *RPS Guidebook* ~~these guidelines~~ were applied by the Energy Commission in denying~~,~~ or revoking RPS certification.

1. Executive Director Reconsideration

An applicant or awardee may petition the Executive Director for reconsideration if his or her ~~their~~ application for RPS certification was denied or the~~ir~~ RPS certification revoked. The petition for reconsideration shall be in writing and shall be submitted, together with any supporting documentation, to the Office of the Executive Director at the following address within **30 days** of the date of the notice of RPS certification denial or revocation.

California Energy Commission
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

The petition shall specify the basis for the appeal, state why the petitioner believes the RPS certification denial~~,~~ or revocation is improper given the eligibility criteria for RPS certification,

explain any supporting documentation filed with the petition, identify any legal authority or other basis supporting the petitioner's position, and identify the remedy sought.

Within 30 days of receiving a complete petition, the Office of the Executive Director shall issue a decision based on the petition and the written response of Energy Commission staff.

If petitioner disagrees with the decision of the Office of the Executive Director, the petitioner may appeal the decision to the Energy Commission in accordance with Section VII.C.2~~VII.C.2~~~~VIII.C.2~~: Energy Commission Appeals.

2. Energy Commission Appeals

Within **30 days** of the date of the decision of the Office of the Executive Director, the appealing party may file a letter of appeal to the Energy Commission. The letter of appeal shall be submitted to the Energy Commission and processed as a request for investigation pursuant to the Energy Commission's regulations for complaints and investigations, Title 20, California Code of Regulations, ~~S~~section 1230, et seq. The letter of appeal shall include the information specified in Title 20, California Code of Regulations, ~~S~~section 1231 (b). In place of the information specified in ~~S~~section 1231 (b)(2), (b)(4), and (b)(6), the letter of appeal shall identify the eligibility criteria in the *RPS Guidebook* ~~*guidelines*~~ that the appealing party believes were applied incorrectly in denying or revoking RPS certification. Energy Commission staff shall be designated the respondent in the letter of appeal.

In addition to the information required by Title 20, California Code of Regulations, ~~S~~section 1231, the letter of appeal shall include a copy of the petition for reconsideration and all supporting documentation, and a copy of the written decision of the Office of the Executive Director.

An applicant or awardee seeking to file a petition for reconsideration or appeal pursuant to this section may contact the Public Adviser's Office for information on the filing process. The contact information for the Public Adviser's Office is:

California Energy Commission
Public Adviser's Office
1516 9th Street, MS-12
Sacramento, CA 95814-5512
e-mail: PublicAdviser@energy.ca.gov

D. Special Provisions

The Executive Director, or the Executive Director's designated agent, may take the following actions to protect the integrity and intent of the RPS program.

1. Revocation of RPS Certification

The Energy Commission, through its Executive Director, may revoke the RPS certification of any awardee if it is determined that the RPS-certified facility no longer satisfies the requisite

eligibility requirements. The Executive Director shall notify the awardee in writing of the basis for revoking the awardee's RPS certification and the effective date of the revocation. The written notice required by this subsection shall be given at least 15 days before the effective date of the revocation.

~~3.~~2. Fraud and Misrepresentation

The Executive Director may initiate an investigation of any awardee or LSE that the Executive Director has reason to believe may have misstated, falsified, or misrepresented information in applying for RPS certification or reporting any information required by ~~these guidelines~~ the *RPS Guidebook*. Based on the results of the investigation, the Executive Director may take any action deemed appropriate, including, but not limited to, cancellation of RPS certification~~,~~ and, with the concurrence of the Energy Commission, recommending the Attorney General initiate an investigation and prosecution as appropriate under applicable law.

~~4.~~3. Extensions of Certification Application Deadlines~~Reporting Due Dates~~

An applicant for RPS certification may request from the Energy Commission's Executive Director an extension of time to submit a complete application for RPS certification.[155] The request may be submitted before or after the application deadline specified in the *RPS Guidebook*. The Executive Director, or designee, is authorized to extend and waive application deadlines for RPS certification based on the following criteria and process:

a) A request for extension of time shall be submitted in writing to the Executive Director at the following address:

California Energy Commission
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

b) A request for an extension of time shall include the following information:
   1. The name and address of the applicant and the name, location, and other identifying information of the electrical generation facility for which the applicant has or will seek RPS certification, including any certification or precertification ID numbers issued by the Energy Commission and any WREGIS registration numbers.
   2. The amount of additional time being requested for the applicant to submit a complete application for RPS certification or an amended application for RPS certification, as applicable, unless the request for an extension of time includes a completed application for certification or amended certification.
   3. An explanation of the circumstances why the applicant is or was unable to submit a timely application for certification and/or supporting documentation by

155 This time extension and waiver process was ~~originally~~ adopted by the Energy Commission on April 22, 2014, as part of Resolution No. 14-0422-11.

the deadline specified in the *RPS Guidebook*, and whether these circumstances were beyond the applicant's control.

4. An explanation of the financial consequences or other consequences to the applicant and/or facility owner or operator if an extension of time is not granted.
5. An explanation of any other good cause that exists for granting the request for an extension of time.
6. Documentation, if available, to support the information provided in items (1) through (5).

c) If a request for an extension of time is incomplete, the Executive Director may either request additional information from the applicant or return the request unprocessed.

d) The Executive Director may grant an extension of time if he or she finds that the applicant has demonstrated that good cause exists for granting an extension of time. In determining whether good cause exists, the Executive Director may consider, without limitation, whether the applicant was diligent in submitting a request for an extension of time upon learning that an application deadline was missed, whether the applicant's failure to submit a timely application for certification was caused by circumstances beyond the control of the applicant, and whether the applicant or facility owner or operator will suffer financial consequences or other hardships if an extension of time is not granted.

e) The extension of time granted by the Executive Director shall be limited to that time reasonably necessary for the applicant to submit a complete application for certification.

f) An extension of time shall not exempt the facility from complying with all eligibility requirements of this guidebook, such as registration in WREGIS and metering requirements.[156]

g) An extension of time shall not be granted under any circumstances that would waive or excuse any of the eligibility dates specified in this guidebook, such as the eligibility dates to qualify under the category for existing biomethane procurement contracts in Section II.C.2.a(1) of this guidebook, or the eligibility dates to qualify under the category for small hydroelectric in Section II.F.1 of this guidebook.

h) An extension of time shall not be granted under any circumstances that would allow the applicant to use a discontinued certification application form, such as the CEC-RPS-4 form, which is no longer available for use.

i) An extension of time shall not be granted under any circumstances that would allow an applicant to circumvent changes under pending *RPS Guidebook* revisions, or receive a benefit that is not provided in the *RPS Guidebook* under which the facility actually submitted an application for certification. Applicants shall be subject to the *RPS Guidebook* requirements in place when an application for certification is submitted to the Energy Commission.

156 Any RECs created as a result of an approval of time extension request may count toward RPS compliance if WREGIS Operating Rules and other requirements are met, including, but not limited to, the 36-month REC retirement rule.

j) The Executive Director's approval of an extension of time may include the conditions under which Energy Commission staff may amend the applicant's certification, if previously granted, to reflect the extended application deadline and any corresponding change in the applicant's RPS eligibility date.

4. Extensions of Reporting Due Dates

The Executive Director may, if good cause exists, extend a due date for the submission of a report required under this guidebook ~~or an RPS certification~~. The due date for the submission of a report shall not be extended more than **30 days** unless good cause can be demonstrated.

Glossary of Terms

~~***Aggregator*** ~~ ~~an entity responsible for planning, scheduling, accounting, billing, and settlement for energy deliveries for portfolios of sellers and/or buyers.~~

Aggregated unit — a group of small electrical generation facilities that are treated as a single electrical generation facility for purposes of RPS certification.

Appropriation — consistent with Water Code ~~S~~section 1201, the right to use a specified quantity of water from any surface streams or other surface bodies of water, or from any subterranean streams flowing through known and definite channels.

Awardee – An individual or entity awarded RPS certification for an electrical generation facility~~certified as RPS eligible~~, pursuant to the *RPS Guidebook*~~these guidelines~~. An awardee includes both the facility owner and the authorized officer or agent that applied for the facility~~'s~~ certification on behalf of the facility owner.

Balancing ~~A~~authority — as defined in Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (b), to mean the responsible entity that integrates ~~load-serving entity~~LSE resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

Balancing ~~A~~authority ~~A~~area — as defined in Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (c), for ~~purposes of~~ the RPS, to mean the collection of generation, transmission, and loads within the metered boundaries of the area within which the balancing authority maintains the electrical load-resource balance.

Beneficial use — consistent with the California Code of Regulations, Title 23, ~~S~~sections 659 through 672, to include the following uses of water: domestic use, irrigation use, power use, municipal use, mining use, industrial use, fish and wildlife preservation and enhancement use, aquaculture use, recreational use, and heat control use.

Biodiesel — a renewable fuel derived in whole or in part from a biomass feedstock such as agricultural crops or agricultural wastes and residues, including, but not limited to, animal wastes, remains, and tallow; food wastes, recycled cooking oils, and pure vegetable oils; or from an eligible solid waste conversion process using municipal solid waste.

~~***Biogas*** ~~ ~~includes digester gas, landfill gas, and any gas derived from an eligible biomass feedstock.~~

Biomass — any organic material not derived from fossil fuels~~.~~ including, but not limited to, agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, biosolids, sludge derived from organic matter, wood and wood waste from timbering operations, and any fuel that qualify as "biomass conversion" as defined in Public Resources Code ~~S~~section 40106.

Agricultural wastes and residues include, but are not limited to, animal wastes, remains, and tallow; food wastes; recycled cooking oils; and pure vegetable oils.

Biomethane — Landfill gas or digester gas.

California balancing authority (CBA) — consistent with Public Utilities Code Ssection 399.12(d), means a balancing authority primarily located in California with more than 50 percent of its end-use electric load physically located within the political boundaries of California. This includes balancing authority areas operated by the California Independent System Operator Corporation, Los Angeles Department of Water and Power, Balancing Authority of Northern California, Imperial Irrigation District, and Turlock Irrigation District.~~Defined as specified in the Energy Commission's regulations for *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*, as adopted and consistent with Public Utilities Code Section 399.12, Subdivision (d).~~

Capacity — the actual or potential ability to perform relating to flow, power, energy, and so forth. For the production of electricity, see "nameplate capacity." ~~the maximum amount of electricity that a generating unit, power facility, or utility can produce under specified conditions. Capacity is measured in kilowatts or megawatts.~~

~~***Central station facility*** — an electric generation facility that interconnects to the electricity transmission system.~~

~~***Collaborative Staff*** — the staffs at the Energy Commission and the California Public Utilities Commission who have been designated as having special status to work collaboratively and participate in confidential deliberations concerning decision-making on the implementation of the RPS.~~

Commercial operations date (COD) — the date on which an electrical generation facility ceases to generate electricity for testing purposes and first generates electricity solely for ~~the purpose of~~ consumption by the facility or any customer or for sale to any procuring retail seller or POU; also referred to as "commenced operation date" in WREGIS.

Common carrier pipeline — a gas conveyance pipeline that is owned or operated by a utility or gas corporation, excluding a dedicated pipeline.

~~***Community choice aggregator*** — as defined in Public Utilities Code Section 331.1 refers to any of the following entities, if that entity is not within the jurisdiction of a local publicly owned electric utility that provided electrical service as of January 1, 2003: any city, county, or city and county whose governing board elects to combine the loads of its residents, businesses, and municipal facilities in a communitywide electricity buyers' program or any group of cities, counties, or cities and counties whose governing boards have elected to combine the loads of their programs, through the formation of a joint powers agency established under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.~~

~~***Competitive transition charge (CTC)*** — a charge authorized by the California Public Utilities Commission that is imposed on investor-owned utility (IOU) ratepayers (or customers that~~

~~receive electricity distribution services from the IOU) to recover the costs of utility investments made on behalf of their former customers. The CTC is to be collected in a competitively neutral manner that does not increase rates for any customer class solely due to the existence of transition costs. (Public Utilities Code Section 367)~~

Compliance period — as defined in Public Utilities Code ~~S~~section 399.30, ~~S~~subdivision (b).

Compliance report — the report that each POU files with the Energy Commission by July 1 of the calendar year following the end of the compliance period, as specified in 20 CCR section 3207.

