

**DOCKETED**

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*Comment Received From: Steve Uhler*  
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**OIR-21-01 Reliable, accurate, timely, and consistent information**

*Additional submitted attachment is included below.*

OIR-21-01 Reliable, accurate, timely, and consistent information

I believe governmental and public interest is served best by disclosing all greenhouse gases produced by the electric system.

A retail supplier that has to use generation that produces greenhouse gases to stay in business is not sustainable and is contrary to California's policy to transition to a zero-carbon electric system. Retail suppliers must report all greenhouse gases they produce to ensure the achievement of this policy.

Power source disclosure that shuffles out any greenhouse gases produced by the electric system is not reliable, accurate, timely, and consistent information.

## **1. Audit Requirements and Alternative for Public Agencies**

Please amend language for 1394.2(a)(2) as follows:

"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 attestations of the veracity of each annual report and printed power source disclosure, and delivery of printed power source disclosure for the previous year to customers through the U.S. Mail. The attestations shall be filed pursuant to Title 20, section 1208."

Rationale for the amendment is to ensure Annual Report data is the same data used to produce the printed power source disclosure provided to the customer, and printed power source disclosure was delivered to the customers through the U.S. Mail, and attestations are filed for the proceeding's record.

## **2. Power Content Label (PCL) Due Dates**

Please amend language for 1394.1(b)(2) as follows:

"1394.1(b)(2) The power content label shall be provided by United States mail to customers served by each electricity portfolio, by the end of the first complete billing cycle for the fourth quarter of the year and in all written promotional materials for electricity portfolios except in advertisements and notices in general circulation media. Retail suppliers may provide power content labels to customers via electronic mail, provided that the customer has knowingly consented to receiving electronic mail notice in lieu of service by United States mail. 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 clearly marked and identifiable location by October 1 of each year. The power content label shall be filed pursuant to Title 20, section 1208 by September 1 of each year."

Rationale for amendment is to clarify service of the annual power content label to customers and Energy Commission, and implementation of due dates pursuant to AB 242.

### **3. New Community Choice Aggregation (CCA) GHG Reporting Requirements**

Please add language for 1394.1(a)(4) as follows:

"1394.1(a)(4) The Energy commission shall provide a exemption from reporting on greenhouse gas emissions intensity, pursuant to Public Utilities Code 398.4.(k)(2)(F)(ii) for any new community choice aggregator formed after January 1, 2016."

Rationale for the adding of 1394.1(a)(4) is to promptly notify retail suppliers that are community choice aggregators of a exemption in section, clarifying and avoiding any overlap or duplication pursuant to Government Code 11349(f).

Please delete 1394.1(g) and add new subdivision 1394.1(g) as follows:

"1394.1(g) All greenhouse gases produced by operating and maintaining any resource used by retail suppliers shall be reported to retail customers regardless of kilowatt-hour sales. The Energy Commission shall not allow resource shuffling to exclude any greenhouse gases produced in providing and maintaining electric services. Reported greenhouse gases include but not limited to those produced to operate and maintain generation, transmission, and distribution resources."

Rationale for deletion 1394.1(g) and addition of new language for subdivision 1394.1(g) is implementation of SB 100 prohibition of resource shuffling pursuant to Public Utilities Code 454.53(a), and implementation Public Utilities Code 454.53(b)(3), pursuant to Public Utilities Code 454.53(d)(1).

### **4. Unbundled Renewable Energy Credit (REC) Reporting Requirements**

Please amended language for 1394(b)(2) as follows:

"1394(b) (2) Unbundled RECs.

(A) Quantity of unbundled RECs reserved or retired in WREGIS in association with an electricity portfolio offered during the previous calendar year, denominated in kilowatt hours.

(B) Generator name, location, fuel type, vintage year, and WREGIS and RPS identification numbers for each source of reserved or retired unbundled RECs in WREGIS.

(C) Upon request by the Energy Commission, the retail supplier shall authorize WREGIS to confirm unbundled REC reserved or retired in WREGIS in WREGIS associated with each electricity portfolio."

