DOCKETED	
Docket Number:	21-OIR-01
Project Title:	Rulemaking to Amend Regulations Governing the Power Source Disclosure Program
TN #:	259381
Document Title:	Notice of Availability and Opportunity to Comment - 45-Day Updated Language
Description:	N/A
Filer:	Logan Clendening
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/1/2024 12:36:54 PM
Docketed Date:	10/1/2024

CALIFORNIA ENERGY COMMISSION
715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-057 (Revised 1/21)

Notice of Availability and Opportunity to Comment

45-Day Public Comment Period
Proposed Revisions to the Rulemaking to Amend Regulations Governing the Power Source Disclosure Program

California Energy Commission
Docket No. 21-OIR-01

On May 17, 2024, the California Energy Commission (CEC) published a Notice of Proposed Action (NOPA) to amend and reorganize Sections 1391, 1391.1, 1392, 1393, 1393.1, 1394, 1394.1, and 1394.2 of Chapter 3, Article 5 of Title 20 in the California Code of Regulations related to the Power Source Disclosure (PSD) program.

Based on comments received, the CEC is issuing this Notice of Availability and Opportunity to Comment (Notice) proposing additional changes to the proposed express terms offered on May 17, 2024. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 45-day comment period that will initiate on October 1, 2024, and end on November 18, 2024.** The CEC appreciates receiving written comments at the earliest possible date.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-OIR-01, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Cal.Code.Regs., tit. 20, Section 1208.1. The maximum file size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 21-OIR-01 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No. 21-OIR-01
715 P Street
Sacramento, CA 95814-5504

All comments received will become part of the proceeding’s public record. To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceedings email subscriber list or provide a valid email or mailing address with your comments.

The proposed additional amendments to the express terms for this second 45-day public comment period and related documents are available for review on the docket log for Docket No. 21-OIR-01 at https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-01.

In accordance with Government Code sections 11346.8 and 11347.1, these documents are made available for public comment at least 45 days before the CEC's consideration and possible adoption of the proposed regulations. Copies of these documents are available for public inspection at the CEC located at the address above. The CEC has considered all previously received public comments provided in response to the May 17, 2024, NOPA in developing the proposed language that is being released for this 45-day public comment period.

The text of the proposed additional amendments to the express terms is also included as Appendix A to this Notice. The initial proposed amendments to the existing PSD regulations that were made public in the express terms included with the NOPA on May 17, 2024, are shown in ~~strike through~~ to indicate deletions and underline to indicate additions. Additional amendments to the express terms as proposed with this second 45-day notice are **bolded** and shown in ~~**double strikethrough**~~ for deletions and **double underline** for additions.

The CEC's Public Advisor assists the public with participation in CEC proceedings. To request assistance, interpreting services, or reasonable modifications and accommodations, call (916) 957-7910 or email publicadvisor@energy.ca.gov as soon as possible but at least five days in advance of any noticed hearing in this proceeding. The CEC will work diligently to meet all requests based on availability.

Direct media inquiries to the Media and Public Communications Office at (916) 654- 4989, or by email at mediaoffice@energy.ca.gov.

If you have question on the subject matter of this notice, please contact Jordan Scavo at (916)704-3649 or at Jordan.Scavo@energy.ca.gov.

SUMMARY OF AMENDMENTS PROPOSED FOR THE EXPRESS TERMS

The following is a summary of the proposed additional amendments to the initial proposed express terms. Upon adoption, all Section references will be amended in Title 20 of the California Code of Regulations. All proposed amendments are provided in detail in Appendix A to this Notice.

Section 1391:

- Biogenic fuels. An update to this definition clarifies that biogenic fuels are derived from biomass or biomethane.
- CPUC. An acronym to refer to the California Public Utilities Commission.
- Electricity from Unspecified Sources. The section of this definition describing unspecified power as "derived primarily from natural gas and other fossil fuels" was deleted because the CEC is proposing to calculate and display the percentage of unspecified power derived from either renewables and zero-carbon resources or from fossil fuels starting in 2026.
- Emerging technologies. This new definition enables power source and emissions disclosure of recently deployed generators utilizing technologies or fuel types not currently included on the power content label (PCL).

Section 1392:

- 1392(a)(4). The express terms proposed on May 17, 2024, changed the regulations to state that electricity from a renewable generator purchased without the associated RECs would be

"reported" rather than "classified" as unspecified power. This proposed revision states that such electricity purchases will be both "classified and reported" as unspecified power.

- 1392(a)(5)(B). The express terms proposed on May 17, 2024, changed the regulations to state that electricity from a renewable generator purchased without the associated RECs would be "reported" rather than "classified" as unspecified power. This proposed revision states that such electricity purchases will be both "classified and reported" as unspecified power.
- 1392(a)(6)(D). The proposed change to this subdivision updates an internal reference.
- 1392(a)(6)(E). The proposed change to this subdivision updates and specifies an external reference to include the applicable federal code.
- 1392(a)(6)(F). The proposed change to this subdivision updates an internal reference.
- 1392(a)(6)(G). The proposed change to this subdivision updates an internal reference.
- 1392(a)(8)(A). This proposed revision returns to a concept CEC staff explored under pre-rulemaking to apply transmission and distribution loss factors to each specified resource and to unspecified power, rather than applying a single loss factor to a retail supplier's load.
- 1392(a)(8)(B). This proposed revision requires CEC staff to calculate default loss factors for specified in-state and imported resources and unspecified power based on annual data from the Energy Information Administration. It replaces the previous proposal to use loss factors derived from the Integrated Energy Policy Report Demand Forecast.
- 1392(a)(8)(C). This section was updated to allow retail suppliers to calculate transmission and distribution loss factors for any of their specified resources, rather than calculating and reporting a single loss factor to apply to their load.
- 1392(b)(3). Corrections to this section clarify that retail suppliers shall allocate net specified purchases and unspecified power to their electricity portfolios, losses, and other end uses. Any remaining specified procurements are not allocated to total power content, but rather to oversupply.
- 1392(b)(4)(deleted). CEC staff intended to remove this subdivision as part of the express terms proposed on May 17, 2024, to allow retail suppliers to choose their stacking order of resources under the initial rulemaking package. The removal of this subdivision reaffirms staff's pre-rulemaking intention to allow retail suppliers to determine how they stack their resources.
- 1392(b)(4)(renumbered). The proposed change to this subdivision updates an internal reference.
- 1392(c)(6)(A). The proposed change to this subdivision updates an internal reference.

<u>Section 1393:</u>

- 1393(b)(2)(A). This subdivision clarifies that a retail supplier must report its total load as part of the requirement to report its loss-adjusted load.
- 1393(b)(2)(B). This subdivision establishes January 1, 2026, as the starting date for reporting transmission and distribution losses associated with each procurement. It further clarifies that only losses associated with retail sales and other end uses will be included in a retail supplier's loss-adjusted load, which ensures that a retail supplier is not ascribed losses from oversupplied resources that it did not use to meet its loss-adjusted load.
- 1393(c)(1)(A). The proposed change to this subdivision updates an internal reference.
- 1393(e)(1). Updates to this section cite the statute and the California Public Utilities Commission (CPUC) decisions regarding the allocation of resources subject to the Power Charge Indifference Adjustment and their attribution to investor-owned utilities.
- 1393(e)(3). Updates to this section cite the CPUC decision regarding the allocation of large hydroelectric resources. Additionally, this section clarifies that retail suppliers must report the Renewables Portfolio Standard facility identification number associated with the reported renewable energy credits (RECs), if applicable.
- 1393(g)(3). This new section allows large hydro resources to be reported in aggregate and for retail suppliers to use proxy data tools developed by CEC staff to estimate hourly production profiles of large hydro resources.

- 1393(j). This new section provides that multijurisdictional electrical corporations may report resources using the most current cost allocation methodology approved by the CPUC pursuant to Public Utilities Code section 451, which requires the CPUC determine whether a utility's proposed rates, services, and charges are just and reasonable.

Section 1393.1:

- Underlining was inadvertently omitted from the last portion of the section header, "Section 1393.1." The added double-underlining simply rectifies this; the proposed numbering of this section has not changed.
- 1393.1(a)(3). Updates to this section clarify that the inclusion of California's transmission and distribution losses in the statewide fuel mix and emissions intensity displayed on the PCL shall begin in 2026. As part of this update, staff will begin calculating the statewide fuel mix using data reported directly to this program in the annual reports, rather than using Total System Electric Generation (TSEG)—an annual inventory calculated by the Energy Commission based on a different dataset—as a reasonable approximation for the statewide fuel mix. This is necessary because TSEG includes some resources that were not procured by any retail supplier, such as cogeneration used on-site and generation owned by the Department of Water Resources. Staff analysis of 2022 data shows that a statewide fuel mix based on aggregated PSD data would have a higher renewable percentage over TSEG (38.8% vs 35.8%) as well as a slight increase in large hydroelectric.
- 1393.1(c). This proposed change clarifies that retail suppliers shall begin reporting information about their total power content in 2026.
- 1393.1(c)(1)(C). This change rejects the terminology proposed in the original express terms, restoring the existing term "eligible hydroelectric."
- 1393.1(c)(1)(J). This proposed change removes the parenthetical describing unspecified power as "primarily fossil fuels." The subdivisions in this section clarify that the parenthetical descriptor will identify the primary fuel type of unspecified power (either "Fossil Fuels" or "Renewables and Zero Carbon Resources"). Beginning in 2026, the parenthetical descriptor will include the percentage of the primary fuel group.
- Section 1393.1(c)(1)(K). The new category of "Emerging Technologies" enables power source and emissions disclosure about recently deployed generators utilizing technologies or fuel types not currently included on the PCL.
- Section 1393.1(c)(2). Updates to this subdivision are non-substantive and clarificatory.
- Section1393.1(c)(2)(A). Updates to this section specify the fuel types that correspond with renewables and zero carbon resources and clarify that only the portion of unspecified power corresponding to those fuel types will be included in the Renewables and Zero Carbon Resources supercategory.
- Section 1393.1(c)(2)(B). Updates to this section specify the fuel types that correspond with Fossil Fuels and clarify that only the portion of unspecified power corresponding to those fuel types will be included in the Fossil Fuels supercategory.
- Section 1393.1(c)(5). This change restores a proposed deletion and corresponds with a deleted proposal under Section 1393(l)(1). This change ensures that unbundled RECs will continue to be disclosed as a separate line item on the PCL.
- Section 1393.1(c)(6). This proposed subdivision provides guidance about which electricity end uses are associated with the disclosure of the statewide fuel mix and retail suppliers' electricity portfolios and total power content.
- Section 1393.1(d)(2)(B). The proposed changes to this subdivision update internal references.
- 1393.1(e). This proposed deletion corresponds with updated reporting guidance for multijurisdictional electrical corporations proposed under Section 1393(j).

