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## **BSTD-19-08** Perhaps SMUD's legal staff overlooked some rulemaking hurdles

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Defining "Community Solar" takes awhile.

Title 24 Building Standards next code cycle is 2022.

Energy Commission will most likely define in their Title 20 RPS docket 16-RPS-03, re PUC 399.30(c)(4) if they want it sooner.

SMUD should of petitioned a year ago.

Public Utilities Code - PUC 399.30. (c) (4)

(4) Beginning January 1, 2014, in calculating the procurement requirements under this article, a local publicly owned electric utility may exclude from its total retail sales the kilowatthours generated by an eligible renewable energy resource that is credited to a participating customer pursuant to a voluntary green pricing or shared renewable generation program. Any exclusion shall be limited to electricity products that do not meet the portfolio content criteria set forth in paragraph (2) or (3) of subdivision (b) of Section 399.16. Any renewable energy credits associated with electricity credited to a participating customer shall not be used for compliance with procurement requirements under this article, shall be retired on behalf of the participating customer, and shall not be further sold, transferred, or otherwise monetized for any purpose. To the extent possible for generation that is excluded from retail sales under this subdivision, a local publicly owned electric utility shall seek to procure those eligible renewable energy resources that are located in reasonable proximity to program participants.

In this case the definition of "shared renewable generation program" (Community Solar) will be to identify the requirement for the energy to from a retail sale of kilowatthours (energy) and what "reasonable proximity to program participants" means.

Since no energy charge can appear on the bill pursuant to 10-115 3. B. there is no retail sale.

Perhaps SMUD should rethink the expected use of PUC 399.30 (c) (4) and retail sales reductions.

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