

DOCKETED

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SMUD's Community Solar Application (TN229860) makes use of renewable energy credits.

Title 24 Building Energy Efficiency Standards do not govern this use of renewable energy credits for this purpose.

Preventing double counting.

Public Utilities Code - PUC 399.21. (a) (1)

(1) The commission and the Energy Commission shall ensure that the tracking system established pursuant to subdivision (c) of Section 399.25, is operational, is capable of independently verifying that electricity earning the credit is generated by an eligible renewable energy resource, and can ensure that renewable energy credits shall not be double counted by any seller of electricity within the service territory of the WECC.

Public Utilities Code - PUC 399.21. (a) (2)

(2) Each renewable energy credit shall be counted only once for compliance with the renewables portfolio standard of this state or any other state, or for verifying retail product claims in this state or any other state.

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).

Title 20 3202 does not specify procedures for enforcement of of SMUD's use of renewable energy credits for Community Solar Application.

No retail sale of energy consumption.

10-115(a) 3 B requires no monetary exchange for the energy commodity in the building's energy consumption. Therefore there is no retail sale energy consumption. This energy consumption is not included in SMUD's retail sales.

ARTICLE 16. California Renewables Portfolio Standard Program [399.11 - 399.33] is a accounting of retail sales.

If PUC 399.30(c)4 is the expected use of the energy consumption, the renewable energy credits can not be used to comply with PUC 399.13 long term contract requirements. PUC 399.31(b) prohibits a POU's transfer of credits to a retail seller, if the POU will fail to satisfy RPS requirements.

Completing rulemaking.

It appears that the commission has to complete a current Order Instituting Rulemaking for RPS before the Executive Director can take all actions necessary to implement the resolution.

Please make clear what all actions necessary to implement the resolution are that the Executive Director is required to take.

Perhaps the commission should table SMUD's application for Community Solar Application pursuant to Title 24 10-115 until the above issues are resolved.

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