- 1393.1(l)(1). This proposed revision rephrases the footnote contents and eliminates the proposal to move unbundled RECs disclosure to the footnotes.
- 1393.1(l)(2)[DELETED]. This proposed change removes a proposed footnote which described the concept of Total Power Content.
- 1393.1(l)(2). This proposed revision clarifies that the weblink points to the CEC website.

APPENDIX A: Additional amendments to initial proposed express terms

Rulemaking to Amend Regulations
Governing the Power Source Disclosure Program

California Code of Regulations
Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 3. Data Collection
Article 5. Power Source Disclosure

October ~~April~~ 2024

Amendments that were made public with the Notice of Proposed Action on May 17, 2024, are shown in ~~strike through~~ to indicate deletions and underline to indicate additions. Additional amendments proposed with this 45-day notice are shown **bolded** in ~~**double strikethrough**~~ for deletions and **double underline** for additions.

§ 1391. Definition

"Asset-controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and is assigned a supplier-specific identification number and greenhouse gas (GHG) emissions factor by the California Air Resources Board (CARB) for the wholesale electricity procured from its system and imported into California.

"Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange generation balance within a balancing authority area, and supports interconnection frequency in real time.

"Biogenic fuels" means **fuels derived from** biomass, ~~biowaste,~~ or biomethane from an eligible renewable generator.

"California balancing authority" is a balancing authority with control over a balancing authority area primarily located in California. A California balancing authority is responsible for the operation of the transmission grid within its metered boundaries, which may extend beyond the geographical boundaries of the State of California**.**

"CARB" means the California Air Resources Board.

"Carbon dioxide equivalent" or "CO_2e" means the number of units of mass of CO_2 emissions with the same global warming potential as one unit of another GHG emission when calculated using the individual global warming potentials as ~~specified~~ provided in the "global warming potential" definition in title 17, California Code of Regulations, section 95102.

"Cogenerator" means a generating unit that produces electric energy and useful thermal energy for industrial, commercial, or heating and cooling purposes, through the sequential or simultaneous use of the original fuel energy and waste heat recovery.

"CPUC" means the California Public Utilities Commission.

"Custom electricity portfolio" means an electricity portfolio negotiated under private agreement specifically for one non-residential entity that is not offered in the retail supplier's general marketing materials and that has a discrete combination of resource characteristics, including generator locations, fuel types, and emissions rates.

"Delivered electricity" means electricity from a facility or from specified system power of an asset-controlling supplier that has one of the following three characteristics:

(1) has a first point of interconnection within the metered boundaries of a California balancing authority or a first point of interconnection with an electrical distribution system used to serve end users within the metered boundaries of a California balancing authority area; or
(2) is scheduled into a California balancing authority without substituting electricity from another source; or
(3) is subject to an agreement between a California balancing authority and the balancing authority in which an eligible renewable energy resource is located, executed before the product is generated, to dynamically transfer electricity from that eligible renewable energy resource into the California balancing authority area.

For purposes of this Article, behind-the-meter generation serving onsite load is not delivered electricity.

For the purposes of this Article, a retail supplier that serves retail customers in California and one or more other states may demonstrate delivery to the balancing authority in which the retail supplier is located for the purposes of satisfying the criteria of "delivered electricity."

"E-tag" means an electronic record that contains the details of a transaction to transfer energy from a source point to a sink where the energy is scheduled for transmission across one or more balancing authority area boundaries. For purposes of this definition, "source point" refers to the generation source of the energy, and "sink" refers to the balancing authority in which the electric load is located.

"Electricity from unspecified sources of power" or "unspecified power" or "unspecified electricity" means electricity that **~~is derived primarily from natural gas and other fossil fuels, but~~** is not traceable to specific generation sources by any auditable contract trail or equivalent, including a tradable commodity system, that provides commercial verification that the electricity source claimed has been sold once and only once to a retail consumer.

"Electricity portfolio" means the electricity products that a retail supplier offers to sell to consumers in California under terms and conditions specific to an offer or to a tariff. It does not include the provision of electric services on site, sold through an over-the-fence transaction, as defined in Section 218 of the Public Utilities Code, or sold or transferred to an affiliate, as defined in subdivision (a) of Section 372 of the Public Utilities Code. For the purposes of this Article, electricity portfolio has the same meaning as "electricity offering" and "electric supply portfolio" as those terms are used in Public Utilities Code section 398.4 and 398.5. An electricity portfolio is distinguishable from other electricity portfolios offered by the same retail supplier if it satisfies any of the following criteria:

(1) Is marketed by the retail supplier as a discrete portfolio;
(2) Has been given a discrete title or name by the retail supplier;
(3) Has been assigned a discrete fee or rate by the retail supplier;
(4) Contains a different proportion of fuel types compared to other portfolios offered by the retail supplier; or
(5) Is marketed or offered by a third party through the retail supplier's marketing materials.

"Electricity storage" means, for purposes of this Article, a system and process for absorbing electricity, storing it for a time, and thereafter dispatching the electricity.

"Eligible firmed-and-shaped product" has the following meanings: 1) when applied to a local publicly owned electric utility, it has the same meaning as the term "Portfolio Content Category 2" as defined in section 3203(b); 2) when applied to an investor-owned utility, community choice aggregator, or an electric service provider, it has the same meaning as the term "Portfolio Content Category 2" as defined on page 3 in the California Public Utilities Commission, Energy Division's Portfolio Content Category Classification Review Process Handbook (October 2017), which is hereby incorporated by reference. For the purposes of this Article, the term shall apply to all products that meet the definitions ~~specified~~ identified above except for the fact that they are the subject of an agreement executed prior to June 1, 2010.

"Eligible renewable" means electrical generation from a facility that is certified pursuant to the Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11)) of the Public Utilities Code.

"Emerging technologies" means fuel or technology types that meet both of the following conditions: (1) the fuel or technology type is not identified in Section 1393.1(c)(1)(A-I); and (2) within five years prior to the reporting year, the fuel or technology type was first used by or incorporated into a utility-scale generating unit that produces electricity for retail sales in California.

"Energy Commission" means the State Energy Resources Conservation and Development Commission.

"Energy Information Administration" or "EIA" means a statistical agency of the United States Department of Energy.

"Facility" means one or all generating units at an electric generating station.

"Fuel type attribute" means the fuel or technology type used to generate a quantity of kilowatt hours, ~~specified~~ using the categories identified in section 1393.1(c)(1). ~~subsection (b)(3) of section 1393~~.

"Fuel mix" means the assortment of fuel types comprising an electricity portfolio, expressed as percentages.

"Generating unit" means a device that converts mechanical, chemical, electromagnetic, or thermal energy into electricity and that:

(1) has an electric output capable of being separately identified and metered;

(2) is connected to the Western Electricity Coordinating Council interconnected grid; and

(3) is capable of producing electrical energy in excess of a generation station's internal power requirements.

"Generator" means the initial seller of electrical energy produced by a generating unit.

"GHG emissions intensity of a generator" means the sum of all annual emissions of GHGs associated with a generation source divided by the net annual production of electricity from the generation source.

"GHG emissions intensity of an electricity portfolio" means the sum of all annual emissions of GHGs associated with the generation sources comprising an electricity portfolio divided by the annual retail sales of that electricity portfolio.

"Large hydroelectric" means hydroelectric generation that is not eligible renewable.

"Loss-adjusted load" means the total amount of electricity, measured at the utility-scale generation source, that a retail supplier requires in order to provide for retail sales after electrical losses in transmission and distribution. The total amount of electricity to provide for retail sales shall include self-consumption and other electricity uses serving retail consumers.

"Mandatory Reporting Regulation" or "MRR" means the Mandatory Greenhouse Gas Emissions Reporting in Article 2 (commencing with section 95100) of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations.

"Multi-jurisdictional electrical corporation" means an electrical corporation that provides electricity to consumers in California and in one or more other states in a contiguous service territory or from a common power system."

"Power Charge Indifference Adjustment" is a methodology set by the ~~**California Public Utilities Commission**~~ **CPUC** to implement its obligation under Public Utilities Code section 365.2 to ensure that neither bundled retail customers of retail suppliers nor departing load experience disallowed associated cost increases.

"Product-specific written promotional materials that are distributed to consumers" means any paper, electronic, or other media that contain words pertaining to a specific electricity portfolio being advertised or offered and that are distributed to consumers or made available over the Internet. It does not include advertisements and notices in general circulation media.

"Renewable energy credit" or "REC" means a certificate of proof associated with the generation of electricity from an eligible renewable energy resource, issued through the accounting system established by the Energy Commission pursuant to Public Utilities Code section 399.25, that one unit of electricity was generated and delivered by an eligible renewable energy resource.

"Report electronically" means to provide files in either a database or spreadsheet format that can be read by the most recent version of either Microsoft™ Excel or Microsoft™ Access, or through data entry systems developed by the Energy Commission to support reporting under this Article.

