

DOCKETED

Docket Number:	11-RPS-01
Project Title:	Renewables Portfolio Standard
TN #:	211122
Document Title:	USDA Lettter with Additional Information requested from CEC
Description:	Additional information requested from USDA-San Dimas Technology and Development Center
Filer:	Judi Carter
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	4/18/2016 11:41:38 AM
Docketed Date:	4/18/2016



United States Department of Agriculture
Office of the General Counsel

Pacific Region
33 New Montgomery, 17th Floor
San Francisco, CA 94105-4511

Telephone: 415-744-3160
Facsimile: 415-744-3170
E-mail: john.eichhorst@ogc.usda.gov

March 10, 2016

Roger Ogelsby
Executive Director
California Energy Commission
1516 9th Street, MS-39
Sacramento, CA 95814-5512

Re: USDA Forest Service, San Dimas Technology & Development Center Solar Facility,
CEC-RPS-ID No. 61993A

Dear Mr. Ogelsby:

This office serves as legal counsel for USDA agencies in California and elsewhere in the Pacific Region. I write on behalf of the USDA Forest Service, San Dimas Technology & Development Center (the "San Dimas Center") to provide some additional information to follow-up on a request that the San Dimas Center has made to the California Energy Commission ("CEC") regarding an issue that Southern California Edison has raised with respect to the effective date of the San Dimas Center's Renewable Portfolio Standards (RPS) certification.

The crux of the issue is that the San Dimas Center's RPS certification currently is dated January 17, 2013, which is several months *after* July 23, 2012 when the San Dimas Center's solar facility commenced commercial operation. As Southern California Edison stated in a letter to you dated February 5, 2016, it believes that the San Dimas Center's lack of RPS certification during the period from July 23, 2012 through January 16, 2013 violates the terms and conditions of the San Dimas Center's California Renewable Energy Small Tariff ("CREST") agreement. See Attachment 1. The San Dimas Center requested assistance from our office in light of Southern California Edison's allegations that adverse legal consequences, including possible termination of the CREST agreement, loss of all use of the San Dimas Center's solar facility and/or financial liability, could result if the gap in certification is not rectified.

The San Dimas Center's fundamental request is that the CEC revise or amend the effective date of the San Dimas Center solar facility's RPS certification to make the certification date coincide with the July 23, 2012 commercial operations date. The San Dimas Center has provided information concerning this certification date issue in a letter to you from Kathy Kreyns dated January 5, 2016 and in subsequent communications, and the CEC has requested some additional information. This letter is to provide the additional information as requested. We very much appreciate the CEC's willingness to consider the San Dimas Center's request for assistance with respect to this important renewable energy project.

Background

The San Dimas Center solar facility was one of more than twenty federal solar facilities in California which were embroiled in a long-standing impasse with Southern California Edison (SCE) with respect to interconnection and CREST agreement issues. Representatives from the California Public Utilities Commission and the Governor's office (Michael Picker) played critical roles in resolving the issues and enabling these renewable facilities to move forward to interconnect and become operable. Effective March 19, 2012, the CEC pre-certified the San Dimas Center solar facility as meeting all of the requirements for RPS certification. See Attachment 2. The San Dimas Center solar facility commenced commercial operations on July 23, 2012.

On August 10, 2012, well-within the 90-day deadline for submission of applications for RPS certification, the San Dimas Center submitted to the CEC an application for RPS certification (the "Original Application"). On September 5, 2012, CEC contacted the San Dimas Center requesting an electronic copy of the application. On September 16, 2012, San Dimas Center Project Manager Roger Bergmann sent an e-mail to the CEC with an Excel file attached stating that "Hopefully, this will be the original Excel file as requested by James Haile on 9/5/12. If not, send me another e-mail and I will try again!" Kathy Kreyns from the San Dimas Center was a "cc" recipient of Mr. Bergmann's September 16, 2012, e-mail to the CEC and she has confirmed that Mr. Bergmann's message of that date did include the Excel file attachment.¹ See Attachment 3.

As best the San Dimas Center can determine, it did not receive any response from CEC to Mr. Bergmann's e-mail until November 15, 2012, when the CEC sent a letter indicating that the CEC was deeming the San Dimas Center's Original Application to be expired without approval. That November 15, 2012 letter stated that the San Dimas Center had failed to provide a complete response within 60 days to the CEC's September 5, 2012 e-mail, and that it would be necessary for the San Dimas Center to submit a new application in accordance with the current edition of the RPS Eligibility Guidebook. See Attachment 4. The CEC recently explained that the November 15, 2012 letter was issued because the San Dimas Center failed to provide the Excel version of the Original Application as CEC had requested on September 5, 2012. See Attachment 5. Accordingly, as best the San Dimas Center can determine, it now appears that the e-mail with attached Excel file that Mr. Bergmann sent to CEC and others on September 16, 2012, somehow did not get through to CEC and that it was this break-down in transmission of the San Dimas Center's e-mail that led to the nullification of the Original Application.

After discussions with the CEC in December 2012, the San Dimas Center submitted a second RPS certification application on January 17, 2013 (the "Second Application"). The CEC approved the Second Application in May 2013 and issued the San Dimas Center its RPS certification (No. 61993A). The certification reflected the fact that July 23, 2012 was the date when commercial operations began, but the certification was made effective January 17, 2013. See Attachment 6.

¹ Mr. Bergmann included Kathy Kreyns of the San Dimas Center as a "cc" recipient on his September 16, 2012 e-mail, and she received both the e-mail and the attached Excel file. A printed copy of the e-mail and Excel version of the Original Application received by Ms. Kreyns on September 16, 2012 are included as Attachment 3.