Conduit hydroelectric facility — ~~as defined in Public Utilities Code Section 399.12, Subdivision (a), to mean~~ a hydroelectric facility ~~for the generation of electricity~~ that uses only the hydroelectric potential of an existing~~n existing~~ pipe, ditch, flume, siphon, tunnel, canal, or other man-made conduit that is operated to distribute water for a beneficial use. The term "existing" is defined as built before January 1, 2008, the effective date of Assembly Bill 809 (Chapter 684, Statutes 2007). ~~If the conduit hydroelectric facility was built in a new pipe, ditch, flume, siphon, tunnel, canal, or other man-made conduit, the applicant for RPS eligibility may apply as a small hydroelectric facility.~~

~~The term "beneficial use" shall be defined consistent with the California Code of Regulations, Title 23, Sections 659 through 672, to include the following uses of water: domestic use, irrigation use, power use, municipal use, mining use, industrial use, fish and wildlife preservation and enhancement use, aquaculture use, recreational use, and heat control use.~~

~~***Control Area*** — an electric power system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other control areas and contributing to frequency regulation of the interconnection.~~

~~***Conventional power source*** — as defined in Public Utilities Code Section 2805, refers to power derived from nuclear energy, the operation of a hydropower facility greater than 30 megawatts (MW), or the combustion of fossil fuels, unless cogeneration technology, as defined in Public Resources Code Section 25134, is employed in the production of such power.~~

Dedicated pipeline — ~~for purposes of RPS eligibility of biomethane, refers to~~ a gas conveyance pipeline that is not part of a common carrier pipeline system, which~~that~~ conveys biomethane from ~~a~~ specific biomethane producer(s) to a specific electrical generation facility and to no other end users and for no other use. A ***functionally dedicated pipeline*** is a gas conveyance pipeline that is not part of a common carrier pipeline system, which, due to operational constraints imposed on the biomethane source(s), gas conveyance pipeline, and the electrical generation facility, will convey biomethane from specific biomethane producer(s) to a specific electrical generation facility and to no other end users and for no other use.

Digester gas — gas created by ~~from~~ the anaerobic digestion of organic ~~wastes~~materials~~, including, but not limited to animal wastes, remains, tallow, and biosolids~~.

~~***Distributed generation facility*** — a small-scale electricity generation facility that is interconnected to a distribution network and is generally 20 MW or smaller. Distributed generation facilities may serve on-site load or off-site load or both.~~

~~***Distribution network*** — utility-controlled network of electrical lines that interconnect homes, buildings, and other customer locations to the electricity system. Some of the electricity customers may be customer-generators with electricity generation facilities that serve on-site, offsite, or both on-site and offsite electricity loads. The voltage of distribution lines varies by utility in California. For example, SCE's distribution network includes 66 kilovolt (kV) and 115 kV systems. However, SDG&E systems of 138 kV and 69 kV are considered transmission and they are controlled by the California ISO. Similarly, much of PG&E's 115 kV system is also considered transmission.~~

Diversion — consistent with Water Code ~~S~~section 5100(b), the taking of water by gravity or pumping from a surface stream or subterranean stream flowing through a known and definite channel, or other body of surface water, into a canal, pipeline, or other conduit and includes impoundment of water in a reservoir.

~~***Electric service provider*** — as defined in Public Utilities Code Section 218.3, refers an entity that offers electrical service to customers within the service territory of an electrical corporation but does not include an entity that offers electrical service solely to service customer load consistent with Public Utilities Code Section 218, Subdivision (b), and does not include an electrical corporation or a public agency that offers electrical service to residential and small commercial customers within its jurisdiction, or within the service territory of a local publicly-owned electric utility. Electric service providers include the unregulated affiliates and subsidiaries of an electrical corporation.~~

~~***Electrical corporations*** — Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, PacifiCorp, Liberty Energy-California Pacific Electric Company (formerly Sierra Pacific Power Company), Bear Valley Electric Service (a division of Golden State Water Company), or other electrical corporations as defined by Public Utilities Code Section 218. Also referred to as "investor-owned utilities."~~

Electricity product – consistent with 20 CCR section 3201 (j), means either: (1) electricity and the associated renewable energy credit generated by an eligible renewable energy resource; or (2) an unbundled renewable energy credit.

Eligible renewable energy resource — consistent with 20 CCR section 3201 (k), means an electrical generating facility that the Energy Commission has determined meets the definition of a "renewable electrical generation facility" in section 399.12 (e) of the Public Utilities Code, including a facility satisfying the criteria of section 399.12.5 of the Public Utilities Code, and has certified as an RPS-certified facility.

~~as defined in Public Utilities Code Section 399.12, Subdivision (e), to mean an electrical generating facility that meets the definition of "renewable electrical generation facility" in Public Resources Code Section 25741, and subject to the limitations of Public Utilities Code Section 399.12, Subdivision (e), and Section 399.12.5.~~

~~***End-use customer (end user)*** — a residential, commercial, agricultural, or industrial electric customer who buys electricity to be consumed as a final product (not for resale).~~

Energy Commission – State Energy Resources Conservation and Development Commission. Also referred to as the California Energy Commission.

e-Tag — consistent with 20 CCR section 3201 (o), means an electronic record that contains the details of a transaction to transfer energy from a source point to a sink where the energy is scheduled for transmission across one or more balancing authority area boundaries. For purposes of this definition, "source point" refers to the generation source of the energy, and "sink" refers to the balancing authority in which the electric load is located. Previously referred to as a "NERC e-Tag."

Executive Director — the Executive Director of the Energy Commission, or his or her designee.

~~***Existing long-term contract*** — a power purchase contract entered into with an IOU before September 26, 1996, that provides long-term fixed energy and/or capacity payments.~~

Facility — see "project."

~~***Fixed energy payments*** — payments to a generator for energy delivered under a power purchase contract, which are based on a price per unit measure of electricity that was known or ascertainable at the time the contract was entered into. (Fixed energy payments cannot be based on market conditions, such as short-run avoided costs, since these conditions were not known or ascertainable at the time the power purchase contract was entered into).~~

Fossil fuel — fuel consisting of hydrocarbon constituents, including coal, petroleum, or natural gas, occurring in and extracted from underground deposits~~,~~ and mixtures or by-products of these hydrocarbon constituents.

Fuel cell — an ~~advanced~~ energy conversion device that combines hydrogen-~~bearing fuels~~ with ~~airborne~~ oxygen in an electrochemical reaction to produce electricity ~~very efficiently and with minimal environmental impact~~.

~~***Functionally edicated Pipeline*** — a gas conveyance pipeline that is not part of a common carrier pipeline system, which, due to operational constraints imposed on the biomethane source(s), gas pipeline, and the electrical generation facility, is expected to convey biomethane from specific biomethane producer(s) to a specific electrical generation facility and to no other end users or use. Delivery via a functionally dedicated pipeline does not ensure the biomethane is physically combusted at the electrical generation facility.~~

Geothermal — natural heat from within the earth, captured for production of electric power.

~~***Grid*** — the electrical transmission and distribution system linking power plants to customers through high power transmission line service.~~

Grid electricity — generic electricity from the electrical transmission and distribution system linking electrical generation facilities to customers.

Historic Carryover – consistent with 20 CCR section 3201 (m), means a POU's procurement that satisfies the following criteria: 1) the procurement is for electricity and the associated renewable energy credit generated in 2004 – 2010 by an eligible renewable energy resource that met the Energy Commission's RPS eligibility requirements in effect when the original procurement contract or ownership agreement was executed by the POU; 2) the original contract or ownership agreement was executed by the POU prior to June 1, 2010; and 3) the procurement is in excess of the sum of the 2004 – 2010 annual procurement targets defined in section 3206 (a)(5)(D) and was not applied to the RPS of another state or to a voluntary claim.

~~***Green attributes*** — as defined by the California Public Utilities Commission (CPUC), "any and all credits, benefits, emissions reductions, offsets, and allowances, howsoever entitled, attributable to the generation from the Project, and its avoided emission of pollutants. Green Attributes include but are not limited to Renewable Energy Credits, as well as: (1) any avoided emission of pollutants to the air, soil or water such as sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO) and other pollutants; (2) any avoided emissions of carbon dioxide (CO2), methane (CH4), nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and other greenhouse gases (GHGs) that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law, to contribute to the actual or potential threat of altering the Earth's climate by trapping heat in the atmosphere;[157] (3) the reporting rights to these avoided emissions, such as Green Tag Reporting Rights. Green Tag Reporting Rights are the right of a Green Tag Purchaser to report the ownership of accumulated Green Tags in compliance with federal or state law, if applicable, and to a federal or state agency or any other party at the Green Tag Purchaser's discretion, and include without limitation those Green Tag Reporting Rights accruing under Section 1605(b) of The Energy Policy Act of 1992 and any present or future federal, state, or local law, regulation or bill, and international or foreign emissions trading program. Green Tags are accumulated on a MWh basis and one Green Tag represents the Green Attributes associated with one (1) MWh of Energy. Green Attributes do not include (i) any energy, capacity, reliability or other power attributes from the Project, (ii) production tax credits associated with the construction or operation of the Project and other financial incentives in the form of credits, reductions, or allowances associated with the project that are applicable to a state or federal income taxation obligation, (iii) fuel-related subsidies or "tipping fees" that may be paid to Seller to accept certain fuels, or local subsidies received by the generator for the destruction of particular preexisting pollutants or the promotion of local environmental benefits, or (iv) emission reduction credits encumbered or used by the Project for compliance with local, state, or federal operating and/or air quality permits. If the Project is a biomass or biogas facility and Seller receives any tradable Green Attributes based on the greenhouse gas reduction benefits or other emission offsets attributed to its fuel usage, it shall provide Buyer with sufficient Green~~

~~157 Avoided emissions may or may not have any value for GHG compliance purposes. Although avoided emissions are included in the list of Green Attributes, this inclusion does not create any right to use those avoided emissions to comply with any GHG regulatory program.~~

~~Attributes to ensure that there are zero net emissions associated with the production of electricity from the Project."~~[158]

Hydroelectric — a technology that produces electricity by using the kinetic energy of flowing or falling nonmarine water to turn a turbine generator. ~~See "small hydroelectric."~~

Kilowatt *(kW)* —1,000 watts of electricity.

Kilowatt-hour *(kWh)* — One kilowatt of electricity supplied for one hour.

Investor-owned utility (IOU) — synonymous with "electrical corporations" as defined in Public Utilities Code Ssection 218~~herein~~.

For ~~purposes of~~ the *Renewables Portfolio Standard Eligibility Guidebook*, refers collectively to Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, PacifiCorp, Liberty Energy-California Pacific Electric Company (formerly Sierra Pacific Power Company), and Bear Valley Electric Service (a division of Golden State Water Company).

~~***Kilowatt (kW)*** — 1,000 watts. A unit of measure for the amount of electricity needed to operate given equipment. A typical home using central air conditioning and other equipment might have a demand of 4-6 kW on a hot summer afternoon.~~

~~***Kilowatt hour (kWh)*** — the most commonly used unit of measure telling the amount of electricity consumed over time. It means one kilowatt of electricity supplied for one hour. A typical California household consumes about 500 kWh in an average month.~~

Landfill gas ~~***(LFG)***~~ — gas produced by the breakdown of organic matter in a landfill (composed primarily of methane and carbon dioxide) or the technology that uses this gas to produce power.

Load-serving entity (LSE) — a term used to refer to retail sellers, POUs, and all other entities serving retail sales of electricity in California that are obligated to participate in California's RPS.

Local publicly owned electric utility ***(POU)*** — as defined in Public Utilities Code Ssection 224.3 to mean a municipality or municipal corporation operating as a "public utility" furnishing electric service as provided in Ssection 10001 of the Public Utilities Code, a municipal utility district furnishing electric service formed pursuant to Division 6 (commencing with Ssection 11501 of the Public Utilities Code), a public utility district furnishing electric services formed pursuant to the Public Utility District Act set forth in Division 7 (commencing with Ssection 15501 of the Public Utilities Code), an irrigation district furnishing electric services formed pursuant to the Irrigation District Law set forth in Division 11 (commencing with Ssection 20500) of the Water Code, or a joint powers authority that includes one or more of these agencies and that owns generation or transmission facilities, or furnishes electric services over its owner~~'~~s' or its member~~'~~s' electric distribution system.

~~158 CPUC. Decision 08-08-028, Appendix A-2, Rulemaking 06-02-012. August 21, 2008.~~

~~***Marketer*** — an agent for generation projects who markets power on behalf of the generator. The marketer may also arrange transmission, firming, or other ancillary services as needed. Though a marketer may perform many of the same functions as a broker, a marketer represents the generator while a broker acts as a middleman.~~

Megawatt (MW) — 1,000,000 ~~kilo~~watts (W). ~~One megawatt is about the amount of power to meet the peak demand of a large hotel.~~

Megawatt-hour (MWh) — 1,000,000 watt hours (Wh). A unit of energy equivalent to one megawatt of electricity supplied for one hour. Compliance with the RPS is measured in this unit of energy.~~a unit of measure describing the amount of electricity consumed over time. It means one megawatt of electricity supplied for one hour. Two typical California households consume about a combined total of 1 MWh in an average month, one household consumes about 0.5 MWh.~~

Metered — the independent measurement with a standard meter of the electricity generated by an electrical generation ~~project or~~ facility.