"Retail Sales" means sales of electricity by a retail supplier to end-use customers over the course of a calendar year, measured in ~~thousands of kilowatt~~ megawatt hours. Retail sales do not include self-consumption by a retail supplier or electricity produced for onsite consumption that was not sold to a customer by the retail supplier.

"Retail supplier" means an entity that offers an electricity portfolio for sale to retail consumers in California, and includes investor-owned utilities, local publicly owned electric utilities, community choice aggregators, and electric service providers.

"RPS" means the Renewable Portfolio Standard for California.

"Scheduling Coordinator" means any entity certified by the Independent System Operator for the purposes of undertaking the functions ~~specified~~ identified in Section 4.5.1 of the Independent System Operator Tariff. (Fifth Replacement FERC Electric Tariff, December 1, 2014)

"Specified purchase" or "specified electricity" means a transaction in which electricity is traceable to specific generating facilities by any auditable contract trail or equivalent, such as a tradable commodity system, that provides commercial verification that the electricity claimed has been sold once and only once to retail consumers. ~~Retail suppliers may rely on annual data to meet this requirement, rather than hour-by-hour matching of loads and resources.~~ Specified purchases include electrical transactions from facilities owned or controlled by the retail supplier. For facilities not owned by the retail supplier, specified

purchases shall be documented through agreements executed prior to generation of the procured electricity. For annual data reporting only, retail suppliers may rely on annual data to meet this definition, rather than hour-by-hour matching of loads and resources.

"Specified resale" means the sale of specified electricity from a retail supplier to another specified entity.

"Specified resource" or "specified source" means a generating facility that delivers specified electricity to the grid.

"Specified system power of an asset-controlling supplier" means electricity derived from a specific set of generators owned, operated, or exclusively marketed by an asset-controlling supplier. Purchases of specified system power of an asset-controlling supplier are considered specified purchases if the transactions are documented through an agreement executed prior to generation of the associated electricity and the delivery of the electricity is documented by e-tags.

"Total California system electricity" means the sum of all in-state generation and net electricity imports by fuel type.

"Total power content" means the total electricity and associated GHG emissions used to serve loss-adjusted load.

"Unbundled REC" means a REC from an eligible renewable energy resource that is not procured as part of the same agreement or ownership arrangement with the underlying energy from that eligible renewable energy resource; this includes a REC that was originally procured as a bundled product but was subsequently resold separately from the underlying energy.

"Western Electricity Coordinating Council" or "WECC" means the electricity coordinating council as defined in Public Utilities Code section 399.12 (k).

"Voluntary Allocation and Market Offer" or "VAMO" means the process adopted by the CPUC in D.21-05-030 for optimizing the portfolios of investor-owned utilities and reallocating resources to other retail suppliers in the service territory of the investor-owned utility.

Note: Authority cited: Section 25213, Public Resources Code; and Sections 398.4. Reference: Sections 25216 and 25216.5, Public Resources Code; and Sections 398.1, 398.2, 398.4 and 398.5, Public Utilities Code.

§ 1391.1 ~~1392~~. Generation Disclosure.

(a) Method and Timing of Submissions

(1) All submissions to the balancing authority required by subdivision (a)(2) of this section must be provided to the balancing authority by the generator, either directly or through a Scheduling Coordinator.

(2) Each generator that provides meter data to a balancing authority, either directly or through a Scheduling Coordinator, shall report the information ~~specified~~ identified in subsection (b) of this section to the balancing authority within forty-five days of the end of each calendar quarter beginning with the quarter ending December 31, 1998.

(b) Content and Format of Submissions to the Balancing Authority

(1) General Information:

(A) Name and telephone number of person to contact about the submission;

(B) Generator name, address, and an identification number provided by the balancing authority, or in the event that the balancing authority does not provide an identification number to the generator, by the Energy Commission;

(C) For each generating facility that generates electrical energy consumed in California, the generating facility name, location, either by street address or by longitude and latitude, and an identification number provided by the U.S. Energy Information Administration ~~Agency~~, or, in the event that the U.S. Energy Information Administration ~~Agency~~ does not provide an identification number to the generating facility, by the Energy Commission.

(2) Generation Information: Generators shall report electronically the electricity generated in kilowatt hours by hour by each generating facility, in each month of the preceding quarter.

(3) Fuel Information:

(A) For generating facilities using only one type of fuel, generators shall report electronically the type of fuel consumed in the preceding quarter.

(B) For generating facilities using more than one fuel type, generators shall report electronically the fuel consumed in each month of the preceding quarter as a percentage of the total fuel used for electricity generation.

(C) Fuel shall be reported in the following categories:

1. Eligible renewable, which shall be reported in the following subcategories:

   a. Biomass and ~~biowaste~~ biogas

   b. Geothermal

   c. Eligible hydroelectric

   d. Solar

   e. Wind

   f. Other

2. Coal

3. Natural gas

4. Large hydroelectric

5. Nuclear

6. Other

(c) Balancing Authority Responsibilities

(1) Subject to the limitations described in subsection (c)(2) of this section, all data provided to the balancing authority pursuant to subdivision (b) of this section will be reported electronically to the Energy Commission either by providing a computer disk containing the information, or by providing electronic access to the information. This access shall be provided to the Energy Commission within 60 days of the end of each calendar quarter.

(2) Limitations on Energy Commission Access:

(A) The balancing authority is not required to provide the Energy Commission with any information submitted under subdivision (b)(3) of this section that specifies the amount of fuel consumed at a generating facility.

(B) The balancing authority is not required to provide the Energy Commission with any information submitted under subdivision (b)(3) of this section for out-of-state power.

(d) The following requirements apply to generation and fuel information that is reported for any generation that is sold in an electric service product for which a claim of specific purchases is made.

(1) The generation and fuel information must be reported from individually metered generating facilities.

(2) If generation or fuel information for electrical energy that is sold in an electric service product for which a claim of specific purchases is made is not reported pursuant to subdivision (a) of this section, the generator shall report electronically the information specified in subdivision (d)(2)(A)-(C) of this section to the Energy Commission by March 1 of each year beginning in 1999 for each generating facility that generated such electrical energy in California. If the information is provided to the Energy Commission in another filing, the generator may submit a statement identifying the filing and section of the filing in which the information is contained in lieu of a separate filing pursuant to this subdivision.

(A) General Information:

1. Name and telephone number of person to contact about the submission;

2. Generator name, address, and an identification number provided by the balancing authority, or in the event that the balancing authority does not provide an identification number to the generator, by the Energy Commission;

3. For each generating facility, the generating facility name, location, either by street address or by longitude and latitude, and an identification number provided by the U.S. Energy Information Administration ~~Agency~~, or, in the event that the U.S. Energy Information Administration ~~Agency~~ does not provide an identification number to the generating facility, by the Energy Commission.

(B) Net electricity generated by the generating facility in kilowatt hours in the previous calendar year; and

(C) Type of fuel consumed by the generating facility as a percentage of electricity generation in the previous calendar year, using the categories specified in subdivision (b)(3)(C) of this section.,

(3) When a retail supplier's claim of specific purchases mandates that a generator comply with the reporting requirements of subdivision (d)(2) of this section, the retail supplier shall inform the generator that he or she must comply with these reporting requirements.

Note: Authority cited: Section 25213, Public Resources Code; and Sections 398.3 and 398.5, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Sections 398.3 and 398.5, Public Utilities Code.

§ 1392 ~~1393~~. Accounting Methodology.

(a) ~~Requirements Applicable to Fuel Mix and GHG Emissions Accounting~~ General Accounting Provisions

(1) Unbundled RECs, including those from a non-eligible renewable energy resource, shall not be used to calculate or adjust the fuel mix or GHG emissions intensity of an electricity portfolio.

(2) A retail supplier's purchases of the specified system power from an asset-controlling supplier shall use the GHG emissions intensity assigned to the asset-controlling supplier by the CARB for the corresponding data year used for data reporting to CARB pursuant to section 95111 (b)(3) of the MRR. A retail supplier's purchases of the specified system power of an asset-controlling supplier shall be categorized according to the fuel mix of the asset-controlling supplier pursuant to section 1393(f) ~~1394 (c)~~.

~~(3) Net purchases of each specified gross purchase shall be calculated by deducting any specified wholesale sales from each specified gross purchase, as expressed in Equation 1:~~

$$Equation\ 1: NP_i = GP_i - WS_i$$

~~Where:~~

~~NP_i = Net purchase i, measured in MWh~~

~~GP_i = Gross purchase i, measured in MWh~~

~~WS_i = Wholesale sales of gross purchase i, measured in MWh~~

~~(4) Net electricity from unspecified sources of power, including electricity purchased through the Electricity Imbalance Market, shall be calculated as the difference between the retail sales associated with an electricity portfolio in the prior year and the total procurement of specified net purchases associated with an electricity portfolio in the prior year, as expressed in Equation 2. If total procurement of specified net purchases exceeds the retail sales of an electricity portfolio, the net unspecified power attributable to the electricity portfolio shall be zero.~~

$$Equation\ 2: U = RS - TNP$$

~~Where:~~

~~U = Net unspecified power attributable to the electricity portfolio, expressed in MWh~~

~~RS = Retail sales attributable to the electricity portfolio, expressed in MWh~~

~~TNP = Total specified net purchases attributable to the electricity portfolio, expressed in MWh~~

~~(5) For resources that investor-owned utilities have been directed to procure pursuant to Public Utilities Code section 365.1(c)(2)(A), the investor-owned utility shall report the portion of procurement attributable to the investor-owned utility as determined by the California Public Utilities Commission pursuant to Public Utilities Code section 365.1(c)(2)(B).~~

~~(6) If the total procurement of specified net purchases of an electricity portfolio exceeds retail sales, each net purchase of electricity from a generator using natural gas shall be proportionally reduced so that the sum of all adjusted net purchases equals the retail sales of an electricity portfolio, as expressed in Equation 3. If an electricity portfolio has insufficient natural gas electricity sources to adjust to reconcile the excess specified net procurements with retail sales, each purchase from coal~~

~~and other fossil fuel electricity sources shall then be proportionally reduced in accordance with Equation 3. If an electricity portfolio has insufficient natural gas or coal and other fossil fuel electricity sources to adjust to reconcile the excess specified net procurements with retail sales, all other specified purchases shall then be proportionally reduced in accordance with Equation 3.~~

$$Equation\ 3: ANP_i = NP_i - (NP - RS) \times \left(\frac{NP_i}{NP_{NR}}\right)$$

~~Where:~~

~~ANP_i = Adjusted net purchase i, measured in MWh~~
~~NP_i = Net purchase i, measured in MWh~~
~~NP = Sum of all net purchases, measured in MWh~~
~~RS = Total retail sales of an electricity portfolio, measured in MWh~~
~~NP_{NR} = Any net purchase of a fuel type that is not an eligible renewable, large hydroelectric, or nuclear resource, measured in MWh~~

(3)~~(7)~~ Procurements from nuclear or large hydroelectric generating units cannot be classified as specified purchases if the associated environmental attributes have been claimed by, or traded to, a separate party.