Further Explanation and Information

The San Dimas Center requests that the CEC revise its RPS certification date to July 23, 2012—the date when the San Dimas Center’s solar facility commenced commercial operations. We believe that there are at least two grounds for the CEC granting this request. First, pursuant to CEC Resolution No. 14-0422-12, the CEC may grant the San Dimas Center a waiver or extension of the 90-day deadline for submitting a complete application for RPS certification. This waiver or extension would enable the CEC to revise the San Dimas Center’s certification to reflect the July 23, 2012 commencement of commercial operations as the certification date. Second, in the alternative, CEC may revise the San Dimas Center’s certification date to reinstate the original July 23, 2012 certification eligibility date because the Second Application was submitted during a grace period provided in the Seventh Edition of the RPS Eligibility Guidebook.

A. The San Dimas Center Request for a Waiver or Extension of Time.

The San Dimas Center’s letter of January 5, 2016, sought to provide the information specified in CEC Resolution No. 14-0422-12 (the “Resolution”) and RPS Eligibility Guidebook, Eighth Edition, pages 74-76, in support of an application for extension of time. The essence of the San Dimas Center’s request is that good cause exists for waiving or extending the requirement that the San Dimas Center submit its complete application for RPS certification within 90-days of the commencement of commercial operations. If that 90-day deadline is waived or extended, the Executive Director is authorized to revise the San Dimas Center’s RPS eligibility date to coincide with the date when the solar facility commenced commercial operations.

Good cause exists for granting the requested waiver or extension of the 90-day submission requirement because the San Dimas Center was diligent in providing the information requested by CEC.² CEC recently explained that the failure to provide information that led to CEC’s decision to nullify the San Dimas Center’s Original Application was the San Dimas Center’s failure to respond to a September 5, 2012, CEC request to Roger Bergmann for an Excel file version of the Original Application. See Attachment 5. However, on September 16, 2012, Mr. Bergmann sent the requested Excel file to CEC and others. Kathy Kreyns, Mr. Bergmann’s colleague who was a designated “cc” recipient on that e-mail, has confirmed that she received both the e-mail and the attached Excel file on that date. See Attachment 3.

The San Dimas Center did not know that CEC did not receive Mr. Bergmann’s September 16, 2012, communication and it was reasonable for the San Dimas Center under the circumstances to conclude that the CEC had, in fact, actually received the e-mail and attached Excel file. The Excel file attachment is not exceedingly large and there was no reason for San Dimas to suspect that the message and attachment, which transmitted successfully to internal “cc” recipients, was not received by CEC. Moreover, Mr. Bergmann’s message had requested that CEC send him another e-mail if the Excel file was not what CEC had requested. CEC did not respond so it was reasonable for the San Dimas Center to assume that CEC had received the Excel version of the Original Application and that it was what CEC had requested. Good cause therefore exists for granting the San Dimas Center’s

² Despite the fact that the San Dimas Center was new to the RPS certification process, it also had been diligent: in obtaining RPS precertification from the CEC in March 2012 (Attachment 2); in timely submitting its Original Application less than one month after commencement of commercial operations on July 23, 2012; and in sending in less than two weeks the Excel file that CEC had requested on September 5, 2012.

requested waiver or extension because the San Dimas Center was diligent in timely sending to the CEC the Excel file that it had requested and it is not at fault for the fact that there appears to have been a breakdown in the transmission, and receipt by CEC, of Mr. Bergmann's September 16, 2012 e-mail message.

Given these circumstances, the CEC's November 15, 2012, letter announcing that the CEC was nullifying the San Dimas Center's Original Application came as a surprise to San Dimas Center officials and left them with uncertainty as to any deadlines going forward. As is discussed further in the San Dimas Center's response to CEC Question #2, the San Dimas Center did not understand either what requested information had not been provided or what deadlines now applied given the fact that the original 90-day deadline had by then passed. The San Dimas Center also did not realize at the time that filing a new application would change the effective date of the RPS certification and that a gap in certification would become an issue with Southern California Edison. Nonetheless, after discussions with CEC in December 2012, the San Dimas Center submitted its Second Application reasonably promptly on January 17, 2013. This Second Application was approved by CEC and resulted in RPS certification.

The CEC had three questions regarding the San Dimas Center's January 5, 2016 letter, which are addressed below:

1. CEC Question #1: Item #2 requests the amount of additional time being requested to extend the original deadline to submit an application. In your request you have listed "30 days" which would extend the deadline from October 21, 2012 (90 days after the commercial operations date) to November 20, 2012. Please specify if this is the intended date or if there is a different date you are requesting.

Response: The San Dimas Center seeks a waiver or extension of the original 90-day deadline for submitting its RPS certification application after the commencement of commercial operations. The Resolution gives the Executive Director authority to grant a waiver of such requirements, rather than an extension of time, as one form of relief and a waiver may be the appropriate relief where, as here, all necessary information already has been provided and certification has issued. If the 90-day submission requirement is waived, the Resolution grants the Executive Director authority to revise the San Dimas Center's certification date.

However, viewed as an extension of time, the San Dimas Center seeks an extension of the 90-day deadline for submitting a completed RPS application after the date of commencement of commercial operations on July 23, 2012. The requested extension would run from the original 90 days deadline (October 21, 2012) up to and including the date when the San Dimas Center submitted its Second Application (January 17, 2013)—a period of slightly less than 90 days.

2. CEC Question #2: Item #3 requests an explanation of why the applicant was unable to submit a timely application by the deadline. You have reference the contact Roger Bergmann who is now retired, however the applicant is John Fehr. The incomplete letter was sent to John Fehr on November 15, 2012, however no contact was made from the USDA – Forest Service until December 19, 2012 in a phone call regarding the incomplete

letter. After instructing the USDA – Forest Service to submit an application, one was not received until January 17, 2013. Please provide an explanation of why the applicant was unable to submit a timely application.

