

DOCKETED

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Memorandum

To: Rob Oglesby

Date : November 30, 2015

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From : **California Energy Commission - Suzanne Korosec**
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Subject: PRISTINE SUN LLC'S REQUEST FOR EXTENSION OF RPS CERTIFICATION APPLICATION DEADLINE

This memo is in regard to Pristine Sun LLC's request for an extension of the deadline to submit its application for Renewables Portfolio Standard (RPS) certification for the following facilities.

2065 Rogers, RPS ID No. 62060A
2103 Hill, RPS ID No. 62066A

RPS staff recommends that the Executive Director grant the request based on the documentation Pristine Sun LLC submitted in support of its request, as described below.

Eligibility Date for the Pristine Sun LLC Facilities

The Pristine Sun LLC's facilities were granted RPS precertification with an eligibility date of September 24, 2012, based on the date the precertification application was received. In August 2012, the Energy Commission adopted the *RPS Eligibility Guidebook, 6th Edition*, which included a new requirement that a precertified facility must apply for full certification within 90 days of its Commercial Operations Date (COD) to retain the eligibility date assigned during precertification. In February 2013, RPS staff notified all precertified facilities of the new requirement using the contact information provided in the precertification applications.

The Pristine Sun LLC's facilities began commercial operations on July 12, 2013, and February 20, 2014, for 2065 Rogers and 2103 Hill respectively. RPS staff received a complete application for certification for 2065 Rogers and 2103 Hill on December 23, 2013, 165 days after the COD and June 3, 2014, 104 days after the COD. However, because the complete application for certification was received more than 90 days after the facility's COD, the facility was assigned a new eligibility date based on the receipt date of the completed certification application. According to Pristine Sun LLC, Pacific Gas and Electric Company (PG&E) provided erroneous guidance to the

applicant regarding the appropriate timeframe to submit an application to the Energy Commission for certification.

Pristine Sun LLC's Request for a Waiver to Restore the Initial Certification Eligibility Date

In early 2014, RPS staff began working on developing an extension/waiver process to give the Executive Director more flexibility in addressing missed deadlines for RPS certification. RPS staff brought its proposed recommendations for a time extension process – which would allow the Energy Commission's Executive Director to extend and waive application deadlines for RPS certification based on specific criteria – to the April 22, 2014, Energy Commission Business Meeting for approval. The Energy Commission unanimously approved the extension process which was set forth in Resolution 14-0422-11 and took effect immediately.

On October 30, 2015, Pristine Sun LLC submitted a formal request for extension in accordance with the criteria in Resolution 14-0422-11. The request included the amount of time requested, a brief explanation of the circumstances why Pristine Sun LLC was unable to submit a timely application for certification, and a brief explanation of the financial consequences to Pristine Sun LLC if the extension of time is not granted.

Pursuant to Resolution 14-0422-11, the Energy Commission's Executive Director may grant an extension of time if he finds that the applicant has demonstrated good cause exists for granting an extension of time. In determining whether good cause exists, the Executive Director may consider, without limitation, whether the applicant was diligent in submitting a request for an extension of time upon learning that an application deadline was missed, whether the applicant's failure to submit a timely application for certification was caused by circumstances beyond the control of the applicant, and whether the applicant or facility owner or operator will suffer financial consequences or other hardships if an extension of time is not granted.

In its October 30th request for an extension, Pristine Sun LLC states that renewable energy credits (RECs) created for the periods between the COD of July 2013, and February 2014, through the eligibility date of December 2013, and June 2014, were not accepted by PG&E because the generation was not eligible and if the extension is not granted Pristine Sun LLC will need to pay back \$30,370.16 and \$9,434.03 for the 2065 Rogers and 2103 Hill facilities.

Staff followed up with Pristine Sun LLC on November 4, 2015, for additional detail on the circumstances why the applications were not submitted in a timely manner and an explanation of any other good cause that exists for granting the request for an extension of time. Pristine Sun LLC responded on November 18, 2015, and indicated that PG&E did not communicate the eligibility date importance until recently and they went through staffing changes and were unaware of the guidelines. In addition, Pristine Sun LLC indicated that the extension will help them save money to build future solar projects.

Staff's Determination and Recommendation

Based on the information provided by Pristine Sun LLC to support its request for a time extension, staff determined the requirements for granting a time extension are

satisfied and, as required by the time extension process, will not exempt the Pristine Sun LLC's facilities from complying with all eligibility requirements of the *RPS Eligibility Guidebook*, waive or excuse any of the eligibility dates specified in *RPS Eligibility Guidebook*, allow Pristine Sun LLC to use a discontinued certification application form, or allow Pristine Sun LLC to circumvent changes under pending *RPS Eligibility Guidebook* revisions or receive a benefit that is not provided in the *RPS Eligibility Guidebook* under which the facilities actually submitted an application for RPS certification.

Therefore, staff recommends that the Executive Director grant an extension of the RPS certification deadline from October 9, 2013, and May 20, 2014, (90 days after the COD of July 12, 2013, and February 20, 2014) to December 23, 2013, and June 3, 2014, the date the Energy Commission received a complete application from Pristine Sun LLC for the 2065 Rogers and 2103 Hill facilities, respectively.

If Pristine Sun LLC's request for a time extension is granted by the Executive Director, staff will revise the RPS certification and corresponding RPS Certificate for the 2065 Rogers and 2103 Hill facilities to reflect eligibility beginning on September 24, 2012, the date the Energy Commission received the applications for precertification.

If you have any questions, please do not hesitate to contact me.

SUZANNE KOROSEC
Deputy Director, Renewable Energy Division

cc: Christina Crume
Gabe Herrera