~~(b) Requirements Applicable to Fuel Mix Accounting~~

(4)~~(1)~~ To claim the fuel type of an eligible renewable, a retail supplier shall procure specified purchases of electricity and the associated RECs from an eligible renewable generator, including through eligible firmed-and-shaped agreements. If claimed as a specified purchase on the power content label, the associated RECs shall not be sold. Electricity purchases from an eligible renewable generator without the associated RECs shall be ~~classified~~ **classified and** ~~-~~reported as unspecified power.

~~(2) The fuel mix shall be calculated by aggregating adjusted net purchases of each fuel type pursuant to the reconciliation adjustment in Equation 4, and expressed as percentages of the retail sales of the electricity portfolio as follows:~~

$$Equation\ 4: FM_j = \left(\frac{\sum ANP_j}{RS}\right) \times 100\%$$

~~Where:~~

~~FM_j = Percentage of fuel mix corresponding to fuel type j~~
~~ANP_j = Adjusted net purchase of fuel type j, calculated pursuant to subdivision 1393(a)(6), measured in MWh~~
~~RS = Total retail sales of an electricity portfolio, measured in MWh~~

~~(3) The fuel mix shall be composed of the following fuel types:~~

~~(A) Coal~~

~~(B) Natural gas~~

~~(C) Nuclear~~

~~(D) Large hydroelectric~~

~~(E) Eligible renewable~~

~~1. Biomass and biowaste~~

~~2. Geothermal~~

~~3. Eligible hydroelectric~~

~~4. Solar~~

~~5. Wind~~

~~6. Other~~

~~(F) Unspecified power~~

~~(G) Other~~

~~(c) Requirements Applicable to GHG Emissions Accounting~~

(5)~~(1)~~ GHG emissions of specified purchases, including eligible firmed-and-shaped products, shall be calculated based on the delivered electricity.

(A) In order for specified electricity to be assigned the GHG emissions intensity of the associated generator, a retail supplier 1) must have executed a purchase agreement or ownership arrangement prior to generation of the procured electricity and, 2) have e-tags for all delivered electricity that is imported. If the specified electricity does not meet both 1) and 2), it will be assigned the GHG emissions intensity of unspecified power.

(B) In order to be assigned the GHG emissions intensity of an eligible renewable generator, the delivered electricity from the renewable generator must be procured with the associated RECs. In order for electricity storage resources to claim a GHG intensity associated with an eligible renewable generator, the energy used for production must be procured with the associated RECs. If claimed as a specified purchase on the power content label, the associated RECs shall not be sold. Electricity purchases from an eligible renewable generator without the associated RECs shall be ~~classified~~ **classified and** reported as unspecified power.

(6)~~(2)~~ GHG emissions intensities of generators

(A) The Energy Commission shall annually assign a GHG emissions intensity to each generator that delivers electricity to a California balancing authority and provide the most recent GHG emissions intensities of generators for retail suppliers to use in annual reporting to the Energy Commission pursuant to section 1393~~1394~~.

(B) For all generators with reported or assigned emissions under MRR, the Energy Commission shall calculate GHG emissions intensities by dividing the generator's total GHG emissions reported to MRR by the generator's net electricity production reported to MRR. ~~as follows:~~

$$\text{~~Equation 5: } EF = \frac{E}{G}$$

~~Where:~~

~~*EF = Generator's emissions intensity for the previous calendar year, measured in metric tons CO_2e/MWh*~~

~~*E = Sum of generator's most recent annual GHG emissions as reported under MRR and expressed in metric tons of CO_2e*~~

~~*G = Generator's net electricity production as reported to MRR, measured in MWh. If net electricity production data is not available under MRR, net electricity production data submitted under Form EIA-923 Power Plant Operations Report (OMB No. 1905-0129) will be used; specifically, Page 1 Generation and Fuel Data, Year to Date Net Generation*~~

(C) For any generators without reported or assigned emissions under MRR, the Energy Commission shall calculate the sum of GHG emissions associated with the generator using heat of combustion data and default emission factors by fuel type pursuant to section 95111(b)(2)(C) of the MRR.

~~*A generator's GHG emissions shall be calculated as follows:*~~

~~$$Equation\ 2\ 6: E = ST \times HC$$~~

~~*Where:*~~

~~*E = Sum of generator's CO_2, N_2O, and CH_4 emissions for the previous calendar year*~~

~~*ST = Stationary fuel combustion emissions intensity of CO_2, N_2O, and CH_4, expressed in metric tons per MMBtu*~~

~~*HC = Heat content of fuel combusted for electricity production of a generator for the previous calendar year, expressed in MMBtu*~~

~~*A generator's GHG emissions intensity shall then be calculated by converting emissions to CO_2e and applying the method described in Equation 5.*~~

(D) For any generators that cannot be assigned a GHG emissions intensity using the methods described in subdivisions **(a)(6)(B)** ~~**(a)(7)(B)** (c)(2)(B)~~ or (C), including new generators and generators located outside the U.S., the Energy Commission shall assign an emissions intensity based on the average GHG emissions intensity of generators using the corresponding fuel type reported under this program.

(E) The Energy Commission shall determine the portion of GHG emissions of a cogenerating unit attributable to electricity production in the previous calendar year by dividing the generator's fuel consumed for electricity production by the generator's total fuel consumption, then multiplying the result by the generator's total GHG emissions. This calculation shall be based **the most recent final data** on fuel consumption and GHG emissions ~~**data**~~ **released by the U.S. Energy Information Administration collected pursuant to 15 U.S.C. 722(b) via EIA Form-923 (Power Plant Operations Report).** ~~**reported under Form EIA-923 Power Plant Operations Report, Page 1 Generation and Fuel Data.**~~ The GHG emissions intensity of the cogenerating unit shall then be calculated by dividing the portion of GHG emissions attributable to electricity production by the generator's net electricity production as reported to MRR. ~~as follows:~~

~~$$Equation\ 1\ 7E: _e = E_t \times \frac{F_e}{F_t}$$~~

~~*Where:*~~

~~*E_e = GHG emissions attributable to electricity production*~~

~~*E_t = Total GHG emissions attributable to a generator in the previous calendar year*~~

~~*F_e = Fuel consumed by a generator for electricity production in the previous calendar year, based on data submitted under Form EIA-923 Power Plant Operations Report (OMB No. 1905-0129); specifically, Page 1 Generation and Fuel Data, Electric Fuel Consumption MMBtu.*~~

~~*F_t = Total fuel consumed by a generator in the previous calendar year, based on data submitted under Form EIA-923 Power Plant Operations Report (OMB No. 1905-0129); specifically, Page 1 Generation and Fuel Data, Total Fuel Consumption MMBtu*~~

~~A cogenerating unit's GHG emissions intensity shall then be calculated by applying Equation 5.~~

(F) For generators with discrete generating units that are owned by or contracted to separate retail suppliers, the Energy Commission shall ~~use Equation 5 to~~ calculate GHG emissions intensities for each generating unit in accordance with subdivision **(a)(6)(B)** ~~**(a)(7)(B)**~~.

(G) For multifuel generators that have contracted with a retail supplier for a single fuel source of generation, the Energy Commission shall calculate the GHG emissions intensities for each fuel input in accordance with subdivision **(a)(6)(B)** ~~**(a)(7)(B)**~~.

~~(G) The Energy Commission shall not attribute carbon dioxide emissions associated with electricity production from biogenic fuels to retail suppliers for GHG emissions intensity calculations.~~

~~(3) The GHG emissions intensity of unspecified power shall be assigned the default emissions factor as specified under section 95111(b)(1) of the MRR.~~

(7) GHG emissions intensity

(A) The GHG emissions intensity of an electricity portfolio shall be calculated by dividing total GHG emissions attributed to the portfolio by the retail sales of the portfolio.

(B) The GHG emissions intensity of a retail supplier's total power content shall be calculated by dividing a retail supplier's total GHG emissions by loss-adjusted load, taking any exceptions into account pursuant to Section 1393.1(d).

(C) Imports of unspecified power shall be assigned the default emissions factor as provided in section 95111(b)(1) of the MRR.

