

STATE OF CALIFORNIA - THE RESOURCES AGENCY
BEFORE THE
CALIFORNIA ENERGY COMMISSION (CEC)

In the matter of,)
Implementation of Renewables) Docket No. 03-RPS-1078 &
Portfolio Standard) 11-RPS-01 RPS Proceeding
Legislation) Docket No. 02-REN-1038
and) Renewable Energy Program
Implementation of Renewables)
Investment Plan Legislation)

11-RPS-01
California Energy Commission
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WORKSHOP
Re: 2008-2010 RPS Procurement
Verification and Proposed
SB X 1-2 RPS Verification

California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, California

Friday, September 21, 2012
9:10 A.M.

 **ORIGINAL**

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Also Present (* Via WebEx)

Public Comment

Valerie Winn, PG&E
*Tom Roth, SCPPA
Michael Webster, LADWP
*Barry Dong, LADWP
Bill Westerfield, SMUD

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P R O C E E D I N G S

1
2 SEPTEMBER 21, 2012

9:10 A.M.

3 MS. ZOCSETTI: So, good morning everyone. I'm
4 Kate Zocchetti, I'm the lead for the Renewables Portfolio
5 Standards here at the California Energy Commission

6 I'd like to welcome you to the Commission on
7 this fine, fall day.

8 We have folks participating here in the
9 audience. We have a reporter here that will be doing a
10 transcript for us, for the first part of our
11 presentation, and we also have WebEx, and folks can call
12 in as well.

13 So, just to give you a little brief overview and
14 then I'm going to turn it over to staff. First, I'd
15 like to give you some housekeeping notes that, in the
16 case of an emergency, please follow staff. We'll be
17 going outside, across the street to the park kiddie
18 corner to the Energy Commission, until the all-clear
19 sign. Hopefully, that won't be an issue this morning.

20 We have restrooms located right outside this
21 room, across the hall. And on the second story -- the
22 second floor there is a coffee room with sandwiches and
23 snacks.

24 What we plan to do, we sort of have three parts
25 to today's workshop. First, we're going to have an

1 overview of the Energy Commission's RPS Procurement
2 Verification process. Then we'll have some public
3 comments.

4 And then we're going to give you an overview of
5 a draft summary of the Retail Sellers' Procurement
6 claims for the years 2008 through 2010.

7 Again, we'll have comments on those issues.

8 If we finish that early enough, maybe we'll have
9 a break and move into the second or the third part of
10 our presentation, our workshop which is talking about
11 what staff is thinking about for verifying procurement
12 for the retail sellers and the publicly-owned electric
13 utilities for the years 2011 and thereafter under Senate
14 Bill X1-2.

15 If we go a little bit longer this morning, then
16 we'll just have a lunch break and then proceed with the
17 third part in the afternoon.

18 Of course, we'll have public comments then and
19 then there will be an opportunity for written comments,
20 as well.

21 Let's see, okay, I already went over
22 housekeeping. There are handouts there. I should
23 mention that if you want to speak here, in the Energy
24 Commission, Conference Room A, you should grab a blue
25 card at the front desk there, and fill it out, and give

1 it to staff and then we'll call you up to the podium.

2 Please make sure that you state your name before
3 you speak, for the court reporter, and he would
4 appreciate it if you would give him a business card so
5 that he spells your name correctly in the transcript.

6 I'm getting ahead of myself. Is someone -- was
7 there someone speaking? We'd like to go ahead and mute
8 the phone lines for now.

9 During the public comment period we will unmute
10 the phone lines.

11 If you are participating on WebEx, you can view
12 the slides on your computer. You can raise your hand
13 with the little raise hand function, and we can take
14 your question verbally or you can type it into the chat.
15 And we have someone here monitoring your comments and
16 questions, and we would be happy to address those at the
17 comment period.

18 As I mentioned, the WebEx users and the phone
19 users will be unmuted during the public comment period.

20 And if you are listening in and you want to find
21 out how to get online, please follow our workshop notice
22 instructions.

23 During the public comment periods we will take
24 comments, first, from the folks here in person at the
25 Energy Commission, followed by the WebEx participants

1 and then the phone-in participants.

2 So, I'd like to introduce the staff here today.

3 I'll be sitting right there and to my immediate left is
4 Gabe Herrera, with our Legal Office, Gina Barkalow, who
5 leads the verification process and James Haile who works
6 on the verification.

7 And working the WebEx here is Brian McCullough.

8 We have other staff in the audience, too, who
9 worked on the publicly-owned utility regulations and so
10 they're here to answer questions, as well.

