

DOCKETED

Docket Number:	16-RPS-02
Project Title:	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
TN #:	213425
Document Title:	365 2013-07-29_CEC_RPS_POU_Workshop_Transcript (Bates Nos. LA002201-LA002321)
Description:	N/A
Filer:	Pjoy Chua
Organization:	LADWP
Submitter Role:	Applicant
Submission Date:	8/31/2016 6:25:47 PM
Docketed Date:	9/1/2016

BEFORE THE
CALIFORNIA ENERGY COMMISSION

LEAD COMMISSIONER WORKSHOP FOR RENEWABLES PORTFOLIO
STANDARD (RPS) IMPLEMENTATION FOR LOCAL PUBLIC OWNED
ELECTRIC UTILITIES (POU)

CALIFORNIA ENERGY COMMISSION

HEARING ROOM A

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

MONDAY, JULY 29, 2013

9:04 A.M.

Reported by:
Peter Petty

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P R O C E E D I N G S

JULY 29, 2013

9:04 A.M.

COMMISSIONER HOCHSCHILD: How is everyone? Welcome folks, I'm David Hochschild. For those of you have not met me, I was appointed by Governor Brown in February to fill the environmental seat at the California Energy Commission and the Chair has asked me to take the lead on the POU Regs and the RPS going forward.

To my right is my senior advisor, Kelly Foley, who's going to be your main point of contact on any questions related to enforcement of the RPS for the munis.

I want to welcome all of you here this morning as well as those of you on the phone. And I'd like to thank the staff for their many, many months of hard work to develop the regs as well as the latest herculean effort to get it all shipped off to OAL, so thank you for that.

I also want to acknowledge and welcome Kourtney Vacarro who's just joined us, Kourtney if you can stand there, as Assistant Executive Director for Compliance Assistance and Enforcement. And for those of you who have not yet met her, she comes to the Energy Commission

1 with a wealth of experience having led
2 enforcement at the FPPC and then prior to that
3 having been a hearing officer here. So Kourtney,
4 we're very thankful to have you back on the team.
5 Those of you in the audience please do introduce
6 yourself after the meeting if you haven't met
7 her.

8 Our vision going forward is really a
9 collaborative one. We want to see all the munis
10 in California succeed in meeting this goal that
11 the legislature and the Governor have laid out.
12 And we want to work as collaboratively as
13 possible to make that happen.

14 I'm going to be personally attending as
15 many of the workshops as I can and it's a
16 personal goal of mine to meet with every single
17 one of the 48 munis in the state. I've met about
18 half so far. I had a very, very fruitful week
19 with LADWP and SCAPPA and a number of the smaller
20 utilities in Southern California. And will be
21 continuing to go on the road to meet folks
22 individually.

23 Our goal is to have an annual update
24 process in an orderly fashion with respect to the
25 regs and we'll talk about that more later today.

1 And with that what we're going to do is
2 turn this show over to the staff here. Angie
3 Gould is going to walk through a presentation and
4 some of the forms; that should take about half an
5 hour. And then we'll open it up to questions and
6 discussions from the audience and those on the
7 phone.

8 Angie, take it away.

9 MS. GOULD: Good morning everyone, I'm
10 Angie Gould and I worked on the RPS regs. I'm
11 joined by Gabe Herrera from our legal staff, Gina
12 Barkalow who runs the Verification team, Emily
13 Chisholm who works on the regulations and Kate
14 Zocchetti who is the technical lead for the RPS
15 Program. Also on WebEx you have Theresa Daniels
16 and Kevin Chou running.

17 A few housekeeping items before we
18 begin. This is being recorded, so we will have
19 the entire WebEx conference available online at
20 some point after this is over the closest
21 restrooms are located over by the exits on the P
22 Street side. However do not go through those
23 doors; it will set off an alarm.

24 There's a snack bar on the second floor
25 under the white awning and if we have an

1 emergency and we evacuate just follow staff over
2 to Roosevelt Park kitty-corner from the Energy
3 Commission.

4 Okay, and for those of you on WebEx can
5 you send a message to the host letting us know if
6 you can hear us? I think we've gotten some
7 messages saying that people can't hear? Well, I
8 suppose if you can't hear you won't hear my
9 instructions. Okay, well I'm just going to keep
10 going as long as hopefully things are okay.

11 Okay. Let's go ahead and get started on
12 the presentation. The anticipated schedule for
13 the regulations, on July 18th we submitted the
14 final rulemaking package to OAL. OAL has 30
15 working days to review, so they should be done by
16 or before August 29th. And if OAL does approve
17 the regulations within those 30 working days then
18 we would have an effective date of October 1st.
19 And they would send everything to the Secretary
20 of State and it would be included in California
21 Code of Regulations.

22 Okay, now to just go over some basics of
23 retirement and reporting. First of all the terms
24 that we'll be using, I know that there's a little
25 bit of confusion. To retire is to claim a REC in

1 WREGIS or in the interim tracking system if the
2 REC is not available in WREGIS and thereby to
3 commit the REC to be used for compliance with
4 RPS.

5 Okay, I'm sorry, it seems that they
6 can't hear us on WebEx. Okay, sorry it looks
7 like people on WebEx couldn't hear us, hopefully
8 we'll be better now. I'll just go over retire
9 again really quickly. And also we have a
10 presumed effective date of October 1st.

11 To retire is to claim a REC in WREGIS or
12 in the interim tracking system if the REC is not
13 available in WREGIS and to commit the REC to be
14 used for compliance with RPS. And to report is
15 to submit a report to the Energy Commission.

16 So sometimes they are separate acts as
17 in WREGIS and sometimes they are the same act,
18 which is in the interim tracking system.

19 Annual reports are submitted each year
20 for the calendar year and all the information in
21 3207(c) and the regulations is contained in the
22 annual report.

23 Compliance reports are submitted the
24 year after the end of a compliance period, so the
25 first compliance report will be to July 1st,

1 2014. That will contain all the annual report
2 information in 3207(c) as well as additional
3 information in 3207(d), so things like how much
4 access procurement you calculate.

5 In the interim tracking system POU
6 submit procurement claims on the RPS-Track form
7 along with other required reporting forms.
8 Submitting the RPS procurement claims in the ITS
9 is, as I said before, both retirement of the
10 RECs, which must occur within 36 months of the
11 date of generation and reporting.

12 And the RPS-Track form is verified
13 against generation data. This can be on the RPS-
14 Gen form or from other sources and we're
15 transitioning out the ITS after October of 2012
16 although since there are 36 months to retire regs
17 it will likely be in use through 2015.

18 For WREGIS POUs submit the RPS report
19 with their procurement claims along with the
20 other required forms. The retirement of a REC
21 and WREGIS, again which must occur within 36
22 months of the date of generation, has been the
23 POU transfers the REC from their active
24 subaccount into their retired subaccount. So
25 that date is recorded within WREGIS and we use

1 that date to track the 36-month requirement.

2 Submitting the RPS procurement claims
3 using WREGIS is reporting, so you can do that
4 within WREGIS. You can ask for just to submit a
5 report to the Energy Commission. And the WREGIS
6 report may not need to be verified against
7 generation data if the entire calendar year
8 generation is in WREGIS, because the generation
9 data itself is contained within WREGIS. It's
10 both the procurement claim and the generation
11 information.

12 Okay, now to talk about deadlines and
13 reporting is Gina Barkalow.

14 MS. BARKALOW: Hi, I'm Gina Barkalow and
15 I work on RPS verification. I'm actually going
16 to go over some due dates that have to do with
17 the enforcement program. This was due last year,
18 but this is just to provide sort of a timeline of
19 reporting due dates.

20 October 31st, 2012 facilities must have
21 registered in WREGIS to count all generation from
22 RPS certification onward. Unfortunately, we
23 don't have RPS certification staff with us this
24 morning, so I'm going to go over these due dates.
25 This due date has to do with certification for

1 biomethane facilities using onsite or dedicated
2 pipeline. The due date is today and so these
3 sorts of facilities must submit either the 2196
4 form or amend their certification application on
5 a CEC-RPS-1 form if there are any changes to the
6 facility since it was certified.

7 There is some additional information
8 here, included with the application needs to be
9 an S4 form for each landfill digester and either
10 a biomethane contact between the landfill
11 digester and the electrical generation facility
12 showing the environmental attributes. Or a cover
13 letter explaining that both the landfill digester
14 and electrical generation facility are owned by
15 the applicant and therefore a contract is not
16 applicable.

17 Today is also the deadline for
18 submitting certification applications for
19 biomethane facilities using a common carrier
20 pipeline. They also must either submit a 2196
21 form or amend their application on a CEC-RPS-1
22 form if there are any changes to the facility
23 since the previous certification. Included with
24 the application must be an S4 form for the
25 landfill or digester, an S5 form for each

1 delivery entity responsible for delivering the
2 biomethane from the landfill digester to
3 California or the facility and a copy of each of
4 the biomethane procurement contracts. The
5 biomethane procurement contract must include the
6 execution date, start date and end date of the
7 contract, the quantity of biomethane,
8 environmental attributes and the sources if any.

9 There are also reporting deadlines for
10 generation data, so for certified facilities
11 using biomethane for 2011 and 2012, from onsite
12 or dedicated pipelines they need to submit the
13 CEC-RPS-Gen form. If there was any multi-fuel
14 used they must use the CEC-RPS-Multi-Fuel form
15 instead.

16 Certified facilities using biomethane
17 for 2011 and 2012 generation now fall under the
18 common carrier or use a common carrier pipeline.
19 They must submit the CEC-RPS-Biomethane reporting
20 form. So if these facilities are actually
21 pending certification then this reporting can be
22 submitted after the certification has become
23 final.

24 Also due today is generation data for
25 multi-jewel facilities that have not already

1 reported generation data for 2011 and 2012 and
2 for which 2011 and 2012 vintage RPS claims will
3 be made, so basically a catch up for this
4 generation data, typically multifuel facilities
5 need to report on annual basis whether they are
6 in WREGIS or not. We need to do that, so that we
7 can determine the number of nonrenewable WREGIS
8 certificates should be associated with each
9 facility.

10 So we already have received some of this
11 data, but this is to allow facilities that had
12 not yet reported to provide that information to
13 the Energy Commission. The exception would be
14 biomethane facilities using a common carrier
15 pipeline. And in that case instead of the
16 multifuel reporting form they would use the CEC-
17 RPS-Biomethane form.

18 Today also due is generation data for
19 facilities that are not registered in WREGIS for
20 all of 2011 and 2012 and are not utility-owned.
21 They must submit the 2011 and 2012 using the CEC-
22 RPS-Gen form.

23 So just a little background on this is
24 that eventually when all the generation is
25 captured in WREGIS we hope to get rid of the CEC-

1 RPS-GEN reporting form, but until all of the
2 generation is captured in WREGIS we need to have
3 this generation data reported to us, so that we
4 can compare claims that are reported using the
5 RPS-Track form and WREGIS together.

6 So ultimately we expect this reporting
7 form to go away, but if there are claims as POU's
8 are transitioning into WREGIS we expect that
9 there may be claims for years 2011 and 2012 where
10 they don't have the generation in WREGIS and
11 we'll need to use the RPS-Track form to report
12 it, so we will need the generation from these
13 facilities.

14 This bullet here is talking about the
15 CEC POU compliance form and I will be discussing
16 this in detail soon. But just to point out that
17 we would be very happy to receive data having to
18 do with the static information forms, static
19 information tabs that has to do with all of the
20 contract information that we will need to be able
21 to verify the RECs when they come in. So I'll
22 explain a little bit of this more as we go along.

23 So assuming that October 1st is the
24 effective date of the POU regulations October
25 31st would be the due date for the 2011 and 2012

1 annual reports. And that includes a whole host
2 of reporting forms including the CEC-RPS-Track
3 forms if there's data that the POU wants to
4 report that was not available to them in WREGIS.
5 The WREGIS reports, if there are claims for
6 Bucket 1 facilities that are not directly
7 connected to a California balancing authority and
8 delivery information must be demonstrated, then
9 the e-Tag form is due. Same with a Bucket 2
10 where delivery information is required then the
11 CEC-RPS-eTag is due. This form is not required
12 if that e-Tag information is available in WREGIS
13 and a WREGIS NERC e-Tag summary report can be
14 provided.

15 And then of course, the CEC POU
16 compliance form and all the supporting contracts,
17 so all of this information is due to us on the
18 31st. We would be happy to receive the POU
19 compliance form sort of in a draft form with all
20 of the static contract information on the various
21 tabs provided to us along with the contract, so
22 we can take a look at that and start verifying
23 that as soon as possible. It'll be provided to
24 us along with the contract, so we can take a look
25 at that and start verifying that as soon as

1 possible.

2 It'll be a lot of information for Energy
3 Commission staff to verify and we can get going
4 on that sooner rather than later that will be in
5 everyone's best interest. And then also we can
6 help answer any questions that POUs may have
7 about that, so we encourage you to work with us
8 ahead of the deadline on the static information.

9 On November 27th assuming an October 1st
10 effective date POUs must adopt procurement plans
11 consistent with the statute and regulations and
12 submit them to the Energy Commission. And then
13 on December 30th, 2013 assuming an October 1st
14 effective date the historic carryover reports are
15 due.

16 POUs are encouraged to turn in the CEC
17 RPS historic carryover form and all the
18 documentation forms early on this. So that is
19 the last day that it may be reported, however we
20 encourage you to submit that sooner rather than
21 later so that we can begin the verification of
22 the contract information.

23 I should note to you that on the
24 historic carryover in the guidebook we state that
25 the static information, we encouraged the POUs to

1 submit this static contract information when they
2 submit the historic carryover information. When
3 we wrote that we were sort of assuming that the
4 historic carryover information would come first
5 or at least at the same time as the POU
6 compliance form.

7 So unfortunately it states that it could
8 come as late as December, but really the static
9 information is part of the POU compliance form so
10 really the deadline for that is October 31st if
11 not later than that. So that is just a point of
12 clarification there.

13 By December 31st of this year also
14 facilities must be certified to count eligible
15 generation from January 1st, 2011 onward. By
16 March 1st, 2014 all multifuel and biomethane
17 facilities must report 2013 generation using the
18 multifuel or the biomethane form. So as I stated
19 before for multifuel facilities and biomethane
20 facilities the biomethane form, that is just for
21 the common carrier pipeline. The onsite and
22 dedicated can use the multifuel form or the CEC-
23 RPS-Gen form. But we need that information on an
24 annual basis to determine how much nonrenewable
25 fuel is allowed for each facility.