Multijurisdictional utility (MJU) — for purposes of the Renewables Portfolio Standard, an electrical corporation with 60,000 or fewer customer accounts in California as of January 1, 2010, and that serves retail end-use customers outside California, is ~~located in a control area that is~~ not under the control of a California balancing authority, receives the majority of its electrical requirements from generating facilities located outside California, and is subject to the provisions of Public Utilities Code ~~S~~section 399.17.

Municipal solid waste (MSW) —solid waste as defined in Public Resources Code ~~S~~section 40191.

~~***Municipal utility*** — a local publicly owned (customer-owned) electric utility that owns or operates electric facilities subject to the jurisdiction of a municipality, as opposed to the California Public Utilities Commission. Also referred to as "local publicly owned electric utility."~~

Nameplate ~~C~~capacity — the maximum rated electrical power output of a generator~~, prime mover, or other electric power production equipment~~ under specific conditions designated by the manufacturer.

NERC e-Tag — see "e-Tag."~~named for the North American Electric Reliability Corporation (NERC), the entity responsible for the implementation of the first energy tagging process, a NERC e-Tag is an electronic record that contains the details of a transaction to transfer electricity from a seller to a buyer where the electricity is scheduled for transmission across one or more balancing authority area boundaries.~~

Net energy metering – an agreement or tariff that compensates or credits a customer generator for the electricity it produces in excess of the customer's on-site electricity consumption, usually during a 12-month period.

~~***Net metering*** — contractual agreement or tariff wherein the system owner/generator produces more electricity than is needed to serve the on-site electrical load, and the surplus electricity is supplied to the electrical distribution grid. The owner/generator's utility meter records the difference, or net, between what the utility supplies to the owner/generator and what the owner/generator supplies to the grid.~~

Ocean thermal — refers to technology that uses the temperature differences between deep and surface ocean water to produce electricity.

Ocean wave — refers to a technology that uses ocean waves to produce electricity.

~~***On-site generation*** — See "Distributed Generation."~~

Ownership agreement - consistent with 20 CCR section 3201 (p), and for POUs only, includes (1) an agreement between a POU and a third party to acquire or develop an electrical generation facility or (2) if the POU built and owns the electrical generation facility and therefore has no such agreement with a third party, the arrangement by which the POU built the facility.

Photovoltaic (PV) — a technology that uses a semiconductor to convert sunlight directly into electricity via the photoelectric effect.

Point of interconnection – the substation where radial lines from a given facility first come under the authority of WECC.

Portfolio balance requirement (PBR) - consistent with 20 CCR section 3201 (q), refers to the portfolio content category minimum and maximum requirements specified in Public Utilities Code ~~S~~section 399.16.

Portfolio Content Category (PCC) — ~~Defined as specified in the Energy Commission's regulations for *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*, as adopted. Generally,~~ consistent with 20 CCR section 3201 (r), ~~Defined as specified in the Energy Commission's regulations for *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*, as adopted. Generally,~~ refers to one of three categories of electricity products procured from an eligible renewable energy resource.

POU – see "~~a~~local publicly owned electric utility."

~~***Power purchase contract*** — an agreement for the purchase of electrical energy and/or capacity that may be structured to provide payments based on both fixed and/or variable factors.~~

Procure —as defined in Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (f), means to acquire through ownership or contract.

~~***Procurement entity*** — as defined in Public Utilities Code Section 399.12, Subdivision (g), means any person or corporation authorized by the California Public Utilities Commission to enter into~~

~~contracts to procure eligible renewable energy resources on behalf of customers of a retail seller pursuant to Public Utilities Section 399.13, Subdivision (f).~~

Project ~~— for hydroelectric facilities under the Renewables Portfolio Standard Program, "project"~~ refers to a group of one or more pieces of generating equipment and ancillary equipment necessary to interconnect to the transmission grid that is unequivocally separable from any other generating equipment or components. For hydroelectric facilities under the Renewables Portfolio Standard Program, a "project" is ~~T~~two or more sets of generating equipment that are located within a one-mile radius of each other and are either 1) contiguous or 2) share common control or maintenance facilities and schedules shall constitute a single project, except in the following circumstances:

1) A conduit hydroelectric facility, certified as a conduit hydroelectric facility and not a small hydroelectric facility, may be considered a separate project even though the facility itself is part of a larger hydroelectric facility, provided that the larger hydroelectric facility commenced commercial operations prior to January 1, 2006, and the conduit hydroelectric facility that commenced commercial operations on or after January 1, 2006, does not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow, is separately metered to identify its generation, and is separately certified as RPS-eligible by the Energy Commission. A conduit hydroelectric facility certified as a small hydroelectric facility may not be part of a larger project without considering the capacity of the entire project in the certification.

2) ~~For a~~A small hydroelectric generation unit with a nameplate capacity not exceeding 40 megawatts that is operated as part of a water supply or conveyance system and satisfies the RPS eligibility criteria of Section II.F.3~~, as defined in~~ of this guidebook, may be considered a separate project even though the generation unit itself is part of a larger hydroelectric facility. ~~and generation from the facility was under contract to, or owned by, a retail seller or local publicly owned electric utility as of December 31, 2005, t~~The turbine and generator of the hydroelectric generation unit shall constitute a separate project provided that the unit is separately metered to identify its generation, and is separately certified as RPS-eligible by the Energy Commission. A hydroelectric generation unit operated as part of a water supply or conveyance system may be eligible to apply for certification as a small hydroelectric facility provided it meets the requirements described in Section II.F.1: Small Hydroelectric Facilities.

If a hydroelectric generation unit is certified as part of a small hydroelectric facility, rather than individually pursuant to Section II.F.3, the capacity of the hydroelectric unit shall be considered part of the overall project in determining the capacity of the small hydroelectric facility.

~~For all other electrical generation facilities under the Renewables Portfolio Standard Program, "project" refers to a group of one or more pieces of electrical generating equipment and ancillary equipment necessary to interconnect to the transmission grid that is unequivocally separable from any other electrical generating equipment or components.~~

~~For all other electrical generation facilities under the Renewables Portfolio Standard Program, "project" refers to a group of one or more pieces of electrical generating equipment and ancillary equipment necessary to interconnect to the transmission grid that is unequivocally separable from any other electrical generating equipment or components.~~

A hydroelectric generation unit shall not be considered contiguous with other hydroelectric units within a one-mile radius that use the same impoundment as a water source for power generation if the following conditions are satisfied: (A) the unit is physically separated from the other units and not located in the same powerhouse as the other units; (B) the delivery of water to the unit is provided by a separate penstock[159] or conduit that does not supply water to the other units; (C) the unit releases water to a separate natural stream, canal, conduit, or other water conveyance that none of the other units release water to; and (D) water released from the unit is not delivered, returned, or transferred to a natural stream, canal, conduit, or other water conveyance that receives water from the other units.

Public information — any information in the Energy Commission's possession that is not subject to a request or determination of confidential designation pursuant to Title 20 of the California Code of Regulations, ~~S~~section 2505 et seq., and may be disclosed pursuant to the California Public Records Act (Government Code ~~S~~section 6250, et seq.) and the Information Practices Act (Civil Code ~~S~~section 1798, et seq.).

Pumped hydroelectric — an energy storage technology consisting of two water reservoirs separated vertically; during off-peak hours, water is pumped from the lower reservoir to the upper reservoir, allowing the off-peak electrical energy to be stored indefinitely as gravitational energy in the upper reservoir. During peak hours, water from the upper reservoir may be released and passed through hydraulic turbines to generate electricity as needed.

Qualifying facility — a qualifying small power production facility eligible for certification pursuant to ~~S~~section 292.207 of Title 18 of the Code of Federal Regulations.

Renewable — a power source other than a conventional power source within the meaning of ~~S~~section 2805 of the Public Utilities Code. ~~S~~section 2805 states: " 'Conventional power source' means power derived from nuclear energy or the operation of a hydropower facility greater than 30 megawatts or the combustion of fossil fuels, unless cogeneration technology, as defined in ~~S~~section 25134 of the Public Resources Code, is employed in the production of such power."

Renewable electrical generation facility — an electrical generation facility as defined in Public Resources Code ~~S~~section 25741(a).

Renewable ~~E~~energy credit~~Certificate~~ (REC) — as defined in Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (h)(1), to mean a certificate of proof associated with the generation of electricity from an eligible renewable energy resource, issued through the accounting system established by the Energy Commission pursuant to ~~S~~section 399.25, that one unit of electricity was generated and delivered by an eligible renewable energy resource. As specified in ~~S~~section

159 The Merriam-Webster dictionary defines "penstock" as a sluice or gate for regulating a water flow.

399.12, ~~S~~subdivision (h)(2), a REC includes all renewable and environmental attributes associated with the production of electricity from an eligible renewable energy resource, except for an emissions reduction credit issued pursuant to ~~S~~section 40709 of the Health and Safety Code and any credits or payments associated with the reduction of solid waste and treatment benefits created by the utilization of biomass or biogas fuels. As specified in ~~S~~section 399.12, ~~S~~subdivision (h)(3)(A), electricity generated by an eligible renewable energy resource attributable to the use of nonrenewable fuels, beyond a de minimis quantity used to generate electricity in the same process through which the utility converts renewable fuel to electricity, ~~as determined by the Energy Commission,~~ shall not result in the creation of a renewable energy credit.

The renewable and environmental attributes included as part of a REC are those attributes identified by the CPUC in Decision 08-08-028 as follows: "~~As defined by the CPUC in Decision D.08-08-028, a renewable energy credit (REC) for compliance with the California Renewables Portfolio Standard (RPS) is "a certificate of proof, issued through the Western Renewable Generation Information System [sic], that one megawatt-hour of electricity was generated by an RPS-eligible renewable energy resource and delivered for consumption by California end-use retail customers.~~ A REC includes all renewable and environmental attributes associated with the production of electricity from the eligible renewable energy resource, including any avoided emission of pollutants to the air, soil or water; any avoided emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or any other greenhouse gases that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law**,** to contribute to the actual or potential threat of global climate change;[160] and the reporting rights to these avoided emissions, such as Green Tag reporting rights.[161]

A REC does not include any emissions reduction credit issued pursuant to § 40709 of the Health and Safety Code or any credits or payments associated with the reduction of solid waste or treatment benefits created by the utilization of biomass or biogas fuels. A REC also does not include any energy, capacity, reliability or other power attributes of the generation; any tax credits or other financial incentives in the form of credits, reductions, or allowances associated with the generation that are applicable to a state or federal income taxation obligation; any fuel-related subsidies or "tipping fees" or local subsidies received by the generator for the destruction of particular preexisting pollutants or the promotion of local environmental benefits; or emission reduction credits (whether issued pursuant to § 40709 of the Health and

160 "Avoided emissions may or may not have any value for GHG compliance purposes. Although avoided emissions are included in the definition of the REC, this definition does not create any right to use those avoided emissions to comply with any GHG regulatory program."

161 "Green Tag reporting rights are the right to report the ownership of accumulated Green Tags in compliance with federal or state law, if applicable, and to a federal or state agency or any other party and include without limitation those Green Tag reporting rights accruing under ~~S~~section 1605(b) of the Energy Policy Act of 1992 and any present or future federal, state, or local law, regulation or bill, and international or foreign emissions trading program."

Safety Code or any other authority) that are encumbered or used by the generator for compliance with local, state, or federal operating and/or air quality permits."[162]

~~In accordance with Public Utilities Code Section 399.21, Subdivision (a)(4), no~~ As specified in Public Utilities Code ~~S~~section 399.21(a)(4), RECs shall not ~~REC may~~ be created ~~based~~ for ~~on any~~ electricity generated pursuant to any electricity purchase contract with a ~~California~~ retail seller or a local publicly owned electric utility executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of the RECs. As specified in Public Utilities Code ~~S~~section 399.21(a)(5), RECs shall ~~In accordance with Public Utilities Code Section 399.21, Subdivision (a)(4), a REC may~~ not be created for ~~based on any~~ electricity generated under any electricity purchase ~~pursuant to a~~ contract executed after January 1, 2005 ~~with a qualifying facility~~ pursuant to the federal Public Utility Regulatory Policies Act of 1978 (16 U.S.C. ~~S~~section 2601, et seq.)~~that was executed after January 1, 2005~~.

