

**DOCKETED**

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## **RPS-18-02 Electricity that is not a product**

RPS-18-02 Electricity that is not a product

Supplying electricity to California end-use customers that is generated by eligible renewable energy resources is necessary to improve California's air quality and public health.

How does the Energy Commission ensure that electricity that is not a product is not counted for compliance with The California Renewables Portfolio Standard Program?

The standard for determining when electricity is a product is found in decisional law know as Fong v. Pacific Gas & Elec. Co.(1988) 199 C.A.3d 30, 38, 245 C.R. 436 [rejecting contention that electricity had become a product since delivery lines had crossed plaintiffs' property line; test is whether it has been metered], Witkin. See also <https://law.justia.com/cases/california/court-of-appeal/3d/199/30.html>

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