

DOCKETED

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CONSTITUTIONAL AMENDMENTS
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AND COMMUNICATIONS
JUDICIARY
NATURAL RESOURCES
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May 27, 2016

Robert B. Weisenmiller, Ph.D.
Chair, California Energy Commission
1516 Ninth Street, MS-33
Sacramento, CA 95814

RE: Los Angeles Department of Water and Power Renewable Energy Credits

Dear Chair Weisenmiller,

I am writing to ask you to give the Los Angeles Department of Water and Power (LADWP) a fair chance to certify their legacy renewable energy contracts for RPS compliance under the rules in place at the time those contracts were signed.

LADWP has long been a partner in helping the state achieve renewable energy and climate goals. However, it has come to my attention that the Energy Commission has deemed a substantial number of renewable energy credits as ineligible for compliance with the state's Renewable Portfolio Standard (RPS) program.


As you are well aware, municipal utilities like LADWP were not part of the state's RPS until 2011. The bill, SBX1-2, added municipal utilities to the RPS and contained provisions meant to honor contracts for renewable energy resources entered into prior to its passage. Later, AB 2196 contained provisions specifically meant to count out-of-state biogas contracts using the rules in place at the time those contracts were executed.

As I understand it from Commission staff, there is a dispute about what rules were in place at the time. If my timeline is correct, the Fourth RPS Handbook was adopted in late 2010. Contracts signed in 2009 should be given consideration under the rules of the Third RPS Handbook.

The spirit of the statutory language clearly intends to honor and count those early actions and renewable energy resources by LADWP prior to the passage of SBX1-2.

Thank you in advance for your consideration.

Sincerely,


ROBERT M. HERTZBERG
Senator, Eighteenth District

LA002528