1 And then July 1st, 2014 is when POUs
2 must submit the complete POU compliance report
3 for the first compliance period covering 2011
4 through 2013. So this is the same compliance
5 form and when I bring it up and talk about it
6 you'll see that it contains information for all
7 of the reporting years as well as the entire
8 compliance period.

9 And I guess I'll go ahead and actually
10 bring that compliance reporting spreadsheet up,
11 so you can see it. Okay, just a little bit of a
12 background on these forms. The Energy Commission
13 held a few workshops last year having to do with
14 reporting and verification under SBX 1-2. On
15 September 21st last year we had a presentation to
16 go over the retail sellers 2008 through 2010 RPS
17 claims. And we also included a high-level review
18 of the proposed verification process under SBX 1-
19 2. On October 12th staff hosted a POU working
20 group on RPS reporting during which we went over
21 Energy Commission staff's proposed POU compliance
22 spreadsheet on the historic carryover form. And
23 then on November 30th we had another workshop on
24 reporting and verification.

25 And so we initially put this form

1 together as a way to capture all of the
2 information that is required on one form.

3 So this is basically the title page and
4 it just provides a real high-level summary of
5 what all of the various tabs include. And so
6 here's the static information for reports
7 submitted in 2013 complete with information from
8 contracts and ownership agreements executed on or
9 before December 31st, 2012. For reports
10 submitted in 2014, which would include 2013 data
11 and after, complete with information from
12 contracts and ownership agreements executed from
13 the previous calendar year.

14 There's annual report accounting, a
15 summary for each year in the compliance period.
16 And then I'll show you the tabs, so you can see
17 more specifically what they include. So the due
18 date will eventually be July 1st of every year
19 for the previous year. 2011 and 2012 we're
20 playing catch-up here, so that's why that
21 information is due at the end of October.

22 So there are many tabs on this form and
23 we have an instruction sheet to just provide some
24 general instructions about each one of the tabs.
25 We have information regarding historic carryover

1 and I'll walk you through some of that.

2 Compliance period summary tab and a list
3 of narratives, so on -- let's see here. So right
4 here is basically each item that is listed here
5 is a footnote in the detail tabs and it just
6 brings you back to here to explain what that
7 footnote means. Some of it we didn't need to
8 provide a footnote like for the RPS ID we didn't
9 bother providing additional information on that.
10 But some of this information did require an
11 explanation and some of the tabs have drop-down
12 menus.

13 The first tab here has to do with
14 historic carryover and Bucket 0, so here you
15 would enter the reporting year and we would
16 expect to see on the form that is due at the end
17 of October reporting for 2011 and for 2012. You
18 provide the facility name, the fuel type and
19 there's a dropdown menu for that. This is for
20 multifuel facilities if there's more than one
21 fuel type. The location, facility status, that
22 also is a dropdown menu and it's explained in the
23 instructions the details of what the various
24 options mean. The contract execution date, so
25 anything on this form should have an execution

1 date before June 1st, 2010. That's partially
2 what allows it to count as count in full.

3 So these are sort of questions that help
4 us determine if it meets the Bucket 0
5 requirements. Does the contract contain explicit
6 terms and conditions specifying the ownership of
7 the RECs, so yes or no? So contract start date,
8 so ID information. Notes, so in this one you can
9 actually type in any information that you think
10 would be helpful to the Energy Commission staff
11 in explaining the status of the facility or
12 anything unique about the special circumstances
13 maybe of a particular facility.

14 Here are the historic carryover
15 questions. There is also a historic carryover
16 form, which Emily will review shortly. But these
17 are basically the criteria that allow us to
18 determine if a facility is eligible for historic
19 carryover and you need to know if the facility is
20 currently certified or not. POUs, if it's not
21 certified will need to get the facility certified
22 before it can be counted as historic carryover.

23 We need to know which guidebook was in
24 place at the time that contract was signed. This
25 is because the rules of the facility must have

1 met the Energy Commission's rules in place at the
2 time. So that will help us determine which
3 guidebook we should use in determining if that
4 facility met the rules and place of time. And
5 does the facility meet the eligibility
6 requirements under the addition of the guidebook
7 and this is to provide supporting documentation
8 as necessary.

9 So the next one has to do with Bucket 1
10 and if you have specific questions or these forms
11 will be made available. We actually have them
12 available on our website in draft form, so feel
13 free to take another look at them. We are
14 expecting to finalize them soon. All of the
15 other forms associated with the guidebook that
16 are not POU-specific are already available on our
17 website. So we are planning to finalize these
18 soon and make them available.

19 So that's all the information that we
20 believe we need for Bucket 1 categorization.
21 Bucket 2 has two: we have the renewable contract
22 information and then we have contract associated
23 with the incremental energy contract. So
24 incremental means incremental to the POU, and
25 it's important for us to see the contract

1 execution date to verify that it is indeed
2 incremental to the POU. These are part of the
3 contracting requirements for claims to count as
4 Bucket 2. And so Bucket 3 we also have to look
5 at contracts either for Bucket 3 and so we have a
6 tab for that as well.

7 And then here is the annual report
8 accounting tab, so you can see that some input is
9 required. And so this is sort of a peach color,
10 I guess. The information will need to be
11 provided by the POU. Some of it will be actual
12 data, so this should be actual data here. The
13 amounts in the dark blue are forecasted data and
14 this will be information provided based on the
15 Buckets and what was retired. And so this is
16 just the annual accounting tab.

17 Let's see, and then we have a summary
18 tab for each individual year and this information
19 will need to be provided by the POU, so just to
20 explain a little bit. This has to do with the
21 RECs that are retired and that is part of the RPS
22 requirements. POUs have flexibility in
23 determining what they want to retire. They could
24 have procured RECs in a particular year, but
25 decide to retire it and report it for a future

1 year. They have up to 36 months to retire it.

2 And so this right here is actually, this
3 was taken from the Power Source disclosure
4 Program and I think is we were having some
5 discussions. We just put this in the form,
6 because some POU's I believe had expressed an
7 interest in showing side-by-side what was retired
8 for the RPS, but also showing information
9 associated with the power source disclosure form.

10 We will be using the information
11 provided in this POU form to post on our website.
12 We intend to do this soon upon the date which we
13 receive it, so that we can have information
14 available to the public about the POU's progress.
15 But there is some concern that if POU's are
16 waiting to retire their REC's until say the last
17 year of the compliance period it could look funny
18 to the public as if nothing was being used for
19 the RPS yet the Power Source Disclosure Program
20 would show a different story. It would show that
21 indeed renewables were procured; they're just
22 being reported later for the RPS.

23 So actually we would appreciate some
24 input on this, so you can think about it. I mean
25 perhaps this is just optional, if a POU wanted to

1 provide that information so we could have sort of
2 a side-by-side showing of RPS retirements versus
3 the power source disclosure information. But I
4 believe that's how we designed that.

5 And there are a lot of talks about
6 making updates to the Power Source Disclosure
7 Program, however until those there is a
8 legislative change. There is still reporting
9 required for the Power Source Disclosure Program,
10 so we understand there's some concerns about the
11 two programs and how reporting is done.

12 This is the compliance period accounting
13 tab and so for data reported for at the end of
14 the compliance period this tab would need to be
15 completed. So next year when the POU's are
16 submitting 2013 data as well as data for the
17 entire compliance period this tab needs to be
18 completed. And here again we have the actual
19 data and then forecasted data.

20 There's a line here for historic
21 carryover and we will use the historic carryover
22 form to verify and establish the amount of
23 historic carryover that is allowed. And then a
24 POU would designate from that amount on this form
25 when it would like to use it, so it can choose

1 which compliance period it wants to apply the
2 historic carryover.

3 There is a tab here too, having to do
4 with the portfolio balance requirements and
5 excess procurement. So before excess procurement
6 can be determined we also have to look at the TDR
7 requirements. And so this allows us to calculate
8 excess procurement, which also can be used in
9 this compliance form. So this is a way to
10 account for everything at the end of the
11 compliance period. And here's the excess
12 procurement calculation in this box over here.

13 This is the compliance period summary
14 reporting and this is just due at the end of a
15 compliance period. So it includes the summation
16 of the 2011 through 2013 data on here for the
17 entire compliance period. The number of RECs
18 retired by Bucket, historic carryover applied.
19 Did the POU meet the target, so the calculations
20 are embedded in the spreadsheet.

21 So in some years narratives may be
22 required. We added a tab to the spreadsheet to
23 help track that. And this is just a yes or no
24 answer to let us know if there is an attachment
25 along with the other reporting forms. That has

1 to do with the public goods funds collected.

2 That should be attached annually.

3 Identified issues that may delay timely
4 compliance and planned actions to minimize delay,
5 reasonable progress actions taken and reasonable
6 progress actions planned, as needed documentation
7 justifying the application of adopted optional
8 compliance measure and also as needed is
9 documentation providing applied cost limitation
10 and dollars expended during the compliance
11 period.

12 So there's a possibility we'll create a
13 template for each one of these, just a word
14 template so then you would just provide your
15 narrative in that template and attach it with the
16 entire reporting package. And then there's an
17 attestation and so by indicating the narratives
18 that are attached that additional information
19 will be covered under that attestation language.

20 And I think that's it for this
21 spreadsheet. It really is big and there's a lot
22 to it, but Emily has developed a checklist to try
23 and kind of demonstrate where certain parts of
24 the regulations are captured into this
25 spreadsheet. And Emily do you want to talk about

1 that?

2 MS. ZOCCHETTI: Gina, just one point I
3 just want to clarify for everyone. This is Kate
4 Zocchetti. Isn't it correct that, you mentioned
5 that the peach cells need to be completed? The
6 rest of the cells self-populate for the most
7 part.

8 MS. BARKALOW: There are some forecasted
9 cells that also need to be, those won't self-
10 populate, the forecasted ones so those will need
11 to be completed as well.

12 MS. ZOCCHETTI: Okay, but a lot of them
13 do self-populate. I just wanted everyone to know
14 that, that they don't have to fill in every
15 single cell. A lot of them will carry over from
16 previous tabs.

17 MS. BARKALOW: But not every single tab.

18 MS. ZOCCHETTI: Thanks.

19 MS. BARKALOW: Okay, so this form is
20 actually just designed really for 2011 through
21 2013, so we'll have to have another form that
22 would contain summaries for the second compliance
23 period. And then see about that being able to
24 populate the forecasted information.

25 Okay. So we'll talk, I think Emily is

1 going to take -- she'll just walk over a
2 checklist and then also talk about the historic
3 carryover. So let me show the performance
4 checklist, it's down here somewhere.

5 MS. CHISHOLM: Hi, I'm Emily Chisholm.
6 And first I'll be looking at the handout that
7 hopefully everyone got. It's a draft checklist
8 we put together to try to be an easy go-to guide
9 for the compliance reporting. And what it does
10 is it lists every single requirement that's in
11 the regulations from 3207(c) and (d). And it
12 breaks it out, what is reported annually and then
13 what's reported by compliance period. It shows
14 where in the regulations it's reported and where
15 exactly which tab in the compliance report you
16 can find that.

17 Some of the items will need an
18 attachment and so it shows either some of them
19 will be the actual procurement reporting, which
20 is the WREGIS report or the ITS report track
21 form. And others will be as Gina mentioned, an
22 attachment of the narratives, which we might do a
23 word template. We haven't quite decided that
24 yet, so but there is a list of narratives that
25 lists all of those that will need an attachment.

1 So the first report annually information
2 is going to be reported every year. And then the
3 compliance period information is only going to be
4 reported at the end of the compliance period in
5 addition to the annual reporting. Let's see what
6 they're saying in here, yes. And there is
7 alternative compliance mechanisms reporting
8 information listed here that is only for anything
9 that actually needs an alternate compliance
10 mechanism. So if you're using that then there'll
11 be extra reporting for that.

12 So this is just a checklist we put
13 together. Please let me know if you have any
14 comments on that and then I'll go to historic
15 carryover.

16 All right, the first tab is general
17 instructions. It explains what exactly to fill
18 out and where to send it. And it says that you
19 have 90 calendar days after the effective date of
20 the regulations to report this, so that'd be
21 December 30th. These are all the footnotes that
22 are used throughout the form, so that if there's
23 any question of exactly what that means you can
24 come here. And it has some of the actual
25 equations that we use to calculate historic

1 carryover from the regulations.

2 Here's where most of the information
3 goes into your listing all of your procurement
4 for all of the years 2001 through 2010 except for
5 2002 by facility. And then it will calculate at
6 the top exactly how much total eligible
7 procurement you have. And you will be reporting
8 the procurement data on a track form or WREGIS
9 form or WREGIS report separate from this. But
10 this will be kind of like a easy tally of all of
11 your historic carryover.

12 And that will go into the accounting
13 that actually calculates the historic carryover.
14 You will put in your retail sales and then it
15 will use the eligible procurement number to every
16 year calculate how much under or over you are.
17 And it takes the total of all of that and, down
18 here at the surplus or deficit, shows if you have
19 historic carryover.

20 We put this form together last year and
21 put it out for comments. And it was brought to
22 my attention that some of the equations were
23 wrong, so if you're using an old version and it's
24 not calculating correctly feel free to contact
25 me. I can get you a better version where this

1 should calculate the total of all of the years
2 those are completed and not just 2010.

3 And then there's an attestation, which
4 probably needs to be updated but will be filled
5 out and signed. Is that everything?

6 MS. BARKALOW: We wanted to print it
7 out.

8 MS. CHISHOLM: Pardon?

9 MS. BARKALOW: We wanted to (inaudible)

10 MS. CHISHOLM: It's printed out where?

11 MALE VOICE: There's a footnote on the
12 form that says what's the date.

13 MS. CHISHOLM: This should be up to date
14 if that's what you're asking. What I sent you
15 recently was up to date. It's anything that you
16 got back in like October might have an equation
17 problem. We can maybe post it, I don't know if
18 we -- well as soon as it goes out it'll be
19 correct. I'll just say that.

20 Okay, I don't have those things. And
21 Gina's back.

22 MS. BARKALOW: Thanks, okay. So hello
23 again, it's Gina and I'm going to talk about some
24 of the other forms that we also will need along
25 with the big POU compliance report.

1 So the compliance report, the big POU
2 compliance report provides a lot of information
3 having to do with the contracts and the Buckets
4 and kind of providing a summary of all the
5 progress put together. However separate from
6 that are the WREGIS claims and the RPS-Track
7 claims, so that is the real meat. That is the
8 actual RPS claim that's being made.

