

**DOCKETED**

<b>Docket Number:</b>	20-BUSMTG-02
<b>Project Title:</b>	Public Comment on California Energy Commission Business Meetings
<b>TN #:</b>	233958
<b>Document Title:</b>	Steve Uhler Comments - Germane to reports counting products
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	Steve Uhler
<b>Submitter Role:</b>	Other Interested Person
<b>Submission Date:</b>	7/20/2020 3:14:50 PM
<b>Docketed Date:</b>	7/20/2020

*Comment Received From: Steve Uhler  
Submitted On: 7/20/2020  
Docket Number: 20-BUSMTG-02*

## **RPS-18-02 Germane to reports counting products**

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Dear Energy Commission Commissioners,

When adopting reports counting products, the definition of "product" is germane.

The reports do not identify where the electricity is metered are incomplete.

Electricity delivered to the customer's premises, to the point where it is metered is the only electricity generation that is a product.

Kilowatthours sold to the utility's retail end-use customers meet the test in Fong v. Pacific Gas & Electric (1988), as such are products.

Energy Commission Chief Counsel claims the commission has no record of consideration Fong v. Pacific Gas & Electric Co.(1988) test used to determine the point electricity becomes a product. The court in rejecting contention that electricity had become a product since delivery lines had crossed plaintiffs' property line, used a test as to whether it has been metered. Electricity must be delivered to the customer's premises, to the point where it is metered to be considered a product.

Pursuant to Public Utilities Code - PUC 399.30. (a) (1) To fulfill unmet long-term generation resource needs, each local publicly owned electric utility shall adopt and implement a renewable energy resources procurement plan that requires the utility to procure a minimum quantity of electricity products from eligible renewable energy resources, including renewable energy credits, as a specified percentage of total kilowatthours sold to the utility's retail end-use customers.

In voting to adopt the staff draft of the RPS POU Verification Results Reports counting procured quantity of electricity products from eligible renewable energy resources, what is the standard identifying where electricity generation becomes a product?

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