11 And so I'd like to have Gina come up and she can
12 give you her presentation.

13 MS. BARKALOW: Hi everyone, thank you for coming
14 today. My name's Gina Barkalow and I am the lead for
15 the RPS Procurement Verification.

16 This slide is just a general outline of what I'm
17 going to cover this morning. There's a lot to talk
18 about today, so this presentation is designed to give a
19 high level overview of the Energy Commission's role in
20 regards to the California Renewable Portfolio Standard.

21 Theresa Daniels, as Kate mentioned, will be
22 giving a presentation going into the details of our
23 verification process and the results, and while I'm more
24 focused here on discussing the main issues that have
25 been identified.

1 Under the Renewable Portfolio Standard the
2 Energy Commission is charged with certifying eligible
3 renewable energy resources, designing and implementing
4 an accounting system to verify Renewable Portfolio
5 Standard Procurement, or RPS, establishing a system that
6 protects against double counting of the same renewable
7 energy credit, and developing and implementing RPS
8 regulations for the POUs.

9 RPS Procurement Verification Reports through
10 2010 present the amount of RPS-eligible energy procured
11 and reported by electric retail sellers toward meeting
12 California's RPS.

13 Staff is currently verifying years 2008 through
14 '10, and we expect to have a draft verification report
15 by the end of this year and a final within the first
16 quarter of next year.

17 For 2011 and forward, staff anticipates
18 Compliance Period Verification Reports, one for retail
19 sellers and one for POUs, and I'll be talking more about
20 this later today.

21 The Energy Commission was mandated to develop a
22 system based on independently audited data to protect
23 against double counting. Until WREGIS was operational,
24 the Energy Commission relies on an interim tracking
25 system, but it has inherent limitations. And they're

1 listed here on this slide.

2 So, WREGIS stands for the Western Renewable
3 Energy Generation Information System. WREGIS tracks
4 renewable generation to help ensure the credibility of
5 the green value of renewable electricity.

6 WREGIS is a voluntary, independent renewable
7 energy registry and tracking system for the Western
8 Interconnection Transmission area. This includes 14
9 Western States, two Canadian Provinces, and a portion of
10 Northern Baja, Mexico.

11 WREGIS was launched in 2007. Retail sellers,
12 POUs, renewable facilities and third parties
13 participation in California's RPS are required to
14 register with, and use WREGIS. Generation is reported
15 by qualifying reporting entities, QREs.

16 The results, as of September 12th, show that
17 there are more than 537 companies and 2,600 generators
18 approved to be WREGIS account holders.

19 So, retail sellers began transitioning to WREGIS
20 starting in 2008. And by 2010 almost all procurement
21 claims were made using WREGIS.

22 WREGIS certificates are created for every one
23 megawatt hour of generation, so there may be kilowatt
24 hours from one year that do not make it into a
25 certificate until the next calendar year.

1 With the interim tracking system, procurement
2 was reported in kilowatt hours, but with WREGIS it's
3 reported in megawatt hours through certificates.

4 For most retail sellers we saw a clean break.
5 The interim tracking system was used January through
6 April and then by May most all claims were made using
7 WREGIS.

8 In cases where the facility was in WREGIS, but
9 the retail seller did not believe the full generation
10 amount was to be represented in WREGIS, the interim
11 tracking system was allowed only after intense
12 scrutinizing of the interim tracking system claim.

13 This included a three-year analysis of
14 procurement and generation amounts to make sure the
15 amount claimed was below the generation amount. So, we
16 were really concerned for not allowing for double
17 counting and during this transition period it's really
18 important that just because something is reported on the
19 interim tracking system, we wanted to make sure it
20 wasn't eventually -- those kilowatt hours weren't
21 eventually wrapped up into megawatt hours later on.

22 And so this three-year analysis looked at the
23 total amount of procurement for those three years, and
24 summed it up, and then summed up the generation from the
25 facility for the three years, and compared if there was

1 an over claim or not.

2 So, this process was very timely and burdensome,
3 and in most cases the claims ended up not being accepted
4 and removed.

5 So, if there are any POUs in the audience, this
6 is just sort of a lessons learned that once it gets into
7 WREGIS it's, you know, always important to pay attention
8 to what happens in WREGIS, but counting this little
9 kilowatt hours is really, really, really burdensome and
10 time consuming, so I just caution you there.

11 In 2009 and '10 there were a few RPS track
12 claims that were accepted, but documentation was
13 required from either WREGIS or the facility stating that
14 the WREGIS certificates were not available.

15 And in some cases we had initial claims on the
16 RPS track form and then when the retail seller went to
17 go get this documentation from WREGIS, it turned out
18 that there were WREGIS certificates there.