9 And I have the RPS-Track form here, but
10 I thought it might be helpful if I can actually
11 show you where to find it on our website. I hope
12 I can find it. The RPS-Track form is currently
13 available. The retail sellers also use that form
14 to report to us and the retail sellers, their due
15 date is actually today for their 2011 data, so we
16 are receiving WREGIS compliance reports and RPS-
17 Track forms from retail sellers today.

18 So you've got a renewable tab and then
19 here is the RPS and guidebooks and forms here on
20 the right column. And then here are the forms,
21 so here's the 7th edition guidebook and then here
22 are all of the forms that are currently
23 available. We do note that several forms will be
24 finalized to be consistent with the enforcement
25 procedures for the RPS for POUs. And so these

1 forms are the ones that will be coming shortly.
2 That's the e-Tag summary report, the hourly, the
3 POU compliance report and the historic carryover.

4 So here's the CEC-RPS-Track form, that's
5 the certification form, these are the S4, S5
6 2196. So some of these are the biomethane
7 certification forms, precertification, and then
8 here's the RPS-Track and it is an Excel
9 spreadsheet.

10 And there has been some confusion about
11 the ITS, which stands for the Interim Tracking
12 System being an actual system like WREGIS, which
13 it actually is not. It's just these Excel
14 spreadsheets that staff puts into our database
15 that we created and we verify. So this was our
16 approach for verification until WREGIS data was
17 available. And so we're in the process of
18 transitioning away from this track form and being
19 fully in WREGIS. And by October all data that is
20 reported to us should be through WREGIS. So this
21 will be phased out.

22 So on the track form here's just the
23 general instructions. The entity name would be
24 the POU name. The reporting, you know, that is
25 covered so we would need one report for 2011 and

1 one report for 2012. So here's the due date, the
2 due date will be July 1st of every year. Again,
3 we're playing catch up and with 2011 and 2012
4 data and so that will be coming to us in October.
5 Let me see if I can get to the other tabs, let me
6 see.

7 Okay, so here are some general
8 instructions and pretty basic. This information
9 is consistent with the information in the WREGIS
10 compliance reports, so we basically tried to
11 mirror what we're getting with the WREGIS claims
12 on this form. There is a line for e-Tag data, so
13 that applies to Bucket 1 facilities that are not
14 directly connected to a California balancing
15 authority as well as to Bucket 2 claims.

16 And then this is the actual form. The
17 RPS ID, EIA plant number if known, WREGIS ID,
18 facility name, dropdown menu for the fuel types.
19 POUs need to pick a bucket. For retail sellers
20 we have -- actually it says retail sellers, they
21 do not classify their retirements by bucket, so
22 we won't get that from them. But we will get
23 here's historic carryover. So this side can be
24 used for this toward carryover reporting as well,
25 the actual claims. This is the vintage year, so

1 that means the month and year that -- well
2 actually this is just the year and the month that
3 the generation occurred. And then this is the
4 amount.

5 And so that's really you just populate
6 that information yourself and submit that to the
7 Energy Commission. There's an attestation then
8 we will verify that by using all of the claims
9 that are reported using this RPS-Track form as
10 well as using WREGIS. So I'll just put that down
11 there and go back to the website.

12 Let's see here, so for WREGIS reports
13 the form actually comes to us from WREGIS. So if
14 you haven't already POU's will need to authorize
15 WREGIS to submit the WREGIS report to the Energy
16 Commission. Then after that authorization has
17 been done when the POU retires using WREGIS
18 you'll be able to submit, you know, hit a button
19 that says submit. And it will go, you'll direct
20 WREGIS to submit that information to the Energy
21 Commission.

22 But along with that is an attestation,
23 so WREGIS doesn't allow us to provide our
24 attestation with their reporting information. So
25 that's why we have a separate attestation that

1 needs to be signed by the POU and sent into us at
2 the same time that the information is being
3 authorized from WREGIS to come to the Energy
4 Commission. Oh well, it's not coming up, but
5 just so you know that's where you'll find it.
6 And so that's the two ways that we get RPS
7 claims. It's either through WREGIS or through
8 the RPS-Track form.

9 And then for claims that are Bucket 1 or
10 Bucket 2 we have the e-Tag report and okay let's
11 see here. Okay, so this is the actual
12 attestation and this covers both the WREGIS
13 compliance report as well -- they call it
14 compliance report, so that can be a bit
15 confusing, but the WREGIS report and the WREGIS
16 e-Tag summary report. So if you have e-Tag data
17 in WREGIS you must also have WREGIS send us the
18 e-Tag summary report through WREGIS. And this
19 attestation will cover all the data that WREGIS
20 sends to us on behalf of the POU.

21 And then okay, so only in situations
22 where a facility is a Bucket 1 claim, but it's
23 coming from a facility that is not directly
24 connected to a California balancing authority.
25 So if it's connected to a California balancing

1 authority, but is being scheduled to another
2 California balancing authority you do not need to
3 provide us this hourly data. This is only for
4 those facilities that are, typically you can
5 think of it outside of the state, but there are
6 some facilities that are in-state that are not
7 connected. So for facilities that are not
8 directly connected to a California balancing
9 authority we will need this form. We will also
10 need this for Bucket 2.

11 And the guidebook provides detailed
12 information about how to complete this form. We
13 also have an instruction tab, if I can figure out
14 how to get this, here we go. So there are two
15 schedules on this form. Schedule 2 is for those
16 Bucket 1 claims that need e-Tag data and Schedule
17 3 is for the Bucket 2 that have the incremental
18 electricity. We have instructions for both the
19 Bucket 1 schedule and the Bucket 2 schedule.

20 This information also mirrors what is in
21 the e-Tag summary report in WREGIS. So
22 preferably we would like to have this information
23 provided to us through WREGIS. In some cases it
24 is just not available. Maybe the POUs had not
25 signed up for the e-Tag service for 2011 and 2012

1 and in this case the POU then can use this form.

2 There are also situations when entities
3 contract with third parties and the third parties
4 are registered in WREGIS and they are receiving
5 the e-Tag data. There are some complications
6 right now with the third parties transferring
7 their e-Tag data to the POUs. We're trying to
8 correct that in WREGIS and have more e-Tag
9 reporting flexibility in WREGIS and so we're
10 hoping that in the future that information could
11 be transferred directly to the retail seller or
12 the POU and then they could submit the e-Tag
13 summary report. Until that issue is corrected
14 then this e-Tag summary report can be provided.

15 The big thing for facilities not
16 interconnected, it is required that the facility
17 be the RPS facility. So let's see here, okay
18 that would be here I guess, the facility name.

19 So on the e-Tag the facility that is
20 generating the e-Tag must be the Bucket 1
21 facility. We do allow for the compliance period
22 exception to this case, so perhaps the facility
23 itself hadn't certified or hadn't registered to
24 have its name on the e-Tag. That may be okay,
25 but we just might need additional supporting

1 documentation to be able to verify that the e-Tag
2 represents generation from that particular
3 facility.

4 So we had lots of discussions about this
5 last year and we need to do an hourly analysis in
6 the case of Bucket 1 generation that has e-Tag
7 information. And we have a special form, which
8 I'll show you soon. But so basically the e-Tags
9 information on this schedule should be from the
10 actual generator, so that we know that the
11 generation came right into California. And if it
12 didn't then it cannot count as Bucket 1.

13 And Bucket 2 it doesn't matter, it
14 doesn't have to be the RPS facility. It really
15 will actually not be the RPS facility. The
16 electricity will be generated from a different
17 facility from which the POU have the incremental
18 contract. So there's differences between these
19 two forms or the two schedules, I should say.
20 And then there's an attestation.

21 So it's nice if this information can be
22 reported through WREGIS. It just saves a lot of
23 manual entering of data, but this is allowed if
24 that's not the case.

25 MS. FOLEY: Gina, if it is WREGIS then

1 this form is unnecessary, right?

2 MS. BARKALOW: Well, not in all cases.
3 So there are situations where it could be in
4 WREGIS, but it's in a third party's account and
5 the third party is unable to transfer it to the
6 POU. So we were planning to maybe write an
7 attestation where the third party might submit
8 the e-Tag to us on behalf of the POU and accept
9 that. But I don't -- there's some complications
10 with that, because I mean I guess the POU has to
11 be okay with what the third party is sending us
12 and if they haven't reviewed it...

13 I mean, ideally we'd like to write the
14 attestation broadly enough, so that if a POU felt
15 comfortable they could say, "Okay, third party
16 you send the Energy Commission the e-Tag summary
17 report on our behalf." And then we could use
18 that data, because it's in WREGIS and that is our
19 preferred. You know, we prefer to use
20 information from WREGIS.

21 MS. FOLEY: For those on the phone this
22 is Kelly Foley, the advisor to Commissioner
23 Hochschild. Are you working with WREGIS to
24 enable the transfer and right now that doesn't
25 exist?

1 MS. BARKALOW: Yes, there's third
2 parties that are also actually leading that
3 effort. And anybody can join those meetings.
4 It's the, what is it Kate, the e-Tag working
5 group?

6 MS. ZOCCHETTI: Yeah.

7 MS. BARKALOW: So there's an e-Tag
8 working group right now to try and resolve some
9 of these issues.

10 MS. FOLEY: If WREGIS eventually
11 resolves this issue and the transfer is
12 appropriate and adequate then this form will no
13 longer be necessary?

14 MS. BARKALOW: Yes, that's right.

15 MS. FOLEY: As of the deadline for
16 everything going into WREGIS, because there's a
17 deadline where there's everything must be in
18 WREGIS at that point.

19 MS. BARKALOW: Yeah, well the e-Tag
20 information is a little bit different. So
21 everything must be in WREGIS is really the
22 generation, so the RECs created by the facility.
23 This is not REC data, this is e-Tag data which
24 has to do with the electricity that is associated
25 with the REC, so.

1 MS. FOLEY: Okay, yeah. Call Gina if
2 you get confused.

3 MS. BARKALOW: Yes, definitely call me
4 anytime if you have any questions.

5 Okay, and then for the facilities that
6 are not directly connected to a California
7 balancing authority, but Bucket 1 claims are
8 being made we need additional information in
9 addition to the e-Tag summary report through
10 WREGIS or through that other form I just showed
11 you. This is actually hourly data.

12 And we reviewed the legislation over and
13 over and over to see if we could get out of this
14 hourly requirement, but we just did not believe
15 we had the legal grounds to not require it. So
16 until there's a legislative fix this information
17 is required.

18 So there are instructions on how to
19 complete the form on this instruction tab. We
20 look at annual meter data and annual e-Tag data.
21 And this is just so we tried to design the form
22 to capture some of the various contracting
23 arrangements that we know exist out there.
24 However working with the POUs is new for us, so
25 there may be a chance we didn't capture

1 everything. So we did try to build in some
2 flexibility in this form.

3 And we explain in the instructions that
4 let's see here, I think we say, "Energy
5 Commission staff understand that the situation
6 addressed by POUs do have the option to perform a
7 calculation in a separate workbook provided that
8 the workbook is submitted to the Energy
9 Commission with this form. And all other
10 materials required for verification."

11 So if there's a situation that we
12 haven't envisioned and this form doesn't capture
13 it, some of the retail sellers contacted us. And
14 they said that they are in these contract
15 situations where they have a percent share of the
16 facility's output. And that we needed to account
17 for that on this accounting on the spreadsheet.
18 And so we worked with them to try to accommodate
19 those contracting situations and we just sort of
20 thought maybe the same situation applied to POUs.

21 So unfortunately the technical staff
22 person, James Hale, is not available to kind of
23 walk through the real technical details of this
24 form. But this is the basic, so it looks at the
25 hourly schedule and the hourly metered data and

1 there is a lesser of calculation, which is up
2 here in this bar. It's a very long, complicated
3 calculation, because there may be multiple e-Tags
4 for the same hour and so we have to make sure
5 that we don't count more than the amount of
6 generation in that hour. And oh gosh, except the
7 form, so anyways that's basically this is the
8 hourly form and there's the attestation.

9 MS. FOLEY: Gina this is Kelly again.
10 Maybe this is a question for the POUs. I'm
11 assuming the meters generate their own data and
12 that's available in some form. Is that something
13 that translates easily into this form or is this
14 all manual input?

15 MS. BARKALOW: So the hourly data most
16 likely is available from the generators. If not
17 then POUs probably want to make sure that that
18 becomes available to them, because they will be
19 required to provide this information.

20 The really hard part on this form is
21 getting the hourly schedule information. That
22 information is embedded on individual e-Tags. So
23 I know there's folks out in the market; some of
24 these third parties have talked to us and they're
25 finding a way to make this information available

1 to their customers. So I imagine that the market
2 is changing to address this requirement.

3 For 2011 and 2012 I don't know if they
4 can do that retroactively or I don't know. But
5 what this schedule data -- so basically what we
6 will do is we can get all this information and
7 we'll do our analysis. And then we're going to
8 randomly select e-Tags and we're going to look at
9 those e-Tags and on an e-Tag it will contain the
10 hourly analysis. But it's summed up in a way
11 that's really, you have to tease it out. So I
12 imagine POUs would have to tease out that hourly
13 information if it's not provided to them by the
14 third parties.

15 MS. FOLEY: Is this up to 365 lines of
16 data per?

17 MS. BARKALOW: Well, it's more. There's
18 actually 8,760 hours in a year.

19 MS. FOLEY: It's for each hour then,
20 it's not you can't enter a block schedule?

21 MS. BARKALOW: No. And if there are
22 multiple e-Tags for that hour it gets even
23 bigger.

24 MS. FOLEY: But the assumption is this
25 should be a cut and paste for these entries or

1 not?

2 MS. BARKALOW: No, unless they can get
3 it from some entity. So if they're buying from a
4 third party or from the facility that is
5 providing this schedule data, whoever is
6 providing this schedule for them, I mean maybe
7 they could request that they even fill the form
8 out. So yeah.

9 MS. FOLEY: And staff concluded based on
10 legal interpretation that the statutory
11 requirement is that all of this be provided?

12 MS. BARKALOW: Yes. And this is
13 consistent with the CPUC, so this requirement is
14 for retail sellers and for POUs.

15 You know, honestly it's not something
16 staff looks forward to doing either. It's very
17 detailed, it's complicated, it's going to take a
18 long time, but unless there's a legislative fix,
19 I think the legislature when they did this they
20 wanted to distinguish between facilities that are
21 not directly connected. And so the real
22 incentive then is that you contract with
23 facilities that are directly to a CBA and you
24 don't have to deal with this.