~~A REC cannot be created with respect to electricity generated by an eligible renewable energy resource attributable to the use of nonrenewable fuels, beyond a *de minimis* quantity as determined by the CEC."[163]~~

~~***Renewable energy public goods charge*** — as defined in Public Resources Code Section 25741 Subdivision (c), to mean that portion of the nonbypassable system benefits charge required to be collected to fund renewable energy and to be transferred to the Renewable Resource Trust Fund pursuant to the Reliable Electric Service Investments Act (Article 15 [commencing with Section 399] of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).~~

Renewables Portfolio Standard (RPS) — ~~refers to California's Renewables Portfolio Standard as established in Public Utilities Code Section 399.11, et seq. "Renewables portfolio standard" is~~ as defined in Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (i), to mean the specified percentage of electricity generated by eligible renewable energy resources that a retail seller or local publicly owned electric utility is required to procure pursuant to Public Utilities Code ~~S~~section 399.11 et seq. ~~Under the RPS, a retail seller or local publicly owned electric utility must increase its total procurement of eligible renewable energy resources so that 33 percent of its retail sales are procured from eligible energy resources no later than December 31, 2020.~~

Reporting Year — refers to a particular year within a compliance period for which the annual generation has already occurred and for which the RECs are being retired and used for RPS compliance. ~~The reporting year is not the year in which the retired RECs are reported; it is the year for which the retired RECs are reported and, on an annual basis, represents the calendar year preceding the July 1 reporting due date.~~

Repower(ed) — generically refers to replacing a significant portion of the generating equipment at an existing facility.

Retail sales —for purposes of POUs only, means sales of electricity by a POU to end-use customers and their tenants, measured in MWh. This does not include energy consumption by a

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162 CPUC Decision 08-08-028, Ordering Paragraph 1.
~~163 CPUC. Decision 08-08-028, Rulemaking 06-02-012. August 21, 2008.~~

POU, electricity used by a POU for water pumping, or electricity produced for onsite consumption (self-generation). This definition is consistent with 20 CCR section 3201(bb).

Retail seller — as defined in Public Utilities Code ~~S~~section 399.12, ~~S~~subdivision (j), to mean an entity engaged in the retail sale of electricity to end-use customers located within the state. Retail sellers include electrical corporations, community choice aggregators (as defined in Public Utilities Code ~~S~~section 331.1), and electric service providers (as defined in Public Utilities Code ~~S~~section 218.3). Retail sellers do not include local publicly owned electric utilities ~~(commonly referred to as municipal utilities)~~, entities employing cogeneration technology or producing power consistent with Public Utilities Code ~~S~~section 218(b), or the Department of Water Resources acting within its capacity pursuant to Division 27 of the Water Code (commencing with ~~S~~section 80000).

~~***Retail sales*** — sales of electricity by a to end-use customers and their tenants, measured in MWh. This does not include energy consumption by a, electricity used by a for water pumping, or electricity produced for onsite consumption (self-generation).~~

Retire – to claim a renewable energy credit in the tracking system established by the Energy Commission pursuant to Public Utilities Code ~~S~~section 399.25(c) and thereby commit the renewable energy credit to be used for compliance with the RPS.

RPS Certification – ~~C~~certification ~~or precertification~~ by the Energy Commission that an electrical generation facility is an eligible renewable energy resource ~~for purposes of~~ meeting the state's Renewables Portfolio Standard pursuant to Public Utilities Code ~~S~~sections 399.11, et seq. and Public Resources Code ~~S~~section 25741.

RPS procurement requirements — refers to both the portfolio balance requirement and the RPS procurement target with which an LSE must comply.

RPS procurement target — the specified percentage of retail sales that a LSE must procure of electricity products from eligible renewable energy resources for each compliance period.

~~***Self-generation*** — See "Distributed Generation."~~

~~***Sewer gas*** — gas produced by the anaerobic decomposition of sewage.~~

Small hydroelectric facility — an electrical generation facility employing one or more hydroelectric turbine generators, ~~including conduit hydroelectric facilities,~~ the sum capacity of which does not exceed 30 megawatts except in the case of qualifying efficiency improvements pursuant to Public Utilities Code ~~S~~section 399.12.5. ~~except in the case of efficiency improvements or conduit hydroelectric facilities as described below. Pursuant to Public Utilities Code Section 399.12, Subdivision (e)(1)(A), an existing small hydroelectric generation facility of 30 MW or less may be an eligible renewable energy resource only if a retail seller or local publicly owned electric utility owned or procured the electricity from the facility as of December 31, 2005. Pursuant to Public Utilities Code Section 399.12, Subdivision (e)(1)(A), a new small hydroelectric facility is not an eligible renewable energy resource for purposes of the~~

~~RPS if it will cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.~~

~~A small hydroelectric facility may exceed 30 megawatts if it is the result of efficiency improvements made to the facility after January 1, 2008, and the efficiency improvements do not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. The generating capacity of a conduit hydroelectric facility that is associated with or part of a small hydroelectric facility is not considered part of the generating capacity of the small hydroelectric facility, provided the small hydroelectric facility commenced commercial operations prior to January 1, 2006, and the conduit hydroelectric facility commenced commercial operations on or after January 1, 2006, does not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow, is separately metered to identify its generation, and is separately certified as RPS eligible by the Energy Commission.~~

~~The term "beneficial use" shall be defined consistent with the California Code Regulations, Title 23, Sections 659 through 672, to include the following uses of water: domestic use, irrigation use, power use, municipal use, mining use, industrial use, fish and wildlife preservation and enhancement use, aquaculture use, recreational use, and heat control use.~~

Solar thermal electric — the conversion of sunlight to heat and the related ~~its~~ concentration and use to power a generator to produce electricity.

~~***Solid-fuel biomass*** — a biomass technology that uses solid fuel, such wood, agricultural waste, and other organic material that may be burned to produce electricity.~~

~~***System operator*** — entity responsible for the efficient use and reliable operation of the transmission grid, or a local publicly owned electric utility that does not use a system operator.~~

Test energy — electricity generated for ~~the purpose of~~ testing the operation of an electrical generation facility prior to the commercial operations date of the facility.

Tidal current power — energy obtained by using the motion of the tides to run water turbines that drive electric generators.

~~***Transmission system*** — an interconnected group of electric transmission lines and associated equipment to move or transfer electric energy in bulk between points of supply and consumption.~~

Water supply or conveyance system — the distribution of water through a tunnel, canal, pipeline, aqueduct, flume, ditch, and/or similarly constructed water conveyance that was ~~initially~~ built ~~solely~~ for the distribution of water for agricultural, municipal, or industrial consumption, and operated primarily for this purpose~~, and not primarily for the generation of electricity~~.

Watt (W) — a unit of ~~electrical~~ power, equal to the power developed in a circuit by a current of one ampere flowing through a potential difference of one volt. A kilowatt is equal to 1,000 watts, and a megawatt is equal to 1,000,000 watts.

Watt-hour (Wh) — One watt of electricity supplied source one hour. A kilowatt-hour is equal to 1,000 watt-hours, and a megawatt-hour is equal to 1,000,000 watt-hours.

~~***WECC interconnection*** — the substation where radial lines from a given power plant first interconnect to the WECC transmission system.~~

Western Electricity Coordinating Council (WECC) — consistent with 20 CCR section 3201 (ff), refers to the electricity coordinating council that is part of the North American Electric Reliability Corporation and the regional entity responsible for coordinating and promoting bulk electric system reliability in the Western Interconnection serving all or part of the 14 western states[164] and portions of Mexico (in northern Baja California) and Canada (in British Columbia and Alberta). ~~formed on April 18, 2002, by the merger of the Western Systems Coordinating Council (WSCC), Southwest Regional Transmission Association (SWRTA), and Western Regional Transmission Association (WRTA). WECC is responsible for coordinating and promoting electric system reliability, assuring open and nondiscriminatory transmission access among members, and providing a forum for resolving transmission access disputes.~~

~~***Wind power*** — refers to a technology that converts energy from the environmental movement of air wind converted into mechanical energy and then electricity.~~

Western Renewable Energy Generation Information System (WREGIS) — the independent, renewable energy tracking system implemented for the region covered by the Western Electricity Coordinating Council.~~the electronic system for tracking Renewable Energy Certificates (RECs) for the states and provinces in the WECC interconnection.~~

WREGIS Certificate — the electronic representation of one megawatt-hour of electricity generation within the WREGIS system; also known as a renewable energy credit.

Wind — refers to a technology that converts energy from the environmental movement of air into mechanical energy and then electricity.

164 The western states include Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

List of Acronyms and Abbreviations

AB	—	Assembly Bill
ARB	—	California Air Resources Board
BA	—	Balancing Authority
~~BANC~~	~~—~~	~~Balancing Authority of Northern California~~
~~CAISO~~	~~—~~	~~California ISO (Independent System Operator Corporation)~~
CBA	—	California balancing authority
CPUC	—	California Public Utilities Commission
~~EA~~	~~—~~	~~Enforcement Agency~~
ERFP	—	Existing Renewable Facilities Program
~~ESP~~	~~—~~	~~Electric Service Provider~~
e-Tag	—	Electronic tag ~~created under the policies of the North American Reliability Corporation~~used to document an energy interchange transaction
FERC	—	Federal Energy Regulatory Commission
GUID	—	WREGIS Generating Unit Identification Number
IID	—	Imperial Irrigation District
~~IOU~~	~~—~~	~~Investor Owned Utility~~
ITS	—	Interim Tracking System
~~kWh~~	~~—~~	~~Kilowatt hour~~
LADWP	—	Los Angeles Department of Water and Power
~~LFG~~	~~—~~	~~Landfill gas~~
LORS	—	Laws, ordinances, regulations, and standards
LSE	—	Load-serving ~~E~~entity
MJU	—	Multijurisdictional Utility
MMBtu	—	1 million British thermal units
MSW	—	Municipal Solid Waste
MW	—	Megawatt
MWh	—	Megawatt-hour
NERC	—	North American Electric Reliability Corporation
~~OIR~~	~~—~~	~~Order Instituting Rulemaking~~

PBR	—	Portfolio Balance Requirements
PCC	—	Portfolio Content Category
PG&E	—	Pacific Gas and Electric Company
POU	—	Local Publicly Owned Electric Utility
PRC	—	California Public Resources Code
PUC	—	California Public Utilities Code
PURPA	—	Public Utilities Regulatory Policies Act of 1978
PV	—	Photovoltaic
QF	—	Qualifying Small Power Production Facility
QRE	—	Qualified Reporting Entity
REC	—	Renewable Energy Credit/Certificate
~~REP~~	~~—~~	~~Renewable Energy Program~~
RPS	—	Renewables Portfolio Standard
SB	—	Senate Bill
SCE	—	Southern California Edison Company
SDG&E	—	San Diego Gas ~~and~~ & Electric Company
~~SGIP~~	~~—~~	~~Self Generation Incentive Program~~
~~SMJU~~	~~—~~	~~Small or Multijurisdictional Utility~~
SMUD	—	Sacramento Municipal Utility District
SWRCB	—	State Water Resources Control Board
TID	—	Turlock Irrigation District
~~TREC~~	~~—~~	~~Tradable Renewable Energy Credits/Certificates~~
WECC	—	Western Electricity Coordinating Council
WREGIS	—	Western Renewable Energy Generation Information System

Appendix A: WREGIS Reporting Instructions

I. Introduction

Retail sellers must use the Western Renewable Energy Generation Information System (WREGIS) to track and report their Renewables Portfolio Standard (RPS) procurement as part of California's RPS compliance, with the exception of test energy as noted in the *RPS Eligibility Guidebook, Seventh Edition*. Publicly owned electric utilities (POUs) must have applied for registration with WREGIS by October 2012, and must use WREGIS Certificates (also known as RECs) for RPS compliance. Information about registering with WREGIS can be found on the WREGIS website at www.wregis.org by selecting "Joining WREGIS." Training slides are available on the WREGIS website at: http://www.wecc.biz/WREGIS/Pages/Training.aspx. Contact the WREGIS Help Desk at 888-225-4213 for additional assistance.

A. Reporting WREGIS Certificates for 2011 and Thereafter

While the Energy Commission was developing requirements for tracking, reporting and verifying RECs pursuant to SB X1-2, the Energy Commission delayed the annual reporting requirement for reporting year 2011 (which would otherwise have been required to have been submitted by June 1, 2012). The Energy Commission advised load-serving entities not to retire RPS procurement for the 2011 reporting year or thereafter unless necessary to meet RPS retirement timing requirements. If such retirement was necessary to meet the 36 month retirement requirement, load serving entities were directed to contact Energy Commission staff before proceeding.

As defined in the glossary of terms of the *RPS Eligibility Guidebook,* "retire" means to claim a renewable energy credit (REC) in the tracking system established by the Energy Commission pursuant to the Public Utilities Code Section 399.25(c) and thereby commit the REC to be used for RPS compliance.

Although SB X1-2 established RPS compliance periods, the Energy Commission requires annual reporting. When the Energy Commission refers to a "reporting year," it is referring to a particular year within a compliance period for which the annual generation has already occurred and for which the RECs are being retired for RPS compliance. The reporting year is not the year in which the claims are reported; *it is the year for which retired REC claims are reported,* which on an annual basis, represents the calendar year immediately preceding the July 1 reporting due date.

See Section V.C. REC Retirement and Reporting Requirements for details regarding REC retirement and reporting.

