

DOCKETED

Docket Number:	16-OIR-05
Project Title:	Power Source Disclosure - AB 1110 Implementation Rulemaking
TN #:	230545
Document Title:	Steve Uhler Comments - OIR-16-05 No need to apologize for defects in the commissions website
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Organization:	Steve Uhler
Submitter Role:	Other Interested Person
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Comment Received From: Steve Uhler
Submitted On: 11/8/2019
Docket Number: 16-OIR-05

OIR-16-05 No need to apologize for defects in the commissions website

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Docket 16-OIR-05 does not contain notice of the canceling of the NOPA.

Government Code - GOV 11346.5. (a) (1) A statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation and Title 20 1208 governs the record for the proceeding for notice of the hearing.

Please cancel NOPA for the record, notices not in the docket are not filed for the record in the proceeding.

Steve Uhler
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Additional submitted attachment is included below.

DOCKETED

Docket Number:	16-OIR-05
Project Title:	Power Source Disclosure - AB 1110 Implementation Rulemaking
TN #:	229687
Document Title:	Notice of Proposed Action
Description:	November 13, 2019 at 10:00 a.m. - Public Hearing for Modification of Regulations Governing the Power Source Disclosure Program
Filer:	Gregory Chin
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/6/2019 2:28:41 PM
Docketed Date:	9/6/2019

NOTICE OF PROPOSED ACTION

Modification of Regulations Governing the Power Source Disclosure Program

California Energy Commission
Docket No. 16-OIR-05
September 2019

INTRODUCTION

The California Energy Commission proposes to modify existing regulations for the Power Source Disclosure (PSD) program established under the Public Utilities Code section 398.1 et seq. The regulations are found at Title 20, California Code of Regulations, section 1390 – 1394. The modifications would affect Sections 1391 – 1394 and create the new Sections 1394.1– 1394.2. The proposed action is taken under the authority of sections 25213 and 25218(e) of the Public Resources Code, and sections 398.4(k)(2)(F)(i) and 398.5(c) of the Public Utilities Code. The proposed modifications to the regulations will implement, interpret, and make specific requirements found in Public Utilities Code sections 398.1 – 398.5.

This rulemaking will update the Power Source Disclosure Program to incorporate the new statutory requirements that the Power Content Label show the GHG emissions intensity of each electricity product offered for sale and the amount of unbundled RECs that is part of such sale. The rulemaking also updates other aspects of the program to facilitate implementation, improve clarity, and ensure that the statutory directive to produce a label that is accurate, reliable, and simple to understand is attained.

NOTICE THAT A PUBLIC HEARING IS SCHEDULED:

The Energy Commission will hold a public hearing for consideration and possible adoption of the proposed regulations on the following date and time unless the Energy Commission decides to consider changes to the express terms of the proposed regulations.

Commission Business Meeting
November 13, 2019
Beginning 10:00 a.m. (Pacific Time)
California Energy Commission
1516 9th Street
Sacramento, CA 95814
Rosenfeld Hearing Room]
(Wheelchair accessible)

Audio for the hearing will be broadcast over the internet. For details, go to <https://energy.webex.com/>.

If you have a disability and require assistance to participate in the hearing, please contact Yolanda Rushin at (916) 654-4310 at least 5 days in advance.

Public Adviser:

The Energy Commission's Acting Public Adviser, Jennifer Martin-Gallardo, is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228 or contact publicadviser@energy.ca.gov.