25 MS. FOLEY: Is there an estimate of how

1 many POU facilities would be in this special
2 category?

3 MS. BARKALOW: I had in my mind thought,
4 based on the number of facilities that are
5 certified and meet this criteria, that it would
6 be 20 or 30, but it may be a lot more than that.
7 So, I don't really know.

8 MS. FOLEY: Come up.

9 MR. ANDREONI: It wasn't clear how
10 informal the workshop was, Tony Andreoni with
11 CMUA. And I would like to just kind of get it
12 kicked off, because I know a few of our members
13 would probably like to provide a little more
14 input on this. But as CMUA was going through the
15 comments in the regulation we had a number of
16 concerns about this requirement, this sheer
17 number of data, because it's not 20 facilities it
18 actually could be much larger than that.

19 And I think one of the missing points
20 here is it's nice to be able to establish some
21 type of Excel form to collect this, but this
22 information may not be readily, easily available
23 to fill out individual forms. Many of the
24 members, depending on the size and the ability to
25 come up with their own form or their own system

1 that allows them to integrate this, it may not
2 transfer really well. And I think there probably
3 needs to be a little bit more dialogue and
4 thought on this overall approach and try to come
5 up with something that's going to work for all
6 the members.

7 Again, as the Commissioner mentioned in
8 the beginning of the workshop, we're over 40 and
9 this is going to create a huge amount of data to
10 the Energy Commission.

11 And I think going back to some of the
12 other forms that were mentioned, I know they're
13 not available yet on the website. It seems like
14 there needs to be a little bit more time to shake
15 those forms down to make sure the calculations
16 and the sales, the information, the format of
17 that information that's available is going to
18 work for folks.

19 I just wanted to kind of talk about
20 that, because I know we're going over these forms
21 in a lot of detail right now and I'm not exactly
22 sure that, you know, everybody has been able to
23 flush out all the information that's being asked
24 for within the individual forms right now.

25 MS. FOLEY: Well we're doing the staff

1 presentation just as a provision of information
2 and then the remainder of the workshop is
3 certainly open to going forward what you think
4 about the forms, other processes. It's open and
5 we can certainly schedule another workshop if
6 needed.

7 MR. ANDREONI: Yeah and I'm just also
8 considering the dates where they may be right
9 now; we're talking three months from now. And
10 2011 and 2012 data gathering is going to fairly
11 challenging, so we'll look forward to talking
12 more once we get to the open comment. But I just
13 had to say something on this particular issue,
14 because it is something that CMUA commented on
15 quite a bit during the process.

16 MS. FOLEY: Yeah and we don't have the
17 benefit of having been here for that, but this
18 particular form certainly caught my eye as being
19 fairly burdensome, but we'll have to talk about
20 that. Thank you Tony.

21 MR. ANDREONI: Thank you.

22 MS. FOLEY: Thank you, Gina. Sorry for
23 the interruption.

24 MS. BARKALOW: Fine. That was the last
25 form I had to -- yes, so this is actually the

1 last form. So I think if everybody wants we can
2 open it up for questions.

3 MS. GOULD: Okay. Yeah, now we're going
4 to open it up for questions and comments and we
5 do have blue cards for people to fill out. Just
6 raise your hand and Theresa will come around and
7 give you one. Fill them out and give them to the
8 staff over here and we will call you up to the
9 podium one at a time. Make sure that you state
10 your name and your association.

11 And once we get finished with everyone
12 in the room then we'll open it up for WebEx
13 comments. For people on the WebEx use the raised
14 hand feature and we'll be able to un-mute you one
15 at a time once we get to the WebEx question and
16 answer portion. And then once we're finished
17 with the people on WebEx then we can open up the
18 call-in only.

19 MS. BARKALOW: Okay so we'll start with
20 Susie Berlin.

21 MS. BERLIN: Good morning, Susie Berlin
22 for NCPA and MSR, both public power agencies.

23 I have a couple of clarifying questions
24 and thanks for going through all the
25 presentations. I just want to be sure I'm on the

1 right page here. When you say we're
2 transitioning out of the ITS effective October
3 2012 that's for generation after October 1, 2012
4 will no longer go into ITS, but ITS is still
5 there for purposes of generation that came in
6 before that time, right? So there's nothing that
7 was previously recorded in the ITS ever ends up
8 in WREGIS even after 2012 retirements?

9 MS. BARKALOW: Yeah, so entities should
10 be working with the facilities that they purchase
11 from and double checking to find out when the
12 RECs are available in WREGIS. So we had some
13 issues with retail sellers that they did not
14 believe that the WREGIS certificates were
15 available and so had reported that amount on the
16 interim tracking system. And then it actually
17 turned out that the facility did have those RECs
18 and then transferred them to the retail seller.
19 So it's only if those RECs aren't in there in the
20 WREGIS system that the RPS track form should be
21 used.

22 MS. BERLIN: Okay and so if we had
23 something that was generated in October or let's
24 say September of 2012, it's going to be in the
25 ITS when it's retired?

1 MS. BARKALOW: Oh, because it wasn't yet
2 in WREGIS?

3 MS. BERLIN: Correct.

4 MS. BARKALOW: Yes.

5 MS. BERLIN: Okay. And for the
6 reporting maybe I'm overcomplicating this, but we
7 submit an annual report on July 1st of every year
8 after the October 31st deadline. So on July 1st
9 of 2014 we're actually submitting 2 reports.
10 We're submitting the 2013 data and then the
11 compliance period report?

12 MS. GOULD: Well it will all be part of
13 the same report, so you'll just include the
14 regular annual report information, but then
15 you'll just be adding in things like the excess
16 procurement calculations.

17 MS. BERLIN: Right, so there's not a due
18 date prior to submission of the compliance period
19 report for submitting information from the last
20 year of the compliance period?

21 MS. GOULD: No, it all comes together.

22 MS. BERLIN: Okay. And I had one other
23 question, sorry. Okay, just the reporting in
24 general, even though the forms have all the
25 little dropdown areas in the cells to fill out

1 specific information regarding all of the various
2 contracts, you're still requiring hard copies of
3 the entire contract? Notwithstanding the fact
4 that all the information is supposed to be
5 plugged in to the forms themselves, correct?

6 MS. BARKALOW: Right, so we use the
7 contracts to verify that the information in the
8 form is correct.

9 MS. BERLIN: Okay. I think that's it
10 for now, thank you.

11 MS. GOULD: Oh, and just to point out
12 Susie that the last date for using the ITS for
13 generation is October 31st, 2012. So it's
14 through the end of October 2012.

15 MS. BERLIN: Okay. So it is through the
16 end of October, because I know we had gone back
17 and forth, because the guidebook just says
18 October. So it is through October 31?

19 MS. GOULD: Yes.

20 MS. BERLIN: Great, thank you for that.

21 MS. GOULD: Okay, next up is Jed Gibson.

22 MR. GIBSON: Good morning, Jed Gibson
23 from Ellison Schneider & Harris. First I'd just
24 like to commend the Commission on all the hard
25 work that's gone in to putting these forms

1 together. I know how big of a job it is, so we
2 appreciate all that hard work there.

3 Procedurally I guess I have to kind of
4 echo what Tony had raised earlier. This is the
5 first time that some of us are seeing some of
6 these forms, so it's a little hard to provide
7 comments on them. You had mentioned that they
8 would be posted on the website soon, so we would
9 encourage you to do that as soon as possible,
10 particularly based on the August 16th I believe
11 comment deadline.

12 MS. BARKALOW: Where did you see an
13 August 16th?

14 MR. GIBSON: In the workshop notice.

15 MS. BARKALOW: Oh, okay. Actually these
16 forms are available on the website right now.

17 MR. GIBSON: Oh, the POU compliance one
18 and?

19 MS. BARKALOW: Yeah, uh-huh.

20 MR. GIBSON: Okay. Okay, that's helpful
21 then.

22 MS. BARKALOW: Do you want me to show
23 you where?

24 MR. GIBSON: As of Friday they weren't
25 on the website.

1 MS. BARKALOW: They are. I admit it's
2 not easy to find them, so hopefully I won't
3 embarrass myself, but I will try to show you
4 where they are. Let's see here. Okay, so you go
5 to the renewable tab and go RPS and then, I think
6 it's Workshops and Documents and you scroll down
7 to let's see here. So it's right here where it
8 says, "March 14th, Staff Workshop on Proposed
9 Changes to the RPS Guidebook: Draft Appendices
10 and Forms." And then also this is the Appendix
11 A. This is draft, it's final now, but here are
12 the forms.

13 MS. FOLEY: This is Kelly Foley. Gina,
14 are these considered draft forms right now?

15 MS. BARKALOW: That's right, these are
16 draft forms. They were posted April 8th in
17 response to comments that we received on the
18 guidebook. Entities had requested seeing the
19 forms before they became final.

20 Some of these are final now. The RPS-
21 Gen is final, the RPS-Track form is final, the
22 multi-fuel form and the biomethane forms are
23 final. The only ones that are not final are the
24 historic carryover, the hourly and the e-Tag and
25 the POU complaint spreadsheet, which we just went

1 over today. So we held the POU specific
2 reporting forms, but they are available on our
3 website.

4 MR. GIBSON: Okay, that's all.

5 MS. FOLEY: How many forms are not
6 posted at all?

7 MS. BARKALOW: Four.

8 MS. FOLEY: And when can we have a hard
9 date for when all of these will be formal and
10 finalized?

11 MR. HERRERA: So Kelly, this is Gabe
12 Herrera with the Legal Office. The idea would be
13 to make those forms final once the information's
14 regulations have gone into effect. We're hoping
15 that the regulations will be approved by OAL in
16 their current form, but for example if OAL
17 recommends a change that impacts the forms there
18 may be need to modify the forms. So that's why
19 we haven't finalized them at this point.

20 MS. FOLEY: Can we have a number of
21 days, weeks after OAL, after the regs are
22 effective? Can we give parties a timeline here?

23 MR. HERRERA: Yeah, we can provide
24 additional time for them to provide input. I
25 mean, hopefully we can get that input in advance

1 of when the regulations take effect. That way
2 we're ready to run once the regulations are
3 effective. But maybe we can have a conversation
4 with Commissioner Hochschild's office in terms of
5 how much additional time is needed if we get
6 comments from the POU or stakeholder indicating
7 that they need more time.

8 MS. FOLEY: So how about we do this? We
9 can send out -- well I actually cannot commit to
10 what we can send out to the list served, but
11 maybe at least to the attendees of the workshop,
12 a link to these forms. Can we do that?

13 And in the future I'd encourage you if
14 you are searching for something and cannot find
15 it call the relevant staff person or email. And
16 if that doesn't work send an email to me or cc
17 me. People go on vacations and so forth this is
18 a very hard location to find. So we don't want
19 to have a situation where the forms are out there
20 and nobody knows where they are.

21 But we'll send a link and then some time
22 in a reasonable time after the regs are effective
23 we will finalize and post in a, Gina, hopefully
24 easier to find location on the web and we'll send
25 that URL out. How's that?

1 MR. GIBSON: Yeah, that would be great.
2 And I would just emphasize the importance of
3 stakeholder feedback in developing these forms
4 having worked with the Public Utilities
5 Commission in developing the forms for retail
6 sellers. Those have gone through numerous
7 iterations, because they're so large in size and
8 have so many details there tends to be multiple
9 errors in the forms that need to be corrected
10 before they can be finalized.

11 So in that vein I would just encourage
12 the Commission to consider the time that it takes
13 to review these forms. For example, the PUC
14 retail seller form is 20 megawatts in size Or 20
15 megabytes, I'm sorry, in size. So it does take a
16 good amount of time to go through those and
17 sometimes you won't notice anything until you
18 actually enter the data in to the forms to figure
19 out what issues may develop there.

20 So having just seen the form very
21 briefly on the screen it looks like there may be
22 some duplicative items in there that's data
23 that's reported in other forms. So some of that
24 may not necessarily be needed in the POU
25 compliance template, so I'd encourage the

1 Commission to kind of review what is already
2 being submitted and reported. And avoid any
3 additional administrative burdens of reporting
4 information that you may already have.

5 And lastly I'd just encourage the
6 Commission to work with the both PUC and WREGIS
7 and just kind of try to make this less
8 administratively burdensome for everybody. It
9 sounds like there have been steps to do so
10 already and that's great news, but the easier it
11 is for everyone to review and verify this hourly
12 data, because that really is going to be a
13 nightmare, the better. So that's it, thank you.

14 MS. GOULD: Just real quickly, with the
15 duplicative report requirements, is this other
16 reports that come to the Energy Commission?

17 MR. GIBSON: Yes.

18 MS. GOULD: Okay. And we do note that
19 POUs can identify where staff can find that other
20 information, so you can just sort of point us to
21 where that information is collected elsewhere and
22 we will go pull that data.

23 MR. GIBSON: Okay and I'm sure in
24 written comments we can point that out once we've
25 had a chance to review the templates in more

1 detail.

2 MR. HERRERA: So Jed if you think
3 additional time beyond August 16th, which is the
4 comment date in the notice, I encourage you to
5 contact Commissioner Hochschild's office or
6 Kelly. Or perhaps indicate right now whether you
7 think additional time is needed and if so, how
8 much time. That's one point.

9 And point number two was the regulations
10 do allow for POUs, in reporting information that
11 has been previously reported information, just to
12 refer back to that previous report and reference
13 the page. And I think that's good for POUs, but
14 it does raise an issue in terms of attesting to
15 certain information. If the POUs did not
16 specifically identify the information that's
17 being referenced but rather say, "This
18 information is in this report," without
19 specifically identifying it, it could be
20 difficult for staff to find the exact
21 information. Or to make sense of an attestation
22 that says, "We certify that this information is
23 true and correct," and then we're trying to
24 figure out what information is true and correct.

25 MR. GIBSON: Okay.

1 MS. FOLEY: To follow up on Gabe's
2 comments I'd like to get from you a
3 recommendation on the finalization of these
4 reports, which are in various states of
5 completion. Some are some very complete, some
6 are mostly complete and some have not been posted
7 yet. What type of procedural vehicle do you
8 think would be the most effective? And I'd also
9 like to get the opinions of other parties who
10 come up to the podium on what you think is the
11 best vehicle: purely comments, a workshop,
12 procedural stuff?

13 MR. GIBSON: I think at a minimum a
14 comment period would be necessary. And depending
15 on the extent of those comments I think that
16 maybe one or two more workshops may help as well.