19 And so this was a good double check to make and
20 I think it was worthwhile.

21 All right, now I'm just going to jump right to
22 the issues for 2008 through '10. There are three of
23 them. the first one is verification of procurement date
24 relative to the vintage of the renewable energy product.

25 The second one is verification of biomethane-

1 related claims. This is just for years 2008 through
2 '10, and then generation of energy delivery for out-of-
3 state facilities.

4 This first issue is worth mentioning, but we
5 don't have any pending or ineligible claims as a result.
6 It's just things are changing in the RPS world, as I'm
7 sure you all know.

8 The California Public Utilities Commission, the
9 CPUC, decisions regarding TRECS and Senate Bill X1-2 now
10 allow for procurement from one year to be applied to a
11 later year or compliance period.

12 But procurement from contracts executed after
13 2010 may not be used for compliance in years during the
14 2008 -- or through 2010 reporting period.

15 So, for example, 2009 vintage certificates
16 procured under a 2011 contract may not be used for
17 compliance until the first compliance period.

18 This point is to really just put people on
19 notice that while we're providing preliminary
20 verification data results here, if we later learn that a
21 claim was made during the 2008 through 2010 time frame,
22 but the amounts were actually procured after 2010, we
23 will need to make adjustments accordingly.

24 This is to really clarify in case anyone was not
25 aware, or if they were unclear on this, that the bright

1 line for when procurement claims can be made is the
2 procurement contract date, unless there was a special
3 circumstance approved by the CPUC.

4 So, entities cannot make a purchase in 2011 and
5 report it as if it was procured before then, as this
6 would be falsely inflating their RPS progress.

7 So, in the earlier years of the RPS program we
8 did not have the situation where procurement from one
9 year could be reported in a later year. It was always
10 the amount of procurement for a given year that was
11 reported for the same reporting year.

12 So, this is just to say if you need to do any
13 double checks on what was reported to us, please go
14 ahead and do that, and let us know if there is anything
15 that needs to be changed.

16 Everyone is really anxious to close the books on
17 these years and just move forward, and we would really
18 hate to do that and then later find out that we need to
19 make a change.

20 So, we're aware that the CPUC is reviewing the
21 ES -- some of the ESP contracts, so if anything comes up
22 as a result of that, we'll know.

23 But in terms of verification, this is a
24 difficult check for us to make because we don't normally
25 see the contracts unless there's a red flag for any

1 particular reason.

2 So, it's really incumbent upon the retail
3 sellers to report correctly.

4 Verification of procurement under SBX1-2 will
5 require much more contract checking and I would expect
6 this sort of concern to pretty much go away because we
7 will be doing a lot of contract checks. So, it's just
8 in these years here that it's a little bit difficult for
9 us.

10 There are some cases where a WREGIS certificate
11 has a vintage year different than the reporting year and
12 this situation occurs when WREGIS certificates were
13 created for more than there was generation.

14 And in order to correct this excess amount of
15 WREGIS, the QRE needs to reload the adjustment amounts
16 in WREGIS.

17 Adjustment amounts are written into the database
18 and any increases or decreases will be applied to the
19 next available WREGIS generation period.

20 So, for example, say 110 WREGIS certificates are
21 created with a December 2009 vintage, but after the
22 prior period adjustments are made it's realized that,
23 really, only 100 WREGIS certificates should have been
24 created. So, there are ten excess December 2009 vintage
25 certificates that then would need to be used with the

1 January 2010 vintage.

2 And this is really just to let folks know a
3 little bit more about how things are working in WREGIS.
4 And staff needs to understand when this is happening to
5 determine if we need to analyze the amounts differently,
6 as I'll get to in the next slide.

7 So, staff identified 2008 and 2009 vintage year
8 certificate claims reported for 2010. And while this
9 reporting strategy does not appear to violate any
10 specific RPS requirements, it does complicate
11 verification.

12 So, for example, 2008 year vintage certificates
13 for claims reported for 2010 cause over claims for 2010
14 that can only be resolved by removing the 2008 vintage
15 amount from staff's analysis.

16 So, it's maybe a little bit hard to understand,
17 but the way that we look at our procurement claims is on
18 an annual basis.

19 And so what is happening is these 2008 amounts
20 are showing up with 2010, so it's blowing up the amount
21 of procurement, as we see it, for 2008. So, it looks
22 like a lot more was procurement than was generated, and
23 that raises a flag for us.

24 So, what we had to do was remove the 2008
25 vintage amounts, put it back into 2008, make sure there

1 were no over claims in 2008, and make sure there were no
2 over claims in 2010, and then we were able to add it
3 back in.