News Media Inquiries:

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

ORAL STATEMENTS AND WRITTEN COMMENT PERIOD (Government Code section 11346.5(a)(15))

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the hearing, or may submit written comments to the Commission for consideration on or prior to **October 21, 2019**. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments to the Energy Commission using the Energy Commission's e-commenting feature by going to the Energy Commission's Power Source Disclosure AB 1110 Rulemaking webpage at https://www.energy.ca.gov/power_source_disclosure/, selecting Docket Number 16-OIR-05, then select the "Submit e-comment" link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the Energy Commission's Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the docket unit. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 16-OIR-05
1516 9th Street, MS-4
Sacramento, CA 95814

Telephone: (916) 654-5076

Or by e-mail to: DOCKET@energy.ca.gov
Or faxing them to Dockets at (916) 654-4354

STATUTORY AUTHORITY AND REFERENCE (Government Code Section 11346.5(a)(2) and California Code of Regulations, title 1, section 14)

Public Resources Code sections 25213 and 25218(e) and Public Utilities Code sections 398.4(k)(2)(F)(i) and 398.5(c) authorize the Energy Commission to adopt the proposed Express Terms.

The proposed Express Terms would implement, interpret, and make specific provisions of Public Utilities Code sections 398.1, 398.2, 398.4, and 398.5.

INFORMATIVE DIGEST (Government Code Section 11346.5(a)(3))

Existing laws and regulations related directly to the proposed action and effect of the proposed action. (Government Code section 11346.5(a)(3)(A))

The Power Source Disclosure (PSD) program was established by Senate Bill 1305 (Sher, Chapter 796, Statutes of 1997) in an effort to provide information to California consumers about the mix of energy resources generated and purchased by retail suppliers to serve retail customers. The program's intent, as described in statute, is to require the disclosure of "accurate, reliable, and simple to understand information on the sources of energy that are used to provide electric services."¹ In 2016, the Energy Commission adopted modifications to the regulation to incorporate statutory changes required by Assembly Bill (AB) 162 (Ruskin, Chapter 313, Statutes of 2009) and AB 2227 (Bradford, Chapter 616, Statutes of 2012) that modified program rules and clarified reporting requirements.

Under the current program, retail suppliers of electricity are required to disclose information annually to their end-use customers about fuel sources of their power mix, which is the mix of resource types comprising the electricity portfolio sold to them during the previous calendar year. To complete this requirement, retail suppliers report to the California Energy Commission (Energy Commission) their gross electricity procurements, resales of electricity, the net electricity procurements, and retail sales for the previous calendar year. The Energy Commission uses this information, in part, to generate California's Total System Power Mix. The California Total System Power Mix is used to create a template Power Content Label which is provided to retail suppliers. Retail suppliers then disclose the power mix associated with their electricity portfolios, as well as California's overall power mix on a product specific Power Content Label which is sent to consumers. If a retail supplier offers more than one electricity product, also referred to as a portfolio, separate Power Content Labels must be provided for each product, allowing customers to compare the resources used for each available

¹ Public Utilities Code, section 398.1, subd. (b).

electricity product they can purchase.

Passed in 2016, Assembly Bill 1110 (Ting, Chapter 656, Statutes of 2016) modifies the PSD program by further requiring retail suppliers to disclose the greenhouse gas (GHG) emissions intensity associated with each electricity portfolios that serves retail load. GHG emissions intensity is a rate of emissions per unit of electricity. Retail suppliers are required to begin disclosing the GHG intensity associated with their electricity portfolios on the Power Content Label in 2020 for the 2019 reporting year. AB 1110 exempts new community choice aggregators (CCA) from the GHG emissions intensity disclosure requirement for at least the first 24 months and not more than the first 36 months of retail sales and contains a provision for adjusting the disclosed GHG emissions intensity for publicly owned utilities that procure excess zero-GHG resources in a prior year under certain circumstances. AB 1110 also requires that any additional marketing or retail product claims by a retail supplier related to GHG emissions intensity be consistent with the methodology established by the Energy Commission.

Prior law did not specify a treatment of unbundled renewable energy credits (RECs) under the PSD program. AB 1110 requires retail suppliers to disclose to customers its unbundled RECs in a format determined by the Energy Commission.