Response: The San Dimas Center was not “unable to submit a timely application by the deadline” as stated in this item. The San Dimas Center timely submitted its Original Application, and the San Dimas Center timely responded to the CEC’s September 5, 2012 request for additional information. Unbeknownst to San Dimas Center officials, the e-mail and attached Excel file sent by Mr. Bergmann on September 16, 2012, apparently was not received by CEC for unknown reasons. CEC therefore issued its letter nullifying the San Dimas Center’s Original Application on November 15, 2012, based on the incorrect premise that the San Dimas Center had never sent the requested Excel file. Had the e-mail and Excel file that Mr. Bergmann sent to CEC on September 16, 2012, actually been received by CEC, CEC would have completed processing of the Original Application and the San Dimas Center’s certification would have preserved its original “commencement of commercial operations” certification date.

The San Dimas Center’s response to the CEC’s November 15, 2012, letter also was reasonable under the circumstances. The CEC’s letter nullifying the Original Application came as a surprise to San Dimas Center officials because they had submitted the information requested by CEC on September 16, 2012, and the San Dimas Center had provided the information requested. Moreover, the San Dimas Center did not, at the time it received the November 15, 2012, letter know the full consequences of the nullification of the Original Application. In particular, the San Dimas Center did know at the time it received that letter: (i) what deadlines applied going forward given the fact that the 90-day application submission deadline had passed by that time; (ii) that a resubmitted application would lose its entitlement to the original commencement of commercial operations certification date; or (iii) that a gap in certification would arise from a resubmitted application which would later become an issue with Southern California Edison. Both Roger Bergmann and John Fehr have retired and the San Dimas Center is unable to recount precisely what other activities influenced the delay in the San Dimas Center’s follow-up from November 15 until December 19, 2012, but priority duties relating to the extended wildfire season in California are the most likely explanation. Finally, with respect to additional delay after the discussion with the CEC on or about December 19, 2012, employee leave over the holidays likely accounted for the fact that it took the San Dimas Center approximately 30 days thereafter to prepare and submit its Second Application on January 17, 2013.

3. CEC Question #3: Item #4 requests an explanation of the financial consequences of not granting the time extension request. Please provide the number of RECs that are deemed ineligible, and the specific monetary value associated with the ineligible RECs. Additionally, you mention that SCE may cancel the agreement. Please provide the intent and/or confirmation by SCE to cancel the request if the RECs are deemed ineligible and the financial consequences of cancelling the agreement.

Response: Please see the attached letter from Southern California Edison to the CEC dated February 5, 2016 (Attachment 1). The San Dimas Center does not at this time know

the value of the RECs that SCE has identified.

B. Retention of the San Dimas Center's Original Eligibility Date Pursuant to RPS Eligibility Guidebook, Seventh Edition.

In the alternative, the Executive Director may also grant the San Dimas Center's requested relief pursuant to grace period provisions in the RPS Eligibility Guidebook, Seventh Edition. The Seventh Edition of the RPS Eligibility Guidebook provided on page vi that:

“An applicant that fails to apply for certification within 90 days of the facility's commencement of commercial operations . . . may now retain the original eligibility date if the Energy Commission receives an application for certification or amended certification or precertification before the adoption date of this guidebook.”

See also footnote 77 on page 77 of the RPS Eligibility Guidebook, Seventh Edition (“Applications that were denied for being incomplete after the adoption of the fifth edition of the RPS Eligibility Guidebook may reinstate the original eligibility date, assigned to the facility in an approved application, if an application was received by the Energy Commission before the adoption of this guidebook.”).

The San Dimas Center qualifies for this grace period because: (i) it submitted its Original Application in July 2012, which was after the RPS Eligibility Guidebook, Fifth Edition was adopted in May 2012; (ii) in November 2012, the CEC deemed its Original Application to have expired and returned it as incomplete; (iii) the San Dimas Center submitted its Second Application in January 2013, which was more than 90 days after the commencement of commercial operations but before the adoption of the RPS Eligibility Guidebook, Seventh Edition in April 2013. The San Dimas Center's RPS certification applications therefore fit within the parameters of described in the grace period provisions in the RPS Eligibility Guidebook, Seventh Edition, and the San Dimas Center's RPS certification should be entitled to retain its original eligibility date pursuant thereto.

Conclusion

The San Dimas Center respectfully requests that the CEC grant its request and revise its RPS certification date accordingly on the basis of the facts and circumstances presented which demonstrate good cause for doing so. Please continue to contact the San Dimas Center officials of record should the CEC want any additional information to facilitate its consideration of the San Dimas Center's request. We also are available to meet with you at your earliest convenience to discuss this important matter and to resolve/address any further questions you may have. The San Dimas Center thanks the CEC for its consideration of this request.

Very truly yours,



John Eichhorst
Deputy Regional Attorney

Attachments

1. February 5, 2016 Letter from Rita Williams, Southern California Edison, to CEC Executive Director Roger Ogelsby.
2. March 19, 2012 CEC Pre-Certification of San Dimas Center solar facility.
3. Print out of September 16, 2012 e-mail and Excel file attachment sent by Roger Bergmann to the CEC with "cc" to Kathy Kreyns.
4. November 15, 2012 Letter from Christina Crume, CEC, to John Fehr of the San Dimas Center.
5. December 30, 2015 e-mail from Christina Crume, CEC, to Rita Williams, SCE, with "cc" to Kathy Kreyns and others.
6. San Dimas Center solar facility CEC RPS Certification dated January 17, 2013.