(8) Transmission and distribution losses

(A) ~~**To calculate loss-adjusted load, a transmission and distribution loss factor shall be applied to increase the retail supplier's total load.**~~ **A retail supplier's transmission and distribution losses shall be determined by applying a loss factor to each specified resource and to unspecified power.**

(B) ~~**Each retail supplier shall use the transmission and distribution loss factor for its planning area under the Integrated Energy Policy Report Demand Forecast. CEC staff shall provide a list of the most recent loss factors for each retail supplier in the annual resource report.**~~ **Each retail supplier shall apply default loss factors calculated annually by CEC staff. These factors shall be based on the losses and total energy disposition reported in the most recent final data released by the U.S. Energy Information Administration collected**

pursuant to 15 U.S.C. 722(b) via EIA Form-861 (Annual Electric Power Industry Report). Loss factors for in-state and imported resources shall be weighted according to the ratio of specified in-state and unspecified resources versus specified imports from the prior year as reported under this program.

(C) As an alternative to the loss factors under subdivision **(a)(8)(B)** ~~(a)(9)(B)~~, a retail supplier may calculate and report **a** ~~its~~ transmission and distribution loss factor directly **for any specified resource**. The retail supplier must provide substantiating documentation supporting the loss factor claim.

~~(4) The GHG emissions intensity of an electricity portfolio, shall be calculated by dividing the sum of all GHG emissions from specified adjusted net purchases and from unspecified power for the previous calendar year by the retail sales of that electricity portfolio during that same calendar year. GHG emissions intensity of an electricity portfolio shall be calculated as follows:~~

~~*(A) Sum all GHG emissions attributable to the electricity portfolio by multiplying the adjusted net purchase of each specified purchase or purchase of unspecified power in the electricity portfolio by the corresponding emissions factor, then summing the products as follows:*~~

$$Equation\ 8: E = \sum (AN_i \times EF_i)$$

~~*Where:*~~

~~*E = Sum of all GHG emissions attributable to the electricity portfolio*~~

~~AN_i = Adjusted net purchase from generator i or unspecified power pursuant to subdivision (a)(6)~~

~~EF_i = Emissions factor of generator i~~

~~*(B) Divide the sum of all GHG emissions attributable to the electricity portfolio by the retail sales of the electricity portfolio as follows:*~~

$$Equation\ 9: EI = \frac{E}{RS}$$

~~*Where:*~~

~~*EI = GHG emissions intensity of electricity portfolio for the reporting period*~~

~~*E = Sum of GHG emissions attributable to electricity portfolio*~~

~~*RS= Retail sales of electricity portfolio*~~

~~(d) GHG emissions exclusions~~

~~(1) Retail suppliers with specified purchases of eligible firmed-and-shaped products under a purchase agreement or ownership arrangement executed prior to January 1, 2019 shall report GHG emissions associated with the delivered electricity and shall identify these emissions as excluded from the calculation of emissions intensity of the electricity portfolio.~~

~~(A) Each retail supplier shall provide to the Energy Commission a purchase agreement or ownership arrangement documentation substantiating that any eligible firmed-and-shaped product for which it is claiming an exclusion was executed prior to January 1, 2019.~~

~~(B) Retail suppliers with specified purchases of eligible firmed-and-shaped products under a purchase agreement or ownership arrangement that has been amended or extended as specified in paragraphs 1., 2., or 3. on or after January 1, 2019, shall report GHG emissions according to the source of the delivered electricity for inclusion in the GHG emissions intensity calculation of the electricity portfolio pursuant to subdivision (c)(1):~~

~~1. to increase the specified quantity of annual procurement;~~

~~2. to increase the length of the agreement, including through automatic renewal or an extension as contemplated in the original agreement; or~~

~~3. to substitute a different eligible renewable resource.~~

~~(2) The Energy Commission shall adjust GHG emissions of a local publicly owned electric utility if the utility demonstrates that it generated quantities of electricity on or after January 1, 2017 in excess of its retail sales and wholesale sales of specified sources in a prior year from specified sources that do not emit any GHGs.~~

~~(A) When a local publicly owned electric utility reports excess zero-GHG generation in an annual report filed pursuant to section 1394(a), the Energy Commission shall assign each megawatt hour of excess zero-GHG generation a negative credit equal to the default emissions factor for unspecified electricity as specified under section 95111(b)(1) of the MRR. When the local publicly owned electric utility wishes to use this excess zero-GHG generation to adjust emissions in a subsequent reporting year, it shall make that election in its annual report and the Energy Commission shall confirm that there is sufficient excess zero-GHG generation for the requested adjustment and that it was generated within twenty years of its elected use. If there is insufficient excess zero-GHG generation or it was generated more than twenty years prior, the Energy Commission shall inform the local publicly owned electric utility and the utility shall submit a corrected annual report.~~

~~(B) The Energy Commission shall adjust the GHG emissions of a local publicly owned electric utility only once for each megawatt hour of excess generation of zero-GHG electricity.~~

~~(C) The local publicly owned electric utility shall submit agreements to the Energy Commission substantiating that the relevant generation was generated in excess of its retail and wholesale sales of specified power with each annual report that identifies excess zero-GHG generation~~.

(b) Annual Accounting and the Power Content Label

(1) The fuel mix for each electricity portfolio and for total power content shall be calculated by aggregating net purchases of each fuel type and expressed as percentages of the retail sales of the electricity portfolio or loss-adjusted load for total power content.

(2) Annual purchases of unspecified power shall be calculated as the difference between a retail supplier's loss-adjusted load and the sum of its specified purchases, minus any specified resales.
(3) A retail supplier shall allocate net purchases of specified and unspecified power to each electricity portfolio it offered **~~in the previous calendar year~~ and to its transmission and distribution losses and other end uses for the previous calendar year. ~~Remaining~~**

~~procurement in excess of retail sales shall be allocated to total power content.~~ Remaining specified procurements shall be allocated to annual oversupply.

~~(4) If the sum of specified purchases, minus any specified resales, exceeds loss-adjusted load, each net purchase of electricity from a generator using natural gas shall be proportionally reduced so that the sum of all adjusted specified purchases equals loss-adjusted load. If the retail supplier has insufficient natural gas resources to reconcile the excess specified net purchases with loss-adjusted load, each procurement from all other specified resources except coal shall then be proportionally reduced to align the retail supplier's total specified purchases with its loss-adjusted load.~~

~~(4)~~ ~~(5)~~ Energy Commission staff shall calculate the GHG emissions intensity for annual unspecified power each year. The annual GHG emissions intensity shall be calculated as the sum of all GHG emissions associated with unspecified imports, unclaimed in-state natural gas resources, and oversupply divided by the sum of all MWh associated with unspecified imports, unclaimed in-state natural gas resources, and oversupply, taking cogeneration into account using the method provided in Section **1392(a)(6)(E)** ~~1392(a)(9)(E).~~

(c) Hourly Accounting

(1) GHG emissions associated with specified procurements of coal shall not be removed from a retail supplier's inventory due to oversupply.

(2) Total net procurement for each hour shall be calculated by deducting specified resales from gross specified purchases, then adding storage discharging and hourly unspecified power for that hour.

(3) Load matching

(A) In each hour of the year, a retail supplier shall stack its procurements of delivered electricity for comparison with its hourly loss-adjusted load. The retail supplier shall determine the stacking order used for load matching.

(B) Hours in which a retail supplier's hourly loss-adjusted load to serve load exceeds its remaining total procurements shall be considered hours of undersupply.

(C) Hours in which a retail supplier's total procurements exceeds its hourly loss-adjusted load shall be considered hours of oversupply.

(4) Electricity Storage

(A) Hourly charging shall be reported in aggregate and added to hourly loss-adjusted load for each hour of the year.

(i) If the increase to hourly loss-adjusted load results in increased hourly undersupply pursuant to 1392(c)(6), the retail supplier shall be attributed the quantity of unspecified power and associated GHG emissions needed to cover the increase to hourly undersupply.

(ii) If the increase to loss-adjusted load does not result in undersupply pursuant to 1392(c)(6) in a given hour, that hourly charging will not increase the GHG emissions attributed to the retail supplier's inventory in that hour.

(B) Hourly discharging shall be reported in aggregate and added to total net procurements for each hour of the year. No fuel type or GHG emissions attributes shall be assigned to electricity associated with storage discharging.

(5) During hours of undersupply, the difference between hourly loss-adjusted load and total net procurement shall be classified as hourly purchases of hourly unspecified power.

(6) Hourly unspecified power

(A) Energy Commission staff shall calculate hourly GHG emissions intensities for hourly unspecified power each year. Hourly GHG emissions intensities shall be calculated as the sum of all GHG emissions associated with unspecified imports, unclaimed in-state natural gas resources, and oversupply in that hour divided by the sum of all MWh associated with unspecified imports, unclaimed in-state natural gas resources, and oversupply in that hour, taking cogeneration into account using the method provided in Section **1392(a)(6)(E)** ~~**1392(a)(7)(E)**~~.

(B) Staff shall address any data gaps in calculating hourly unspecified power emissions intensities using the methods provided in Section 1393(c).

(7) Oversupply and avoided emissions

(A) Oversupplied resources and associated emissions shall not be factored into a retail supplier's GHG emissions intensity. Instead, oversupplied resources and associated emissions shall be factored into the calculations for the hourly GHG emissions factor of unspecified power.

(B) A retail supplier shall be attributed avoided emissions to the extent that its oversupplied resources reduced the hourly GHG emissions factor of unspecified power. Avoided emissions shall not alter or adjust a retail supplier's GHG emissions intensity.

Note: Authority cited: Section 25213, Public Resources Code; and Section**s** 398.4 **and 398.6**, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Section**s** 398.4 **and 398.6**, Public Utilities Code.

§ 1393 ~~1394~~. Annual Submission to the Energy Commission

(a) On or before June 1 of each year, each retail supplier shall submit a Resource Report to the Energy Commission containing the information identified in subdivision (b), in accordance with the methodology described in section 1392(c). Retail suppliers must submit this information on the Resource Report template provided by the Energy Commission or by using any other data reporting system, such as a data submission portal, identified by the Energy Commission.

(1) The retail supplier shall submit an electronic copy of the Resource Report in conformance with section 1208.1.