The proposed regulations would establish an accounting methodology that will calculate GHG emissions intensities according to the sources of electricity delivered to California and not allow unbundled RECs to adjust the GHG emissions of delivered electricity, which is consistent with the GHG accounting methodology established by the California Air Resource Board through previous regulatory proceedings. The proposed regulations would clarify the existing calculation of the fuel mix by clearly establishing that the fuel mix percentages are based on procurements of electricity and therefore exclude unbundled RECs. The proposed regulation establishes a method and format for disclosing retail suppliers' procurement of unbundled RECs as a percentage of retail sales in a separate section of the Power Content Label. The proposed regulation would also recognize retail suppliers' prior investments in firmed and shaped contracts that support the generation of renewable energy that is not delivered to California by requiring retail suppliers to disclose GHG emissions associated with the substitute electricity that is delivered to California under contracts entered into starting January 2019.

Difference from existing comparable federal regulation or statute (Government Code section 11346.5(a)(3)(B))

There are no comparable federal regulations or statutes.

Policy statement overview regarding broad objectives of the regulations and the specific benefits anticipated by the proposed amendments (Government Code section 11346.5(a)(3)(C))

The broad objective of this rulemaking is to amend the regulations to implement new statutory requirements under AB 1110 to ensure customers receive accurate, reliable, and simple to

understand information about the sources of energy, and the associated emissions of greenhouse gases, that are used to provide electric services. The Energy Commission also intends to clarify existing reporting requirements and amend regulatory provisions to improve the accuracy, reliability, and transparency of information retail electricity suppliers disclose about the sources of electricity serving customers. Finally, the Energy Commission proposes non-substantive grammatical and numbering changes for clarity and concision.

The proposed modifications will produce several benefits. The proposed modifications clarify existing requirements, which will reduce the potential for misunderstanding by reporting entities. The implementation of GHG emissions intensity disclosure requirements will establish accurate and reliable GHG accounting, subjecting all entities that provide retail electricity to customers in California with a standardized method for calculating GHG emissions intensities. Disclosure of the GHG emissions intensities will better inform California customers about the GHG emissions of the electricity sources serving them. And the separate disclosure of unbundled RECs will improve the transparency of the Power Content Label and help customers distinguish procurement of unbundled RECs.

Consistency or Compatibility with existing state regulations (Government Code section 11346.5(a)(3)(D))

Consistency with RPS

In developing the proposed Express Terms, the Energy Commission reviewed regulations related to renewable energy and GHG emissions accounting.

The State performs renewable energy accounting in the Renewables Portfolio Standard (RPS), which the Energy Commission and the California Public Utilities Commission implement through regulations and guidelines. Generally speaking, for the RPS, RECs are issued for every megawatt hour (MWh) of electricity generated from renewable energy facilities. RECs from facilities certified to participate in California's RPS are eligible to be used by load serving entities to meet the procurement requirements of California's RPS provided they meet all eligibility requirements. RPS differentiates RECs into three general categories based on differing contractual arrangements and delivery characteristics. The RPS requires that a majority of procurement under contracts entered into after June 1, 2010, be from Portfolio Content Category 1, generally meaning RECs bundled with renewable electricity delivered to a California balancing authority. RPS also allows other REC categories, specifically firmed-and shaped RECs and unbundled RECs, in restricted quantities.

The Energy Commission has sought consistency with the RPS regulations where practicable. The proposed regulations rely on RPS certification to identify eligible renewable generators. The proposed regulations also use the REC categories established by RPS to differentiate various REC products.

To the extent that inconsistencies exist between RPS and the PSD regulation in their treatment of RECs, these inconsistencies exist because the programs serve different purposes and the RPS statutes are inconsistent with statutory mandates governing the PSD program. PSD was