Cc: Christina Crume (CEC, RPS Certification)
Kurt Gerner (USDA Forest Service)
Ralph Gonzales (USDA Forest Service)
Kathy Kreyns (USDA Forest Service)
Renee Jewell (USDA Forest Service)



ATTACHMENT

1



CONFIDENTIAL
Energy Services Management

February 5, 2016

SENT VIA EMAIL

Robert Oglesby
California Energy Commission (CEC)
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

Subject: USFS request for an extension of time for CEC Certification (DRAP ID 5510)

Dear Mr. Oglesby:

This letter is to confirm those statements issued in Section-4, of the January 5, 2016 letter sent to you by the USFS.

In specific,

"Southern California Edison (SCE) has 126 Renewable Energy Credits (RECs) for CEC-RPS-ID 61993A from July-December 2012 that are ineligible for CEC recognition.

The consequences of an extension of time not being granted is these credits will remain ineligible for SCE and therefore, SCE may cancel the California Renewable Energy Small Tariff Agreement with the USFS, rendering the PV array worthless."

Should USFS fail to obtain CEC certification for the period from July 23, 2012 through December 2012, in accordance with the terms of their contract, Appendix C, SCE may serve Notice with invoice for the refund of those payments made during the ineligible period (USFS can provide the total dollar amount paid by SCE during this period).

Sincerely


Rita Williams

2211 Walnut Grove Ave.
Rosemead, CA 91770
(626) 302-2191
rita.williams@sce.com

ATTACHMENT

2

Pre-Certified Eligible for California's Renewables Portfolio Standard

This is to certify that

**USDA - Forest Service, San Dimas Technology and
Development Center**

Beginning on: 3/19/2012

Located in: San Dimas, CA

Owned/Operated by: USDA - Forest Service, SDTDC

Fuel Type: Photovoltaic

Size: 0.25 MW

Annual Fossil Fuel Usage: 0.00 %

*Has been pre-certified by the California Energy Commission as eligible for California's Renewables Portfolio Standard under the criteria established in the **Renewables Portfolio Standard Eligibility Guidebook, 4th Edition**, publication number CEC-300-2010-007-CMF, January 2011, and assigned CEC-RPS-ID number:*

61993C

THE APPLICATION FOR THIS FACILITY WAS SUBMITTED BY THE OWNER/OPERATOR OF THE FACILITY.

THIS FACILITY IS PRE-CERTIFIED BY THE CALIFORNIA ENERGY COMMISSION.

**AN AWARD OF PRE-CERTIFICATION STATUS DOES NOT GUARANTEE THAT A FACILITY WILL BE ELIGIBLE
FOR CERTIFICATION IN THE FUTURE.**

INFORMATION SUBMITTED FOR PRE-CERTIFICATION IS SUBJECT TO FURTHER VERIFICATION
WHEN PROJECT IS COMPLETED AND BEGINS COMMERCIAL OPERATIONS.



Tony Gonçalves

3/20/2012
Date Issued

ATTACHMENT

3

Kreyns, Kathleen C -FS

From: Bergmann, Roger W -FS
Sent: Sunday, September 16, 2012 11:33 AM
To: RPSTrack@energy.ca.gov
Cc: Bergmann, Roger W -FS; canyontrvl@aol.com; Kreyns, Kathleen C -FS
Subject: RPS-! Certification of the USDA - Forest Service, SDTDC, RPS ID 61993C.xlsm
Attachments: Copy of CEC-RPS-1.xlsm

Follow Up Flag: Follow up
Flag Status: Flagged

Hopefully, this will be the original Excel File requested by James Haile on 09/05/2012.

If not, send me another e-mail and I will try again!

Roger Bergmann



CEC-RPS-1

Certification or Pre-Certification of Individual Facilities California Renewables Portfolio Standard Program

—All information on this form and on any attachments is subject to public disclosure—

Analyst Review: _____ LORS Analysis: _____
 RPS Program Lead: _____ Supplemental Review: _____
 Office Manager: _____ Other: _____

Section I: Type of Certification Requested

1. Choose One
- Certification of a Pre-Certified Facility Certification Amendment to a Certification
 - Precertification* Amendment to Precertification*
 - Limited Certification Previously Assigned RPS ID, if any: 61993C

*When applying for precertification, complete the CEC-RPS-1 as if the facility has commenced operations and is operating as currently planned.

Section II: Facility Name

2. Name of Facility: USDA- Forest Service, San Dimas Technology and Development Center (SDTDC)

Specify any additional names this facility is or has been known by:

- a) _____
 b) _____

Section III: Application Contact Information

3. Application Information

Name of Applicant: John Fehr
 Title: Director, Technology and Development Program
 Company Name: USDA - Forest Service, SDTDC
 Address: 444 East Bonita Ave.
 City: San Dimas State: CA Zip: 91773 Country: USA
 Applicant Phone: 909-599-1267 Fax: 909-592-2309
 Email (for all correspondence): jfehr@fs.fed.us OR mailroom_wo_sdtcd@fs.fed.us

4. Additional Authorized Persons

Person completing the form if different from the applicant: Roger Bergmann
 Phone: 909-599-1267 Email: rbergmann@fs.fed.us
 List all additional persons authorized to make changes to this application:

Name: <u>Kathleen Kreyns</u>	Phone: <u>909-599-1267</u>	Email: <u>kkreyns@fs.fed.us</u>
Name: _____	Phone: _____	Email: _____
Name: _____	Phone: _____	Email: _____

Section IV: Facility Ownership and Contact Information

5. Facility Owner

Name of Owner: USDA - Forest Service, SDTDC

Owner Address: 444 East Bonita Ave.