4 So, it's just a complication. It adds time and
5 effort to our process. And our internal database is
6 currently not set up to handle this sort of analysis.

7 We are hoping to get a more sophisticated
8 verification system in the future because these sort of
9 situations will probably be happening more often.

10 And, hopefully, that will help us automate these
11 sort of checks in the future so that we can check
12 vintage and generation amounts that may occur over
13 multiple years.

14 So, basically, in these three cases when it was
15 a contract date that was after 2010, the retail seller
16 was required to remove the claim.

17 In cases where the reason for the vintage
18 reporting mismatch was a WREGIS functionality, staff
19 accepted the claims.

20 And in cases where vintage year and reporting
21 year did not match staff -- if staff was able to verify
22 that there was no double counting, then staff accepted
23 the claims.

24 So, as I mentioned before, if we become aware of
25 additional cases where procurement was claimed for an

1 incorrect reporting year, staff will work with the
2 retail sellers to correct the situations and we'll
3 document the outstanding issues in the RPS Procurement
4 Verification Report, as appropriate.

5 So, the second topic we have is Verification of
6 the 2008 through 2010 Biomethane Claims.

7 Listed on this slide are the requirements that
8 have been listed from the third edition through the
9 sixth. I'm just going to read here that, first, the gas
10 must be produced from an RPS-eligible resource, such as
11 biomass or digester gas.

12 Two, the gas must be injected into a natural gas
13 pipeline system that is either within the WECC region or
14 interconnected to a natural gas pipeline system.

15 In the WECC region, that delivers gas into
16 California.

17 Three, the energy content produced and supplied
18 to the transportation pipeline system must be measured
19 on a monthly basis and reported annually, illustrated by
20 month.

21 Reporting must be in units of energy, for
22 example MMBtu, based on metering of gas volume and
23 adjustment for measured heat content per volume of each
24 gas.

25 In addition, the total amount of gas used at the

1 RPS-eligible facility must be reported in the same units
2 measured over the same period and the electricity
3 production must be reported in megawatt hours.

4 Four, the gas must be used at a facility that
5 has been certified as RPS eligible. As part of the
6 application for certification, the applicant must attest
7 that the RPS-eligible gas will be nominated to that
8 facility or nominated to the LSE-owned pipeline serving
9 the designated facility.

10 And what I just read was taken from the third
11 edition of the guidebook.

12 The two types of documentation for biomethane
13 verification include physical and contractual data.

14 Physical data is about the physical delivery and
15 use of the gas and it needs to come from both the source
16 and the RPS facility.

17 Contractual data is proof of purchase of the gas
18 and proof showing an arrangement ahead of time to have
19 the gas delivered to California was made.

20 So, I'll talk a little bit about both of these
21 requirements.

22 Date required for physical verification at the
23 biomethane source are monthly metered data reported
24 annually for the amount of biomethane injected into the
25 pipeline.

1 The meter data can show the amount of biomethane
2 in two ways. The first is to show both the monthly
3 volume and the monthly average heat content, which we
4 would then use to calculate the total energy of the gas
5 injected each month. Or, the meter data can show the
6 monthly total energy of the biomethane injected into the
7 pipeline.

8 Invoices cannot be substituted for meter data.

9 Physical verification requirements for use at
10 the RPS-certified facility; here we also require monthly
11 meter data reported annually, showing the amount of
12 total pipeline gas consumed at the facility.

13 And just to clarify, we are looking here for the
14 monthly total gas removed from the pipeline by the RPS-
15 certified facility. So, there's sort of two things
16 here, the meter data, but also the total amount of
17 electricity produced by the facility.

18 And again, invoices cannot be substituted for
19 meter data.

20 We need the invoices to show that the facility
21 did purchase the biomethane. We also compare the total
22 amounts on the invoices to the total amount injected to
23 verify that they match up. And if there is a
24 difference, we take the lesser of the two.

25 So, for example, the biomethane might inject

1 more than is purchased, but the facility only gets
2 credit for what was purchased.

3 Also, the facility might buy more than what is
4 injected and would just then get to count the amount
5 injected, unless the facility used stored biomethane and
6 then additional documentation would be required.

7 So, in some cases there could be multiple
8 sources and then the required -- all of this data is
9 required, the same documentation is required for each
10 source.

11 This slide here shows the status of the pending
12 biomethane claims. This is the first time we've really
13 had to verify biomethane claims, so it has been a
14 learning process for us. And these claims have actually
15 served as very good case studies.

