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| Docket Number: | 16-RPS-03 |
| Project Title: | Amendments to Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities |
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| Document Title: | Notice of Availability and Request for Comments on Pre-Rulemaking Amendments to the RPS POU Regulations |
| Description: | Notice of Availability and Request for Comments on Pre-Rulemaking Amendments to the Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities |
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CALIFORNIA ENERGY COMMISSION

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CEC-57 (Revised 1/19)



Notice of Availability and Request for Comments on Pre-Rulemaking Amendments to the Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities

Docket No. 16-RPS-03

Introduction

The California Energy Commission (CEC) is proposing amendments to the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities* (RPS POU Regulations) to implement changes in law under Senate Bill (SB) 350 (de León, Chapter 547, Statutes of 2015), SB 1393 (de León, Chapter 677, Statutes of 2016), SB 1110 (Bradford, Chapter 605, Statutes of 2018), and SB 100 (de León, Chapter 312, Statutes of 2018), and to make clarifications to existing regulatory provisions.

The CEC is requesting comments on the proposed pre-rulemaking amendments. Part B of the proposed pre-rulemaking amendments and a complete version of the proposed pre-rulemaking amendments containing both Part A and B are now available for view on the CEC website at https://ww2.energy.ca.gov/portfolio/pou_rulemaking/2016-RPS-03/. Part A addresses amendments to sections 3200 – 3205 of the RPS POU Regulations.¹ Part B addresses the remaining sections of the RPS POU Regulations, sections 3206 – 3208 and section 1240. Also available at the link above is a “Key Topics” document that describes the main topic areas, including alternative considerations and discussion questions that relate to the proposed pre-rulemaking amendments to the RPS POU regulations.

Background

The CEC plans to initiate a formal rulemaking to consider amendments to its RPS POU Regulations in Title 20, California Code of Regulations, Sections 1240 and 3200 – 3208. The regulations specify the enforcement procedures the CEC uses to assess local publicly owned electric utilities (POUs) compliance with California's Renewable Portfolio Standard (RPS). As described above, the amendments to the RPS POU regulations will implement changes in the law, and make clarifications to existing regulatory provisions.

¹ Part A was posted on December 13, 2019 and is available for view at https://ww2.energy.ca.gov/portfolio/pou_rulemaking/2016-RPS-03/

Among other requirements, California's RPS requires retail sellers and POU's to increase their procurement of eligible renewable energy resources to 60 percent of retail sales by 2030. The RPS is administered by the CEC and the California Public Utilities Commission (CPUC). As part of its responsibilities, the CEC oversees RPS compliance and enforcement of the POU's. The RPS POU Regulations specify the rules and procedures the CEC uses to assess a POU's procurement actions and determine whether those actions meet the RPS requirements. The CEC initially adopted the RPS POU regulations on June 12, 2013, with an effective date of October 1, 2013. The CEC subsequently modified the RPS POU Regulations, and the amended regulations were adopted by the CEC on October 14, 2015, with an effective date of April 12, 2016.

In August 2019, the CEC published a staff paper on implementation options for the long-term procurement requirement, one of several requirements established by SB 350, and held a pre-rulemaking workshop on this topic on September 10, 2019. Staff received public comment on the implementation of this requirement and considered this feedback in developing pre-rulemaking amendments. Staff plans to discuss the proposed pre-rulemaking amendments and the "Key Topics" document at the January 10, 2020, Lead Commissioner workshop. The notice for this workshop was previously published by the CEC.²

Written Comments

Stakeholders are encouraged to submit comments. Written comments must be submitted to the Docket Unit by **5:00 p.m. on January 17, 2020**. **Staff encourages commenters to include proposed draft language for the pre-rulemaking amendments in their written responses.**

Written comments, attachments, and associated contact information (e.g. address, phone number, email address) become part of the viewable public record. This information may also become available via any Internet search engine.

The CEC encourages use of its electronic commenting system. Visit <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=16-RPS-03>, which links to the comment page for this docket. Select or enter a proceeding to be taken to the "Add Comment" page. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached in a downloadable, searchable Microsoft® Word (.doc, .docx) or Adobe® Acrobat® (.pdf) file. Maximum file size is 10 MB.

Written comments may also be submitted by email. Include the docket number 16-RPS-03 and "Amendments to Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities" in the subject line and send to docket@energy.ca.gov.

² https://ww2.energy.ca.gov/portfolio/pou_rulemaking/2016-RPS-03/

If preferred, a paper copy may be sent to:

California Energy Commission
Docket Unit, MS-4
Re: Docket No.16-RPS-03
1516 Ninth Street
Sacramento, CA 95814-5512

Public Advisor and Other Commission Contacts

The CEC's Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in CEC forums, please contact Public Advisor, Noemí O. Gallardo, at PublicAdvisor@energy.ca.gov, (916) 654-4489 or toll free at (800) 822-6228.

Please direct requests for reasonable accommodation to Yolanda Rushin at Yolanda.Rushin@energy.ca.gov or (916) 654-4310 at least five days in advance.

Media inquiries should be directed to the Media and Public Communications Office at MediaOffice@energy.ca.gov or (916) 654-4989.

Questions on the subject matter of this meeting should be directed to Katharine Larson at Katharine.Larson@energy.ca.gov or (916) 651-1231.

Availability of Documents

The proposed pre-rulemaking amendments, "Key Topics" document, and other relevant materials for the January 10, 2020, Lead Commissioner workshop will be available at https://ww2.energy.ca.gov/portfolio/pou_rulemaking/2016-RPS-03/.

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