City: San Dimas

State/Province: CA Zip 91773 Country: USA

Phone: 909-599-1267 Fax: 909-592-2309

Email: mailroom_wo_sdtcdc@fs.fed.us

State or Province in which facility owner/company is incorporated: Federal Government is Owner

6. Facility Contact Information

Can mail be delivered to the facility address? • Yes No* *If no Specify the facility mailing address:

Address:

City: State/Province:

Zip: Country:

Onsite Facility Contact: Kathleen Kreyns

Facility Phone: 909-599-1267 Fax: 909-592-2309

Email:

Section V: Facility Location and Interconnection

7. Facility Location

Address: 444 East Bonita Ave.

GPS Coordinates: +34 Degrees 6 Minutes 20.28 Seconds, -117 Degrees 48 Minutes 3.15 Seconds

City: San Dimas County: Los Angeles

State/Province: CA Zip 91773 Country: USA

► Facilities located outside the United States must be developed and operated in a manner that is as protective of the environment as a similar facility located in California. Applicants for these facilities must submit evidence with the application to prove compliance with this requirement.

8 Does the facility have a first point of interconnection to a non-California Balancing Authority (CBA) outside of California, and the generation is exclusively used by a multi-jurisdictional retail seller, or the successor entity to all or a portion of the service territory, with 60,000 or fewer customer accounts in California, as of January 1, 2010, under PUC Section 399.17?

Yes

► Specify the multi-jurisdictional retail seller procuring the generation: _____

• No

9. The facility's first point of interconnection to the WECC is at the:

Transmission level.

• Distribution level serving a CBA.

10 Specify the balancing authority for the facility's first point of interconnection to the WECC:

• California Balancing Authority CA ISO Resource ID, if any: Padua

Other (specify): _____ Resource ID, if any: _____

► Complete CEC-RPS-1 S3 and submit additional required information for Facilities With a First Point of Interconnection to a non-CBA Outside California.

Section VI: Facility Operations

11. Provide the total nameplate capacity of the facility (in megawatts, AC): 0.250 MW

12. Specify commercial operations date: 7/23/2012 Date renewable fuel first used, if different:

13. Choose One

- Prior operating facility. Facility commenced commercial operations before January 1, 2005*
 - New facility. Facility commenced commercial operations on or after January 1, 2005.*
- Repowered facility. Facility was repowered and re-entered commercial operations after January 1, 2005.*
 - ▶ Specify date repowering began: _____
 - ▶ Specify date repowering completed: _____
 - ▶ Select method used to demonstrate compliance with the 80 percent investment threshold:
 - Tax Records Methodology
 - Replacement Value Methodology
 - ▶ Applicants for repowered facilities must provide documentation confirming the replacement of the facility's prime generating equipment and the capital investments made to repower the facility as well as the value of those investments as described in the *RPS Eligibility Guidebook*
- Incremental generation from project expansion or repowering after January 1, 2005.*
 - ▶ Specify date work began: _____
 - ▶ Specify date when work was completed: _____

* Exceptions for these dates are small hydroelectric and small conduit hydroelectric facilities that began commercial operations or were repowered on or after January 1, 2006.

14. Choose One

- Facility is a central station facility.
 - Facility is a distributed generation facility

Section VII: Facility Resource Type

15. Indicate energy source(s) used by the facility. For multi-fuel facilities, indicate all energy sources used for electrical generation.

Resource	Annual Percent	Resource	Annual Percent
Facilities using one or more of the following resources must submit the CEC-RPS-1 S1:		No additional submission requirement is necessary for the use of one or more of the following resources:	
Biodiesel		Geothermal	
Biogas		Ocean Wave	
Digester Gas		Ocean Thermal	
Landfill Gas		✓ Photovoltaic	100.00%
Other Biomass Source		Solar Thermal Electric	
Biomass		Tidal Current	
Fuel Cell Using Renewable Fuel		Wind	
Biogas		Other Resources not Listed, Specify:	
Hydrogen produced renewably			
Municipal Solid Waste, Combustion			
Municipal Solid Waste Conversion			
Facilities using one or more of the following resources must submit the CEC-RPS-1 S2:			
Conduit Hydroelectric			
Small Hydroelectric			
Incremental Hydroelectric			
Pumped Storage Hydroelectric			
Water Supply or Conveyance System			

16. Please indicate which of the measurement methodologies described in the *RPS Eligibility Guidebook* will be used to account for each energy input or fuel's contribution to electricity generation:

Combustion technologies and fuel cell technologies

Non-combustion, thermal technologies, option 1*

*What efficiency will be used in the calculation?

42.5% efficiency

Actual plant efficiency, specify: _____

▶ Attach documentation of plant efficiency.

Non-combustion, thermal technologies, option 2

▶ Attach documentation describing the thermal energy measurement process.

Non-thermal electric generating technologies (except fuel cell technologies)

Alternative measurement methodology has been attached along with an explanation of why the method is superior to the methods provided in the *RPS Eligibility Guidebook*, including why the alternative is the most appropriate method for this facility.

- None, the facility does not use, and is unable to use, more than one energy resource in the generation process.

Section VIII: Other Facility Information

17. Have benefits been received, are being received, or are planned to be received for the facility from the following ratepayer funded programs: (Check all that apply)

Pilot Performance-Based Initiative Program

Existing Renewables Program under SB 90

California Solar Initiative

Emerging Renewables Program

Self Generation Incentive Program

New Solar Homes Partnership

Other SB1 program. Specify POU: _____

Other. Please specify: _____

- None

18. Has/Is the facility participated/ing in a net metering program or benefited/ing from net metering tariffs?

Yes

▶ Program start date: _____

▶ Program termination date, if any: _____

- No

19. Has/Is the facility participated/ing in a net surplus generation program created pursuant to AB 920 for both the net surplus generation and the Renewable Energy Credits?

Yes

▶ Program start date: _____

▶ Program termination date, if any: _____

- No

20. Was the facility developed and awarded a power purchase contract under a 2002-2003 Interim RPS Procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062?