established to provide consumers information on the sources of electricity procured in the prior year. Compliance under the RPS is based on multi-year compliance periods allowing procurement to vary year to year as long as compliance period targets are met, banking of early procurement and excess procurement from prior compliance period is allowed to some degree, and RECs may be retired for up to 36 months after the actual generation of the renewable energy. Therefore, the procurement in any single calendar year will not translate to the procurement applied within a multi-year compliance requirement. While the PSD statutes do not provide a specific treatment of RECs, the statutes call for a program that discloses the sources of generation serving customers over the previous calendar year. Adapting RPS' Portfolio Content Category restrictions that require procurement of a specified percentage of portfolio content category 1 resources and limiting portfolio content 3 resources over a compliance period to the single-year accounting requirement of the PSD statutes would impose constraints on retail suppliers' procurement activities that are more stringent than those allowed under the more flexible multi-year compliance periods of RPS. At the same time, unbundled RECs, although allowed in limited amounts for the RPS, are not a source of electricity, and other electricity must be purchased to actually serve the customer, so inclusion of unbundled RECs as a source of electricity or as a method to modify the disclosure of the fuel types of actual electricity procured by retail suppliers to serve customers undermines the transparency and accuracy of the PSD program. Consequently, the Energy Commission has proposed regulatory language that seeks to harmonize with RPS where practicable while adhering to the differing statutory requirements and intent of PSD.

Consistency with the Mandatory Reporting Regulation (MRR)

The State has also established goals for the reduction of GHG emissions and programs to accomplish these goals. Per AB 32 (Stats. 2006, ch. 488), the California Air Resources Board (CARB) maintains an economy-wide GHG inventory for the State that is consistent with Intergovernmental Panel on Climate Change practices to allow for comparison of statewide GHG emissions with those at the national level and with other international GHG inventories. Statewide GHG emissions calculations use many data sources, including data from other State and federal agencies. However, the primary source of data comes from reports submitted to CARB through the Regulation for the Mandatory Reporting of GHG Emissions (MRR). Through MRR, CARB has implemented GHG emissions reporting for major sources as required by AB 32 MRR establishes reporting requirements for several entity types, including generators and electricity importers. The MRR emissions data is the primary data used in the GHG inventory for the electricity sector, (in-state generators and imported power).

The MRR establishes reporting requirements for several entity types, including electricity generators and importers. The GHG emissions data reported under MRR serves as the foundation of the Cap-and-Trade Program and supports the California GHG Emission Inventory, and CARB makes a summary of the reported emissions data publicly available each year. CARB further applied MRR's GHG emissions accounting method to determine the sectoral emissions reduction target for retail suppliers as required by SB 350 (de León, Chapter 547, Statutes of 2015).

Through a longstanding history of regulations, MRR has established the State's standard reporting and verification processes for GHG emissions. MRR establishes verifiable and standardized measurement methods, uses reported and verified data to calculate GHG emissions intensities of specific generators, and establishes criteria to determine the GHG emissions of electricity imports attributable to California entities. MRR does not use RECs for GHG emissions accounting and does not allow RECs to adjust reported GHG emissions.

The Energy Commission has developed the proposed PSD regulations to be consistent with GHG emissions accounting under MRR.

DOCUMENTS INCORPORATED BY REFERENCE (California Code of Regulations, title 1, section 20(c)(3))

The Commission proposes to incorporate the documents listed below by reference because the inclusion of these lengthy documents in the California Code of Regulations would be cumbersome, unduly expensive, and impractical.

United States Government Accountability Office, *Government Auditing Standards*, July 2018 (GAO-18-568G)

This document is 232 pages long and sets forth the auditing standards that must be followed during the audits required pursuant to section 1394.2. Incorporating these requirements in these regulations would be cumbersome and interfere with the readability of the proposed regulations. In addition to being available at the Energy Commission and online in our dockets, this document is also available at:

<https://www.gao.gov/assets/700/693136.pdf>.

California Public Utilities Commission, *Energy Division's Portfolio Content Category Classification Review Process Handbook*, pg. 3, October 2017.