II. Reporting for Retail Sellers and POUs

A. Initial Steps for Using WREGIS

Retail sellers and POUs must report annually to the Energy Commission on the number of RPS eligible RECs they retire for the RPS from each facility per month in the previous calendar year, as discussed above. In addition, information regarding energy scheduled into a California Balancing Authority (CBA) either from an RPS-certified facility not directly connected to a CBA or from a facility providing incremental electricity scheduled into a CBA to firm and shape renewable energy, both by reporting year. To prepare for reporting this information to the Energy Commission and the California Public Utilities Commission (CPUC) using WREGIS, each retail seller and POU should ensure it has have taken the following steps.

1) Complete and submit an Account Holder Disclosure Authorization release form authorizing WREGIS to release your company's RPS compliance information to the Energy Commission, and for retail sellers in addition to authorizing WREGIS to release information to the Energy Commission, you must also authorize WREGIS to release information to the CPUC. The WREGIS authorization form can be downloaded from the WREGIS website.

2) Create retirement subaccount(s) as follows:

a) For retail sellers, create one CA RPS retirement subaccount for each reporting year.

b) For POUs, create one CA RPS retirement subaccount for each Portfolio Content Category, for Count in Full, and for Historic Carryover, if applicable, for each reporting year (explained below).

c) Coordinate with generators to ensure that all appropriate California RPS-eligible WREGIS Certificates are transferred to your WREGIS account for each reporting year.

d) If you are retiring WREGIS Certificates for generation from facilities that are not directly connected to a CBA or are using incremental electricity scheduled into a CBA for firming and shaping, you must document schedule information to the Energy Commission (for POUs) or to the CPUC (for retail sellers) by submitting final e-Tag information.[1] For 2011-2013 RPS claims, POUs must use WREGIS to document final e-Tag scheduled information from facilities not directly connected to a CBA or facilities using incremental electricity scheduled into a CBA to firm and shape renewable energy, unless the WREGIS service was not used or available. POUs should submit final e-Tag scheduled information using the ITS (CEC-RPS-e-Tag Summary Report spreadsheet), if the data are not available in WREGIS e-Tag documentation.

Because WREGIS cannot pull e-Tag information from generation and schedules that occurred in the past, you must sign up for this service as soon as you know it will be needed. POUs must be signed up and using WREGIS to provide final e-Tag scheduled information in

1 Public Utilities Code Sections 399.17; 399.18; and 399.30(h) provides exemptions to the Portfolio Balance Requirements (PBRs) for certain Small and Multi-Jurisdictional Utilities and POUs and there for the scheduled energy delivery requirements and PBR requirements do not apply.

time for all claims with a 2014 vintage to have e-Tag data reported through WREGIS. You must apply with the WREGIS Administrator to begin using this service, which has a query run on the WECC Interchange Tool and is used to pull e-Tag information. To apply, send an email to the WREGIS Administrator (wregisadmin@wecc.biz) requesting to be added to the participant list for this service. You must provide a list of Purchasing Selling Entity codes belonging to your company that you will be using to receive e-Tag data.

Below are detailed instructions for using WREGIS to track and report RPS claims and e-Tag data for claims from facilities not directly connected to a CBA or facilities using incremental electricity for California RPS compliance. WREGIS Compliance Reports identify WREGIS Certificates that have been retired for RPS compliance.

As noted above, e-Tag information may not be available to all retail sellers and POUs in WREGIS. In those cases, e-Tag data may be reported using the ITS (CA RPS e-Tag Summary Report), but the *REC* must still be retired and reported using WREGIS.

The following instructions are provided for using WREGIS for RPS compliance:

1) Instructions for creating designated "CA RPS" retirement subaccounts

2) Instructions for retiring WREGIS Certificates into retirement subaccounts

3) Instructions for importing NERC e-Tags into your account - For users who must demonstrate final e-Tag schedule information as part of RPS compliance

4) Instructions for filing a State/Provincial/Voluntary Compliance Report using WREGIS

5) Instructions for Filing a NERC e-Tag Summary Report Using WREGIS

Reminder: For WREGIS Certificates created for generation that occurs before the facility's effective RPS eligibility date, load serving entities may NOT count such Certificates for California's RPS. However, such Certificates may be transferred from load serving entities' retirement subaccount for another regulatory or voluntary compliance obligation or to another party for other purposes. WREGIS certificates created before the effective date of the facility's RPS eligibility will not be counted toward RPS compliance. Certificates tracked in WREGIS may not be reported using the Energy Commission's Interim Tracking System.

B. Instructions for Creating a Designated "CA RPS" Retirement Subaccount

1) Go to www.wregis.org and log in to your account by selecting the "WREGIS Login" button on the left hand side of the page.

2) Select "Create New Sub-Account" link from the "Open Sub-Accounts" module. Instructions for adding new subaccounts can be found at

http://www.wecc.biz/WREGIS/Pages/Training.aspx beginning on page 40[2] of WREGIS USER TRAINING Slides.

3) Select "Sub-Account Type", "Retirement." Enter required information. Retail sellers will retire all claims into one retirement subaccount with an ending RTSL. However, POUs will retire claims into retirement subaccounts based on historic carryover, count in full, and the various portfolio content category classifications as follows: HC10; PCC0; PCC1; PCC2; and/or PCC3. "HC10" refers to the retirement subaccount for RECs classified as historic carryover, "PCC0" refers to the retirement subaccount for RECs classified as count in full, "PCC1" refers to the retirement subaccount for RECs classified as Portfolio Content Category 1, "PCC2" refers to the retirement subaccount for RECs classified as Portfolio Content Category 2, and "PCC3" refers to the retirement subaccount for RECs classified as Portfolio Content Category 3. **For POUs that do not have the PBR requirements**, the following suffixes must be used for count in full REC, bundled REC and unbundled REC claims as appropriate: PCC0; BNDL; and TREC, respectively.

For POUs, when naming your new retirement subaccount, except in the case of historic carryover, use the following naming format with one space between the calendar year, CA, RPS, and PCC suffix as follows: **YYYY CA RPS PCC**.

Using the 2011 reporting year as an example, as applicable, the POU retirement subaccounts should be:

2011 CA RPS PCC0

2011 CA RPS PCC1

2011 CA RPS PCC2

2011 CA RPS PCC3

The exception to the WREGIS retirement subaccount naming format described above is for POU's with historic carryover.[3] POU's with historic carryover do not need to name a reporting year in the beginning of the retirement subaccount name. When naming your new historic carryover retirement subaccount, use the following naming format with one space between CA, RPS, and suffix as follows: **CA RPS HC10**:

CA RPS HC10

Using the 2011 reporting year as an example, the POUs without PBR obligations, the retirement subaccounts should be:

2011 CA RPS PCC0

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2 In the case this page number changes in the future, please contact the WREGIS Administrator for more information.

3 POUs must report historic carryover claims as described in the *Enforcement Procedures for the RPS for POUs*, by July 1, 2013, or 30 calendar days after the effective date of the regulations, whichever is later.

2011 CA RPS BNDL

2011 CA RPS TREC

For retail sellers using the 2011 reporting year as an example, the retirement subaccount name for retail sellers should be:

2011 CA RPS RTSL

Make sure that the button "Yes" is selected in the "Open" field.

4) Select "Create."

5) The new retirement subaccount will be added to the "Sub-Accounts Summary" and "Open Sub-Accounts" modules.

C. Instructions for Retiring WREGIS Certificates into Retirement Subaccounts

1) Go to www.wregis.org and log in to your account by selecting the "WREGIS Login" button on the left hand side of the page.

2) To retire a WREGIS Certificate for RPS compliance, you must retire the Certificate(s) by transferring them from your Active Subaccount to the appropriate Retirement Subaccount for that reporting year. Follow the instructions for a certificate transfer[4] in the WREGIS training slides http://www.wecc.biz/WREGIS/Pages/Training.aspx. You must select Forward Certificate Transfer,[5] Standing Order Transfer,[6] or One-Time Transfer, as appropriate.

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4 There are two (2) types of Certificate Transfers: One-Time Transfers and Recurring Transfers.

- **One-Time Transfers** allow the Account Holder to set-up and execute a specific transfer transaction only once per certificate or per batch(es) of certificates. One-Time transfers occur between two Sub-Accounts of the same Account Holder, or between two Account Holders. If between two Account Holders, the transfer may be executed immediately or the transfer can occur at an assigned future date.

The WREGIS Administrator recommends the use of One-Time Transfers for retiring certificates because retirements are permanent and cannot be reversed.

- **Recurring Transfers** include Forward Transfers and Standing Orders, which both allow an Account Holder to execute transfers over a specified period of time. There is no limit as to the number of Recurring Transfers an Account Holder can execute at any one time. Recurring Transfer transactions can be set-up to begin immediately, with the next certificate creation period or at an assigned future date. The end-date for the recurring transfer is also chosen at set-up. Recurring transfers can occur between two Sub-Accounts belonging to the same Account Holder or between two Account Holders.

5 **A Forward Certificate Transfer** is a recurring transaction that requires the Transferor to be an Account Holder who has one or more Generating Units associated with the Account.

6 **A Standing Order Transfer** is a recurring transfer that does not require the Transferor to be an Account Holder representing one or more Generating Units, but can be any Account Holder that has certificates in at least one (1) open Active Sub-Account.

WREGIS Certificate trading is prohibited from two sorts of contracts (described below) and procurement from these two types of contracts must be counted toward the procuring retail sellers' or POUs RPS obligations.

Public Utilities Code 399.16 (a)(5) prohibits RECs from being created for electricity generated pursuant to any electricity purchase contract with a retail seller executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of those credits.

Similarly, Public Utilities Code 399.16 (a)(6) prohibits RECs from being created for electricity generated under any electricity purchase contract executed after January 1, 2005, pursuant to the federal Public Utility Regulatory Policies Act of 1978.

Therefore, WREGIS Certificates from these types of contracts may be retired immediately via a Forward Certificate Transfer if the facility is registered to your account.

If the facility is registered to a different account, that account holder may transfer all associated certificates to you via a Forward Certificate Transfer.

If the facility is registered to a different account, retail sellers or POUs may then set up a Standing Order Transfer to transfer these certificates into their retirement subaccount(s).

Forward Certificate Transfers and the Standing Order Transfers can ensure that procurement from these contracts is not traded and is counted toward the retail seller's or POU's RPS obligations. The Energy Commission may conduct audits to verify that these contracts comply with the law. Corrections to the generation amounts are still possible with these transfer arrangements and will likely result in future batch transfers into the retirement subaccounts be either higher or lower amounts to correct for any discrepancies.

For MJUs, certain facilities may use a "system resource" allocation approach, which has been defined under a multi-state protocol to determine how the costs, revenues, and generation associated with facilities are allocated to each state the MJU serves. This means that for many MJU facilities a certain percentage of procurement is allocated to each of the states, representing a state's share of the resource from the MJU's "total system resource" level (all of the MJU's resources from every state it serves). Because the portion of that facility's output that will serve California's load may not be known at the time the REC is created, RECs from these system resource facilities do not need to be automatically retired; however, the RECs allocated for California's RPS must eventually be retired in the MJU's retirement sub-account.

For contracts that fall under PUC Sections 399.16(a)(5) and 399.16(b)(6) between retail sellers/POUs and facilities requiring e-Tag data to demonstrate RPS compliance, the generation must be matched with the associated NERC e-Tag to be able to demonstrate final e-Tag scheduled data before it can be retired.7 For that reason, certificates from facilities scheduling

7 Additional functionality regarding the matching of NERC e-Tags to REC Certificates is expected to occur as a result of PCR 209, WREGIS change control request.

energy into a CBA may be retired through a One-Time Transfer after the associated NERC e-Tags are available in the obligated utility's account.[8]

3) For a One-Time Transfer, from the "Open Active Sub-Accounts" module, select an open, Active Sub-Account as the source of the transfer. Click on the certificate quantity field hyperlink, this will bring you to the "Certificates in Subaccount" screen.

a) Identify the desired Generating Unit(s) and Generation Month(s) representing the certificates you wish to retire by checking the box(es) next to it. If needed enter the certificate quantity (number of certificates – fixed amount only) from the batch(es) that you wish to transfer to your CA RPS retirement subaccount Select the "Batch Transfer" at the top of the screen.

4) Click the "Retirement" radio button.

5) In the drop-down box of retirement subaccounts in the retirement section, select the retirement subaccount you created for a specific reporting year.

6) Under "Retirement Type," select the box next to "Used by the Account Holder for a State-Regulated Utility Renewable Portfolio Standard/Provincial Utility Portfolio Standard."

7) Under "Retirement Details," select "California" for "State/Province" and select the specific reporting year for "RPS Compliance Period."

