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Third 15-Day Language (TN235823) appears to address location in reasonable proximity to program participants spatially. The proposed language does not address location in reasonable proximity to program participants temporally in the same manner.

Pursuant to 3204(b)(9)(B)2 reference to 3202(a)(2), the proposed language appears to allow use of "historic carryover" for Renewable Portfolio Standard mandated for compliance with PUC 399.30(c)(4).

While PUC 399.30 (c)(4) allows the impairing of contracts, should the Energy Commission endorse use of kilowatthours consumed prior to June 1, 2010 for Renewable Portfolio Standard compliance mandated for exclusions pursuant to PUC 399.30(c)(4)?

Temporal proximity should be limited to the hour the program participant consumed the energy.

Pursuant to Public Resources Code section 25213. (a), please provide reasons supporting adoption 3204 (b)(9)(B)2 as to temporal proximity and clarify temporal proximity.

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