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Comments on 21-OIR-01: Proposed Updates to Power Source Disclosure Regulations; Power Content Label creates consumer confusion

Additional submitted attachment is included below.

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February 14, 2024

California Energy Commission
Docket Unit, MS-4
Re: Docket No. 21-OIR-01
715 P Street
Sacramento, CA 95814-5512

Re: Comments on 21-OIR-01: Proposed Updates to Power Source Disclosure Regulations; Power Content Label creates consumer confusion

Consumers are not getting clarity on what is delivered when they review power content labels (PCLs). They are often led to believe they receive pure renewable energy when that is not the case. Rather than receiving renewable energy, typically wind or solar power, consumers frequently receive substitute Unspecified Power.

This confusion occurs because current PCLs' fuel mix accounting aligns more closely with the Renewable Portfolio Standard and counts firm-and-shaped imports according to the bundled renewable energy certificate, while the greenhouse gas accounting reflects the Unspecified Power underlying firm-and-shaped imports. The dual-treatment of firm-and-shaped products conflicts with CPUC Code § 398.1 (b) which calls for a program -- power content labels -- that establishes "accurate, reliable, and simple to understand information on the sources of energy, and the associated emissions of greenhouse gases, that are used to provide electric services."

PCLs fail to achieve this standard, and in fact needlessly confuse what should be a straightforward labeling process about the *sources* of energy.¹ Current PCLs block consumers' straightforward view of the energy sources in products they are invited to purchase, which, in this [case](#) is portrayed as "Wind," when in fact, substitute Unspecified Power (system power) is delivered. This results in (i) power content labels that do not portray the energy product's content, (ii) misleading energy marketing, and (iii) misrepresented renewable energy content of a load serving entity's overall energy portfolio.

Accordingly, PCLs should specifically itemize all substitute power resources that are part of underlying firm-and-shape import contracts. This would also bring advertised energy products into better alignment with a respective product's Greenhouse Gas Emissions Intensity that is displayed on Power Content Labels alongside the (actual) labeled content.

Respectfully submitted,
/s/
Jim Phelps

¹ CEC description of California's Power Content Label, AB 162 (Statute of 2009) and Senate Bill 1305 (Statutes of 1997) https://www.energy.ca.gov/sb1305/power_content_label.html (inactive link): "Just as a nutrition label provides information about the food you eat (sic), the power content label provides information on where your electricity comes from."