Yes

- No

21. Is the facility currently certified as a renewable Qualifying Small Power Production Facility (QF) under the federal Public Utilities Regulatory Policies Act of 1978 (PURPA)?

Yes

▶ Original certification date: _____

▶ QF ID or Self Certification Docket number: _____

- No

22. Is the facility currently registered with the federal Energy Information Administration?

Yes

▶ Plant code: _____

▶ Utility code, if applicable: _____

- No

23. Provide information for each WREGIS Generating Unit (GU) associated with the facility

WREGIS GU ID	Unit Capacity (MW AC)	Type of Generating Unit			Multi-fuel GU ID		Activation Month/Year
		Export	Onsite Use	Other	Yes	No	
W2887	0.250 MW AC	•			Yes	• No	07/2012
					Yes	No	
					Yes	No	
					Yes	No	
					Yes	No	
					Yes	No	
					Yes	No	

If the facility uses more GU IDs, please attach the required information on a separate form.

Please explain if the nameplate capacity in WREGIS does not match the total capacity specified above.

24. If the facility's nameplate capacity is greater than 1 MW, provide the Electricity Analysis Office (EAO) Plant ID:

25. Other programs or identification numbers (Please explain):

- a) _____
- b) _____
- c) _____

Section IX: Information for Limited Certification Applicants

Facilities seeking a limited certification must meet all the following requirements and provide substantiating documentation supporting the information provided below.

26. The contract for electricity from the facility was executed prior to June 1, 2010, and the facility meets the eligibility rules in the *RPS Eligibility Guidebook* effective when the contract was executed.

Yes, complete the following table No

Utility Counterparty	Execution Date of Original Contract	Contracted Deliveries (MWh/year)	Date of First Deliveries	Contractual Date of Final Delivery

27. For applicable utilities, was the contract approved by the CPUC?

Yes, provide the information requested below. No

- ▶ Specify advice letter number: _____
- ▶ Specify advice letter filing date: _____
- ▶ Specify CPUC resolution number: _____
- ▶ Specify CPUC resolution date: _____

28. Was the contract amended or modified after June 1, 2010?

Yes, attach a description of the amendments or modifications to the contract.

No

Section X: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of a certified facility does not respond to the Energy Commission's request for an information update in a timely manner, the facility is at risk of losing its certification or precertification status.

The Energy Commission's Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification or precertification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant's applications, invoices, and reports.

Representatives of certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so may result in revocation of certification status. Any changes affecting the facility's certification status must be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website.

Section XI: Attestation

Applications for certification must include a signed Certification Attestation, while applications for precertification must include a signed Precertification Attestation. Failure to supply an original of the proper signed attestation will prevent Energy Commission staff from reviewing the application and may result in denial of the application. Similarly, submission of an application with both attestations signed will also prevent Energy Commission staff from reviewing the application and may result in denial of the application if not corrected.

Certification Attestation

I am an authorized officer or agent of the above-noted facility owner or a retail seller contracting with the above noted facility owner and with authority to submit this application on the facility owner's behalf, and hereby submit this application on behalf of said facility owner for certification of the facility as a renewable facility eligible for California's RPS. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the Energy Commission is conditioned on the facility owner's acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*. I declare under penalty of perjury that the information provided in this application and any supplemental forms and attachments is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Name of Facility: USDA- Forest Service, San Dimas Technology and Development Center (SDTDC)

Authorized Officer/Agent: John Fehr

Officer Title: Director, Technology and Development Program

Signature: _____

Date Signed: Friday, August 10, 2012

Precertification Attestation

I am an authorized officer or agent of the above-noted proposed facility owner or a retail seller contracting with the above noted facility owner and with authority to submit this application on the facility owner's behalf, and hereby submit this application on behalf of said facility owner for precertification of the facility as a renewable facility eligible for California's RPS. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any precertification approval from the Energy Commission is conditioned on the facility owner's acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, and does not guarantee the facility will be eligible for certification once it becomes operational. I declare under penalty of perjury that the information provided in this application and any supplemental forms and attachments is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Name of Facility: USDA- Forest Service, San Dimas Technology and Development Center (SDTDC)

Authorized Officer/Agent: _____

Officer Title: _____

Signature: _____

Date Signed: _____

Technology/Characteristic	Additional Required Information	Supplemental Form
Biodiesel, Biogas, Biomass, Digester Gas, Fuel Cells Using Renewable Fuel, Landfill Gas, MSW Combustion, MSW Conversion, and Pipeline Biomethane	Yes	CEC-RPS-1.S1
Hydroelectric	Yes	CEC-RPS-1.S2
1st Point of Interconnection to a non-CBA Outside CA	Yes	CEC-RPS-1.S3
Repowered, incremental generation and Out-of-Country	Yes	N/A

California Energy Commission

Attn: RPS Certification

1516 Ninth Street, MS-45

Sacramento, CA 95814

RPSTrack@energy.ca.gov

Excel File name and email subject line should be of the format:

RPS-1 [Certification or Precertification] of the [Facility Name], [RPS ID number if available]

ATTACHMENT

4

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

11/15/12

John Fehr
444 East Bonita Ave.
San Dimas, CA 91773

RE: Expiration of Applications(s) for California's Renewables Portfolio Standard

Dear Applicant:

The California Energy Commission is in receipt of your application to participate in the California Renewables Portfolio Standard program. Unfortunately, the application for the certification of the USDA – Forest Service, San Dimas Technology and Development Center (SDTDC) facility has expired, and is being returned to you without approval. An application expires without approval if it was incomplete and the applicant has not responded to the California Energy Commission's request for additional information within 60 days. The Renewables Portfolio Standard (RPS) Eligibility Guidebook, Fifth Edition (publication number CEC-300-2012-002-CMF), adopted in May 2012, states, on page 63:

"If questions arise, the applicant will be contacted and may be asked to submit additional information. A request for additional information will place a hole on the review process for that facility until the Energy Commission receives the requested information. If the applicant does not respond within 60 days to a request for clarification or additional information regarding the application, the application will expire without approval and be returned. The applicant must submit a new application with complete information to reinstate the certification request."