Rationale for the amendment is to allow portfolio customers control over environmental attribute ownership through use of WREGIS reserve accounts for the portion of annual portfolio sales derived from electricity products such as unbundled renewable energy credits.

## **5. PCL Template Formatting**

Power content label is unnecessarily small in size.

Power content label formatting limits what retail suppliers can tell their customers.

Tariffs or offers for portfolios that support zero emission energy storage are disadvantaged by label format and accounting methodology.

Total California system electricity, which is the sum of all in-state generation and net electricity imports by fuel type does not appear on the label.

Excel does not enforce referential integrity and format control is easily bypassed. The Energy Commission should explore other methods to produce power content labels.

## **6. Power Charge Indifference Adjustment (PCIA) Resource Allocations**

Departing load and customers that move out of service area are entitled to receive a power content label for the previous year.

The costs of making the disclosures required by Public Utilities Code 398.4 shall be considered to be generation related pursuant to Public Utilities Code 398.4(f).

## **7. Prohibiting resource shuffling**

SB 100 prohibits resource shuffling pursuant to Public Utilities Code 454.53.(a).

Most electric generation is not at marketable voltage expected by retail customers.

Electricity is not in the stream of commerce before metering at the customer's premises.

The Legislature finds and declares that there is a need for reliable, accurate, timely, and consistent information regarding fuel sources for electric generation offered for retail sale in California. The purpose of Disclosure of Sources of Electrical Generation is to establish a program under which entities offering electric services in California disclose accurate, reliable, and simple to understand information on the sources of energy, and the associated emissions of greenhouse gases, that are used to provide electric services.

The Public Utilities Commission and Energy Commission, in consultation with the State Air Resources Board, shall take steps to ensure that a transition to a zero-carbon electric system for the State of California does not cause or contribute to greenhouse gas emissions increases elsewhere in the western grid and shall not allow resource shuffling. The Energy Commission shall utilize programs authorized under existing statutes to achieve a zero-carbon electric system. Disclosure of Sources of Electrical Generation is one such program.

Many process steps are required after generation for electricity to become a marketable product offered for retail sale in California. Electricity offered for retail sale must have voltage adjusted to levels expected by retail customers.

Transmission and distribution is not merely incidental to the main business authorized by retail suppliers' franchise. The court declared that construction and maintenance of its lines is a necessary part of the utility's business. Retail suppliers can not offer any portfolios without transmission and distribution resources, a necessary part of the utility's business, to safely and reliably set voltages to marketable levels.

Current power source disclosure accounting allows the shuffling of resources to proportionally reduce the amount of greenhouse gases reported on power content labels. Transmission and distribution resources that adjust voltages to marketable levels for retail sale

are shuffled out by not including them in the accounting methodology.

Section 1393(a)(6) allows the shuffling of the order of fuel type such that fossil fuel generation is shuffled out, making the portfolio appear to produce less greenhouse gases than actually produced to provide retail electric services.

Section 1393(d)(2)(A) allows temporal shuffling to adjust emissions in a subsequent reporting year. When the local publicly owned electric utility wishes to use excess zero-GHG generation to adjust emissions in a subsequent reporting year, it shall make that election in its annual report and the Energy Commission shall confirm that there is sufficient excess zero-GHG generation for the requested adjustment and that it was generated within twenty years of its elected use. While Public Utilities Code 398.4.(k)(2)(D) requires the Energy Commission to establish guidelines for adjustments to a greenhouse gas emissions intensity factor for a reporting year for any local publicly owned electric utility demonstrating generation of quantities of electricity in previous years in excess of its total retail sales and wholesale sales from specified sources that do not emit any greenhouse gases, SB 100 prohibits resource shuffling.

Resource shuffling shown above encourages greenhouse gas emissions increases elsewhere in the western grid in both space and time.

Remove resource shuffling from current power source disclosure by requiring the accounting methodology to include all greenhouse gas produced to provide electricity services at marketable voltages expected by retail customers regardless of sources that do not emit any greenhouse gases.

Proven achievement of a reliable zero-carbon electric system requires retail suppliers to disclose accurate, reliable, and simple to understand information on the sources of energy, and the associated emissions of greenhouse gases that are used to provide electric services.

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