(2) The report must include an attestation, signed by an authorized agent of the retail supplier under penalty of perjury, that the information provided in the report is true and correct.

(3) Beginning January 1, 2028, retail suppliers shall report the data identified in subdivision (b)(2-7) for each hour of the year. Prior to that, the data identified in subdivision (b)(2-7) shall be reported using annual data, without an hourly matching of resources and load. Retail suppliers that meet the requirements of subdivision (g) may continue to report using annual data after January 1, 2028.

(b) Resource Report. Retail suppliers shall provide the following information from the previous calendar year to the Energy Commission:

(1) Annual retail sales of each portfolio

(2) Loss-adjusted load

(A) Each retail supplier shall report its total load.

(B) Beginning January 1, 2026, retail suppliers shall report transmission and distribution losses associated with each procurement. Consistent with the definition of loss-adjusted load in Section 1391, only transmission and distribution losses associated with retail sales and other end uses supporting retail sales shall be included in a retail supplier's loss-adjusted load.

(3) Specified purchases

(A) Generator name, generator location (state or province), and generator identification numbers under the Energy Information Administration (EIA), the Renewables Portfolio Standard (RPS), and the Western Renewable Energy Generation Information System (WREGIS), if applicable.

(i) The Energy Commission shall assign identification numbers to use in place of an EIA number for generators without an EIA number, for unspecified power, and for purchases of the specified system power of an asset-controlling supplier pursuant to subdivision (f).

(ii) For specified purchases of eligible firmed-and-shaped products, the retail supplier shall also provide the EIA identification number of the generator that provided delivered electricity as specified under the firming-and-shaping agreement. If the source of the delivered electricity is unspecified power, the retail supplier shall use the identification number for unspecified power provided by the Energy Commission.

(B) Generator location, either California county or neighboring state or province.

(C) Predominant fuel type of generator

(D) Gross megawatt hours procured, measured at the first point of interconnection to the grid or at first point of connection to an interconnected storage system

(E) Associated GHG emissions expressed in metric tons of CO_2e per megawatt hour

(F) Megawatt hours resold as specified resale

(4) Purchases of unspecified power and associated GHG emissions

(5) Retail supplier total GHG emissions and GHG emissions intensity of the retail supplier's total power content

(6) Megawatt hours used to charge energy storage systems for each hour of the year.

(7) Megawatt hours discharged from energy storage systems for each hour of the year. To

claim storage discharge, the retail supplier must have also reported the electricity used to charge the storage system pursuant to subdivision (b)(3) or (b)(4).

(c) Data availability

(1) Proxy data

(A) If a retail supplier cannot obtain hourly data for a specified resource, the retail supplier shall report proxy data using annual procurement data and the default hourly distribution for the relevant fuel type. Energy Commission staff will calculate and provide hourly resource production profiles consistent with the method used to calculate hourly production profiles under Integrated Resource Planning at the ~~California Public Utilities Commission~~ **CPUC** .

(B) As an alternative to using the hourly production profiles pursuant to subdivision (c)(1)(A), a retail supplier may develop and use its own hourly production profiles. The retail supplier must provide substantiating documentation that explains how the hourly production profiles were determined.

(C) Retail suppliers may report proxy data pursuant to subdivision (c)(1)(A-B) for generators with a nameplate capacity below 1 MW.

(2) If a retail supplier procures from an electricity resource that is sold or allocated to multiple parties over the course of the year without specifying hourly electricity distributions to each party, then the retail supplier shall report its proportional share of annual procurement from the electricity resource and use the default hourly distribution for the relevant fuel type as provided in subdivision (c)(1)(A-B).

~~(a) On or before June 1 of each year, each retail supplier shall submit a separate annual report to the Energy Commission containing the information identified in subdivision (b) below for each electricity portfolio offered the previous calendar year, in accordance with the methodology described in section 1393. Retail suppliers must submit this information on the Annual Report forms provided by the Energy Commission.~~

~~(1) The retail supplier shall submit an electronic copy of each annual report in conformance with section 1208.1. Paper copies with original signatures shall be retained by the retail supplier and furnished to the Energy Commission upon request.~~

~~(2) The report must include an attestation, signed by an authorized agent of the retail supplier under penalty of perjury, that the electricity claimed by the retail supplier as a specified purchase during the previous calendar year was sold once and only once to retail customers of that retail supplier, and that the information provided in the report is true and correct.~~

~~(b) Annual Report. Retail suppliers shall provide the following information for each specified purchase of electricity procured in the previous calendar year and for electricity from unspecified sources from the previous calendar year on the forms provided by the Energy Commission. Retail suppliers shall submit GHG data pursuant to subdivisions (b)(1)(D)-(E) and (b)(3)(D) for generation and procurement that occurs on or after January 1, 2020.~~

~~(1) General.~~

~~(A) Fuel type attribute information using the fuel type categories identified in section 1393(b)(3).~~

~~For purchases of specified system power of an asset-controlling supplier, retail suppliers may use the ACS Purchase Calculator provided by the Energy Commission to determine the appropriate fuel types and quantities.~~

~~(B) Electricity purchases and sales information, denominated in thousands of kilowatt hours:~~

~~1. Gross kilowatt hours purchased.~~

~~2. Kilowatt hours resold at wholesale.~~

~~3. Net kilowatt hours of purchased electricity, determined by subtracting resold electricity from gross kilowatt hours of purchased electricity.~~

~~4. Adjusted net kilowatt hours of purchased electricity, calculated pursuant to section 1393(a)(6).~~

~~5. Quantity of unspecified power attributed to the electricity portfolio pursuant to section 1393(a)(4).~~

~~(C) Identifying information:~~

~~1. Generator name, generator location (state or province), and generator identification numbers under the Renewables Portfolio Standard (RPS) and the Western Renewable Energy Generation Information System (WREGIS), if applicable.~~

~~2. EIA number:~~

~~a. The Energy Commission shall assign identification numbers to use in place of an EIA number for generators without an EIA number, for unspecified power, and for purchases of the specified system power of an asset-controlling supplier pursuant to subdivision (c).~~

~~b. For specified purchases of eligible firmed-and-shaped products, the retail supplier shall also provide the EIA identification number of the generator that provided delivered electricity as specified under the firming-and-shaping agreement. If the source of the delivered electricity is unspecified power, the retail supplier shall use the identification number for unspecified power provided by the Energy Commission.~~

~~(D) GHG emissions intensity associated with each purchase of electricity as provided by the Energy Commission pursuant to section 1393(c)(2).~~

~~(E) Total GHG emissions associated with each purchase of electricity, calculated in accordance with section 1393(c), and expressed in metric tons of CO_2e.~~

~~(F) Annual surplus generation from a pumped storage facility, meaning the facility produced more electricity than it consumed for storage pumping and other on-site load during the previous year, shall be reported as specified purchases of large hydroelectricity. Annual losses incurred by pumped storage facilities, meaning the facility consumed more electricity through on-site load than it generated, shall not be reported.~~

(3)~~(2)~~ Unbundled RECs.

(A) Quantity of unbundled RECs ~~associated~~ retired in association with ~~the~~ an electricity portfolio ~~retired~~ offered during the previous calendar year, denominated in ~~thousands of kilowatt~~megawatt hours.

(B) Generator name, location, fuel type, vintage year, and WREGIS and RPS identification numbers for each source of retired unbundled RECs.

(C) Upon request by the Energy Commission, the retail supplier shall authorize WREGIS to confirm unbundled REC retirements associated with each electricity portfolio.

~~(3) Aggregated Data.~~

~~(A) Total adjusted net purchase for each fuel type, aggregated from information reported pursuant to subdivision (b)(1)(B).~~

~~(B) Total retail sales of~~ each ~~the electricity portfolio. The retail supplier shall also describe the retail suppliers' other electricity end-uses in megawatt hours, such as transmission and distribution losses.~~

~~(C) Percentage of retail sales for each fuel type, rounded to the nearest tenth of a percent.~~

~~(D) The GHG emissions intensity of the electricity portfolio pursuant to the calculation method specified in section~~ 1392(a)(10). ~~1393(c)(4).~~

~~(E) Total retired unbundled RECs, expressed as a percentage of retail sales.~~

(d) Annual surplus generation from a pumped storage facility, meaning the facility produced more electricity than it consumed for storage pumping and other on-site load during the previous year, shall be reported as specified purchases of large hydroelectricity. Annual losses incurred by pumped storage facilities, meaning the facility consumed more electricity through on-site load than it generated, shall not be reported.

(e) Investor-owned utilities.

(1) For resources that investor-owned utilities have been directed to procure pursuant to Public Utilities Code section 365.1(c)(2)(A) and for resources subject to the Power Charge Indifference Adjustment **pursuant to CPUC Decision D.06-07-030 from July 20, 2006, and D.21-05-030 from May 20, 2021**, the investor-owned utility shall report the portion of procurement attributable to the investor-owned utility as determined by the ~~**California Public Utilities Commission**~~ **CPUC** pursuant to Public Utilities Code section **365.2 and CPUC decisions D.06-07-030 and D.21-05-030.** ~~**365.1(c)(2)(B).**~~

(2) For Diablo Canyon Power Plant, PG&E shall report the portion of unallocated GHG-free energy attributes pursuant to ~~**California Public Utilities Commission**~~ **CPUC** Decision **D.**23-12-036 **from December 14,2023.**

(3) For each retail supplier that was allocated resources under VAMO for the reporting period, **and for large hydroelectric resources allocated pursuant to CPUC Decision D.23-06-006 from June 8, 2023**, pursuant to Public Utilities Code 398.6(f)(3) the investor-owned utility shall provide the hourly share of electricity from each specified source together with the following information about each source by May 1 each year: facility name, RPS ID of the RECs **if applicable**, EIA ID of the delivered electricity, power purchase agreement execution date, fuel type, and megawatt hours allocated. For reporting periods prior to January 1, 2028, the investor-owned utility may provide megawatt hour allocations on an annual basis rather than for each hour of the year.

