

DOCKETED

Docket Number:	21-OIR-01
Project Title:	Rulemaking to Amend Regulations Governing the Power Source Disclosure Program
TN #:	260887
Document Title:	CMUA Comments - on Proposed 15-Day Language Amendments to the Power Source Disclosure Regulations
Description:	N/A
Filer:	System
Organization:	CMUA
Submitter Role:	Public
Submission Date:	1/3/2025 1:05:30 PM
Docketed Date:	1/3/2025

*Comment Received From: CMUA
Submitted On: 1/3/2025
Docket Number: 21-OIR-01*

on Proposed 15-Day Language Amendments to the Power Source Disclosure Regulations

Additional submitted attachment is included below.



January 3, 2025

California Energy Commission
Docket Unit, MS-4
Re: Docket No. 21-OIR-01
715 P Street
Sacramento, CA 95814-5512

RE: California Municipal Utilities Association Comments on Proposed 15-Day Language Amendments to the Power Source Disclosure Regulations [CEC Docket No. 21-OIR-01]

Dear Commission Staff,

The California Municipal Utilities Association (“CMUA”) respectfully submits these comments on the proposed *Revisions to the Power Source Disclosure Program* (“15-Day Language”), issued on December 6, 2024. CMUA thanks both the Commission and staff for their substantial efforts throughout this proceeding. The proposed regulations, as modified by the 15-Day Language, substantially address all of the key outstanding issues that CMUA raised in prior comments. In its current form, these regulations implement Senate Bill (“SB”) 1158 (stats. 2022, Ch. 367, Becker) in a manner that is consistent with California’s environmental and reliability goals, while also improving the accuracy and clarity of the power content labels (“PCLs”). Therefore, CMUA urges the Commission to adopt the proposed revisions to the regulations governing the power source disclosure program as modified by the 15-Day Language.

In these comments, CMUA recommends that the Commission provide two clarifications regarding the power source disclosure regulations. If the Commission does not issue a second set of 15-Day Language, these clarifications could occur outside of the regulation, such as through a regulatory advisory document. Specifically, CMUA requests that the Commission do the following:

- Clarify the intent of Section 1393.1(a)(3) and its impact on PCLs; and
- Clarify when retail suppliers must report transmission and distribution losses as specified in Section 1393(b)(2)(B) and report the hourly greenhouse gas emission data specified in Section 1393(b)(2)-(7).

I. COMMENTS ON THE 15-DAY LANGUAGE

A. Clarify the Intent of Section 1393.1(a)(3)

The 15-Day Language makes the following change to Section 1393.1(a)(3):

The Energy Commission shall provide fuel mix and GHG emissions intensity of ~~California's total statewide retail electricity sales~~ total California loss-adjusted load for inclusion on the power content label. Beginning January 1, 2026, the Energy Commission shall instead provide the fuel mix and GHG emissions intensity of California's total loss-adjusted load for inclusion on the power content label.

This change has the potential to create confusion because this section now states that the Commission will provide the fuel mix and GHG emissions intensity of “California loss adjusted load,” but then states that after January 1, 2026, the Commission will “*instead*” provide the fuel mix for and GHG emissions intensity of “California’s total loss adjusted load.” The use of the word “instead” in this Section implies that the Commission will utilize different information before 2026 than it will after 2026, however, the actual language in the first and second sentences appears nearly identical.

In the Summary of Amendments for the 2nd 45-Day Language, the Commission clarified the intent for this section:

Updates to this section clarify that the inclusion of California’s transmission and distribution losses in the statewide fuel mix and emissions intensity displayed on the PCL shall begin in 2026. As part of this update, staff will begin calculating the statewide fuel mix using data reported directly to this program in the annual reports, rather than using Total System Electric Generation (TSEG)—an annual inventory calculated by the Energy Commission based on a different dataset—as a reasonable approximation for the statewide fuel mix. This is necessary because TSEG includes some resources that were not procured by any retail supplier, such as cogeneration used on-site and generation owned by the Department of Water Resources. Staff analysis of 2022 data shows that a statewide fuel mix based on aggregated PSD data would have a higher renewable percentage over TSEG (38.8% vs 35.8%) as well as a slight increase in large hydroelectric.

By changing Section 1393.1(a)(3) to reference “total California loss-adjusted load” for the reporting period prior to 2026, the draft regulations now appear to state that the transition to utilizing transmission and distribution losses, as well as new program data will begin immediately rather than in 2026. This appears inconsistent with the Commission’s prior explanation of its intent.

While the Commission should clarify its intent, CMUA does not believe that this is a major issue and does not believe that this change alone merits an additional set of 15-Day Language. As stated above, CMUA believes that a regulatory advisory document or some other form of public guidance is sufficient to provide the needed clarification.

B. Clarify the Initial Reporting Year for New Reporting Requirements

Pacific Gas and Electric’s (“PG&E’s”) November 15, 2024 Supplemental Comments on the 45-Day Language identify potential confusion regarding the initial reporting year for both transmission and distribution losses for use in the annual power content label and the initial reporting year for the hourly greenhouse gas information. PG&E notes that it is unclear whether the dates specified in the proposed regulations refers to the *first reporting year* (using the prior year’s data) or the *first data year* (with actual reporting occurring in the subsequent year). For example, it is unclear whether the hourly greenhouse gas emission reporting requirement starts in 2028 based on 2027 data or whether it starts in 2029 based on 2028 data.

CMUA agrees that the Commission should clarify its intent and the requirement for retail suppliers but does not believe that this issue alone merits the release of a second set of 15-Day Language. Again, CMUA believes that clarification outside of the regulations would be sufficient.

II. CONCLUSION

CMUA appreciates the opportunity to provide these comments to the Commission. Thank you for your time and attention to these comments.

Respectfully submitted,

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