This document is one page long (the provided link is for the full 30 page document from which the page referenced was derived) and sets forth Portfolio Content Category 2 requirements for retail sellers under the California Public Utilities Commission's RPS Program. Incorporating these requirements in these regulations would be cumbersome and interfere with the readability of the proposed regulations. Because these regulations deal with numerous complicated concepts, it is important that the definitions be as streamlined as possible and not unnecessarily duplicate work done by other agencies. The CPUC has already defined the concept of firmed-and-shaped resources (which it labels PCC 2) as it applies to the entities it regulates, and referencing that definition, instead of inserting lengthy duplicative language in our definitions, ensures that there is no room for confusion as to whether we are adopting that definition or creating a new one. In addition to being available at the Energy Commission and online in our dockets, this document is also available

at: <https://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=6442454933>

Pursuant to California Code of Regulations, title 1, section 20, these documents will be available for review at the Commission at 1516 Ninth Street, Sacramento, California 95814 starting August 16, 2019, on business days from 9:00 am to 5:00 pm. These documents are also available online in the docket log associated with this rulemaking:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-OIR-05>

MANDATED BY FEDERAL LAW OR REGULATIONS (Government Code section 11346.2(c))

The proposed regulation is not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS (Government Code section 11346.5(a)(4))

Not applicable.

LOCAL MANDATE DETERMINATION (Government Code section 11346.5(a)(5))

If adopted, the proposed regulations would impose a mandate on local agencies. Pursuant to Government Code section 17556(d), the costs would not be required to be reimbursed because the local agencies have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service. Public Utilities Code sections 10001, 11501, 15501, and 20500 et seq. provide revenue sources for the affected entities to recoup any costs incurred through compliance with these proposed regulations.

FISCAL IMPACTS (Government Code section 11346.5(a)(6))

The fiscal analysis accompanying the proposed regulations estimates no costs to local agencies or school districts that will require State reimbursement. Local agencies, which include CCAs and POU's, are estimated to have costs of \$8,767,738 in fiscal year 2020/21. None of these costs would be reimbursable as they are not mandated and, if incurred, might be recovered through electricity rate increases to customers, diverted from current expenditures, or mitigated with current procured resources.

The fiscal analysis accompanying the proposed regulations estimates no annual savings to the State for the proposed regulations. The existing PSD reporting processes will be modified to including the calculation of emission factors which will result in a small amount of additional Energy Commission staff work every year.

As mentioned above, cost impact to local agencies, including CCAs and POU's, for the first fiscal year is estimated to be \$8,767,738 but these costs are completely discretionary. There are no non-discretionary costs or savings to local agencies as all the required reporting will be dealt with by the Energy Commission through modifications and automation to the reporting forms.

The proposed regulations will result in additional staff labor by the State approximating 400 work hours annually, with first year fiscal impacts estimated to be \$35,170. The Energy Commission anticipates absorbing these costs within its existing budget.

The proposed regulations will result in no costs or savings in federal funding to the state. The Power Source Disclosure Regulations are not associated with or influence any source of funding or contribute to any savings for any federally funded state activities.

HOUSING COSTS (Government Code section 11346.5(a)(12))

The proposed regulations will not have an impact on housing costs.

INITIAL DETERMINATION RE SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (Government Code sections 11346.3(a), 11346.5(a)(7), and 11346.5(a)(8))

The Energy Commission has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

California's investor owned utilities (IOUs) and Electric Service Providers are the only obligated business entities. Currently, IOUs have procured renewable and zero carbon resources adequate to ensure their power source disclosure electricity reports will continue to include a high percentage of renewable and zero carbon resources resulting in low GHG emissions intensities. For example, the power content label for IOU green pricing programs, marketed as 100 percent renewable, are anticipated to display current procurements from previously entered into contracts from portfolio content category 1 resources which will be classified as renewable and low GHG emission resources.² Electric Service Providers typically provide power to a relatively small specific customer base, and do not provide service to the general public. As such, their procurement decisions and customer decisions are not impacted by the data provided on the power content label.