17 MS. FOLEY: Would it be helpful if once
18 all of the draft versions are out we send out a
19 URL with all of them located in once place and
20 then do comments all at once? Or do comments on
21 what we have done, do you want this spread out?
22 You want your medicine all at once or in slow
23 doses?

24 MS. ZOCCHETTI: Kelly, this is Kate. If
25 I could just interject just to clarify. All the

1 forms are actually online. There aren't any that
2 are not online. We misunderstood the question
3 earlier.

4 MS. FOLEY: Oh, okay.

5 MS. ZOCCHETTI: They're all up there and
6 they've been up since April.

7 MS. FOLEY: So all of those that are up
8 there are the universe of all the forms for the
9 short term that we plan to generate?

10 MS. ZOCCHETTI: Correct.

11 MS. FOLEY: Okay, well then they're all
12 available. I think we may ultimately when they
13 are finalized move them to a more transparent
14 link, but once you have the link...

15 MS. ZOCCHETTI: Right, they will be
16 posted with the guidebook with the rest of the
17 forms. They're posted here, because that's the
18 Energy Commission's method of attaching things
19 with the event that occurred. So that's just how
20 they organize the website. Once they're
21 finalized we will include them where the
22 guidebook was, Regina showed you, which is less
23 layers in.

24 MR. GIBSON: Right.

25 MS. FOLEY: But those will be the final

1 forms. In the interim when we do comments on
2 them so should we just do comments on all of them
3 all at once? And how much time will you need?
4 For those of you who did not know they were
5 there, how much time will you need to review them
6 and start the comment process?

7 MR. GIBSON: At this time I think we can
8 stick with the August 16th deadline, but that's
9 not having reviewed the POU template in detail.
10 And of course that's just myself personally, not
11 on behalf of anybody else. Thank you.

12 MS. GOULD: Thank you. Next up is Tim
13 Tutt.

14 MR. TUTT: Good morning, my name is Tony
15 Gonzales.

16 MALE VOICE: Thank you, Tim. We're all
17 awake.

18 MR. TUTT: Somebody who left the Energy
19 Commission a little earlier than Tony. Tim Tutt
20 for SMUD and I just had a few clarifying comments
21 and questions. One, on the July 29th data that's
22 due today, many of us are working assiduously on
23 getting that in. But in particular with respect
24 to the multi-fuel and the biomethane forms it
25 wasn't really clear in the guidebook that those

1 were due today, so we'll get them to you as soon
2 as we can.

3 It's complicated by the fact of course
4 that it's kind of difficult for many of our
5 counter-parties to fathom when you're half a
6 megawatt dairy digester project that you might
7 have to put in additional biomethane data and so
8 on and so forth. So we're working, we'll get you
9 that data as soon as we can. Much of it will
10 come today, but particularly the multi-fuel and
11 the biomethane forms it wasn't clear to me in the
12 guidebook that they were due today and we'll just
13 work on them and get them to you as soon as
14 possible.

15 Second, on the forms here I think that
16 staff has worked well with CMUA in getting these
17 forms out so that we can review them. We have
18 looked at them in a conference call and we've
19 talked about them. I think most of us have them.

20 I do have comments on the forms, small
21 things that could be changed, not really
22 necessarily worth bringing up today in any
23 detailed fashion. I'm glad there's a two-week
24 comment period. That's probably the appropriate
25 place and time for getting comments in on these

1 forms along with interaction with staff.

2 The historical carryover form was
3 available last fall, and as Emily suggested,
4 there were actually one or two errors in that
5 that have been fixed. One of the things that I
6 would recommend is right now we're commenting or
7 looking at the forms without any data in them.
8 Once data gets included in the forms that's when
9 there might be another iteration of do all the
10 calculations work as expected and planned.

11 And then finally to back up what Tony
12 Andreoni was saying, not Tony Gonzales but Tony
13 Andreoni, about the hourly information. That is
14 a fairly complicated and difficult thing for many
15 people to go through. I think what I would say
16 is that it's my understanding that that hourly
17 form is only necessary for product content
18 category one contracts or procurement that is
19 scheduled from outside the California balancing
20 authority.

21 MS. ZOCCHETTI: What about only
22 scheduled from outside the California balancing
23 authority?

24 MR. TUTT: Outside two California
25 balancing authorities?

1 MS. ZOCCHETTI: No. No, just for one
2 schedule.

3 MR. TUTT: Or PCC 1, that's right.

4 MS. BARKALOW: To the hour, yes sorry.
5 The hourly is only for the not directly connected
6 to a California balancing authority Bucket 1.

7 MR. TUTT: Right and so what I was going
8 to say is that right now for SMUD I think most of
9 our out-of-state procurement is Category 0, so we
10 don't expect to have to fill out this form. But
11 as those contracts change as we procure
12 additional out of state, if we do, we will be
13 getting into this. And we also recommended that
14 this be made much simpler and follow the common
15 industry practice as much as possible of monthly
16 scheduling.

17 So taking all the schedules and the e-
18 Tags and shoeorning them in to this hourly thing
19 is what's I think difficult for most people. And
20 we haven't really had a informal meeting with
21 staff to really understand why this necessary and
22 why the alternatives that were proposed were
23 found to be wanting or lacking.

24 So we need to do that and maybe some
25 changes can happen either at the legislature or

1 at the regulatory body before all of these
2 contracts start adding up into more and more and
3 more data and work for all of us. Thank you.

4 MS. ZOCCHETTI: Well Tim, this is Kate,
5 if I could just make two comments.

6 On the biomethane forms that are due
7 today, just so everyone knows that if they are
8 later than today the generator status will be
9 suspended as laid out in the guidebook. I just
10 don't want everyone to freak out about that.
11 That just means that RECs can't be counted while
12 it's suspended. Once the suspension is lifted,
13 because the forms are submitted you don't lose
14 RECs basically as long as it's eventually
15 resolved.

16 MR. TUTT: We understand that.

17 MS. ZOCCHETTI: And then the other thing
18 is just we're happy to talk again about the
19 hourly, our understanding of why the hourly data
20 are needed. But we did, just as a reminder to
21 everyone, Gina had a nice graph at one of the
22 fall workshops that showed over the schedule and
23 we'd probably revisit that. That is our
24 rationale. So I'm not sure if you were there,
25 but we did try to explain why we feel that the

1 hourly data are needed and we'd do that again.

2 MR. TUTT: Yes, I was there and SMUD
3 submitted comments that actually used that hourly
4 chart, I think or part of it in the comments, and
5 proposed an alternative method that still
6 required I think perhaps an hourly calculation.
7 But at least didn't produce an incentive to over-
8 schedule your resources.

9 MS. ZOCCHETTI: Thank you.

10 MS. FOLEY: Tim, I had a follow-up
11 question, this is Kelly Foley.

12 You mentioned that you thought
13 commenting by August 16th was sufficient and you
14 were familiar with forms, so some parties are,
15 some parties aren't, and then that it would be
16 good to take another look once the forms are more
17 commonly used. And since we're contemplating
18 not necessarily a guarantee of a regulatory
19 action, particularly with the POU RECs, because
20 of the OAL requirements but much like we're going
21 to be doing with the RPS guidebook, trying to get
22 it on an annual cycle with a scoping workshop.

23 If we staggered those two, RPS guidebook
24 would happen in January and then the POU regs
25 would happen maybe in the middle of the summer.

1 None of this firm, they're just trying to get
2 input on it. Would it be helpful, do you think,
3 that that would be a good date to kind of take a
4 second look at the forms and that could be part
5 of the scoping inquiry? Do you think that's a
6 sufficient amount of time or too short, too long?

7 MR. TUTT: Well, let me answer it two
8 ways, Kelly.

9 I think the first time that we'll
10 actually all use the forms is going to be this
11 October, I guess, or such, something around that
12 timeframe. And there might be an informal back
13 and forth with staff like there was with the HCO
14 forms last fall, which says we put data in now
15 and this answer or this calculation seems funny
16 to us, so can you look at it and can we figure
17 out what's going on here? And that can just
18 happen on an ongoing basis it seems to me, but
19 when it really will happen is when we put data
20 into the forms and look at it and try to
21 understand whether it makes sense.

22 And then with respect to the annual RPS
23 regulation question I think as the regulation is
24 looked at and potentially changed it will filter
25 into changes in the reporting forms quite likely

1 and that would be a perfectly good timing for
2 that action.

3 MS. FOLEY: All right, thank you.

4 MS. GOULD: And just to point out I
5 think that RPS eligibility staff contacted
6 biomethane facilities on several occasions just
7 to go over the forms that were due today. And
8 I'm not sure if there was communication between
9 the facilities and the POUs and that may be why
10 there is some confusion on the part of the POUs
11 with the biomethane forms that were due today,
12 but I know at least there was communication
13 between RPS eligibility staff and with the
14 biomethane facilities.

15 And I think as well that those forms are
16 only needed for those facilities that are not
17 owned by the utility. Is that correct Gina?

18 MS. BARKALOW: No, so there's two forms,
19 two issues here. One is the certification, so
20 the certification forms are due today and I don't
21 think there's any wiggle room on that. If you
22 don't get it in today then I think the facility
23 gets suspended and then you have to use the CEC-
24 RPS-1 form, which is a much more detailed form.
25 And that has been an ongoing process, so that's

1 that.

2 The generation data for the certified
3 facilities is separate from the certification
4 application forms and that is also due today.
5 And there may be a little bit more flexibility on
6 that; that's generation data, but some. Yes.

7 MS. GOULD: Okay and next up is -- oh
8 sorry, we have two people converging on the
9 podium.

10 MR. TUTT: Just to clear that up a
11 little bit, at least in my mind, we understood
12 from the guidebook that we were supposed to have
13 any facilities using the ITS file using RPS-Gen
14 forms for 2011 and 2012. And we do have, for
15 example, a couple of contracts with landfills
16 that we're using the ITS for part of that time.
17 They filed using the RPS-Gen forms. I don't
18 believe that they understood, and I certainly
19 didn't understand, that they should have used
20 perhaps the RPS-Biomethane forms, because the
21 guidebook says what you need for this ITS stuff
22 is the RPS-Gen forms.

23 And the guidebook also says you're
24 supposed to have the biomethane forms for 2011,
25 2012 filed by March 31st, but that deadline was

1 well past and there's nothing in the current
2 guidebook that says clearly, "Now catch up with
3 those biomethane and multi-field forms that you
4 were supposed to have filed."

5 So that's the issue for me is that
6 there's nothing in the guidebook clearly that
7 says, "You need to have filed those previously or
8 should be due on March 31st forms by July 29th,"
9 that I could see.

10 MS. BERLIN: This is Susie Berlin. I
11 just wanted to respond real quick to Kelly's
12 inquiry, because I made my comments before she
13 asked them.

14 You said that perhaps looking at the RPS
15 reg next summer, maybe a review, all of our
16 compliance information is due by July 1st. So I
17 would encourage the review, if you will, to be at
18 least a month after that. We've submitted it,
19 staff's had time to go over it, they've had time
20 to identify areas where we may have misunderstood
21 what it was asking for. It gives all of us a
22 little more time to see did it work or did it not
23 work in the context of the current.

24 So as soon as we get them finalized,
25 aside from working out a few kinks, I think it

1 would be good to just leave them and then look at
2 it after we've finished the first compliance
3 period. Perhaps for purposes of making any
4 revisions.

5 MS. FOLEY: Great, thank you Susie.
6 Also, just to be clear the RPS guidebook, which
7 is applicable to all California jurisdictional
8 entities versus the POU regs with a lot of
9 overlap between the two, but the RPS guidebook is
10 already scheduled tentatively to do this scoping
11 workshop in January. We may have to have other
12 one-off type proceedings due to exigent
13 circumstances.

14 But the RPS guidebook is not subject to
15 the OAL rules and so we have a little more
16 flexibility. With the POU regs, because it's a
17 much tighter process the idea would be kind of a
18 check-in. And then make decisions based on that
19 check-in. So that's a great idea; maybe late
20 summer, but we have to talk to staff and think
21 this all through. We just wanted to get your
22 input on it.

23 MS. BERLIN: Of course and I can
24 understand the distinction and appreciate it, but
25 it's my understanding that the forms are actually

1 appended to the guidebook.

2 MS. FOLEY: Oh, okay. True --

3 MS. BERLIN: Compliance with the
4 regulation, right?

5 MS. FOLEY: Yes.

6 MS. BERLIN: Okay, so even if we're
7 doing a review of the guidebook in January, which
8 I understand, you know, for scoping purposes I
9 believe that an overall review of the forms and
10 how that worked in the context would be better
11 reviewed at the end of the compliance period.
12 Not necessarily, oh has anybody complied or not
13 complied, but after all the POU's have had a
14 chance to submit the forms and the CEC has a
15 chance to at least maybe go through some of them.
16 I'm sure in a month you're not going to have gone
17 through them all.

18 So that's why I was saying is the
19 disconnect that we find.

20 MS. FOLEY: Yeah, definitely thank you.
21 And I didn't realize that, but that is a very
22 salient point. I think that probably the
23 preference would be to keep the POU material as
24 together as possible and not bifurcate it between
25 the two, but I'm sure that's very difficult. And

1 as time goes by I'll understand exactly how
2 difficult that is, but point taken. Thank you.

3 MS. GOULD: Okay, Scott Lesch.

4 MR. LESCH: My name is Scott Lesch
5 representing the City of Riverside. We'd like to
6 thank the Commissioner and their staff for
7 allowing us to comment today. Riverside just had
8 a couple of technical questions on filings that
9 we'd like to go over, if we could.

10 The first one is on Bucket 2
11 transactions where the e-Tags they failed to get
12 picked up in WREGIS, because of a human tagging
13 error. I know this issue has come up with the
14 IOUs. We've spoken personally with Gina who's
15 been very helpful to us about those issues. And
16 this has happened to Riverside and also Anaheim
17 in 2012.

18 And as I understand it if I can just go
19 through it the suggestion that we received from
20 CEC staff was to fill out a California RPS-eTag
21 report for all the e-Tags that were not picked up
22 in WREGIS. And then provide electronic copies of
23 those e-Tags with that report and document which
24 RECs that get transferred into our account are
25 associated with those dropped tags. And then

1 when we put all that information together,
2 providing that attestation from ourselves and
3 also the supplier if it's relevant and submit
4 that to the CEC.

