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| Docket Number: | 18-RPS-01 |
| Project Title: | Complaint Against the Stockton Port District re: RPS Program Compliance |
| TN #: | 225594 |
| Document Title: | Declaration of Emily Lemei |
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of:

COMPLAINT AGAINST STOCKTON PORT
DISTRICT FOR NONCOMPLIANCE WITH THE
RENEWABLES PORTFOLIO STANDARD

Docket No. 18-RPS-01

DECLARATION OF EMILY LEMEI

This declaration is provided in support of the additional documents filed by California Energy Commission staff (Staff) in this proceeding on October 30, 2018, and in support of the additional information Staff references in its *Staff Reply Brief to Committee Questions and Issues Identified in the September 7, 2018 Notice*. This declaration is provided in a manner consistent with the Committee's order of September 7, 2018, *Notice of Committee Hearing*, which directed Staff to provide declarations to authenticate each of the documents included as exhibits to Staff's complaint against the Stockton Port District (Port).¹

I, Emily Lemei, declare as follows:

1. I am currently an Energy Specialist III in the Renewable Energy Office of the Renewable Energy Division of the California Energy Commission (Commission) and have worked in this position since May 2017. From May 2014, until May 2017, I was an Energy Specialist II in the Renewable Energy Office. Prior to this time, I was an Energy Specialist in the Renewable Energy Office. I have worked at the Commission since October 2009.
2. As an Energy Specialist working in the Renewable Energy Office my responsibilities included working on the Commission's rulemaking proceeding, docket 13-RPS-01, to adopt regulations establishing *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities* pursuant to Public Utilities Code section 399.30, as enacted by Senate Bill X1-2 (Stats. 2011, first ex. sess., ch. 1, sec. 29). These regulations are codified in the California Code of Regulations, title 20, sections 1240 and 3200 – 3208.

¹ TN 224659

3. As an Energy Specialist and Energy Specialist II in the Renewable Energy Office my responsibilities included gathering information from local publicly owned electric utilities (POUs) on procurement claims for the Renewables Portfolio Standard (RPS) Compliance Period 1, 2011-2013, gathering information from POUs on the application of optional compliance measures for RPS Compliance Period 1, evaluating the procurement claim information to verify a POU's procurement claims, evaluating the optional compliance measure information to determine if a POU satisfied the requirements of optional compliance measures to excuse the POU's RPS procurement deficits, and determining a POU's compliance with its RPS procurement requirements. My responsibilities also included tracking and compiling data on when this information was submitted by POUs.
4. As a former Energy Specialist working in the Renewable Energy Office I have personal knowledge of the documents that were prepared for or received by the Commission in its rulemaking proceeding, docket 13-RPS-01, to adopt regulations establishing *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*.
5. As a former Energy Specialist and Energy Specialist II working in the Renewable Energy Office I have personal knowledge of the information gathered from and submitted by the Port to verify its procurement claims for RPS Compliance Period 1 and to evaluate its application of optional compliance measures for RPS Compliance Period 1. I also have personal knowledge on when this information was submitted by the Port to the Commission.
6. I am authorized to make this declaration on behalf of the Commission and the following matters are true and correct to the best of my knowledge and belief.
7. The document entitled *Initial Statement of Reasons for Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*, docketed as TN 225543 in the subject proceeding, is a true and correct copy of the Initial Statement of Reasons that was prepared by the Commission in its rulemaking proceeding, docket 13-RPS-01. This document was docketed as TN 69822 in the Commission's rulemaking proceeding and is also available from the Commission website at <https://www.energy.ca.gov/2013publications/CEC-300-2013-004/CEC-300-2013-004.pdf>.
8. The document entitled *Final Statement of Reasons for Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*, docketed as

TN 225544 in the subject proceeding, is a true and correct copy of the Final Statement of Reasons that was prepared by the Commission in its rulemaking proceeding, docket 13-RPS-01. This document was docketed as TN 71960 in the Commission's rulemaking proceeding and is also available from the Commission website at

<https://www.energy.ca.gov/2013publications/CEC-300-2013-004/CEC-300-2013-004-F.pdf>.

9. The document entitled *State of California Office of Administrative Law* and captioned *In re California Energy Commission, Notice of Approval of Regulatory Action*, docketed as TN 225545 in the subject proceeding, is a true and correct copy of the notice issued by the State of California Office of Administrative Law approving the Commission's regulations establishing *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*. This document was docketed as TN 71948 in the Commission's rulemaking proceeding, 13-RPS-01.
10. On July 1, 2014, the Port submitted an RPS Compliance Period 1 Report to the Commission pursuant to the California Code of Regulations, title 20, section 3207(d). On July 3, 2014, the Port submitted additional information for its RPS Compliance Period 1 Report, but the report was still missing a WREGIS attestation. Staff notified the Port that information was missing on July 28, 2014. On July 29, 2014, the Port provided further information for its RPS Compliance Period 1 Report, and based on this additional information, Staff made a preliminary determination on August 12, 2014, that the Port's RPS Compliance Period 1 Report was complete.
11. At no point prior to October 2014 did the Port indicate in the information reported as part of its RPS Compliance Period 1 Report that the Port intended to apply optional compliance measures as specified in the California Code of Regulations, title 20, section 3206. The Port changed this indication after Staff informed the Port on October 13, 2014, that Staff's preliminary results showed the Port had an RPS procurement deficit and that the Port had not yet indicated it was applying optional compliance measures or provided any supporting documentation for doing so in its RPS Compliance Period 1 reporting. The Port subsequently provided information indicating that it was applying the cost limitation optional compliance measure.
12. On July 18, 2016, Staff provided additional guidance to the Port on the documentation needed to support the application of the cost limitation optional compliance measure. Staff

further provided a draft Verification Results Report for RPS Compliance Period 1 to the Port on December 20, 2016. Following the Port's receipt of the draft Verification Results Report, on January 3, 2017, the Port informed Staff that it additionally wanted to apply a delay of timely compliance optional compliance measure.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

This declaration is executed on October 30, 2018, at Sacramento, California.



Emily Lemei
Energy Specialist III
Renewable Energy Division
California Energy Commission