8) Under "Reason," the options to select are "In-State Power/Province Resource" or "Out of State/Province Power Purchase." Because SB X1-2 distinguishes Certificates between facilities interconnected to a CBA and those not interconnected to a CBA, for purposes of SB X1-2 and until a potential change is made to the menu selections in WREGIS – the option "In-State Power Purchase" should be selected for contractual arrangements or ownership agreements with facilities interconnected (directly connected) to a CBA. The option "Out of State/Province Power Purchase" option should be selected for contractual arrangements or ownership agreements with facilities not interconnected (not directly connected) to a CBA. As noted below, and per the Energy Commission's *RPS Eligibility Guidebook*, for POUs using e-Tag data for compliance of PCC 1 – not directly connected to a CBA and therefore scheduled into a CBA and PCC 2 – using firmed and shaped electricity – these PCC 1 and PCC 2 claims must be verified with e-Tag data. In the case of an "Out of State/Province Power Resource – NERC E-Tag Required"[9] you will need to retire the associated e-Tags by selecting the "Get Tags" button. However, as explained in the Introduction above, the NERC e-Tag service is not always available in WREGIS for some parties. For the 2011 reporting years and going forward, you must use WREGIS to provide final e-Tag scheduled data for any month during which you participated in that service and the data is available in WREGIS, special exceptions are allowed for situations involving third parties.

8 Information on retirement using NERC E-tags can be found at: http://www.wecc.biz/WREGIS/Pages/Training.aspx

9 Additional steps and instructions can be found at: http://www.wecc.biz/WREGIS/Pages/Training.aspx

a) When third parties are responsible for e-Tag import data on behalf of a POU and, therefore, the POU is unable to provide e-tag data using WREGIS, the CA RPS e-Tag Summary Report may be used for reporting.[10]

Although in some cases the applicable deliveries may not be available in WREGIS, load serving entities must report any Out of State/Province Power Purchases using WREGIS, but in those cases you should select "Out of State/Province Power Resource – NERC E-Tag Not Available in WREGIS." If you are experiencing problems, please work with the WREGIS Administrator as soon as possible.

9) Select "Submit."

10) A pop-up box will appear informing you that a transfer to a retirement subaccount is final and asking if you would like to continue. After you have reviewed the information and are satisfied that it is correct, click "OK."

****File your WREGIS RPS Compliance Report by following the Instructions provided below after the Instructions for Importing NERC e-Tags into your Account.**

D. Instructions for importing e-Tags Into Your WREGIS Account

This section is only for users who must demonstrate final e-Tag schedule data for PCC1 and PCC2 claims as part of their RPS compliance. Please note that retail sellers should follow these instructions but submit their e-Tag Summary Reports to the CPUC instead of the Energy Commission. POUs must submit e-Tag data to the Energy Commission.

1) For the NERC e-Tags to be imported into WREGIS, the e-Tags must contain both the appropriate Purchasing-Selling Entity (PSE) code for the Load-Serving Entity to which the energy is scheduled, and the generator's RPS identification (ID) number.

2) The RPS ID number must be contained in the miscellaneous field on any line of the e-Tag Physical Path but only on one (1) line per e-Tag, with "RPS_ID" written (it must be in ALL CAPS and include the underscore, but do not include the quotation marks) in the "Token" column and the actual RPS ID number written in the "Value" column.

An example follows:

Misc (Token/Value)

10 If WREGIS functionality is changed to accommodate third parties matching and transferring of necessary e-Tag data to allow POUs to provide the Energy Commission with a complete WREGIS NERC e-Tag Summary Report, the CA RPS e-Tag Summary Report should no longer be used for reporting e-Tag data. Until such a WREGIS functionality change is made, the CA RPS e-Tag Summary Report may be provided by POUs to report e-Tag data from third parties, which is not available to POUs through WREGIS.

~~RPS_ID~~	~~Actual RPS ID number and letter suffix~~

~~3) Because this information is checked using computer software, your NERC e-Tags will not be imported into the WREGIS system if all of the information is not entered accurately and in the proper fields.~~

~~4) The WREGIS Administrator adds Purchasing Selling Entity (PSE) Codes to your WREGIS account if you sent a request in writing (either mail or email) to the WREGIS Administrator. WREGIS will only pull NERC e-Tag data from the date the PSE codes were provided and subsequently added to your account by WREGIS staff on a going forward basis. You must include accurate PSE Codes in your request to demonstrate e-Tag data as part of your RPS compliance. These codes can be obtained from your scheduler.~~

~~5) Your scheduler must enter your RPS eligible facilities' RPS identification number when scheduling energy delivery into California that you plan to match with WREGIS Certificates for retirement for RPS compliance. The RPS ID number is provided by the Energy Commission and is located on your facilities' certificate for eligibility and its cover letter. The RPS ID number can also be found on the Energy Commission's website at http://www.energy.ca.gov/portfolio/documents/list_RPS_certified.html.~~

~~6) Open Access Technology International will not pull tags without both a PSE code matching the WREGIS provided list and an RPS ID. WREGIS imports e-Tags into WREGIS Accounts by the 15th of each month for the previous month.~~

~~7) A monthly fee (currently $206 and subject to change) is required for a company's NERC e-Tag data to be imported into WREGIS. A one-time, set up fee may be applicable. WREGIS will add this charge to your monthly invoice after you have requested and been approved to use the WREGIS service for NERC e-Tags.~~

~~8) You must follow the WREGIS NERC e-Tag Training guidelines located on the WREGIS website at: http://www.wecc.biz/WREGIS/Pages/Training.aspx. If you do not see a PSE code on your account profile, WREGIS WILL NOT pull your NERC e-Tags. If your NERC e-Tags are not properly filled out by your schedulers, WREGIS WILL NOT pull your NERC e-Tags and these energy deliveries will not be included in your WREGIS RPS Compliance Report.~~

~~9) The NERC e-Tags available in your account may be viewed in the "NERC e-Tag Summary Report" in the "Account Holder Reports" module. If you have requested the service but do not see any tags in your account, please check with your schedulers to ensure that the tagging guidelines have been followed. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.~~

10) Please contact your scheduler to ensure that all information is entered correctly on your NERC e-Tags. If you have any questions, contact the WREGIS staff at: wregisadmin@wecc.biz or 888-225-4213.

11) On an as requested basis you may be required to submit to the Energy Commission your "NERC e-Tag Summary Report" along with your "State/Provincial/Voluntary Compliance" Report. Please see the following instructions on Filing a State/Provincial/Voluntary Compliance Report and a NERC e-Tag Summary Report below for more detailed instructions on how to submit your NERC e-Tag Summary Report. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

E. Instructions for Filing a State/Provincial/Voluntary Compliance Report Using WREGIS

State/Provincial/Voluntary Compliance Reports are due to the Energy Commission July 1 following the reporting year. For example, RPS reporting year 2014 shall be filed July 1, 2015. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

1) Go to www.wregis.org and log in to your account by selecting the "WREGIS Login" button on the left hand side of the page.

2) Select the "State/Provincial/Voluntary Compliance Report" from the "Account Holder Reports" module on the left side of your screen.

3) Specify the retirement month and year. Use the drop-down boxes to select "From Month/Year" "To Month/Year." The month/year selected needs to be the month/year during which the certificates were retired, NOT the vintage month/year. This report filter pulls data from the date you retired the certificates, not the vintage (generation) dates on the certificates. For example, if it is March 2014 and you are retiring certificates with a vintage year in 2012 you would select From March 2014 to March 2014 to represent the retirement month and year.

4) Under "Retirement Subaccounts," select the retirement subaccounts that contain the WREGIS Certificates that you have retired to demonstrate compliance with the California RPS program for the reporting year[11] in question.

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11 Reporting year is a particular year within a compliance period for which the annual generation has already occurred and for which the RECs are being retired and used for RPS compliance. The reporting year is not the year in which the retired RECs are reported; *it is the year for which the retired RECs are reported* and, on an annual basis, represents the calendar year preceding the July 1 reporting due date. . Because RECs may be retired for RPS compliance within 36 months from the month and year of generation, RECs retired and reported for a particular year may have a different vintage year than the reporting year. However, RECs may not be counted for a reporting year, if the vintage year is later than the reporting year. For example, an entity may not retire and report generation for reporting year 2013 and include RECs with a 2014 vintage in that reporting year. Additionally, if RECs are procured after they have been generated, they may not be used for the RPS for reporting years earlier than the year of

5) Under "Retirement Type," select "State/Provincial Portfolio Standards."

6) Double-check your report to ensure that all information is correct and complete.

7) Click the icon  on the upper far right of your State/Provincial/Voluntary Compliance Report to "Export." This will open a pop-up screen titled "Report Export Request."

8) The report must be submitted electronically to the Energy Commission by July 1 for reports on the previous calendar year.

a) Select "Email" radio button at the top of the pop-up window and "CSV" at the bottom by "Report Format." Enter the following contact information:

RPSTrack@energy.state.ca.us

b) Select "Email" radio button at the top of the pop-up window and "CSV" at the bottom by "Report Format." Enter the following contact information:

Retail Sellers ONLY – also send reports to:

rpscompliance@cpuc.ca.gov

c) Select "Request" to submit.

You must also submit a signed WREGIS Attestation Form for Retail Sellers and for POUs. The template for the attestation is located on the Energy Commission's website and in Appendix B: Forms.

F. Instructions for Filing a NERC e-Tag Summary Report Using WREGIS:

On an as requested basis you may be required to submit to the Energy Commission your "NERC e-Tag Summary Report" along with your "State/Provincial/Voluntary Compliance Report." Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

1) Go to www.wregis.org and log in to your account by selecting the "WREGIS Login" button on the left hand side of the page.

2) Select the "NERC e-Tag Summary Report" from the "Account Holder Reports" module on the left side of your screen.

3) Double-check your report to ensure that all information is correct and complete.

4) Click the icon  on the upper far right of your NERC e-Tag Summary Report to "Export." This will open a pop-up screen titled "Report Export Request."

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procurement. For example, entities purchasing 2013 RECs in 2014 and may not use them for the 2013 reporting year.

~~5) For POUs, the report must be submitted to the Energy Commission by July 1 for reports on the previous calendar year. For retail sellers, the report must be submitted electronically to the California Energy Commission and the California Public Utilities Commission by July 1 for reports on the previous calendar year.~~

~~a) Select "Email" radio button at the top of the pop-up window and "CSV" at the bottom by "Report Format." POUs enter the following contact information:~~

~~RPSTrack@energy.state.ca.us~~

~~b) Select "Email" radio button at the top of the pop-up window and "CSV" at the bottom by "Report Format." Retail sellers enter the following contact information:~~

~~rpscompliance@cpuc.ca.gov~~

~~c) Select "Request" to submit.~~

~~Appendix B:~~Appendix A: RPS Certification Forms

Appendix A: Final Draft Forms of the Renewables Portfolio Standard Eligibility Guidebook, Eighth Edition are available at: ~~http://www.energy.ca.gov/renewables/documents/index.html#rps~~ http://www.energy.ca.gov/portfolio/documents/index.html.

~~General~~ Submission Information

All applications and supplemental forms may be submitted either by mail, in person, or e-mail in accordance with Section VII.A.5: Deadlines and Submission Dates. If by mail or in person, a ~~An original,~~ signed application shall be submitted in hard copy to the Energy Commission at:

California Energy Commission
Attn: RPS Certification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

If by e-mail, a signed application shall be submitted in Adobe PDF format. An additional unsigned copy of the application shall be submitted electronically in Microsoft® Excel format, using the appropriate file name for the attachment and in the e-mail subject line as indicated on the form. The electronic version shall be sent by email to the Energy Commission at **RPSTrack@energy.ca.gov**. ~~Both the hard copy and electronic version of~~ T~~t~~he application shall be complete when submitted in accordance with Section VII.A.5: Deadlines and Submission Dates.

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~~All supplemental forms may be submitted either by mail or e-mail.~~ The Energy Commission will not begin processing any application for certification or precertification until it received both an unsigned electronic copy of the application in Microsoft® Excel format and a signed application as specified above. The applicant should ensure that both the electronic file and the signed form are sent to the Energy Commission within a reasonable timeframe of each other. In addition, the Energy Commission may request for a site map, converted in a PDF file or saved in a .kmz file (Google Earth), clearly identifying the location of the solar or wind facility as well as the GPS coordinates when applying for a precertification or certification.