(f)~~(c)~~ Asset-Controlling Suppliers. An asset-controlling supplier may have its wholesale sales of system

power classified as specified system power of an asset-controlling supplier if it complies with the following reporting requirements by February 1 each year:

(1) Reports to the CARB under section 95111(f) of the MRR and has an emission factor posted for use on the CARB website;

(2) Reports to the Energy Commission the annual fuel mix of its specified system mix using the fuel types designated under section 1393.1(c)(1))~~1393(b)(3)~~ and corresponding to the asset-controlling supplier's reporting pursuant to subdivision (f)(1) ~~(c)(1)~~; and

(3) Provides to the Energy Commission an attestation by an authorized officer of the asset-controlling supplier affirming that the fuel mix in its report to the Energy Commission is consistent with the report submitted pursuant to subdivision (f)(1) ~~(c)(1)~~.

(4) If an asset-controlling supplier is unable to provide hourly data, the retail supplier may report proxy data using an hourly production profile provided by Energy Commission staff.

(g) Aggregated Reporting.

(1) If all resources procured by a retail supplier from the Western Area Power Administration's Central Valley Project (CVP) are hydroelectric, procurements from the Central Valley Project may be reported as aggregated CVP hydro. If a retail supplier is unable to obtain hourly data from Central Valley Project procurements, proxy data maybe reported using an estimated hourly production profile provided by Energy Commission staff.

(2) Voluntary allocations of delivered electricity from solar, wind, and eligible hydroelectric VAMO resources that have no associated GHG emissions may be reported in aggregate by fuel type. If a retail supplier chooses to aggregate these resources for hourly reporting, proxy data must be provided using estimated hourly production profiles provided by Energy Commission staff.

(3) Large hydroelectric resources allocated under CPUC Decision D.23-06-006 from June 8, 2023 may be reported in aggregate. If a retail supplier chooses to aggregate these resources for hourly reporting, proxy data must be provided using estimated hourly production profiles provided by Energy Commission staff pursuant to Section 1393(c)(1)(A).

(h) Hourly data reporting requirements of this section shall not apply to the following types of retail suppliers:

(1) Retail suppliers that are not subject to the requirements of Public Utilities Code Section 454.52.

(2) Local publicly owned electric utilities that are not subject to the requirements of Public Utilities Code Section 9621.

(3) Any multijurisdictional electrical corporation with 60,000 or fewer customer accounts in the state.

(i) Any electrical corporation with 60,000 or fewer customer accounts in the state or any retail supplier with an annual electrical demand of less than 1,000 gigawatt-hours may report proxy data for all hourly resources.

(j) Multijurisdictional electrical corporations may report resources using the most current cost allocation methodology approved by the CPUC pursuant to Section 451 of the Public Utilities Code.

Note: Authority cited: Section 25213, Public Resources Code; and Section**s** 398.5 **and 398.6**, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Section**s 451**, 398.5 **and 398.6**, Public Utilities Code.

§ 1393.1 ~~1394.1~~. Retail Disclosure to Consumers.

(a) Pursuant to Section 398.4 of the Public Utilities Code, each retail supplier shall provide to consumers a power content label that discloses the fuel mix and GHG emissions intensity of each electricity portfolio that was sold during the previous calendar year, and separately discloses the fuel mix and GHG emissions intensity of total California system electricity, using the schedule and format ~~specified~~ provided in this section. Retail suppliers shall disclose GHG emissions intensity data on power content labels for ~~generation and~~ procurement that occurs on or after January 1, 2020.

(1) Information disclosed on each power content label shall be consistent with the information reported to the Energy Commission on the annual resource report for each electricity portfolio and for total power content.

(2) Any marketing or retail product claim by a retail supplier related to the GHG emissions intensity of an electricity portfolio shall be consistent with the GHG emissions intensity disclosed on the relevant power content label.

(3) The Energy Commission shall provide fuel mix and GHG emissions intensity of California's total statewide retail electricity sales for inclusion on the power content label. **Beginning January 1, 2026, the Energy Commission shall instead provide the fuel mix and GHG emissions intensity of California's total loss-adjusted load for inclusion on the power content label.**

(b) Each retail supplier shall disclose the information required in this section to consumers according to the following schedule:

(1) The power content label shall be provided in all product-specific written promotional materials that are distributed to consumers by either printed or electronic means, including the retail supplier's Internet Web site, if one exists, except that advertisements and notices in general circulation media shall not be subject to this requirement.

(2) ~~The power content label shall be provided by United States mail to customers served by each electricity portfolio and to the Energy Commission on or before the end of the first complete billing cycle for the third quarter of the year~~. The power content label shall be provided to the Energy Commission by October 1 of each year. The power content label shall be provided to customers in written promotional materials by the end of the first complete billing cycle for the fourth quarter of the year. Retail suppliers may provide annual disclosures to customers via electronic mail, provided that the customer has consented to receiving electronic mail notice in lieu of service by United States mail. ~~Annual disclosures~~ The power content label shall also be displayed on the website of the retail supplier, if it maintains one for purposes of communicating information about electric service, in an easily marked and identifiable location by October 1 of each year.

(c) Each retail supplier shall disclose the following information for all electricity portfolios it offers, except for custom electricity portfolios, on a single power content label~~:~~. **Beginning January 1, 2026, each retail supplier shall also include the following information for its total power content.**

(1) Fuel mix information of each electricity portfolio, total power content, and of California total statewide retail electricity sales shall be provided using the ~~following~~ fuel type categories listed in this

subdivision: ~~and in the following order rounded to the nearest tenth of a percent:~~

~~(A) Eligible renewable~~

~~(B) Coal~~

~~(C) Large hydroelectric~~

~~(D) Natural gas~~

~~(E) Nuclear~~

~~(F) Other~~

~~(G) Unspecified sources of power~~

~~(2) The retail supplier shall include the following subcategories within the eligible renewable category:~~

(A) Biomass and ~~biowaste~~ biogas
(B) Geothermal
(C) ~~Eligible Small~~ **Eligible** hydroelectric
(D) Solar
(E) Wind
(F) Large hydroelectric
(G) Nuclear
(H) Natural gas
(I) Coal and petroleum
(J) Unspecified power ~~**(primarily fossil fuels)**~~

(i). The display of unspecified power on the power content label shall be annotated to identify whether the unspecified power was provided primarily by either "Fossil Fuels" or "Renewables and Zero Carbon Resources" as those groups are described in 1393.1(c)(2), whichever group was greater for the previous year.

(ii). Beginning in 2026, the annotation of unspecified power shall include the percentage of unspecified power provided by either "Fossil Fuels" or "Renewables and Zero Carbon Resources" as those groups are described in 1393.1(c)(2), whichever group was greater for the previous year.

(K) Emerging technologies, if applicable
(L) ~~**(K)**~~ Other, if applicable

---

(2) The fuel mix information disclosed above in Section 1393(c)(1) shall also be displayed on the power content label **in** ~~**as**~~ one of the following **groups**:

(A) Renewables and Zero Carbon Resources from fuel types identified in Section 1393.1(c)(1)(A)—(G). **RPS-eligible renewables shall be identified as a subcategory of this group. Beginning in 2026, the portion of unspecified power derived from these fuel types shall be included in this group.**

(B) Fossil Fuels from fuel types identified in Section 1393.1(c)(1)(H)—(I). **Beginning in 2026, the portion of unspecified power derived from these fuel types shall be included in this group.** ~~**and Unspecified Power**~~

(3) GHG emissions intensity of each electricity portfolio, of total power content, and of California total statewide retail electricity sales in accordance with the calculation method ~~specified~~ provided in section 1392(b)~~1393(c)~~, expressed in pounds of CO_2e per megawatt hour. ~~This information shall also be displayed graphically in a bar chart.~~

(4) The retail supplier's company name, phone number, and website address, and the name, phone number, and website address of the Energy Commission.

(5) Quantity of unbundled RECs retired in association with each electricity portfolio, expressed as a percentage of retail sales.

~~(5) Quantity of unbundled RECs retired in association with each electricity portfolio, expressed as a percentage of retail sales.~~

(6) ~~Electricity portfolios shall be depicted on the label as representing retail sales to customers. Total power content and California statewide data shall be depicted on the label as representing retail sales, other end uses, and losses~~ The label shall indicate that electricity portfolios represent retail sales, and that total power content and California statewide data represent retail sales, other end uses, and losses.

(d) GHG emissions exclusions

(1) The calculation of geothermal GHG emissions and biogenic CO_2 reported to the Energy Commission pursuant to section 1393(b) shall not be included in the display of GHG intensities on the power content label.

(2) Retail suppliers with specified purchases of eligible firmed-and-shaped products under a purchase agreement or ownership arrangement executed prior to January 1, 2019 shall report GHG emissions associated with the delivered electricity and shall identify these emissions as excluded from the calculation of emissions intensities on the power content label.

(A) Each retail supplier shall provide to the Energy Commission a purchase agreement or ownership arrangement documentation substantiating that any eligible firmed-and-shaped product for which it is claiming an exclusion was executed prior to January 1,2019.

(B) Retail suppliers with specified purchases of eligible firmed-and-shaped products under a purchase agreement or ownership arrangement that has been amended or extended as provided in sub-paragraphs **(i), (ii), or (iii)** ~~**(a), (b), or (c)**~~ below on or after January 1, 2019, shall report GHG emissions according to the source of the delivered electricity for inclusion in the GHG emissions intensity calculation of the electricity portfolio provided in **Section 1392** ~~**subdivision (c)(1)**~~:

(i) to increase the specified quantity of annual procurement;

(ii) to increase the length of the agreement, including through automatic renewal or an extension as contemplated in the original agreement; or

(iii) to substitute a different eligible renewable resource.

