

DOCKETED

Docket Number:	16-RPS-03
Project Title:	Amendments to Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities
TN #:	238812
Document Title:	OAL Notice of Approval of Regulatory Action and endorsed Form 400
Description:	Office of Administrative Law's approval of the modifications to the RPS regulations for POUs. Approval issued on July 12, 2021 with an effective date of the regulatory action of July 12, 2021.
Filer:	Gregory Chin
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/12/2021 4:55:59 PM
Docketed Date:	7/12/2021

**State of California
Office of Administrative Law**

In re:
California Energy Commission

Regulatory Action:

Title 20, California Code of Regulations

Adopt sections:

**Amend sections: 3201, 3202, 3204, 3205,
3206, 3207, 3208, 1240**

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3


OAL Matter Number: 2021-0527-02

OAL Matter Type: Regular (S)

The California Energy Commission (CEC) in 2013 adopted regulations specifying procedures for enforcement of the Renewables Portfolio Standard (RPS) on local, publicly-owned electric utilities (POUs). The RPS was created to increase the amount of electricity generated from eligible renewable energy sources. Eligible sources generally mean: wind, solar, biomass, ocean wave, tidal current, landfill or digester gas, geothermal, and small hydroelectric. These regulations were updated in 2016. Now CEC is amending these regulations due to the passage of four bills, SB 350 (Stats. 2015, ch. 547), SB 1393 (Stats. 2016, ch. 677), SB 100 (Stats. 2018, ch. 312), and SB 1110 (Stats. 2018, ch. 605). These amendments provide how POUs comply with the long-term procurement requirement and how the RPS procurement targets for compliance periods after 2020 will be enforced. These regulations also update rules implementing the requirements for accrual and use of excess procurement, use of a qualifying green pricing or shared renewable generation program to adjust retail sales, and use of the delay of timely compliance and cost limitation measures. In addition, rules are established for RPS procurement target exemptions for qualifying large hydroelectric generation, unavoidable long-term coal contracts, and qualifying gas-fired generation.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/12/2021.

Date: July 12, 2021



Peggy S. Gibson
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Drew Bohan, Executive Director
Copy: Gregory Chin

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2020-0428-01	REGULATORY ACTION NUMBER 2021-0527-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED DATE APR 28 '20	PUBLICATION DATE MAY 08 '20	2021 MAY 27 P 4: 0	
Office of Administrative Law		OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUL 12 2021

1:17 pm

AGENCY WITH RULEMAKING AUTHORITY
California Energy Commission

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Enforcement Procedures for the RPS for POU's	TITLE(S) 20	FIRST SECTION AFFECTED 1240; 3201	2. REQUESTED PUBLICATION DATE May 8, 2020
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Katharine Larson	TELEPHONE NUMBER (916) 651-1231	FAX NUMBER (Optional)
OAL USE ONLY <input checked="" type="checkbox"/> ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input checked="" type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Enforcement Procedures for the RPS for POU's	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) N/A
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) 20	ADOPT 3201, 3202, 3204, 3205, 3206, 3207, 3208, and 1240.
TITLE(S) 20	REPEAL

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) **May 7, 2020 - June 22, 2020; July 21, 2020 - August 5, 2020; August 18, 2020 - September 2, 2020; December 1, 2020 - December 16, 2020**

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal
 Other (Specify)

7. CONTACT PERSON
Gregory Chin TELEPHONE NUMBER **916-776-7961** FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) **gregory.chin@energy.ca.gov**

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
[Signature]
DATE
5/4/21
TYPED NAME AND TITLE OF SIGNATORY
Drew Bohan, Executive Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 12 2021

Office of Administrative Law