The RPS Eligibility Guidebook is available on the Energy Commission's website at: <http://www.energy.ca.gov/renewables/documents/index.html#rps>.

Energy Commission contacted you on 9/5/12 through the email address provided on the application form, but no complete response has been received. If you are still interested in seeking certification or pre-certification, you must reapply. The resubmitted application will be subject to the requirements in the RPS Eligibility Guidebook that is current at the time of re-submission. To resubmit an application for certification or pre-certification please submit the forms associated with the current edition of the RPS Eligibility Guidebook; application forms can be found online at the website listed above.

61993A

11/15/12

Page 2

If you have any questions about your certification, please do not hesitate to contact me by phone at (916) 654-4674 or by e-mail at <christina.crume@energy.ca.gov>.

Sincerely,



Christina Crume
Renewable Energy Program

Enclosure

ATTACHMENT

5

mla@energy.ca.gov

12/30/2015 1:36 PM
Kreyns, Kathleen C

Energy Operations
12/30/2015 1:36 PM

mla@energy.ca.gov

12/30/2015 1:36 PM

From: Kreyns, Kathleen C -FS [mailto:kathleen.kreyns@energy.ca.gov]
Sent: Wednesday, December 30, 2015 1:36 PM
To: Simon Chang <simon.chang@energy.ca.gov>; Crume, Christina@Energy (mailto:christina.crume@energy.ca.gov)
<christina.crume@energy.ca.gov>
Cc: Christina Ly <christina.ly@energy.ca.gov>; Messerlie, Ed -FS <ed.messerlie@energy.ca.gov>; Jewell, Renee -FS <renee.jewell@energy.ca.gov>; Rita Williams <rita.williams@energy.ca.gov>
Subject: RE: (External):RE: Fw: Modification requested to RPS Update- 5510

Hi Simon,

Was able to locate the final production's schedule for the 2016 here. I will get to a copy of the CIIC through AFD.

- Attached is the final SCI approved schedule for the 2016.
- Attached is a letter from the SCOTDC Director regarding the CIIC with the CFC on AFD. I will follow up within 30 days from the CIIC letter.
- Attached is a letter from the SCOTDC Director regarding the CIIC with the CFC on AFD. I will follow up within 30 days from the CIIC letter.

Thank you for the information. We will continue to work with the CIIC and will continue to bring this matter to the attention of the CIIC as needed. I will continue to work with the CIIC to resolve this matter.

Thank you for the information. We will continue to work with the CIIC and will continue to bring this matter to the attention of the CIIC as needed. I will continue to work with the CIIC to resolve this matter.

Kathleen Kreyns
Safety, Operations, Facilities Program Leader
Forest Service
444 E. Bonita Avenue
San Dimas, CA 91773
p: 909-929-7063
f: 909-592-2309
kathleen.kreyns@energy.ca.gov



San Dimas State Park

From: Kreyns, Kathleen C -FS
Sent: Wednesday, December 30, 2015 12:08 PM
To: 'Simon Chang'; Crume, Christina@Energy (Christina.Crume@energy.ca.gov)
Cc: Christina Ly; Messerlie, Ed -FS; Jewell, Renee -FS; Rita Williams
Subject: RE: (External):RE: Fw: Modification requested to RPS Update- 5510

Hi Simon, I have been working on this for a while. I have been able to find the information you requested. I will be sending you the information you requested in a separate email. I will be sending you the information you requested in a separate email.

I will be sending you the information you requested in a separate email.

I will be sending you the information you requested in a separate email.

Kathleen Kreyns
Safety, Operations, Facilities Program Leader
Forest Service
 444 E. Bonita Avenue
 San Dimas, CA 91773
 p: 909-929-7063
 f: 909-592-2309
kkreyns@fs.fed.us
 444 E. Bonita Avenue
 San Dimas, CA 91773
 p: 909-929-7063
 f: 909-592-2309
kkreyns@fs.fed.us

From: Simon Chang [<mailto:simon.chang@energy.ca.gov>]
Sent: Wednesday, December 30, 2015 10:50 AM
To: Kreyns, Kathleen C -FS
Cc: Christina Ly; Messerlie, Ed -FS; Jewell, Renee -FS; Rita Williams
Subject: RE: (External):RE: Fw: Modification requested to RPS Update- 5510

Hi Kathleen,

This is actually a follow up from July 2013 when we first discovered the issue. You can see the details by scrolling down this email. The recent notification from the CEC led us to believe the issue from 2013 was never resolved. We were hoping you can provide something to show us otherwise.

I have attached a spreadsheet freshly downloaded from the CEC website, listing all RPS certified facilities. In the spreadsheet, you can search for the facility and find the Eligibility Date as 1/17/2013. Also attached is the CEC certificate for this facility, dated 5/7/2013, with an eligibility date of January 17, 2013. If you have a more recent certificate, showing an eligibility date in 2012, please forward that to us.

Lastly, pasted below is a screen print image from the CEC spreadsheet sent to us, showing the RPS claims for the facility.

The CEC gave us a deadline of **January 12, 2016** to provide documentation showing eligibility of the claimed amount. It would be great if you can provide something to us before then. Please let us know if you have any other questions, thank you.