Other obligated parties required to report include POU's and CCAs, which are associated with local cities, counties, or joint local agencies and are not considered private businesses.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (Government Code sections 11346.5(a)(10))

The overall cost of implementing the proposed regulations is estimated at just over \$8.7 million in the first fiscal year and about the same amount the following fiscal years. Nearly all of the

² http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Energy_-_Electricity_and_Natural_Gas/Renewables%20Portfolio%20Standard%20Annual%20Report%202018.pdf

estimated costs are attributed to CCAs and POU, reflecting the potential for them to adjust their procurement to report lower emissions on the required power content label. The IOUs have procured significant quantities of renewables, which have little or no emissions characteristics and will not need to enter into new agreements to meet a desired GHG emissions intensity. ESPs procurement decisions are not influenced by general marketing materials or the information portrayed on the power content label. Since the CCAs are competing with IOUs for customers, they will be incentivized to adjust their resource procurements to remain competitive. Although POU do not typically compete for customers there are a few instances where, in order to maintain their environmental claims on certain products, they may choose to modify their resource procurements.

The POU and CCAs offering multiple electricity products may also save money by no longer being required to perform audits of any products beyond their first product offered. There are 11 POU who would benefit from this for an estimated benefit of \$47,300 in fiscal year 2020/21. There are 10 CCAs who would benefit from this for an estimated benefit of \$43,000 in fiscal year 2020/21. The total savings for all public entities would be \$90,300 in fiscal year 2020/21. Similar benefits would likely continue while multiple products are offered.

None of the proposed regulations will result in the creation or elimination of any jobs within California as all obligated parties are performing state reporting already under current power source disclosure regulations. Energy Commission updated forms will provide the required new emission values while existing businesses and staff will continue to report the power source data required under this program. No new businesses will be created and neither will any existing business be eliminated by the new regulations. The proposed regulatory changes will not expand any existing businesses doing business in California and there will be no direct benefits of the electricity program emission information to the health and welfare of California residents, to worker safety, or to the state's environment. However, the proposed regulations will help ensure consumers have reliable, accurate, timely, consistent, and simple to understand information about the greenhouse gas emissions and the amount of unbundled RECs associated with their electricity consumption, which will increase consumer awareness of the climate impacts of the electricity sources serving California and could better inform customers about their choices in electricity consumption.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (Government Code section 11346.5(a)(9))

The Energy Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Neither the Energy Commission, nor the city and local public agencies, were considered representative private persons or businesses and therefore were excluded from the summary of business costs.

BUSINESS REPORT (Government Code sections 11346.5(a)(11) and 11346.3(d))

No new reports are required from this update to the PSD program.

EFFECT ON SMALL BUSINESS (California Code of Regulations, title 1, section 4(a) and (b))

The proposed modifications impact businesses in the utility or power transmission industry as reporting entities under the regulation. Government Code § 11342.610 defines small businesses in the utility or power transmission industry as entities that transmit fewer than 4.5 million kilowatt-hours of electricity. No reporting entity fits this definition. Consequently, Energy Commission staff has concluded that the proposed modifications have no significant adverse economic impact affecting small businesses.

ALTERNATIVES STATEMENT (Government Code section 11346.5(a)(13))

The Commission must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON (Government Code section 11346.5(a)(14))

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or any other information upon which the rulemaking is based, should be directed to Jordan Scavo at Jordan.scavo@energy.ca.gov or (916) 654-5189. The designated backup contact person is Gina Barkalow, who can be reached at gina.barkalow@energy.ca.gov or (916) 654-4765.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE (Government Code section 11346.5(a)(16))

The Energy Commission has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons, the express terms of the proposed regulations, and all the information upon which the proposed rulemaking is based, please visit the Energy Commission's PSD program website at: https://www.energy.ca.gov/power_source_disclosure/ or contact the contact person listed above.

AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS (Government Code Section 11346.5(a)(18))

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Energy Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Energy Commission adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS (Government Code section 11346.5(a)(19))

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Commission's website at: https://www.energy.ca.gov/power_source_disclosure/ or contacting the contact person listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET (Government Code sections 11346.4(a)(6) and 11346.5(a)(20))

The Energy Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many other documents in the rulemaking file have been posted at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-OIR-05>.