

## DOCKETED

<b>Docket Number:</b>	16-OIR-05
<b>Project Title:</b>	AB 1110 Implementation Rulemaking
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<b>Organization:</b>	California Energy Commission
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

*IN THE MATTER OF:*

**AB 1110 Implementation Rulemaking**

**Docket No. 16-OIR-05**

**ORDER INSTITUTING  
RULEMAKING**

**I. PURPOSE AND SCOPE OF THE PROCEEDING**

Pursuant to Public Resources Code sections 25210, 25213, and 25218(e), and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (Energy Commission) hereby institutes a proceeding to consider modifications to the Electricity Generation Source Disclosure regulations, Title 20, California Code of Regulations, section 1390 et seq to implement Assembly Bill (AB) 1110 and consider other modifications. These regulations implement a program informally referred to as the Power Source Disclosure program.

In 1997, Senate Bill (SB) 1305 (Sher, chapter 796, Statutes of 1997) was enacted, adding sections 398.1 and following to the Public Utilities Code. SB 1305 requires every retail provider that sells electricity consumed in California to disclose its electricity sources and directed the Energy Commission to establish guidelines for the format and means for such disclosure. The Energy Commission adopted the required regulations in September 1998. These regulations established the format and timing of various reporting requirements, including a detailed format for the Power Content Label, which is the vehicle for disclosure of electricity sources to consumers. The regulations were subsequently amended in 2001 and 2016.

Earlier this year, the Legislature passed, and the Governor signed, AB 1110 (Ting, chapter 656, Statutes of 2016), which requires the Energy Commission to do all of the following:

- adopt a methodology, in consultation with the State Air Resources Board, for the calculation of greenhouse gas emissions intensity for each purchase of electricity by a retail supplier to serve its retail customers;

- calculate the greenhouse gas emissions intensity associated with statewide retail electricity sales based on the greenhouse gas emissions for total California system electricity;
- ensure that there is no double counting of greenhouse gas emissions or emissions attributes; and
- determine a format for the disclosure of the portion of annual sales derived from unbundled renewable energy credits.

Under AB 1110, retail suppliers are required to disclose both the greenhouse gases emissions intensity of any electricity portfolio offered to its retail customers and the Energy Commission's calculation of the greenhouse gas emissions intensity associated with all statewide electricity sales. The bill also requires a retail supplier to annually report to the Energy Commission certain other information for each electricity offering for the previous calendar year and authorizes the Energy Commission to verify procurement claims and environmental claims made by retail suppliers. Lastly, the bill requires the Energy Commission to adopt program guidelines for these requirements by January 1, 2018.

In order to update the regulations to conform to these changes, the Energy Commission orders that a rulemaking proceeding be opened to consider and adopt modifications to Title 20, California Code of Regulations, section 1390 et seq. for the purpose of implementing AB 1110 and to consider any other modifications to the Power Source Disclosure program regulations that are determined to be necessary.

## **II. PUBLIC PARTICIPATION**

The Energy Commission encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The Executive Director, in conjunction with the Public Adviser, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the Energy Commission to allow timely participation. The Energy Commission will establish a date for the receipt of written comments on draft regulations; any such comments should be addressed to:

Docket No. 16-OIR-5  
Docket Unit, MS-4  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814-5512  
Or email them to: [DOCKET@energy.ca.gov](mailto:DOCKET@energy.ca.gov).

The Energy Commission will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in the proceeding. The Energy Commission's Public Adviser is available to help any person who wants to

participate in this proceeding. Please call (916) 654-4489 or toll-free in California at (800) 822-6288, or contact [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

### **CERTIFICATION**

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on November 9, 2016.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by

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Cody Goldthrite  
Secretariat