

DOCKETED

Docket Number:	21-OIR-01
Project Title:	Rulemaking to Amend Regulations Governing the Power Source Disclosure Program
TN #:	240842
Document Title:	Presentation - 2021 Staff Pre-Rulemaking Workshop on Updates to the PSD Regulations
Description:	This is the PowerPoint presentation for the Staff Pre-Rulemaking Workshop on Updates to the Power Source Disclosure Regulations held December 7, 2021.
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Submitter Role:	Commission Staff
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California Energy Commission

Title: Updates to the Power Source Disclosure Regulations

Presenter: Ariel Lee

Date: December 7, 2021



Housekeeping

1. Webinar is being recorded via Zoom and there is a court reporter
2. Draft Regulations are posted on the docket
3. Public Comment
 - Use the "raise hand" feature in Zoom
 - Over the telephone: dial *9 to "raise hand" and *6 to mute/unmute your phone line
 - Type your question in the Q&A window
 - Limit comment to 3 minutes per commenter or organization per topic
4. Written comments are due by 5:00 p.m. on December 21, 2021.
 - Submit through the e-commenting system (**21-OIR-01**) at:
<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-OIR-01>
5. Subscribe to the Power Source Disclosure (PSD) List Serve at:
<https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure>



Agenda

1. Scope of rulemaking
2. Rulemaking process
3. Proposed updates to the PSD Program regulations
4. Public comment period



Scope of Rulemaking



Scope of Rulemaking

1. Audit Requirements and Alternative for Public Agencies
2. Power Content Label (PCL) Due Dates
3. New Community Choice Aggregation (CCA) GHG Reporting Requirements
4. Unbundled Renewable Energy Credit (REC) Reporting Requirements
5. PCL Template Formatting
6. Power Charge Indifference Adjustment (PCIA) Resource Allocations



Rulemaking Process

- Pre-Rulemaking
 - Scoping workshop – December 2021
 - Order Instituting Rulemaking – January 2022
- Formal Office of Administrative Law (OAL) Rulemaking
 - Commences when OAL publishes Notice of Proposed Action (NOPA)
 - NOPA – March 2022
 - Initial Statement of Reasons – March 2022
 - Express Terms – March 2022
- Hearing to adopt regulations – Summer 2022
- Submission of rulemaking action to Office of Administrative Law



Proposed Updates to the PSD Program Regulations



Audit Requirements and Alternative for Public Agencies

Proposed language

- § 1394.2(a)(2) A retail supplier that is a public agency providing electric services is not required to comply with the provisions of subdivision (a)(1) if the board of directors of the public agency submits to the Energy Commission an attestation of the veracity of each annual report ~~and power content label~~ for the previous year.

Rationale

- Annual Reports contain the data that retail suppliers use to populate the PCL. Attesting to the veracity of both is redundant.
- The CA power mix and CA average emissions intensity on the PCL template are determined using Annual Report data submitted in June.



PCL Due Dates

Proposed language

- § 1394.1(b)(2) The power content label shall be provided ~~by United States mail to customers served by each electricity portfolio and to the Energy Commission~~ by September 1 of each year, on or before the end of the first complete billing cycle for the third quarter of the year. The power content label shall be provided to customers in written promotional materials by the end of the first complete billing cycle for the fourth quarter of the year. Retail suppliers may provide annual disclosures to customers via electronic mail, provided that the customer has consented to receiving electronic mail notice in lieu of service by United States mail. ~~Annual disclosures~~ The power content label shall also be displayed on the website of the retail supplier, if it maintains one for purposes of communicating information about electric service, in an easily marked and identifiable location by October 1 of each year.

Rationale

- Implementation of due dates directed by AB 242



New CCA GHG Reporting Requirements

Proposed language

- § 1394.1(g) ~~New community choice aggregators shall report the GHG emissions intensity of their electricity portfolios beginning with the first annual report containing data from the first full calendar year of operation following the first 24 months of serving their first retail customer. Any new community choice aggregator formed after January 1, 2016, is not required to report data on greenhouse gas emissions intensity associated with retail sales until at least 24 months, but shall report that data no later than 36 months, after serving its first retail customer.~~

Rationale

- Replacing the current regulatory language with the statutory language would ensure the regulation would not substantively conflict with the timetables in the statute.



Unbundled REC Reporting Requirements

Proposed language

- § 1394(b)(2)(A) Quantity of unbundled RECs associated retired in association with ~~the~~an electricity portfolio ~~retired~~offered during the previous calendar year, denominated in thousands of kilowatt hours.
 - *This proposed language would be reflected in the § 1394.2(b)(1)(B)4 Auditing and Verification requirements as well.*

Rationale

- The current regulatory language inadvertently creates confusion as to whether unbundled RECs associated with electricity products sold during the last quarter of the year may be claimed.



PCL Template Formatting

Proposed language

- § 1394.1(i) Each retail supplier shall use the power content label template provided by the Energy Commission on its website **or by electronic mail** to generate its power content label. The format of the power content label may not be altered by the retail supplier.

Rationale

- To accommodate retail suppliers' printing needs and ensure PCLs are accessible to consumers, it is reasonable to accept templates with scaling and sizing adjustments.



PCIA Resource Allocations

Power Charge Indifference Adjustment (PCIA)

- Mechanism to ensure IOU customers are not unfairly burdened by departing load
- Administered by CPUC and applies to IOUs and other retail suppliers in IOU territories



Next Steps

Estimated timeframes:

- Public comments on pre-rulemaking proposal – December 21, 2021
- Initiate formal rulemaking – March 2022
- Present regulation for adoption – Summer 2022



Public Comments





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Thank You

For more information:

Website: <https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure>

Email: psdprogram@energy.ca.gov