

**DOCKETED**

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## **BSTD-19-08 Let us focus on retail sales of energy consumption and cost effectiveness**

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SMUD expects to subtract the SolarShares generation allocated to participating homes in the Neighborhood SolarShares Program, to the extent that generation meets the requirements of Public Utilities Code Section 399.30(c)(4) and Energy Commission RPS regulations, from SMUD's general retail sales prior to calculation of SMUD's obligation in the RPS program, to avoid double procurement of renewable generation.

10-115 does not allow building's energy consumption that is subject to energy bill payments, thus no retail sales of energy consumption (kWh).

Unless keeps SMUD two sets of books, there should be no place that the Energy Commission (enforcement agency) can find a building's energy consumption that is subject to energy bill payments related to Community Shared System Applications. The kWh has already been excluded because it is not retail sales pursuant to 10-115.

Avoiding double procurement of renewable generation is not required because SolarShares generation allocated to participating homes does not appear in bookkeeping for retail sales of energy consumption (kWh), if it complies with 110-115.

The Energy Commission has not completed rulemaking for Public Utilities Code Section 399.30(c)(4) and has not adopted Energy Commission RPS regulations specifying procedures for enforcement of Public Utilities Code Section 399.30(c)(4). If Energy Commission utilizes a implementation of Public Utilities Code Section 399.30(c)(4) not adopted pursuant to the APA, the Energy Commission will be utilizing prohibited underground regulations.

Perhaps there is a risk of double counting of kWh for RPS that the Energy Commission should consider. Perhaps SMUD wishes to offload the cost of monitoring required by JA11.5 on the Energy Commission by using WREGIS and not creating separate accounts for each home site? Is will create manual accounting work for the Energy Commission if rules are not adopted to assign cost to SMUD for auditing pursuant to Public Utilities Code Section 399.21 to ensure no double counting.

This could impact the cost effectiveness of actual PV generation installed at home sites in SMUD service area and any other service areas the Energy Commission approval of SMUD's application allows. This may invoke 10-109(k) of CEC-400-2018-020-CMF BUILDING ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL BUILDINGS.

## 10-109(k) Photovoltaic System Requirement Determinations

The Commission may, upon written application or its own motion, determine that the photovoltaic requirements in Section 150.1(c)14 shall not apply, if the Commission finds that the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, or interconnection fees, causes the Commission's cost effectiveness conclusions, made pursuant to Public Resources Code 25402(b)(3), to not hold for particular buildings.

Applications shall include full information regarding the differences between public agency rules and Energy Commission cost effectiveness determinations, including all information requested by the Commission to enable full review of the application. Applications shall also include specific recommended limitations to the scope of the determination that is requested, and specific eligibility criteria to determine what buildings would qualify for the determination. Applications from public agencies shall be submitted to the Energy Commission only after public review within the jurisdiction of the public entity or service area of the utility.

Perhaps a home builder will submit a application required by 10-109(k) and start the process to remove the building standard requirement of Section 150.1(c)14 for PV generation installed at home sites in SMUD service area and any other service areas the Energy Commission approval of SMUD's application allows.

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