Reporting Year	Facility Name	CEC RPS	WREGIS	Vintage Year Mon	Serial
2013	USDA - Forest Service - San Dimas Technology and Dr	61993	W2387	2012/07	2387-CA-1
2013	USDA - Forest Service - San Dimas Technology and Dr	61993	W2387	2012/08	2387-CA-71
2013	USDA - Forest Service - San Dimas Technology and Dr	61993	W2387	2012/09	2387-CA-71
2013	USDA - Forest Service - San Dimas Technology and Dr	61993	W2387	2012/10	2387-CA-71
2013	USDA - Forest Service - San Dimas Technology and Dr	61993	W2387	2012/11	2387-CA-71
2013	USDA - Forest Service - San Dimas Technology and Dr	61993	W2387	2012/12	2387-CA-71

Notes/Definitions:

- 1. Amount ineligible because facility was not RPS-Certified when RECs were created
- 2. Amount ineligible because facility exceeded fossil fuel usage limit or used ineligible fuel
- 3. Amount ineligible because generation was not reported through WREGIS
- 4. Amount ineligible because the claim was retired more than 36 months after the vintage of the RECs
- 5. Amount ineligible due to double claiming of RECs
- 6. Claims with a pre-2011 vintage are only eligible for historic carryover
- 7. Amount not withdrawn by LSE

Simon Chang | Contract Manager | 626-302-9070
 Energy Contracts | Southern California Edison
 2244 Walnut Grove Avenue | Rosemead, CA 91770

From: Kreyns, Kathleen C -FS [mailto:kathleen.kreyns@sc Edison.com]
Sent: Wednesday, December 30, 2015 7:01 AM
To: Rita Williams <ritawilliams@sc Edison.com>
Cc: Christina Ly <christinaly@sc Edison.com>; Simon Chang <simonchang@sc Edison.com>; Messerlie, Ed -FS <ed.messerlie@sc Edison.com>; Jewell, Renee -FS <renee.jewell@sc Edison.com>
Subject: (External):RE: Fw: Modification requested to RPS Update- 5510

- 1. What is the generation capacity of the facility?
- 2. How many RECs were generated from the facility?
- 3. How many RECs were sold to the market?
- 4. What is the production of the facility?

Best regards,

Kathleen Kreyns
Safety, Operations, Facilities Program Leader

Forest Service

3000 Fairway Drive, San Dimas, CA 91773

p: 909-929-7063

f: 909-592-2309

www.fs.fed.us

444 E. Bonita Avenue
San Dimas, CA 91773



United States Department of Agriculture

From: Rita Williams [mailto:rita.williams@fs.fed.us] (mailto:rita.williams@fs.fed.us)
Sent: Tuesday, December 29, 2015 3:38 PM
To: Kreyns, Kathleen C -FS
Cc: Christina Ly; Simon Chang
Subject: FW: Fw: Modification requested to RPS Update- 5510
Importance: High

Hello Kathleen,

The CEC has recently come back to SCE, and identified our RPS claims for this project **as ineligible, for months July 2012 through December 2012**. Their records still shows this project is RPS eligible **starting January 2013**. This matter needs to be tended to as soon as possible. The CEC is giving us a very short timeline to respond regarding the eligibility. Please let me know if you have any questions. Please contact me as soon as you return to the office regarding this.

Rita Williams

Forest Service
San Dimas
444 E. Bonita Avenue
San Dimas, CA 91773
909-929-7063

rita.williams@fs.fed.us
www.fs.fed.us

United States Forest Service
San Dimas

United States Department of Agriculture

ATTACHMENT

6

Certified Eligible for California's Renewables Portfolio Standard

This is to officially state that beginning on **January 17, 2013**, the facility:

USDA, Forest Service, San Dimas Technology and Development Center (SDTDC)

**Owned by USDA, Forest Service, SDTDC,
Located in San Dimas, CA,
And having Commenced Commercial Operations on:
July 23, 2012**

Is certified by the California Energy Commission as eligible for California's Renewables Portfolio Standard (RPS) under the criteria specified in the **Renewables Portfolio Standard Eligibility Guidebook, Sixth Edition**, publication number CEC-300-2012-006-CMF, August 2012, and the **Overall Program Guidebook, Fifth Edition**, publication number CEC-300-2012-005-ED5-CMF, August 2012, and assigned CEC-RPS-ID number:

61993A

The application for RPS certification of this facility was submitted by **John Fehr**, of **USDA, Forest Service, SDTDC**, on behalf of the facility owner **USDA, Forest Service, SDTDC**. The accuracy of the information in the submitted application for RPS certification was attested to by **John Fehr**, the **Director, Technology and Development of USDA, FS**.

The facility has a total nameplate capacity, measured in alternating current, of

0.25 MW

And will use the following energy resources:

	Energy Resource	Anticipated Annual Percent*	Renewable**
1	photovoltaic	100	yes
2			
3			

* Anticipated annual percent contribution to the electrical output of the facility is based on the **no nonrenewable fuel used** measurement methodology, as identified in the submitted application for RPS certification.

**California RPS eligible Renewable Energy Credits will not be created for any electricity resulting from the use of nonrenewable energy resources, except in cases where the use of nonrenewable energy resources does not exceed a de minimis quantity or other allowance as specified in the *Renewables Portfolio Standard Eligibility Guidebook, Sixth Edition*, and sufficient evidence has been submitted in support of compliance with those requirements.

The RPS certification of the USDA, Forest Service, San Dimas Technology and Development Center (SDTDC) facility may be revoked if any of the information presented in the application for RPS certification, or supporting documentation, submitted to the California Energy Commission is determined to be false or inaccurate.

The California Energy Commission must be promptly notified of any changes to the information included in the application for RPS certification of the facility, including changes in the facility's operations, ownership, or representation, as specified in the *Renewables Portfolio Standard Eligibility Guidebook, Sixth Edition*. Failure to do so within 90 days of the change in the information may result in the revocation of the facility's RPS certification.