

DOCKETED

Docket Number:	19-RPS-01
Project Title:	Petition for Rulemaking re: Public Utilities Code, section 399.30(c)(4)
TN #:	228760
Document Title:	Order Denying the Petition for Rulemaking Hearing
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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

STEVE UHLER

**PETITION FOR RULEMAKING
HEARING**

Docket No. 19-RPS-01

**ORDER DENYING THE PETITION
FOR RULEMAKING HEARING**

I. INTRODUCTION AND PROCEDURAL HISTORY

On April 16, 2019, Mr. Uhler's petition requesting that the Commission initiate a rulemaking hearing under California Code of Regulations, title 20, section 1221 and Government Code section 11340.6, for the purpose of implementing statutory provision PUC 399.30 (c)(4), was filed with the Executive Director.

Specifically, the petition requests implementation of statutory provision PUC 399.30(c)(4).

PUC 399.30 (c)(4) states that: Beginning January 1, 2014, in calculating the procurement requirements under this article, a local publicly owned electric utility may exclude from its total retail sales the kilowatthours generated by an eligible renewable energy resource that is credited to a participating customer pursuant to a voluntary green pricing or shared renewable generation program. Any exclusion shall be limited to electricity products that do not meet the portfolio content criteria set forth in paragraph (2) or (3) of subdivision (b) of Section 399.16. Any renewable energy credits associated with electricity credited to a participating customer shall not be used for compliance with procurement requirements under this article, shall be retired on behalf of the participating customer, and shall not be further sold, transferred, or otherwise monetized for any purpose. To the extent possible for generation that is excluded from retail sales under this subdivision, a local publicly owned electric utility shall seek to procure those eligible renewable energy resources that are located in reasonable proximity to program participants.

In his petition, Mr. Uhler states that the Calculations listed in 20 CCR § 3204 of RPS Procurement Requirements fail to implement the method for calculating the procurement requirements under ARTICLE 16. California Renewables Portfolio Standard Program [399.11 – 399.33], where a local publicly owned electric utility may exclude from its total retail sales the kilowatthours generated by an eligible renewable energy resource that is credited to a participating customer pursuant to a voluntary green pricing or shared renewable generation program.

On April 23, 2019, the Commission's Executive Director certified that the petition was complete and contained the informational requirements of CCR title 20, section 1221.

On June 7, 2019, Commission Staff filed a response to the petition recommending denial of the petition because a rulemaking hearing is not necessary. According to the staff recommendation, pre-rulemaking activities supporting an update to the Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities have already been initiated and the planned update will implement the provisions of PUC 399.30(c)(4).

On June 12, 2019, the Commission held a hearing to consider the petition.

II. FINDINGS

Based on the record, the Commission finds that:

- 1) Public Resources Code section 25218 empowers the Commission to adopt any rule or regulation, or take any action it deems reasonable and necessary to carry out its statutory duty. Thus, the Commission has the authority to initiate a rulemaking, as requested in the petition.
- 2) On June 3, 2019, Energy Commission staff posted a public notice informing parties of a scheduled Pre-Rulemaking Workshop implementing changes to the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities* including changes pursuant to SB 350 and subsequent legislation.
- 3) Energy Commission staffs' planned update to the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities* will address all changes in law affecting the RPS program.
- 4) As a rulemaking to address regulatory changes implementing PUC 399.30(c)(4) has been initiated, no additional rulemaking proceedings on this topic are necessary.

II. CONCLUSION AND ORDER

For the reasons stated above, the Petition is hereby DENIED.

IT IS SO ORDERED.

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 June 12, 2019.

AYE: Scott, Douglas, Monahan

NAY: None

ABSENT: Hochschild, McAllister

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat