

**DOCKETED**

<b>Docket Number:</b>	16-RPS-03
<b>Project Title:</b>	Amendments to Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities
<b>TN #:</b>	233250
<b>Document Title:</b>	Steve Uhler Comments - RPS-16-03 Requirement to participate in RPS
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	Steve Uhler
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	5/31/2020 9:04:59 PM
<b>Docketed Date:</b>	6/1/2020

*Comment Received From: Steve Uhler  
Submitted On: 5/31/2020  
Docket Number: 16-RPS-03*

## **RPS-16-03 Requirement to participate in RPS**

RPS-16-03 Requirement to participate in RPS

ARTICLE 16. California Renewables Portfolio Standard Program [399.11 - 399.33] requires each local publicly owned electric utility and community choice aggregator to participate in California Renewables Portfolio Standard Program (RPS).

Pursuant to Public Utilities Code - PUC 399.30. (a) (1) To fulfill unmet long-term generation resource needs, each local publicly owned electric utility shall adopt and implement a renewable energy resources procurement plan that requires the utility to procure a minimum quantity of electricity products from eligible renewable energy resources, including renewable energy credits, as a specified percentage of total kilowatt-hours sold to the utility's retail end-use customers, each compliance period, to achieve the targets of subdivision (c).

Pursuant to Public Utilities Code - PUC 399.12. (j) (2) A community choice aggregator shall participate in the renewables portfolio standard program subject to the same terms and conditions applicable to an electrical corporation.

Requirement for local publicly owned electric utilities and community choice aggregators to participate in RPS is set in law.

There is no legal requirement for a utility's retail end-use customers to participate in RPS. No law binds a utility's retail end-use customer to comply with RPS. Only a legally binding contract would allow the Energy Commission, governing board of the local publicly owned electric utility, and State Air Resources Board to enforce any provision of RPS on any utility's retail end-use customer. The provisions of 399.30 (c) (4) can only be enforced through such a legally binding contract that compels the customer to comply with RPS requirements.

Pursuant to Public Utilities Code - PUC 399.21. (a) (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.

Pursuant to Public Utilities Code - PUC 399.21. (a) (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.

Title 20 section 3204 (b) (9) (B) will need to include the submitting to the Energy Commission the enforceable contract signed by the customer of the local publicly owned electric utility that requires the customer to not "monetize" the value of the renewable energy credits associated with the eligible renewable kilowatt-hours that the customer purchased at retail. Contracts or covenants based on Title 24 section 10-115 will not comply with RPS, because the energy is not allowed to result in bill payments, therefore do not result in a retail sale of kilowatt-hours by the local publicly owned electric utility.

The Energy Commission is required to prevent double counting of renewable energy credits. This includes verifying retail product claims in this state or any other state.

Without a contract for a voluntary green pricing or shared renewable generation program to which a retail customer who is participating in RPS requirements pursuant to 399.30 (c) (4) is required, no enforcement of 399.30 (c) (4) is possible as it would otherwise apply to the retail customer.

Steve Uhler  
sau@wwmpd.com