~~As part of the forms for RPS certification or precertification and the verification process general information about each facility and the person submitting the form will be collected. This information may include, but is not limited to:~~

- ~~Applicant contact information~~
- ~~Location and contact information for the facility~~
- ~~Facility ownership, and contact information for the facility owner~~
- ~~Facility identification used by other programs, such as EIA Plant ID, CEC Plant ID (a.k.a. CEC 1304, EAO QFER), and FERC QF ID~~

RPS Certification Forms

- CEC-RPS-1~~,~~: The ~~A~~application form for RPS ~~Certification or Precertification~~certification or precertification of individual facilities. This form is also used for amending an RPS certification or precertification of individual facilities.
- CEC-RPS-1.S1:~~,~~ The first supplemental form applies to ~~for~~ ~~Supplement 1 – B~~biomethan~~power~~e facilities.
- CEC-RPS-1.S2:~~,~~ The second supplemental form applies to ~~for~~ hydroelectric facilities.~~Supplement 2 – Hydroelectric~~
- CEC-RPS-1.S3:~~,~~ The third supplemental form applies to ~~for~~ facilities located outside California.~~Supplement 3 – Facilities with a first point of interconnection to a non-California balancing authority outside California and facilities located outside the United States~~
- CEC-RPS-1.S4:~~,~~ The fourth supplemental form applies to ~~for~~ incremental hydroelectric facilities. ~~Supplement 4 – Supplemental information and attestation for biomethane production facilities~~
- ~~CEC-RPS-De Minimis: This supplemental form applies to facilities under the category "other nonrenewable energy resource allowances."~~
- ~~CEC-RPS-1-S5:,Supplement 5 – Supplemental information and attestation for common carrier pipeline biomethane delivery entities~~
- ~~CEC-RPS-2196, Existing biomethane supplemental information. Supplements 4 and 5 for the CEC-RPS-1 are also used to supplement this form~~
- CEC-RPS-3:~~,~~ The ~~A~~application form for ~~the~~ RPS ~~C~~certification or- precertification of ~~A~~aggregated ~~U~~units. This form is also used for amending an RPS certification or precertification of aggregated units.

Appendix B: Annual Facility Reporting Forms

Appendix B: Final Draft Forms of the Renewables Portfolio Standard Eligibility Guidebook, Eighth Edition are available at: http://www.energy.ca.gov/portfolio/documents/index.html ~~http://www.energy.ca.gov/renewables/documents/index.html#rps.~~

Submission Information

An authorized individual of the facility, as listed on the facility's application, shall submit all signed documentation to the Energy Commission by e-mail to **RPSTrack@energy.ca.gov** or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

In addition, the authorized individual shall submit an unsigned electronic copy of the forms in Microsoft® Excel format available on the Energy Commission's website, using the appropriate file name for the attachment and in the e-mail subject line as indicated on the form. The hard copy and electronic copy of the forms including any supplemental documentation shall be submitted to the Energy Commission on or before the reporting deadline.

The Energy Commission will not begin processing any submitted reporting form until it receives both an unsigned electronic copy of the reporting form in Microsoft® Excel format and a signed application as specified above. The applicant should ensure that both the electronic file and the signed copy are sent to the Energy Commission within a reasonable time frame of each other.

Applicant Reporting Forms

- CEC-RPS-GEN: General information on the output and energy resource usage of a certified facility. Required for generation not tracked in WREGIS, facilities using multiple energy resources, or upon request.
- CEC-RPS-CCP: Supporting documentation for RPS claims from certified facilities using biomethane.
- CEC-RPS-FDP: Information on biomethane facilities using functionally dedicated pipeline.

Appendix C: Annual LSE Reporting Forms

Appendix C: Final Draft Forms of the Renewables Portfolio Standard Eligibility Guidebook, Eighth Edition are available at: http://www.energy.ca.gov/portfolio/documents/index.html. ~~http://www.energy.ca.gov/renewables/documents/index.html#rps.~~

Submission Information

LSEs must send all signed documentation to the Energy Commission by e-mail to **RPSTrack@energy.ca.gov** or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

Furthermore, LSEs shall submit an unsigned electronic copy of all forms in Microsoft® Excel format available on the Energy Commission's website, using the appropriate file name for the attachment and in the e-mail subject line as indicated on the form. The hard copy and electronic copy of the forms including any supplemental documentation shall be submitted to the Energy Commission on or before the reporting deadline.

The Energy Commission will not begin processing any submitted reporting form until it receives both an unsigned electronic copy of the reporting form in Microsoft® Excel format and a signed application as specified above. The applicant should ensure that both the electronic file and the signed copy are sent to the Energy Commission within a reasonable time frame of each other.

LSE Reporting Forms

- WREGIS Compliance Report: Used by LSEs to report generation procured for RPS purposes. This report must be completed in WREGIS and be submitted to the Energy Commission through WREGIS. Information on the report can be found online at www.wregis.org, and training slides can be found online at www.wecc.biz/WREGIS/Pages/Training.aspx.
- WREGIS Attestation: Used to attest to the information submitted by an LSE through the WREGIS system.

~~Interim Tracking System~~

- CEC-RPS-Track~~RACK:~~ Used to retire and report RPS ~~P~~procurement of~~and Attestation Form for reporting~~ generation not available in WREGIS. This form is only available to LSEs for specific reasons. ~~(~~See Sections III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System and VI.A.1: Prior Period Adjustments.)

~~(See III.A.1: WREGIS.)~~

Reporting Forms for POUs Only

- ~~CA RPS e-Tag Summary Report, For POUs only and in instances when the data are not available for use in WREGIS (in the case of third parties in WREGIS, for example) - Final Energy Schedule information for Portfolio Content Category 1 – NOT directly connected to a CBA and for Portfolio Content Category 2 – incremental electricity, firmed and shaped. General Reporting~~
- ~~CEC-RPS-Hourly, For POUs only – Annual hourly meter and annual hourly final e-Tag schedule reporting.~~
- ~~CEC-RPS-GEN, RPS Generation and Attestation Form for RPS-certified facilities. Required for facilities with generation not tracked in WREGIS for an entire calendar year. Once generation is fully tracked in WREGIS on an annual basis, the CEC-RPS-GEN form is required on an as requested basis.~~
- ~~CEC-RPS-Multifuel, RPS Multifuel and Attestation Form for RPS-certified facilities using more than one fuel.~~
- ~~CEC-RPS-Biomethane, RPS claims from RPS-certified facilities using biomethane~~
- CEC-RPS-POU ~~-RPS, For POUs only:~~ – Form for Local Publicly Owned Electric Utilities (POUs) for static data and~~,~~ annual and compliance period reporting. This form will be updated annually to reflect the reporting year and compliance period, and will be posted on the Energy Commission's website.
- ~~CEC-RPS-HCO, For POUs only – Form for reporting historic carryover claims.~~

~~WREGIS~~

- WREGIS Matched e-Tag Summary Report: Information on the report can be found online at www.wregis.org, and training slides can be found online at www.wecc.biz/WREGIS/Pages/Training.aspx. This form will no longer be used once the CA-eTag Report is available in WREGIS.
- CEC-RPS-eTag: This form is available to POUs only in instances when the data are not available for use in WREGIS (in the case of third parties in WREGIS, for example).
- CEC-RPS-HOURLY: Annual hourly meter and annual hourly final e-Tag schedule reporting.
- CEC-RPS-399: Annual reporting on all electricity sales from certified hydroelectric generation units for POUs that meet the criteria of Public Utilities Code section 399.30(j).

~~WREGIS State/Provincial/Voluntary Compliance Report and WREGIS Matched e-Tag Summary Report: Information on the report can be found online at www.wregis.org, and training slides can be found online at www.wecc.biz/WREGIS/Pages/Training.aspx. Attestation Form~~

~~CEC-RPS-eTag Summary Report: This form is available to POUs only in instances when the data are not available for use in WREGIS (in the case of third parties in WREGIS, for example).~~

- ~~CEC-RPS-HOURLY: Annual hourly meter and annual hourly final e-Tag schedule reporting.~~
- ~~CEC-RPS-399: Annual reporting on all electricity sales from certified hydroelectric generation units for POUs that meet the criteria of Public Utilities Code section 399.30(j).~~

~~Appendix C:~~Appendix D: Statutory History ~~of the RPS~~

Below is a list of bills enacted into law that made changes to RPS statutes or ~~impacted~~ affected the RPS to some degree.

- **Senate Bill 1038** (Chapter 515, Statutes of 2002.[1] The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code ~~S~~sections 383.5 and 445~~,~~ but are now codified in Public Resources Code ~~S~~sections 25740 through 25751 as a result of Senate Bill 183 (Chapter 666, Statutes of 2003).
- **Senate Bill 1078** (Chapter 516, Statutes of 2002)[2] established the Renewables Portfolio Standard. The pertinent provisions of SB 1078 were ~~are~~ codified in Public Utilities Code ~~S~~section 399.11 through 399.15. This law was subsequently amended to add ~~S~~sections 399.16, 399.17, and 399.12.5 under Senate Bill 67 (Chapter 731, Statutes of 2003), Assembly Bill 200 (Chapter 5, Statutes of 2005), and Assembly Bill 2189 (Chapter 747, Statutes of 2006), respectively.
- **Senate Bill 1250** (Chapter 512, Statutes of 2006)[3] amended~~s~~ pertinent provisions in Public Resources Code ~~S~~sections 25740 through 25751.
- **Senate Bill 107** (Chapter 464, Statutes of 2006)[4] amended~~s~~ pertinent provisions in Public Resources Code ~~S~~sections 25740 through 25751 and Public Utilities Code ~~S~~sections 399.11 through 399.16.
- **Senate Bill 1036 (**Chapter 685, Statutes of 2007)~~,~~[5] ~~passed in October 2007,~~ repealed~~s~~ the provisions for awarding SEPs and requires the Energy Commission to terminate production incentives awarded as of January 1, 2002, unless the facility began generating electricity by January 1, 2007.
- **Assembly Bill 1969** (Chapter 731, Statutes of 2006)[6] added Public Utilities Code ~~(PUC)~~ ~~S~~section 399.20, authorizing tariffs and standard contracts for the purchase of eligible renewable generation from public water and wastewater customers. In July 2007, the CPUC implemented AB 1969, Decision 07-07-027, creating a feed-in tariff (FIT) up to 1.5 megawatt ~~(MW)~~, and expanded the FIT to cover nonwater and wastewater customers in the service territories of Pacific Gas ~~&~~ and Electric Company (PG&E) and Southern California Edison Company (SCE) ~~territories~~.[7] All generation procured under this program counts towards ~~the~~ RPS target targets of PG&E and SCE.

~~1 SB 1038, Chapter 515, Statutes of 2002.~~
~~2 SB 1078, Chapter 516, Statutes of 2002.~~
~~3 SB 1250, Chapter 512, Statutes of 2006.~~
~~4 SB 107, Chapter 464, Statutes of 2006.~~
~~5 SB 1036, Chapter 685, Statutes of 2007. SB 1036 amends pertinent provisions in Public Resources Code Sections 25740 through 25751.~~
~~6 Assembly Bill 1969 (Chapter 731, Statutes of 2006).~~
~~7 CPUC Decision 07-07-027.~~

- **Assembly Bill 3048** (Chapter 558, Statutes of 2008)[8] and **Senate Bill 380** (Chapter 544, Statutes of 2008)[9] were passed into law in 2008. AB 3048 addresses~~sd~~ the RPS eligibility of existing renewable generation owned by or under contract with a local publicly owned electric utility (POU), and SB 380 expanded~~s~~ feed-in tariffs for small renewable generators in the service territories of the large Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company,~~IOUs~~ and raised the program cap from 250 MW to 500 MW.
- **Assembly Bill 1351** (Chapter 525, Statutes of 2009)[10] ~~was signed into law in 2009. AB 1351~~ requires that hydroelectric facilities ~~must~~ be owned by a retail seller or local publicly owned electric utility for the ~~facility's their~~ incremental generation of the facility due to eligible efficiency improvements to be~~count as~~ eligible for the RPS. AB 1351 also expands eligibility for such facilities located outside California.
- **Assembly Bill 920** (Chapter 376, Statutes of 2009)~~,~~[11] ~~signed into law in 2009,~~ requires electric utilities to develop a tariff to compensate wind and solar net energy metering customers for electricity they produce in excess of their on-site load at the end of a 12-month period (net surplus generation). An eligible customer-generator with a facility no more than 1 megawatt in capacity that elects to participate in the tariff will be compensated by the utility for the facility's net surplus generation. This ~~at a~~ rate is determined by the CPUC for PG&E, SCE and SDG&E. The utility may count this surplus generation toward its RPS obligation.
- **Senate Bill 32** (Chapter 328, Statutes of 2009)~~,~~[12] ~~signed into law in 2009,~~ further modifies~~d~~ Public Utilities Code ~~S~~section 399.20. It expands the eligible project size of the feed-in tariff from 1.5 MW to 3 MW in size, raises the program cap from 500 MW to 750 MW, and requires ~~the~~ municipal utilities to comply with this statute. SB 32 must be implemented through a CPUC proceeding before projects can ~~utilize~~ use the new tariff.
- **Senate Bill 1247** (Chapter 488, Statutes of 2010)~~,~~[13] signed into law on September 29, 2010, as an urgency bill, modifies Public Utilities Code ~~S~~section 399.12.5. SB 1247 ensures that for a hydroelectric generation facility certified as of January 1, 2010, its RPS eligibility will not be revoked if the facility causes a change in the volume or timing of streamflow that is required by license conditions approved pursuant to the Federal Power Act (Chapter 12 (commencing with ~~S~~section 791a) of Title 16 of the United States Code) on or after January 1, 2010.

