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RPS-16-03 Substantive Placebo Product Participation Party

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A state agency shall consider all relevant matter presented to it before adopting, amending, or repealing any regulation.

When fundamental relevant matter is not addressed, regrettable decisions often follow.

Defining contracts for procurement of products where the products are not clearly defined is a fools errand.

The utility is required to procure a minimum quantity of 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.

Pursuant to PUC 399.12. (h) (1), "Renewable energy credit" means a certificate of proof associated with the generation of electricity from an eligible renewable energy resource, issued through the accounting system established by the Energy Commission pursuant to Section 399.25, that one unit of electricity was generated and delivered by an eligible renewable energy resource.

Pursuant to PUC 399.12. (h) (2), "Renewable energy credit" includes all renewable and environmental attributes associated with the production of electricity from the eligible renewable energy resource, except for an emissions reduction credit issued pursuant to Section 40709 of the Health and Safety Code and any credits or payments associated with the reduction of solid waste and treatment benefits created by the utilization of biomass or biogas fuels.

Pursuant to 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.

Environmental attributes associated with the production of electricity from the eligible renewable energy resource are products that are sold to the public separately from the electricity. These environmental attributes are not to be double counted.

Lest the contracts the public holds for the right to claim the environmental attributes are

ruled invalid, these contracts must be considered in the Energy Commission's regulations pursuant to PUC 399.21 and 399.13 (b).

If the Energy Commission does not consider the relevant matter of the public's ownership of environmental attributes associated with the production of electricity from the eligible renewable energy resource presented to it before adopting, amending, or repealing any regulation, the public should consider contracts for the right to claim environmental attributes associated with the production of electricity from the eligible renewable energy resource as not valid or a invitation to a lawsuit at best and should be avoided.

Looking forward to the Energy Commission's adoption of regulations implementing PUC 399.21 protections for the public who are party to voluntary green pricing or shared renewable generation programs.

The Energy Commission's verifying retail product claims in this state or any other state when reviewing each publicly owned utility's renewable energy resource procurement plan may bring more public support for renewable energy resources.

No more Substantive Placebo Product Participation Party.

The placebo effect ends when belief in the system ends.

Perhaps it's not too late to save the system?

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