5 Did I get that pretty much correct,
6 Gina?

7 MS. BARKALOW: Yes.

8 MR. LESCH: Okay. Riverside was
9 wondering if we do all that and we file all the
10 correct information, if we could have a little
11 bit more certainty for ourselves and other POUs
12 and the IOUs, if these will actually get approved
13 as a valid Bucket 2 transaction? Since the only
14 issue here that's really happened is the tagging
15 area, usually, that's a human error?

16 And we were told that they would go in
17 to a pending account and we wouldn't know if they
18 were going to get approval or not? And so we
19 were hoping since we have everybody here together
20 in the room today if we might make some progress
21 on that or if there's something else we need to
22 do have the same certainty that those would be
23 approved as if we had a WREGIS e-Tag report that
24 we could submit?

25 MS. BARKALOW: I can talk a little bit

1 about that. So the way that process has worked
2 for 2008 through '10 claims where if the e-Tag
3 wasn't available in WREGIS, or maybe the RPS ID
4 number was not on the e-Tag and therefore the e-
5 Tag was not allowed to be pulled into WREGIS.
6 That happened in several circumstances and staff
7 does not have the authority to deem those claims
8 as eligible, because it's not consistent with the
9 guidebook.

10 So the process that we have gone through
11 is we report those claims as pending. And then
12 we review all of the documentation to be able to
13 say that even though it didn't follow this strict
14 writing of the guidebook we have sufficient
15 information to verify the claims. And then we
16 would make a recommendation in the verification
17 report that those claims be accepted as eligible.
18 But staff needs to bring the draft verification
19 report to the Commission and then they make the
20 ultimate decision on that. So it basically it's
21 in that pending status.

22 MR. LESCH: Okay. So basically it would
23 still, even after submitting all that, would
24 still be pending?

25 MS. BARKALOW: Yeah.

1 MR. LESCH: In this --

2 MS. BARKALOW: Pending approval of the
3 verification report by the Energy Commission.

4 MR. LESCH: Okay and that's an approval
5 process in front of the full Commission?

6 MS. BARKALOW: Yes.

7 MR. LESCH: Okay, I thank you for that
8 clarification.

9 The other issue that we just had a
10 question about, and I saw on the forms here this
11 morning, there's going to be an opportunity to
12 file historic carryover credit for Compliance
13 Period 1. But I noticed you had said that that
14 was for verified historic carryover credit.
15 Should we interpret that that all of our historic
16 carryover filings will be approved or disapproved
17 or ruled on before July 2014, because my
18 question is what happens if it's still being
19 reviewed.?

20 MS. BARKALOW: Yeah, I think then you
21 would just designate it as you believe it should
22 be applied, kind of assuming it would be verified
23 as eligible. And then if we had a problem with
24 being able to verify it then we would let you
25 know.

1 MR. LESCH: Okay so we could still file
2 it, file that correct pending of sorts?

3 MS. BARKALOW: Yes, I think so.

4 MR. LESCH: Thank you.

5 MS. BARKALOW: You're welcome.

6 MS. FOLEY: Gina, I had a follow-up to
7 that line of questioning. On the first question,
8 you said that the non-guidebook compliant
9 information would go to the full Commission as a
10 separate item or with a whole batch?

11 MS. BARKALOW: As part of the report, so
12 it's just it has a little section within the
13 verification report where it's written up.

14 MS. FOLEY: What is the time, what are
15 we anticipating would be the gap? I'm just
16 concerned about the POUs having some transparency
17 and expediency on that, because if the Commission
18 did not approve it that would cause a problem.

19 MS. BARKALOW: Well, I mean all I can
20 kind of really talk from is the experience that
21 we have right now with the 2008 through '10
22 verification report. The retail sellers with
23 pending claims have been in this pending claim
24 status for a very long time and we're trying to
25 finalize that verification report, but until it

1 gets finalized they won't have that final
2 resolution.

3 So we won't be producing verification
4 reports until all of the data from the three
5 years within a compliance period is verified.
6 And that process can take a long time, so I don't
7 know.

8 MS. FOLEY: How many on average have you
9 been getting that have received this pending
10 status?

11 MS. BARKALOW: I think we have, let's
12 see, maybe a handful for years '09 and '10 and
13 maybe one or two for 2008. So like 12 or so
14 altogether maybe. I don't know, so yeah.

15 MS. FOLEY: Gabe, is there any way that
16 those types of items could be taken up earlier on
17 a consent agenda basis or some other vehicle?

18 MR. HERRERA: Well, Kelly I think what's
19 important to note here is during the verification
20 process if a utility submits information, and it
21 doesn't adequately respond to the question or the
22 issue that's being raised, then staff can always
23 go back to the submitter of that information
24 utility to say, "Well the information you
25 provided to address this particular point isn't

1 clear. Can you provide some additional
2 information?"

3 And so there's usually an opportunity
4 for some back and forth discussion on those
5 issues and it's usually only those issues that
6 are left open in the report that staff identifies
7 as not being adequately satisfied. So for
8 example, in Mr. Lesch's question if Riverside
9 hadn't provided enough information to verify that
10 then there would be an outstanding issue that
11 would be identified in the report, which would
12 then be presented to the Commission.

13 So even, I think, in his case the City
14 of Riverside would get assurances indirectly
15 through staff by the fact that they're satisfied
16 with the information that the utility provided.

17 And then of course once the verification
18 report is adopted by the Commission that includes
19 staff's recommendation then it becomes the final
20 termination at that point.

21 MS. FOLEY: Okay, I think I'd probably
22 have to see an example; we can do that later just
23 to truly understand what's going on. Thank you.

24 MR. LESCH: Can I make one comment to
25 that? There's kind of an implicit message here

1 that we'll okay if we supply all the information
2 that we need. If you feel comfortable with that
3 then you could put that, for example, on your
4 FAQ?

5 Are you going to put out about how to
6 deal with these sorts of one-off issues? This
7 human tagging error issue is one that's going to
8 crop up. I know it's affected Riverside, I know
9 it's Anaheim. It's probably affected some other
10 cities I don't know about and it just happens
11 from time to time.

12 And all the information that you need we
13 can supply, it's all there along with
14 attestations. But there are issues that are
15 arising now where we have disputes with
16 suppliers, because this issue has arisen and
17 somebody made a tagging error.

18 And then there's issues about are we
19 going to pay for the RECs, do we transfer them
20 in, do we not transfer them in? Can we count
21 these for some of the smaller cities? Like in
22 our case we have 20,000 megawatt hours in
23 question. That can mean the difference between
24 compliance and noncompliance.

25 So this would be really helpful, very

1 helpful for the cities if CEC staff could give us
2 some assurance that given that we file everything
3 we need and are responsive to that we can be
4 reasonably assured that we'll get approval for
5 these. Thank you.

6 MS. GOULD: Thank you. Tony Andreoni?

7 MR. ANDREONI: Thank you again. Tony
8 Andreoni, CMUA. One of the comments I was going
9 to make, Susie did a good job of making the
10 point, which is the RPS eligibility guidebook was
11 really handled before the RPS rule. And the
12 rulemaking efforts were distinct and different.

13 I believe if I recall back the guideline
14 draft forms were provided in email to many of the
15 members. I think at the time it wasn't exactly
16 clear once the new website, or the modification
17 to the Energy Commission website where you've
18 actually listed all the forms, why there was a
19 disconnect on the location. So again as they
20 were draft in the beginning, and we worked to
21 provide comments, many of the members were still
22 a little concerned about what changes were going
23 to be made and how it was going to reflect their
24 ability to provide the information in a timely
25 format.

1 So I think going forward from this point
2 is it would be great to have, as suggested
3 earlier, a single link location. Even if they
4 are in draft form you already have a nice website
5 setup with the location of the forms to just link
6 it to these forms that are in existence. If
7 that's the most current, up-to-date forms
8 available for us to provide comments on, that's
9 great.

10 But I think what might be even better
11 and I'm not volunteering any specific POU, but
12 perhaps have a handful of POUs go through and
13 fill out some of these forms and provide real
14 time feedback on the way these forms are laid
15 out, if they're going to work. Obviously CMUA
16 and our members spent some time with our folks,
17 including Anaheim, that provided kind of a draft
18 form based on what their needs were.

19 And I think going down the fact that
20 every utility may have a different enterprise-
21 based database system that tracks all this
22 information it may or may not work out for
23 everybody. And until you actually start filling
24 these out obviously we have some deadlines
25 approaching, if something does go wrong it would

1 be good to figure this out early on.

2 So I would just suggest maybe a group,
3 maybe a small group is formed. I'm not sure how
4 quick that can be done, how much time CEC would
5 allow for something like that, but it would at
6 least allow folks to kind of determine where the
7 bugs are on these forms as Scott and some others
8 alluded to.

9 And I think that was one of the points I
10 wanted to make earlier, but Susie did a good job
11 focusing on the fact eligibility guidebook and
12 the RPS rule were completely separate. Obviously
13 it would be nice if they could be a little more
14 combined in the future, but it was a little
15 disconnect this time around.

16 So just to get clarification there was
17 something mentioned early on regarding the Bucket
18 2 hourly forms. Was it Bucket 2?

19 MS. BARKALOW: No, Bucket 2 does not
20 require hourly data it's just the Bucket 1.

21 MR. ANDREONI: Oh, Bucket 1?

22 MS. BARKALOW: Yes.

23 MR. ANDREONI: Okay so for Bucket 1 the
24 hourly data you had mentioned that for Bucket 0
25 anything from out of state would not have to have

1 that information provided?

2 MS. BARKALOW: That's correct, so if
3 that facility -- if you have contract information
4 that proves that there was a contract for that
5 facility before June 1st, 2010 that becomes a
6 grandfather contract. And we will need to verify
7 that it did meet the delivery rules that were in
8 place at the time, but that had been included in
9 the contract. And after we verified that then
10 the hourly data is not required for those. In
11 fact, you don't have to prove delivery with those
12 contracts.

13 MR. ANDREONI: Okay, so something like
14 that would probably be good for part of the FAQ,
15 you know, just to clarify that so we're under a
16 complete understanding of how that's going to be
17 handled. I know we're probably going to get into
18 a discussion later on about that. Thank you.

19 MS. BARKALOW: You're welcome.

20 MS. GOULD: Carrie Thompson?

21 MS. THOMPSON: Hello, Carrie Thompson,
22 City of Anaheim. Thank you for holding this
23 workshop and allowing us an opportunity to
24 comment. Some of my comments have already been
25 brought up and I won't belabor, so I will be

1 brief.

2 But our first concern is mostly in the
3 area of duplicative reporting. We've heard that
4 already. We did not have a chance to comment on
5 these forms which we will do so when we get back.
6 SBX 1-2 requires the annual reports and the
7 compliance period reports to demonstrate
8 compliance. We believe much of this data that's
9 necessary for these reports is available within
10 other CEC reports, such as the power source
11 disclosure, what AB 162 report and the IEPR.

12 The data for these reports is requested
13 in different formats, different templates,
14 different times. I just wanted to say that
15 Anaheim is happy to work with CEC staff to
16 identify where these overlaps are and develop a
17 solution to streamline the entire process.

18 The second area of concern or more of a
19 suggestion is the CEC's participation with other
20 state agencies. We'd like to see more
21 participation from the CEC at the CAISO and at
22 the CARB in respect to regulations that are being
23 implemented that we would like to have your
24 participation in. We have a couple of examples
25 of this that we would like to see you guys

1 present for POU's like Anaheim that are members of
2 the CAISO.

3 We have, for example, a couple of
4 requirements coming up next year that will
5 require backstop procurement for intermittent
6 resources. They probably have about 50 plus
7 initiatives that impact in POU resource
8 portfolios. It would be great to CEC
9 participation, to understand the various
10 regulatory requirements being put on POU's and the
11 impacts of these initiatives on our resource
12 portfolio and the cost of our repairs.

13 Another kind of example of an
14 inconsistency in regulation, which has been
15 brought up in various comments in the past is for
16 example at CARB with the MRR rule and the RPS
17 adjustment requiring the retirement or REC's
18 annually. We would like to get CEC's report in
19 getting these REC's retired in a compliance period
20 basis.

21 And I'll echo Mr. Lesch's comments from
22 Riverside, in getting an upfront mechanism put in
23 place for tagging errors that are by no means a
24 POU issue. You know, it's no error on the part
25 of the POU, but these things do happen. So an

1 upfront mechanism, make sure that these RECs
2 count in WREGIS would be helpful.

3 And that's it, I'll stop there. Thank
4 you for the opportunity.

5 MS. ZOCCHETTI: Carrie, if I could just
6 respond to one of your suggestions. I agree, I
7 think it would be great if we could have more
8 participation in CAISO, but I did want to let
9 everyone know that we are fairly active in the
10 ARB's proceeding, but it's probably not on your
11 radar. We have inter-agency working groups and
12 there's someone in the RPS staff where we have
13 related staff that we talk to that do participate
14 in those conference calls. So we are aware of
15 the MRR reporting it. I just wanted to let folks
16 know that. Sometimes you don't necessarily know
17 that we are trying to keep our finger on the
18 pulse of what other agencies are doing vis-à-vis
19 the POUs and how it might impact RPS.

20 MS. THOMPSON: Thanks, Kate.

21 MS. ZOCCHETTI: Sure.

22 MS. GOULD: James Hendry.

23 MR. HENDRY: Good morning, James Hendry
24 of San Francisco SFPUC. I just had two quick
25 comments. They're really more like

1 clarifications.

2 One is you're aware San Francisco has an
3 alternative compliance obligation, so there's
4 some additional reporting requirements that
5 weren't really discussed today. And we don't
6 think that they need to be given that this is
7 really kind of an offline, tail-wagging-the-dog
8 issue, but we'll try and follow up and try and
9 maybe take a stab at the draftings of a template
10 of what those requirements are. And then also
11 we're going through these requirements figuring
12 out which ones apply and don't and we'll work
13 with you and try and figure that out as we go
14 through the process.

15 Second question I had is on page 11,
16 this is an interaction between the RPS
17 eligibility process and the filing requirements.
18 On page 11 of the handout that talks about
19 December 31st, 2013 as being the date the
20 facilities must be certified to count as eligible
21 from January 1st, 2011 forward. And we realize
22 given the backlog of applications you've gotten
23 to get RPS certified, there is still a number of
24 applications in the queue and we're still waiting
25 for some that we submitted many months ago. And

1 actually we're kind of worried that December 31st
2 it may even be a little too late, because we have
3 filings due in October 27th for 2011, 2012 data.
4 And if we're backwards to have as time to get the
5 data together you're looking at maybe October
6 1st, late September.