(3) The Energy Commission shall adjust GHG emissions of a local publicly owned electric utility if the utility demonstrates that it generated quantities of electricity on or after January 1, 2017 in excess of its retail and wholesale sales of specified sources in a prior year from specified sources that do not emit any GHG emissions.

(A) When a local publicly owned electric utility reports excess zero-GHG generation in an annual resource report filed pursuant to section 1393(b), the Energy Commission shall assign each

megawatt hour of excess zero-GHG generation a negative credit equal to the default emissions factor for unspecified electricity as provided in section 95111(b)(1) of the MRR. When the local publicly owned electric utility wishes to use this excess zero-GHG generation to adjust emissions in a subsequent reporting year, it shall make that election in its annual resource report and the Energy Commission shall confirm that there is sufficient excess zero-GHG generation for the requested adjustment and that it was generated within twenty years of its elected use. If there is insufficient excess zero-GHG generation or it was generated more than twenty years prior, the Energy Commission shall inform the local publicly owned electric utility and the utility shall submit a corrected annual resource report.

(B) The Energy Commission shall adjust the GHG emissions of a local publicly owned electric utility only once for each megawatt hour of excess generation of zero-GHG electricity.

(C) The local publicly owned electric utility shall submit agreements to the Energy Commission substantiating that the relevant generation was generated in excess of its retail and wholesale sales of specified power with each annual resource report that identifies excess zero-GHG generation.

~~**(ed) The fuel mix and GHG emissions intensity disclosed by retail suppliers that offer an electricity portfolio to retail consumers in California and one or more other states shall reflect the proportional share of the portfolio of resources attributed to its California retail sales.**~~

~~(e)~~ ~~**(f)**~~ **(e)** Custom electricity portfolios negotiated under private agreement shall not be included in the power content labels provided to the retail supplier's general customers. Instead, such electricity portfolios shall be disclosed to the subscribed customers on a separate power content label via physical or electronic mail consistent with the provisions of subdivision (b)(2). Custom electricity portfolios shall not be subject to the promotional materials disclosure requirement of subdivision (b)(1) or the website disclosure requirement of subdivision (b)(2).

~~(f)~~ ~~**(g)**~~ **(f)** If individual customers are served by a mixture of electricity portfolios, the power content label shall include a footnote on the power content label stating that some customers of the retail supplier may be served by more than one electricity portfolio.

~~(g)~~ ~~**(h)**~~ **(g)** ~~New community choice aggregators shall report the GHG emissions intensity of their electricity portfolios beginning with the first annual report containing data from the first full calendar year of operation following the first 24 months of serving their first retail customer.~~ Any new community choice aggregator formed after January 1, 2016, is not required to report data on GHG intensity associated with retail sales until at least 24 months, but shall report that data no later than 36 months, after serving its first retail customer.

~~(h)~~ ~~**(i)**~~ **(h)** All information contained in the power content label shall appear in one place without other intervening material.

(1) If the retail supplier offers promotional materials that consist of more than one page, the power content label or a note telling the customer where the power content label can be found shall appear on the cover page or the first facing page. If a note is used to tell the customer where the power content label can be found, the note shall appear in a type size no smaller than 10 point.

(2) Notwithstanding the provisions of subdivision (h)(1) of this section, if the promotional materials pertain to more than one electricity portfolio and contain multiple pages, the power content label for each electricity portfolio may appear on the page discussing that electricity portfolio.

~~(i)~~ **~~(i)~~** **(i)** The Energy Commission shall generate power content labels on behalf of each retail supplier or provide a power content label template on the Energy Commission website for each retail supplier to generate its power content label. The label or template may display some of the data graphically, including but not limited to information provided under subdivision (c) of this section. ~~Each retail supplier shall use the power content label template provided by the Energy Commission on its website to generate its power content label.~~ The format of the power content label may not be altered by the retail supplier.

~~(j)~~ **~~(k)~~** **(j)** If a retail supplier elects to include additional information related to the sources of unbundled RECs on any power content label, the retail supplier shall submit the proposed information to the Energy Commission for review by June 1 ~~May 1~~ annually. By ~~June 15~~ July 1 annually, ~~the Executive Director or her or his designee~~ Energy Commission staff shall determine whether the proposed language is limited to information specifically related to the sources of unbundled RECs and does not conflict with the methodology established by the Energy Commission for the calculation of the GHG emissions intensity. If staff ~~the Executive Director or her or his designee~~ determines that the proposed language meets these requirements, staff ~~she or he~~ shall issue a modified Power Content Label template to the retail supplier that includes the proposed language in a footnote.

~~(k)~~ **~~(l)~~** **(k)** Separate from the power content label, retail suppliers may provide additional information to customers describing other actions relating to GHG that are unrelated to the electricity portfolio.

~~(l)~~ **~~(m)~~** **(l)** The power content label shall include the following statements and information in footnotes:

(1) **~~"This label does not reflect compliance with the Renewables Portfolio Standard (RPS), which measures the retirement of tracking instruments called renewable energy credits (RECs). Unbundled RECs (credits without electricity) can be used for RPS compliance, but they are not reflected in the power mix or GHG emissions intensities above." [This footnote shall also list the percentages of unbundled RECs retired in association with each electricity portfolio.]~~** ~~"Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above."~~ **Unbundled renewable energy credits (RECs) do not factor into the power mixes or GHG emissions intensities above, but they can be used for compliance with California's Renewables Portfolio Standard (RPS).**

(2) ~~"The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology."~~ **~~"'Total power content' includes retail sales to customers, other electricity uses that support retail electric service, and energy losses."~~**

~~(3)~~ "GHG intensity figures exclude biogenic CO_2 and emissions from geothermal sources. For detailed information about all GHG emissions from California's retail electricity suppliers, visit the **CEC webpage at the** link below."

~~(3)~~

~~"Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source."~~

Note: Authority cited: Section 25213, Public Resources Code; and Section 398.4, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Section 398.4, Public Utilities Code.

(a) By October 1 of each year, all retail suppliers shall provide a report prepared by an auditor who has conducted the procedures identified in subdivision (b) The report shall contain a summary of the results of the procedures and a proof of service of the annual power content label to customers.

(1) The retail supplier shall engage an auditor to verify the accuracy and completeness of data reported in the annual resource report submitted to the Energy Commission.

(A) The auditor shall be a Certified Public Accountant in good standing with the American Institute of Certified Public Accountants (AICPA) or a Certified Internal Auditor in good standing with the Institute of Certified Internal Auditors.

(B) The engagement shall be performed in accordance with the American Institute of Certified Public Accountants (AICPA) Statements on Standards for Attestation Engagements, Section 600, AICPA Statements on Auditing Standards, Section 622, or the Generally Accepted Government Auditing Standards for Attestation Engagements or Performance Audits as ~~specified under~~provided in Chapter 1 of the Government Auditing Standards (July 2018), which is hereby incorporated by reference.

(2) A retail supplier that is a public agency providing electric services is not required to comply with the provisions of subdivision (a)(1) if the board of directors of the public agency submits to the Energy Commission an attestation of the veracity of each annual resource report ~~and power content label~~ for the previous year.

(b) Audit Procedures

(1) The auditor shall review the information used to prepare the annual resource report and perform the procedures identified below, noting any exceptions.

(A) The auditor shall agree the specified purchases and resales by facility name, facility number provided by EIA, WREGIS, and RPS if applicable, megawatt ~~kilowatt~~ hours, and fuel type from the information used to prepare the annual resource report is consistent with the information presented in the annual resource report. The auditor shall agree the purchases of unspecified sources of power, unbundled RECs, and resales from the information used to prepare the annual resource report is consistent with the information presented in the annual resource report. The auditor shall agree the retail sales and loss-adjusted load are accurately reflected in the annual resource report. The auditor shall also test the mathematical accuracy of the annual resource report.

(B) The auditor shall select a sample of purchases from the information used to prepare the annual resource report ~~Schedule 1~~, and for each purchase in the sample perform the following procedures:

1. Agree the facility name, facility numbers provided by EIA, WREGIS, and RPS if applicable, megawatt ~~kilowatt~~ hours, and the fuel type from the invoice to the information used to prepare the annual resource report ~~Schedule 1~~.

2. For facilities owned by the retail supplier, agree the megawatt ~~kilowatt~~ hours with meter readings made by an independent third party, or confirm that the retail supplier has

another internal auditing procedure that assures facility production agrees to production claims.

3. Agree the date of generation from the invoice to the reporting period of the information used to prepare the annual resource report ~~Schedule 1~~.

4. Agree the unbundled RECs reported on the annual resource report ~~Schedule 2~~ were retired in association with an electricity portfolio offered during the previous calendar year, denominated in megawatt hours. ~~within the reporting year.~~

(C) The auditor shall agree any excluded emissions meet the requirements pursuant to section 1392(b)(6)~~1393(d)~~.

~~(2) The auditor shall obtain a copy of the annual power content label provided to customers for each electricity portfolio Using the information reported in the associated annual reports, the auditor shall then compare the information to that identified on the power content label. The auditor shall note any exceptions.~~

(c) The Energy Commission may on its own motion, or as a result of a request from a member of the public or other agency, investigate electricity transactions identified by a retail supplier to determine whether the transactions are traceable to specific generating facilities and whether they provide commercial verification that the electricity source claimed has been sold once and only once to retail consumers. In conducting its investigation, the Energy Commission may require the production of the service lists used to comply with the requirements of subdivision (b) of this section, as well as commercial documents, such as contracts, invoices, the verification procedures performed pursuant to subdivision (b) of this section, and attestations.

Note: Authority cited: Section 25213, Public Resources Code; and Section**s** 398.5 **and 398.6**, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Section**s** 398.5 **and 398.6**, Public Utilities Code.