

**DOCKETED**

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## **RPS-16-03 Replacement of 'total retail sales' with 'retail sales'**

RPS-16-03 Replacement of "total retail sales" with "retail sales"

Care must be taken to not remove the word "total" when it refers to product.

Statutory provision, Public Utilities Code - PUC 399.30. (a) (1) refer electricity products from eligible renewable energy resources, including renewable energy credits, as a specified percentage of total kilowatthours sold to the utility's retail end-use customers, each compliance period.

Statutory provision, Public Utilities Code - PUC 399.30. (c) (4) states, in calculating the procurement requirements under this article, a local publicly owned electric utility may exclude from its total retail sales the kilowatthours generated by an eligible renewable energy resource that is credited to a participating customer pursuant to a voluntary green pricing or shared renewable generation program.

These two subdivisions of the same section, Public Utilities Code - PUC 399.30, use the word "total" to connect the time period total of each compliance period for the quantity product known as kilowatthours.

A retail sale is made when electricity measured in watts enters the stream of commerce and is then a "product" in the legal terms.

The percentage of total kilowatthours, the product, sold to the utility's retail end-use customers, each compliance period has to be calculated based on total products sold in the compliance period in order to compare with the specified percentage of total kilowatthours required for each compliance period.

The removal of the word "total" changes the meaning of what is to be calculated.

Perhaps the commission staff have overlooked calling out the specified percentage of total kilowatthours sold to the utility's retail end-use customers, each compliance period? It appears to be missing from the proposed regulations.

Perhaps this oversight for specified percentage is the basis for the thinking behind the removal of the word "total" as it applies to retail sales would not change the meaning of the total for the compliance period?

Perhaps clarifying the meaning of "product" as it applies to electricity is required to ensure only product in the legal terms is counted?

What is the Energy Commission's definition of "product" as it applies to electricity?

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