7 And so we're just worried about trying
8 to get the timing right of getting closure on the
9 RPS eligibility applications and get them all
10 certified. And in order to meet the deadlines
11 that are kind of proposed here we're probably
12 looking at I would say middle of September at the
13 latest. I just want to make sure that that's
14 sort of on your relay screen and on the timeline
15 for getting those done.

16 MS. ZOCCHETTI: I think that deadline is
17 by when applications must be submitted, the
18 December 2013 deadline. Not that they have to be
19 certified by that date. That's the intention
20 anyway.

21 MR. HENDRY: Okay, but we still have
22 outstanding applications and we get to October
23 deadline we're going like, "Okay, are they
24 certified, are they not? Do they have
25 application?" And so I think we still have that

1 same concern, which we realize while you have
2 applications we appreciate you've updated the
3 list of eligible facilities from February to
4 July, but I think there's still some, you know,
5 we still have facilities that aren't on there and
6 I think others have noticed that too. So okay,
7 thank you.

8 MS. ZOCCHETTI: Yeah, thank you.

9 MS. GOULD: Randy Howard.

10 MR. HOWARD: Good morning and thank you
11 for holding this workshop and allowing us to
12 drill down a little bit more detail on some of
13 these elements. I'm Randy Howard with Los
14 Angeles Department of Water and Power.

15 So I also have a few clarifying
16 questions. And listening to some of the other
17 questions in some ways I got a little more
18 confused, so let me see. I just wanted to make
19 sure right up front, so if it's a PCCl generated
20 in a California balancing authority they will
21 only require a monthly and annual generation
22 data, correct?

23 MS. BARKALOW: Yes.

24 MR. HOWARD: No hourly data, nothing
25 that needs to be retained from that purpose?

1 MS. BARKALOW: Correct.

2 MR. HOWARD: Now obviously I'm quite
3 concerned on the compliance side of how we're
4 going to handle that. And then how we would
5 manage any potential audit that might come about,
6 even with something generated in a California
7 balancing authority.

8 So in the guidebook, the guidebook
9 speaks too, as well, that you have the ability to
10 come back and ask us additional questions related
11 to invoicing and activity. Do you have any more
12 detail or can you give us any more detail or plan
13 on giving us any more detail what is the backup
14 information that we're really going to need to
15 retain for potential compliance for a validation
16 in an audit?

17 MS. BARKALOW: So typically we would
18 request information if we had a concern about a
19 claim. So for the next few years we will be
20 doing verification where we compare all of the
21 claims with the generation data. And if there
22 are more claims than there is available
23 generation it raises a flag and then in those
24 situations we would request invoices from all of
25 the parties that are making the claim to back up

1 who should actually get what and to explain why
2 we see an over-claim. So it's usually in cases
3 where we have concern about we feel that we're
4 not able to verify the claim that we would ask
5 for invoices and sometimes it's meter data.

6 And if we don't get to the verification
7 process for awhile then it's just best to hang on
8 to that. In a lot of cases some of the
9 verification will be based on contract
10 information, but we expect to have done that
11 verification upfront. And so that should answer
12 a lot of our questions.

13 MR. HOWARD: So have you determined an
14 actual timeline not to exceed? I mean if we're
15 going to retain data for three years is that
16 sufficient? Is it five years?

17 MS. BARKALOW: Well, I can just give you
18 an example of here we are in 2013 and we've been
19 still going back and forth with some of the
20 retail sellers to get information related to
21 their 2008 claims. So that's five years. So I
22 mean, in the future we're developing a big
23 database and we expect to be much more efficient,
24 but until we reach that point there is a risk
25 that we might need it.

1 MR. HOWARD: Well, it's similar. We're
2 all developing big databases outside of our
3 normal database to ensure that we're going to be
4 able to respond and respond quickly with the
5 right information, so anything that the CEC staff
6 could do to provide us additional guidance as to
7 what backup information, how it should be
8 retained, under what conditions would be
9 extremely helpful. Because if we can do that now
10 going back and retracing becomes quite expensive
11 and cumbersome, but if there's a way we could
12 work together as to the types of information and
13 how long we would retain it, it would be
14 extremely helpful.

15 MS. BARKALOW: Okay.

16 MR. HERRERA: So Randy this is Gabe.
17 Can I follow up on your question there?

18 MR. HOWARD: Certainly.

19 MR. HERRERA: I recall in the past that
20 there was an issue between two parties that
21 procured generation from the same source and it
22 became a contractual dispute as to which party
23 had actually procured more, both of which had
24 claimed procurement that was reported to the
25 Energy Commission and addressed in the RPS

1 verification report. And I recall in that case
2 we had to go back to the parties and ask for
3 verification, in terms of how much they had
4 procured.

5 In those kind of cases this kind of
6 situation where the POUs normally keep contract
7 information for a certain period of time five
8 years, ten years is there a standard that LADWP
9 uses?

10 MR. HOWARD: Well, certain types of data
11 we would keep three, some five, some seven.
12 Again it's dependent on how you drill down.

13 If you're talking about something
14 generated within our balancing authority, so it's
15 a net metered resource then we're talking a
16 Bucket 3 resource and we're reporting to you on a
17 monthly or annual basis you can go back to the
18 billing records, but we might drop some of the
19 detailed records on the actual -- you know, every
20 15 minutes it's taking another snapshot. Well,
21 we wouldn't retain that for multiple years,
22 because that's a lot of information. But if you
23 were satisfied with the information that was
24 maybe invoiced to that customer on a monthly or
25 bi-monthly basis and that was adequate that

1 retention occurs for about ten years.

2 So again we're just trying seek some
3 guidance how best to capture it, how to store it,
4 retain it; I think would be very important for
5 the backup.

6 Similar question as our friends from San
7 Francisco, we still have a number of facilities
8 waiting to be certified, so there's just some
9 questions as will those be by the end of this
10 first compliance period? You know, we'll intend
11 on counting them as if they were, but that's
12 still unknown to us.

13 MS. BARKALOW: Can I just jump in real
14 quick?

15 MR. HOWARD: Certainly.

16 MS. BARKALOW: So for any POU that has
17 facilities that are still pending certification
18 it would be helpful for us to receive a list of
19 those facilities, so we can really try to make
20 sure that a determination is made before the due
21 date. That's in everyone's interest to make sure
22 that happens.

23 MR. HOWARD: We're prepared to provide
24 you that list

25 MS. BARKALOW: That would be great.

1 MR. HOWARD: Now, on those facilities
2 that are yet to be certified there was also
3 within the guidelines there was some limitations
4 as to reporting POUs using the ITS process for
5 interim tracking while we transition to WREGIS.
6 So if it still has not been certified are we
7 still okay using the ITS?

8 MS. ZOCCHETTI: Excuse me, in order to
9 become certified you need to be in WREGIS,
10 because one of the questions we ask is the WREGIS
11 ID number. So we have deadlines for when you --
12 I believe it was October of last year?

13 MR. HOWARD: October last year.

14 MS. ZOCCHETTI: So if it's in WREGIS
15 well Gina, you'd probably want to speak to
16 whether they should, if for a partial year how
17 that works, if you want them to use WREGIS and/or
18 the ITS.

19 MS. BARKALOW: Yes, so we're expecting
20 that all facilities should be in WREGIS by
21 October. So you should still be able to go back
22 and claim it even though maybe the certification
23 is still pending at this time, but the generation
24 should be in WREGIS.

25 MR. HOWARD: Should be in WREGIS.

1 MS. BARKALOW: Yeah.

2 MR. HOWARD: And I believe some of that
3 is, but so we would use the ITS up to the point
4 of WREGIS and we can claim the WREGIS once it's
5 certified? Even though we have it in WREGIS, but
6 we can't until it's fully certified?

7 MS. ZOCCHETTI: You don't need to think
8 of them as being so closely connected. WREGIS
9 covers a lot of things besides California RPS, so
10 if it's in WREGIS that's great; as Gina said it
11 doesn't have to be certified.

12 What we'll count back to depends on the
13 rules in the guidebook, which vary. Like in your
14 case maybe the 40 megawatt we have allowed an
15 exception to go back earlier. So I don't want to
16 misspeak about the different exceptions and
17 requirements in the guidebook, but if you've
18 submitted your application and it's clear that
19 it'll be eligible as of some date depending on
20 what your situation will be, then the WREGIS rule
21 kind of kicks in. For example, if you have
22 generation that is after the October date then
23 that would be a problem, because it needs to have
24 been in WREGIS by then. But when it becomes
25 certified it doesn't really affect that.

1 MR. HOWARD: Okay, but when we go to
2 retire we'll pull from both buckets, ITS and
3 WREGIS?

4 MS. BARKALOW: I'm not sure what you
5 mean by pull from both buckets.

6 MR. HOWARD: So for the interim --

7 MS. BARKALOW: Oh, you mean you report
8 using both?

9 MR. HOWARD: -- for the retirement for
10 Compliance Period 1 we'll be able to draw from
11 both.

12 MS. BARKALOW: Oh yes, so you can report
13 using the RPS track form up until the end of
14 October.

15 MR. HOWARD: Correct.

16 MS. BARKALOW: And then also WREGIS for
17 the rest of everything. Is that clear?

18 MR. HOWARD: Correct.

19 MS. BARKALOW: Okay.

20 MR. HOWARD: But the ITS will not have a
21 carry forward after the first compliance period
22 because it's not in WREGIS? Are we closing the
23 ITS, as of October 2012 there's nothing
24 additional in there, correct? Everything should
25 be in WREGIS.

1 MS. BARKALOW: Everything should be in
2 WREGIS.

3 MR. HOWARD: Based on the guidelines.

4 MS. BARKALOW: And you're right, we are
5 planning to phase out that form.

6 MR. HOWARD: Okay. I might have some
7 questions offline, that will wait.

8 So I heard the response too on Bucket 0
9 out of state not requiring hourly data related to
10 the underlying agreements and those underline
11 agreements were prior to the 2010 date. But
12 Bucket 0 could have included, in our case we have
13 a number of firming and shaping agreements, so
14 the underlying resource agreement was a prior
15 2010 the firming and shaping get renewed every
16 couple years. But that I think we had determined
17 before wouldn't be the trigger for a change in
18 that policy from a Bucket 0. The firm and
19 shaping wasn't, because it wasn't the underlying
20 resource.

21 MS. GOULD: Yeah, as I think as long as
22 the original contract for the renewable
23 procurement is not altered then it's still Bucket
24 0.

25 MR. HOWARD: All right, thank you.

1 Another question we have some out of
2 state non-California balancing authority
3 agreements that will be dynamically scheduled,
4 but the schedule interface point is an exchange
5 point, so say Mead or Palo Verde is the exchange
6 point. So the developer would deliver to that
7 point maybe a partial out of a facility, there's
8 a couple of agreements that I'm thinking about
9 that we have. And so we will pick it up there,
10 so LADWP will tag it from that exchange point to
11 LA. So on the hourly data we need to have the
12 tags from the generator itself to the exchange
13 point and then tags from us in the exchange
14 point?

15 MS. BARKALOW: So actually for
16 facilities that have dynamic transfer agreements
17 we will need to see copies of those agreements,
18 but as long as that's being transferred, you
19 know, it's in agreement with the California
20 balancing authority you would not need the hourly
21 data with that.

22 MR. HOWARD: Even though it starts in a
23 different balancing authority coming to a
24 California balancing authority?

25 MS. BARKALOW: Yeah, as long as that

1 balancing authority is a California balancing
2 authority; as long as it goes into a California
3 balancing authority.

4 MR. HOWARD: As long as it's coming in
5 to a California balancing authority, because
6 that's not the first point of delivery?

7 MS. ZOCCHETTI: Well, maybe a point of
8 clarification, because Randy I think you used the
9 term "dynamically scheduled" rather than
10 "dynamically transferred."

11 MR. HOWARD: Correct.

12 MS. ZOCCHETTI: So I just want to make
13 sure. So there are three provisions in Bucket 1
14 directly connected to a California balancing
15 authority, scheduled into a California balancing
16 authority or dynamically transferred. So maybe
17 there's a little grey area between the last two?

18 MR. HOWARD: So this would be a
19 dynamically transferred, because it would be an
20 interchange point.

21 MS. ZOCCHETTI: Okay.

22 MS. GOULD: Well, is there a dynamic
23 transfer agreement with a California balancing
24 authority?

25 MR. HOWARD: Yes.

1 MS. GOULD: Okay. In that case if it
2 meets the dynamic transfer requirements then we
3 don't need to do the hourly.

4 MR. HOWARD: So you would not need to do
5 the hourly. That's very helpful, thank you. I
6 think that was all of my questions, thank you
7 very much.

8 MS. GOULD: Are there any more blue
9 cards? Is there anybody else in the room who
10 would like to come up and speak?

11 All right, is there anybody on the WebEx
12 who has a question? Okay, it looks like nobody's
13 raised their hand on the WebEx.

14 All right, now the time is where we open
15 up the call lines. Please everyone on the phone
16 if you're not going to speak please mute your
17 lines. This tends to be a cacophony, but go
18 ahead un-mute that. Is there anybody on the
19 phone line who has a question or a comment,
20 anybody on the phone with a comment? Okay.

21 MR. HERRERA: Hello, can you hear me?

22 MS. GOULD: Yes. Yes, we can hear you.

23 MR. HERRERA: Okay, good. I had it on
24 mute, so I apologize.

25 MS. GOULD: Go ahead.

1 MR. HERRERA: So I just have a question,
2 by the way this Oscar Herrera with LADWP.

3 MS. GOULD: Hi Oscar.

4 MR. HERRERA: Hi. I just have a quick
5 question on the presentation slide, I forgot what
6 number it was, but it was deadlines for reporting
7 generation for the July 29, 2013 CEC-RPS-Gen
8 forms states that facilities who are not
9 registered in WREGIS for all 2011 and 2012 and
10 are not utility-owned must submit 2011 and 2012
11 CEC-RPS-GEN forms. I was just wondering if
12 that's just exclusive to not utility-owned
13 facilities, because there was a little confusion
14 on those forms?

15 MS. BARKALOW: Yes, hi this is Gina.
16 That is correct. If the guidebook does allow
17 utility certified or facilities that are
18 certified by the utilities that the RPS claims
19 can't be made using the RPS-Track form in WREGIS.
20 And so we do not need you to report the
21 generation on a separate gen form.

22 MR. HERRERA: Okay, thank you.

23 MS. BARKALOW: You're welcome.

24 MS. GOULD: Okay, is there anybody else
25 on the phone who has a question or a comment?

1 Okay.

2 MR. HOCHSCHILD: Okay. With that let me
3 thank all the stakeholders and the staff.

4 Oh Kelly, go ahead.

5 MS. GOULD: I'm sorry, but it looks like
6 somebody just raised their hand on WebEx. And
7 that'd be Debbie Whiteman.

8 MR. HOCHSCHILD: Oh, okay, go ahead.

9 MS. GOULD: Debbie do you have a
10 question? Debbie Whiteman, do you have a
11 question? Well maybe she changed her mind.

12 Okay, go ahead, sorry.

13 MS. FOLEY: Okay, I'll ask my question
14 while we wait for Debbie. Maybe this is to staff
15 or Gabe, but procedurally to finalize these forms
16 does this have to go for a vote to the Commission
17 or is this something that is interpreted as
18 having latitude?

19 MR. HERRERA: Yeah, this is something
20 that would go out under staff. The Commission
21 has already adopted the guidelines and has
22 already adopted the regulations. It's just a
23 matter of implementing those requirements into a
24 form. So if staff wanted to, based on advice
25 from your office, addressed from your office, to

1 modify the forms we could.

2 MS. FOLEY: Okay.

3 MR. HERRERA: The Commission should not
4 go out with a final set of forms before we know
5 that the regulations will in fact be approved by
6 OAL. Just we may need to make some changes.

7 MS. FOLEY: All right, so then we are
8 looking at August 16th for comments. I also
9 wanted to know if parties would like to submit
10 frequently asked questions in the comments and
11 then we'll respond that way or use some of the
12 time now to actually come up with them. It might
13 be easier; hoping to input on that.

14 But if comments are due specifically on
15 the forms by August 16th I struggle with this,
16 because I come from a PUC background where
17 there's kind of a more distinct procedural
18 process. And are parties good with that being
19 the day and then the finalized forms go out
20 sometime after October 1st or do you want another
21 iteration, where are we? For those of you who
22 reviewed the forms where is your comfort level
23 with how far we are from them?

24 MR. HERRERA: Kelly, it could be based
25 upon their comments that this has been on August

1 16th, that they may also ask for a workshop after
2 digging into the forms and perhaps trying to fill
3 in some of the forms with mock data.

4 MS. FOLEY: Okay, thanks Gabe.

5 MR. TUTT: Hey Kelly, it's Tim Tutt from
6 SMUD. I think SMUD is comfortable with August
7 16th and, you know, if there's a need for another
8 workshop some time down the road I don't see it
9 now. So it might come later, but I don't see it
10 right now.

11 MS. FOLEY: Okay, so the assumption
12 would be we get all the comments on August 16th
13 and then at some date hopefully sooner than later
14 after October 1st, assuming the RECs go into
15 effect, we would post the final forms and then do
16 a second look later in 2014 as we discussed.
17 Does that sound right?

18 MS. BARKALOW: Hi, this is Gina. I have
19 a little concern from the verification end. I
20 always get questions about where is the
21 verification report and we will not be able to
22 verify data without that static contract
23 information.

24 So if you are comfortable submitting
25 that information to us sooner rather than later

1 that would allow us to get going, because it's
2 just an enormous amount of data to go through.
3 We need to look at every contract and look at the
4 start date, the end date and make sure that all
5 of these requirements have been met. And I just
6 worry about getting bombarded with data on that
7 one date.

8 And we would like to work with you, so
9 that, you know, think of it as an opportunity;
10 kind of go back and forth and make sure the
11 information is there that we need and the
12 contract information is there. And then submit
13 it officially with the package when it's due.
14 But at least we can start getting the
15 information, verifying it, entering it into our
16 database and getting ourselves set up, so that
17 when the claims come in we're better able to
18 start verifying.

19 Yes Susie, you had a question?

20 MS. WHITEMAN: This is Debbie Whiteman,
21 can you hear me?

22 MS. GOULD: Yes, we can hear you Debbie,
23 go ahead.

24 MS. WHITEMAN: It took forever to figure
25 out my headset, I'm sorry. Now I thought I heard

1 you say something about in filing the reports
2 that even in a year when you're going to file a
3 compliance report, say for the period 17, 18, 19
4 and 20 that you would still have to file the
5 individual report for the year '20; was that
6 correct?

7 MS. GOULD: So for in 2021 when you're
8 filing your compliance period report that does
9 include the annual report information for the
10 year 2020 as well as other general compliance
11 period information. That's contained in 3207(d).

12 MS. WHITEMAN: Okay, so it's not a
13 separate?

14 MS. GOULD: Yeah, it will all be part of
15 the same report and part of the same filing.

16 MS. WHITEMAN: Okay, thank you.

17 MS. BERLIN: This is Susie Berlin. I
18 just wanted to tag one question on to Debbie's.
19 It's part of the same filing, but it's separately
20 submitting the annual information as part of that
21 filing, correct? So it's like you'll be
22 submitting part one and part two at the end of
23 every compliance period.

24 MS. GOULD: It's all part of the same
25 spreadsheet, but I suppose a separate tab. It

1 would be compliance information.

2 MS. BERLIN: Okay, thank you.

3 And Gina I have a question on following
4 up on your request for the static information and
5 how that comports with the fact that a lot of
6 spreadsheet asks for the same information over
7 and over in all the contracts. And so I query
8 whether or not is there some way or we're
9 submitting the contract information and you're
10 verifying the start date, the megawatts, the
11 duration. And then we're repeating that
12 information in annual reports, correct? This is
13 a contract we're using. Or for purposes of the
14 annual report we'll just say this is Contract A,
15 which you've already approved, so you'd know that
16 every time you see Contract A come up that we're
17 good to go?

18 MS. BARKALOW: Yeah, Angie jump in if
19 you need to. Yes, so this is basically for us to
20 understand and basically categorize them. And
21 then when the claims come to us through the track
22 form or through WREGIS they will be categorized
23 by bucket and we'll say, "Yes, that's correct,
24 that's correct, that's correct."

25 And then I think on the annual tab it's

1 just a really high level tab and I don't believe
2 by facility level it's just how many RECs: how
3 many Bucket 1 RECs, Bucket 2, Bucket 3, you know?
4 And the amount is included there. It's just a
5 summation of the amounts.

6 MS. BERLIN: Okay. And I'm sorry if I
7 missed that, the forms had a lot of tabs.

8 MS. BARKALOW: They do. I know they do.

9 MS. BERLIN: So for practical purposes
10 we're submitting the contracts one time, then
11 that's done. Then every time that contract shows
12 up we've got that data in there to sign it?

13 MS. BARKALOW: Yeah, we know and we'll
14 track it to the end date. So then if there's an
15 amendment or an extension then you'd provide that
16 data, you know, that contract information to us
17 so we can go in and say, "The end date ends here
18 now." So our plan is to have this all automated
19 within a database so that we don't have to look
20 at it again year after year. We've verified it
21 until the end of that contract.

22 MS. BERLIN: Okay and when you say in
23 the database is that a database that you're
24 working on or the one that we -- I mean, so it
25 starts now or is that the -- I know the CEC had

1 talked about they're trying to put together and
2 you had contracts out for a database and whatnot.
3 So would that be a new database?

4 MS. BARKALOW: That will be a new
5 database, but that database there's been delays
6 in getting the funding and whatnot so that's into
7 the second compliance period. We will have to
8 develop an internal interim tracking database
9 just to be able to verify that stuff from the
10 first compliance period. Yeah, an interim
11 database, so we're hoping that we'll be able to
12 be sophisticated enough to develop something to
13 get us through this first compliance period.

14 MS. BERLIN: Okay, I appreciate the
15 clarification. Thank you.

16 MS. BARKALOW: Yes?

17 MR. HOWARD: Randy Howard, LADWP. You
18 know, just to follow up, related to the
19 contracts, so in the case where LADWP is offering
20 150 megawatts of feed-in tariff contracts, their
21 standard contracts, most of those won't be put in
22 an aggregate basis for submittal. But would it
23 just be easy we provide you one copy of the
24 standard and then we just provide you a contract
25 sheet for each of the underlying; would that be

1 helpful? We're just looking at how can we make
2 it easier for you.

3 MS. ZOCCHETTI: Well earlier you were
4 mentioning Bucket 3? We don't need the contracts
5 for Bucket 3. Wait, we do, I'm sorry I misspoke.

6 MR. HOWARD: Well, these will not be
7 Bucket 3. These will be feed-in tariff.

8 MS. ZOCCHETTI: You mean, oh feed-in
9 tariff, right.

10 MR. HOWARD: And so we expect several
11 thousand of them, several thousand contracts.

12 MS. BARKALOW: SB 1?

13 MR. HOWARD: No, these are not SB 1.

14 MS. BARKALOW: Oh.

15 MR. HERRERA: And all the terms in the
16 contracts will be exactly the same.

17 MR. HOWARD: Standard contract, no
18 negotiations. The only thing that changes is the
19 name, the facility address and the size.

20 MR. HERRERA: Well maybe you can send us
21 one of those contracts. We can take a look at it
22 and maybe there's a way that you don't have to
23 submit each and every one, but then have it
24 available in the event we do need it.

25 MR. HOWARD: Yeah, or like you said we

1 can probably prepare a contract sheet for you for
2 each of the ones that we've entered into. Yeah,
3 just trying to make it easier, because as we go
4 more to this distributive generation approach I
5 mean the numbers just escalate very rapidly and
6 it's going to be an accounting issue for all of
7 us.

8 MS. BARKALOW: We would definitely
9 appreciate your suggestions on that.

10 MR. HOWARD: Okay, thank you.

11 MR. GIBSON: Hi, Jed Gibson with Ellison
12 Schneider & Harris again. One follow-up question
13 that kind of occurred to me: What is the plan for
14 keeping the database and the contracts that are
15 submitted along with these reports as well as the
16 reports themselves confidential? Would we need
17 to submit an application with each contract, with
18 each form?

19 MR. HERRERA: So yeah, I mean if there
20 are portions of the contract that your clients
21 want to keep confidential and it's not otherwise
22 public then you would need to submit a request
23 for confidential designation and that process is
24 laid out in our regulations if you're familiar
25 with them Jed.

1 MR. GIBSON: Yeah.

2 MR. HERRERA: 2505, Title 20.

3 MR. HOWARD: So potentially it would be
4 an application for each individual contract then?

5 MR. HERRERA: Right.

6 MR. HOWARD: Okay.

7 MS. BARKALOW: Can I just add though
8 that we really don't like to have to protect
9 confidential data and we'd much rather you just
10 redact that you don't want public. So we just
11 basically need contract start date, end date, you
12 know, some of the basics that I don't think you
13 would worry about being confidential. But if you
14 were then you would have to apply, but if you can
15 -- if there's price information we are not
16 interested in that. You can just block it out.

17 MR. HOWARD: So you're open to us
18 providing contracts that have been redacted?

19 MS. BARKALOW: Redacted contracts,
20 definitely, yes we prefer that.

21 MR. HOWARD: Okay. Okay, that's all
22 from me. Okay.

23 MR. HERRERA: Do you think your clients
24 are going to be seeking confidential designation
25 if they need the information that we need: terms,

1 dates, that kind of information?

2 MR. GIBSON: I would need to check with
3 them specifically. I know on the retail seller's
4 side at the PUC we do that.

5 MR. HERRERA: Right.

6 MS. FOLEY: So if we're closing I just
7 had a thought in writing your comments maybe you
8 can fill out the static information and use that
9 as your analysis and get that to Gina, because
10 somewhere you will be rewarded for that.

11 And then the second part just because
12 our office would like to go through some of the
13 comments too. And to make it easier maybe we
14 could break it into three parts: the first
15 section would be comments on the forms, the
16 second section would be posing frequently asked
17 questions. If you feel compelled you can write
18 what you think the response should be. And then
19 the third section would be just general comments.
20 But if you could kind of do them one, two and
21 three and if you're not commenting on section two
22 or section three just leave it blank or if you're
23 only commenting on section two. That way we can
24 quickly find what we're looking for in each of
25 those sections. That would be really helpful.

1 Thank you.

2 COMMISSIONER HOCHSCHILD: Great. Well
3 unless there's any further comments let's wrap
4 up. Let me thank all the staff and the
5 stakeholders for showing up today. In closing I
6 just again want to say from my office Kelly Foley
7 will be your point of contact. I earlier
8 introduced Kourtney Vacarro our new Assistant
9 Executive Director for Compliance Assistance and
10 Enforcement.

11 And what I'd like to do just before we
12 leave, because there a lot of renewable staff
13 here Kate Zocchetti is taking over as the Office
14 Manager. Maybe we could just quickly run down
15 the line and everyone could just say again their
16 name and their title and their area of focus, if
17 people have questions.

18 Kate do you want to start?

19 MS. ZOCCHETTI: Sure, I'm Kate
20 Zocchetti. I'm Acting Office Manager of the
21 Renewable Energy Office and the RPS Technical
22 Director.

23 MS. CHISHOLM: Hi, I'm Emily Chisholm.
24 I am an energy specialist. I was working on the
25 regulations, but I'm now moving towards

1 implementation and I am the contact person for if
2 you are submitting plans and enforcement plans
3 and other general form questions. I don't know.

4 MS. BARKALOW: I'm Gina Barkalow and I
5 am also an energy specialist. And I work on
6 verification, so if you have questions about
7 verification then you could give me a call. And
8 I would also like to introduce Theresa Daniels,
9 because we work very closely together so you will
10 probably get to know her in the future too.

11 MR. HERRERA: I'm Gabe Herrera, I'm with
12 the Energy Commission's Legal Office and I work
13 with the Renewable Energy Office staff on both
14 the POU regulations and the RPS guidelines. So
15 if you have legal questions please contact me.

16 MS. GOULD: And I'm Angie Gould. I
17 worked on the RPS regulations, hopefully we're
18 done now or for now anyway. And I'm, along with
19 Emily, working on the implementation portion and
20 will be working on the compliance portion. So if
21 you have questions on the regs you can ask me.

22 COMMISSIONER HOCHSCHILD: And if the
23 stakeholders have questions about certification,
24 who should they contact?

25 MS. GOULD: Kate.

1 COMMISSIONER HOCHSCHILD: Kate, okay.
2 So with that let me just say we are, all of us,
3 committed to getting better. This is kind of our
4 first time at the dance with all of you and we
5 want to get better and make this process as user
6 friendly as we can possibly make it while
7 complying with the law and doing our job. So
8 that's the purpose of the workshop today and we
9 look forward to working with you going forward.
10 Thanks everyone for coming.

11 (Adjourned at 11:35 a.m.)

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