

**DOCKETED**

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| <b>Project Title:</b>   | Renewables Portfolio Standard Compliance Period 2 (2014-2016)                                      |
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## **RPS-18-02 Percentage of electricity products from eligible renewable energy resources**

RPS-18-02 Percentage of electricity products from eligible renewable energy resources

Mr. Kevin Chou,

For POU's that meet the requirements of Public Utilities Code - PUC 399.30. (j), how are the percentages of procurement of electricity products from eligible renewable energy resources measured?

How are the electricity demands that are not for electricity products unsatisfied by the POU's hydroelectric generation measured?

How is the generation the POU receives from the POU's hydroelectric generation measured?

Why does Section 3204. RPS Procurement Requirements. (a) (7) (D) require the POU to procure electricity products equal to the portion of the POU's electricity demand unsatisfied by the POU's qualifying hydroelectric generation?

Pursuant to Section 3204. RPS Procurement Requirements. (a) (7) (B) For purposes of this section 3204 (a)(7), "electricity demand" means consumption of electricity by all end-use customers and their tenants, including but not limited to the POU itself, measured in MWh.

Neither Energy Commission regulation or guideline define what a product is when applied to electricity.

Based on the below standard, electricity used by the POU itself is not a product.

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>

Please place your response in the docket 18-RPS-02 pursuant to Title 20 Section 1208.

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