~~8 AB 3048, Chapter 558, Statutes of 2008. AB 3048 amends pertinent provisions in Public Resources Code 25741 and 25742 and Public Utilities Code Sections 399.12 and 399.12.5.~~
~~9 SB 380, Chapter 544, Statutes of 2008. SB 380 amends Section 399.20 of the Public Utilities Code.~~
~~10 AB 1351, Chapter 525, Statutes of 2009. AB 1351 amends Section 399.12.5 of the Public Utilities Code.~~
~~11 AB 920, Chapter 376, Statutes of 2009. AB 920 amends Section 2827 of the Public Utilities Code. The CPUC must adopt a net surplus electricity compensation rate before this law can be further implemented.~~
~~12 SB 32, Chapter 328, Statutes of 2009. SB 32 amends section 399.20 of, and adds section 387.6 to the Public Utilities Code.~~
~~13 SB 1247, Chapter 488, Statutes of 2010. SB 1247 amends Section 399.12.5 of the Public Utilities Code.~~

- **Assembly Bill 1954** (Chapter 460, Statutes of 2010)~~,~~[14] ~~Signed into law on September 29, 2010,~~ direct~~s~~ed the Energy Commission to set the de minimis quantity of nonrenewable fuels that may be used for each renewable technology at no more than 2 percent, but permits the Energy Commission to adjust this de minimis quantity to a maximum of 5 percent for individual facilities if certain conditions are satisfied as specified in AB 1954.
- **Senate Bill X1-2 (**Chapter 1, Statutes of 2011, First Ex. Sess.)[15],[16] ~~signed into law on April 12, 2011, as part of the First Extraordinary Session,~~ establishe~~s~~d the California Renewable Energy Resources Act and amends~~modifies~~ provisions in Public Resources Code S~~s~~ections 25740 through 25751 and amends and/or adds Public Utilities Code S~~s~~ections 399.11 through 399.31~~399.20~~ to advance the state's RPS goal to at least 33 percent of total retail sales of electricity in California by December 31, 2020, and to expand the same RPS goals to the local publicly owned electric utilities as to the retail sellers. SB X1-2 makes other changes to the RPS, including replacing the annual procurement targets with compliance periods, replacing the market price referent ~~(MPR)~~ with new cost containment provisions, and creating renewable energy product categories with specific procurement requirements for each compliance period.
- **Assembly Bill 2196** (Chapter 605, Statutes of 2012)~~,~~[17] ~~signed into law on September 27, 2012,~~ amend~~s~~ed S~~s~~ection 25741 of the Public Resources Code and adds S~~s~~ection 399.12.6 to the Public Utilities Code. AB 2196 revises the requirements for renewable electrical generation facilities that use landfill gas, digester gas, or another renewable fuel delivered to the facility through a common carrier pipeline, and establishes conditions for the ~~transactions for the~~ procurement of such fuel, including the source of the fuel and delivery method. AB 2196 also establishes new eligibility requirements for facilities using biomethane under contracts initially executed on or

~~14 AB 1954, Chapter 460, Statutes of 2010. AB 1954 amends Section 399.2.5 and 399.12 of the Public Utilities Code.~~

~~15 SB X1-2, Chapter 1, Statutes of 2011. SB X1-2 adds Section 705 to the Fish and Game Code, amends Sections 25740, 25740.5, 25741, 25742, 25746, 25747, and 25751 of, adds Section 25519.5 to, and adds and repeals Section 25741.5 of, the Public Resources Code, and amends Sections 399.11, 399.12, 399.20, and 454.5 of, amends, renumbers, and adds Sections 399.13 and 399.16 of, adds Sections 399.18, 399.19, 399.26, 399.30, 399.31, and 1005.1 to, adds Article 11 (commencing with Section 910) to Chapter 4 of Part 1 of Division 1 of, repeals Section 387 of, and repeals and adds Sections 399.14, 399.15, and 399.17 of, the Public Utilities Code.~~

~~16 SB X1-2, Chapter 1, Statutes of 2011. SB X1-2 adds Section 705 to the Fish and Game Code, amends Sections 25740, 25740.5, 25741, 25742, 25746, 25747, and 25751 of, adds Section 25519.5 to, and adds and repeals Section 25741.5 of, the Public Resources Code, and amends Sections 399.11, 399.12, 399.20, and 454.5 of, amends, renumbers, and adds Sections 399.13 and 399.16 of, adds Sections 399.18, 399.19, 399.26, 399.30, 399.31, and 1005.1 to, adds Article 11 (commencing with Section 910) to Chapter 4 of Part 1 of Division 1 of, repeals Section 387 of, and repeals and adds Sections 399.14, 399.15, and 399.17 of, the Public Utilities Code.~~

~~17 Assembly Bill 2196 (Chapter 605, Statutes of 2012) amends Section 25741 of the Public Resources Code and adds Section 399.12.6 to the Public Utilities Code.~~

after March 29, 2012, or for quantities of biomethane associated with contract amendments executed on or after March 29, 2012.

- **Assembly Bill 2187** (Chapter 604, Statutes of 2012) amended Ssection 399.16 of the Public Utilities Code to draw a distinction between the RPS procurement requirements of electric service providers and the procurement requirements of other retail sellers. Retail sellers are generally required to satisfy the RPS procurement requirements of Article 16 (commencing with Ssection 399.11) by procuring electricity products that 1) meet one of the three Portfolio Content Categories specified in Public Utilities Code Ssection 399.16(b) and were procured under contracts executed on or after June 1, 2010, or 2) were procured under contracts executed before June 1, 2010, and satisfy the conditions of Public Utilities Code Ssection 399.16(d). Under AB 2187, an electric service provider must satisfy the procurement requirements of Article 16 by procuring electricity products that meet one of the three Portfolio Content Categories specified in Public Utilities Code Ssection 399.16(b) and were procured under contracts executed after January 13, 2011.
- **Assembly Bill 1478** (Chapter 664, Statutes of 2014) amended Ssection 399.12 of the Public Utilities Code. AB 1478 amended existing law to clarify the RPS eligibility of a small hydroelectric generation unit with a nameplate capacity not exceeding 40 MW that is operated as part of a water supply or conveyance system.

~~Appendix D:~~Appendix E: Summary of Reporting Requirements and Deadlines

Applicable Groups	Requirement	Time Constraints	Benefit	Reference	Form	Responsible party
All Facilities	Precertification	Prior to COD	Eligibility Date	IV	CEC-RPS-1	Facility owner or agent
All Facilities	Amended Precertification	Within 90 days of the change	Retain original eligibility date	IV.B.~~7~~	CEC-RPS-1	Facility owner or agent
All Facilities	Certification	After the COD for the facility	Become RPS ~~-~~certified	IV	CEC-RPS-1	Facility owner or agent
All Facilities	Amended Certification	Within 90 days of the change	Retain certification original eligibility date	IV.B.~~7~~	CEC-RPS-1	Facility owner or agent
Utility Certified Facilities	Certification	Within 90 days of Contract Expiration, ~~or by the adoption date of this guidebook~~must apply for certification	Retain certification	IV.C.1.b. ~~IV.A.5~~	CEC-RPS-1	Facility owner or agent
~~Utility Certified Facilities~~	~~Supplemental Certification information~~	~~To be specified~~	~~Retain Utility Certification~~	~~0~~IV.A.5	~~N/A~~	~~Contracting Utility~~
Aggregated Units	Precertification and Certification	After the creation of the aggregated unit, or ~~9~~30 days after the change	Certify or precertify the facilities within the unit	IV~~,~~; IV.C.2~~IV.A.2~~	CEC-RPS-3	Aggregator
~~Existing Hydroelectric Generation Unit Operated as Part of a Water Supply or Conveyance System~~	~~Certification~~	~~Apply no later than 90 days after the adoption of the guidebook~~	~~Extend eligibility back to January 1, 2011~~	~~0~~IV.B.3	~~CEC-RPS-1~~	~~Facility owner or agent~~

Applicable Groups	Requirement	Time Constraints	Benefit	Reference	Form	Responsible party
~~Facilities Serving POU~~	~~Certification~~	~~Must have applied by October 1, 2012 or by December 31, 2013 if under contract with or approved by a POU for its RPS before June 1, 2010~~	~~Extend eligibility back to January 1, 2011~~	~~0~~IV.B.3	~~CEC-RPS-1~~	~~Facility owner or agent~~
~~Biomethane Facilities~~	~~Certification, Amended Certification and Precertification~~	~~Submit additional required information within 90 days of the adoption of the guidebook~~	~~Avoid a reset of the eligibility date if the biomethane suspension prevented compliance with the 90 day requirements for certification or amended certification~~	~~0~~IV.B.3	~~CEC-RPS-2196~~	~~Facility owner or agent~~
Suspended Facilities	Resolution of an eligibility question	Within 1 year of the suspension date	Retain RPS ~~certification or precertification~~certification, if resolved	IV.A.1~~IV.B.6~~	Varies	Facility owner or agent
RPS-Certified Facilities	Annual generation reporting, if entire annual data is not available in WREGIS or otherwise as requested.	July 1st of ~~E~~each ~~Y~~year, for the previous calendar year. ~~For 2011 and 2012 generation data, CEC-RPS-Gen forms are due July 1, 2013 or ninety days after the adoption date of the *Seventh Edition* of the *RPS Eligibility Guidebook*, whichever is later.~~	~~Required~~N/A	V.A~~B.1~~	CEC-RPS-GEN	Facility owner or agent. If retail seller or POU owned, form must be submitted by retail seller or POU.
Multifuel Facilities	Fuel Use Reporting	On~~,~~ or before, April ~~March 31~~1 each year	Retain certification	~~I.A~~III.B.4V.A	CEC-RPS-GEN~~Multi~~	Facility owner or agent
Biomethane Facilities	Biomethane Reporting	On~~,~~ or before, April ~~March 31~~ 1 each year	Retain certification	V.B or V.C~~I.A~~II.C.6	~~CEC-RPS-Biomethane~~ CEC-RPS-FDP; CEC-RPS-CCP	Facility owner or agent

Applicable Groups	Requirement	Time Constraints	Benefit	Reference	Form	Responsible party
~~POUs~~	~~Historic Carryover Report~~	~~30 days after the effective date of the POU regulations, whichever is later~~	~~To apply historic carryover to a POU's RPS procurement target.~~	~~I~~V.B.5.b	~~CEC-RPS Track, WREGIS Report; WREGIS Attestation; POU Compliance Spreadsheet; and supporting documentation~~	~~POU~~
~~POUs~~	~~POU Compliance Report – Static Contract Information~~	~~As soon as possible after adoption of the guidebook and POU Regulations; or by September 1, 2013 or 30 days after the effective date of the POU regulations whichever is later.~~	~~Required~~	~~I~~V.B.5.b & ~~I~~V.B.5.c	~~POU Compliance Spreadsheet and supporting documentation~~	~~POU~~
POUs	POU – RPS Compliance Reporting	~~Reporting for 2011 and 2012, by September 1, 2013 or 30 days after the effective date of the POU regulations whichever is later;~~ Reporting for 2013 forward, July 1 of the following year.	~~Required~~N/A	VI~~I~~V.B.5.b & ~~I~~V.B.5.c	CEC-RPS-POU and other supporting documentation ~~Compliance Spreadsheet and supporting documentation~~	POU
POUs	RPS Retired REC reporting and supporting documentation	~~Reporting for 2011 and 2012, by September 1, 2013 or 30 days after the effective date of the POU regulations whichever is later;~~ Reporting for 2013 forward, July 1 of the following year.	~~Required~~N/A	VI~~I~~V.B.5.b & ~~I~~V.B.5.c	WREGIS Report; WREGIS Attestation; CEC-RPS Track. CEC-RPS-~~e~~Tag ~~Report~~; WREGIS Matched e-Tag Summary Report[193]; CEC-RPS-HOURLY~~ourly~~; and e-Tags as requested.	POU
Retail Sellers	RPS Retired REC	~~For RECs retired for 2011 reporting year,~~	~~Required~~N/A	VI~~I~~V.B.5.a	WREGIS Report;	Retail Seller

193 This form will be changed to "CA-eTag Report" and available in WREGIS sometime in September 2015 or early 2016. The WREGIS Matched e-Tag Summary Report will no longer be used once the new form becomes available.

Applicable Groups	Requirement	Time Constraints	Benefit	Reference	Form	Responsible party
	reporting	~~July 1, 2013 or 90 days after adoption of the guidebook, whichever is later; For RECs retired for 2012 reporting year, 120 days after adoption of the guidebook;~~ For 2013 forward, July 1 of the following year.			WREGIS Attestation; RPS Track	

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Note: This section will be completed in the final adopted version of the RPS Guidebook.