

DOCKETED

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**FREQUENTLY ASKED QUESTIONS ABOUT THE ENERGY COMMISSION'S
SUSPENSION OF RPS ELIGIBILITY GUIDELINES RELATED TO BIOMETHANE
REVISED APRIL 5, 2012**

1. Can I submit an application for RPS certification or precertification after March 28, 2012, for an electrical generation facility (i.e. a power plant) using biomethane to generate electricity?

A. No. The Energy Commission suspended the RPS eligibility guidelines related to biomethane in the *Renewables Portfolio Standard Eligibility Guidebook, Fourth Edition*, effective at 5:00 p.m. PDT on March 28, 2012. Applications for RPS certification and precertification will not be accepted after this deadline. In order to be considered, an application for RPS certification or precertification must have been hand delivered to the Energy Commission by no later than 5:00 p.m. PDT on March 28, 2012, or sent to the Energy Commission by mail and postmarked no later than March 28, 2012. Any applications for RPS certification or precertification of power plants using biomethane that are received after the March 28, 2012, deadline will be returned to the applicant.

2. Does the suspension apply to power plants that are currently RPS certified or precertified to use biomethane to generate electricity?

A. Yes. The suspension applies to power plants that are currently RPS certified or precertified to use biomethane.

3. Can I submit an application to amend the current RPS certification of a power plant in order to augment the power plant's use of biomethane?

A. In order to amend the current RPS certification of a power plant to augment its use of biomethane, the power plant applicant would have needed to submit an application to amend its current RPS certification by the March 28, 2012, deadline. An application to amend the current RPS certification of a power plant cannot be submitted after the March 28, 2012, deadline.

4. My electrical generation facility uses biogas and is located on the same site that the biogas is produced, does the suspension affect me?

A. No. The suspension only affects electrical generation facilities that use or plan to use biomethane that has been injected into the natural gas pipeline system for delivery to the electrical generation facility. It does not affect electrical generation facilities that are co-located with the biogas production facility or that use biogas delivered to the facility via a dedicated pipeline, truck or railcar.

5. Will the Energy Commission continue to process applications for RPS certification and precertification of facilities that were pending review when the suspension took effect?

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A. Yes. Pending applications for certification or precertification will be reviewed and processed in the order they were received and in accordance with the provisions in the *Renewables Portfolio Standard Eligibility Guidebook, Fourth Edition*. However, these applications will not be rejected, if incomplete, or issued certification or precertification, if complete and otherwise eligible under fourth edition of the guidebook, until the Energy Commission is subsequently informed on the biomethane sources and supply contracts associated with these applications. The Energy Commission will take final action on pending applications at a future business meeting. At the March 28, 2012, business meeting, the Energy Commission directed staff to gather additional information on the biomethane supplies identified in applications for certification and precertification, and to report back to the Energy Commission. Energy Commission staff will prepare data requests for this purpose and send them to applicants with pending applications.

6. My facility is precertified and plans to begin operating soon with biomethane. Under the suspension, can I apply for certification after biomethane deliveries have taken place under my contract?

A. No. Although facilities that were already precertified before the suspension will remain precertified, the Energy Commission will not accept any new applications for certification after March 28, 2012 deadline. If the Energy Commission modifies or lifts the suspension, an application for certification could be submitted for consideration if your facility meets the new conditions or eligibility requirements in place at that time. The Commission, however, deferred a decision on the effect of the suspension on facilities that are precertified or that timely filed complete applications for precertification.

7. If my facility is precertified to use biomethane, will I be permitted to certify the facility to use biomethane after the suspension is lifted by the Energy Commission?

A. Future applications for RPS certification will be subject to the RPS eligibility requirements in place when the suspension is lifted. Those requirements could include new requirements by the Energy Commission as well as any new requirements that result from legislative changes. Please note that the Energy Commission's approval of a facility for precertification does not guarantee that the facility will be eligible for RPS certification in the future.

8. My facility is certified; does the suspension affect whether a utility can procure generation from my facility that is attributable to biomethane and claim it for RPS?

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A. It could. Facilities that are already certified will remain certified and may continue to use biomethane procured under contract(s) with biomethane sources that were specifically identified in their approved application for RPS certification, subject to **the limitations identified in Resolution No. 12-0328-3**. Energy Commission staff will seek documentation about each electrical generation facility that is certified or precertified, or is pending certification or precertification, to ensure that the amount and availability of biomethane supplied to the facility is not increased after the effective date of the suspension.

9. During the March 28, 2012, Business Meeting, the Energy Commission made several changes to Resolution No. 12-0328-3, including one change that suggests pending applications for certification do not need to demonstrate that a facility's biomethane supply was already being produced and injected into the pipeline system before the date of the facility's application for certification. Is this true?

A. Resolution No. 12-0328-3 does not indicate whether certification or precertification may be granted for future or prospective biomethane provided for in a pending application. The Energy Commission deferred consideration of this issue. As noted above in these FAQs, the Energy Commission directed staff to gather additional information on the biomethane supplies identified in applications for certification and precertification, and to report back to the Energy Commission.