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## **JUR-16-01 Appeal to the chair pursuant to 20 CCR 1234 (c) re TN230109**

JUR-16-01 Appeal to the chair pursuant to 20 CCR 1234 (c) re TN230109

Executive Director's response to TT229504,

"While your request contains a variety of questions related to the California Renewables Portfolio Standard program, the request does not identify any specific activity you would be engaged in that might trigger CEC jurisdiction."

Perhaps the Executive Director overlooked the activity in my request?

"Activity potentially regulated, monetizing renewable energy credits and ownership of environmental attributes related to eligible renewable energy credits as a participating customer pursuant to a green pricing program or shared renewable energy generation program."

Activity the commission is to engage in,

Public Utilities Code - PUC 399.30. (n)

(n) The Energy Commission shall adopt regulations specifying procedures for enforcement of this article. The regulations shall include a public process under which the Energy Commission may issue a notice of violation and correction against a local publicly owned electric utility for failure to comply with this article, and for referral of violations to the State Air Resources Board for penalties pursuant to subdivision (o).

To allow enforcement of,

Public Utilities Code - PUC 399.30. (c) (4)

(4) 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.

The effect on my activity by the commission's enforcement of Public Utilities Code - PUC

399.30. (c) (4) is, my ability to monetize renewable energy credits and claim ownership of environmental attributes related to eligible renewable energy credits as a participating customer pursuant to a green pricing program or shared renewable energy generation program.

Does the commission have jurisdiction to enforce Public Utilities Code - PUC 399.30. (c) (4) without regulations specifying procedures for enforcement?

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