16 So, the Xs here indicated that sufficient
17 documentation has not yet been received, and the
18 checkmarks indicate appropriate or complete
19 documentation has been provided.

20 The table does not indicate that a claim has
21 been verified as eligible or ineligible. All of the
22 claims are pending because we still don't have the data
23 points we need to complete the verification.

24 So again, the physical requirements include
25 meter data, and for the RPS-certified facility it also

1 includes generation data.

2 PG&E has provided some documentation and we are
3 continuing to work with them to complete the
4 verification. There are two sources of biomethane for
5 PG&E's claims, so this adds to the amount of data
6 requirement for verification purposes.

7 And the Pastoria facility used stored
8 biomethane, so we are working with the retail sellers to
9 get sufficient documentation regarding storage.

10 So, there's still work to be done before we can
11 make a determination of the eligibility of these claims.
12 the results of our analysis will be included in the
13 draft Verification Report.

14 It just gets a bit more complicated when there's
15 multiple sources or when there is stored biomethane, and
16 we just happen to have both of those situations in these
17 claims here.

18 The next issue is on energy delivery. The RPS
19 Eligibility Guidebook requires that a matching quantity
20 of electricity must be delivered to an in-state point of
21 delivery consistent with the North American Electrical
22 Reliability Corporation, or NERC, rules and documented
23 with a NERC e-Tag.

24 So, I do realize that this is changed and now
25 it's being done by NASB, and we have the OATI web

1 registry. And so maybe at some point we will update it
2 to just say e-Tags, instead of NERC e-Tags. But for now
3 we're using NERC e-Tags.

4 And the RPS Eligibility Guidebook requires the
5 RPS ID on the e-Tags to demonstrate that a matching
6 amount of substitute energy was delivered into
7 California for the RPS-certified facility.

8 The RPS Eligibility Guidebook states that the
9 annual report to verify delivery must include the source
10 point located out of California, and that is for the
11 substitute energy, the final point of delivery, the POD,
12 which is also the sink, and the RPS ID of the certified
13 facility or facilities with which the delivered energy
14 is being matched.

15 The California RPS ID must be shown on the
16 miscellaneous field of the NERC e-Tag, the amount of the
17 electricity delivered per month and annually.

18 So, because the tracking services using NERC e-
19 Tags was not available in WREGIS in 2009, retail sellers
20 reported using this interim tracking delivery form for
21 2008.

22 NERC e-Tags in WREGIS are created -- or e-Tags
23 are created when energy is scheduled to cross a
24 balancing authority area and they're used to track the
25 physical path.

1 E-Tags are pulled into WREGIS if the RPS ID is
2 on the miscellaneous token field line of the physical
3 path of the e-Tag.

4 In WREGIS account holders can match e-Tags to
5 the corresponding WREGIS certificates to show that
6 energy was delivered to California.

7 Retail sellers submit NERC e-Tag summary
8 reports, along with the WREGIS compliance reports, which
9 provide verification information included on the e-Tags.

10 So, this is the information that is provided to
11 us on the WREGIS NERC e-Tag summary report. The
12 generator name is the source, or the POR, and the load
13 is the sink, or the POD, and the load-serving entity is
14 the PSE.

15 This is the interim -- the information that is
16 available to us on the Interim Tracking Delivery Form.
17 So, there's two schedules. The first one includes
18 various IDs, the POR and the POD. And then the second
19 one includes the monthly and annual amount.

20 So, there were some cases in 2009 and '10 where
21 retail sellers were allowed to report using the delivery
22 form, and so we did see that in 2009 and '10, as well.

23 So, the situations that we identified through
24 the verification process, so while we received the
25 summary report from WREGIS, and also the delivery form

1 for the ITS reporting, that does not include the NERC e-
2 Tags. And so to avoid having to look at every single
3 NERC e-Tag that was generated, we just asked for random
4 samples.

5 And during this process we found that some of
6 the NERC e-Tags did not include the RPS ID number in the
7 miscellaneous field, but it was in the comments section
8 of the NERC ID.

9 So, when we asked why this occurred, their
10 justification was that in the second edition of the RPS
11 Eligibility Guidebook the requirement was to have the
12 NERC ID in the comments section.

13 And so, basically, I think the argument here was
14 there was a transition time. So, the third edition of
15 the RPS Eligibility Guidebook came out in January 2008,
16 and so that's what we have here.

17 There were other cases where there was just no
18 RPS ID on the e-Tag, and the reasons for that are listed
19 here.

20 And so, the claims in these situations are
21 listed, currently listed as pending, so they have not
22 been determined to be eligible or ineligible.

23 Staff has been collecting information from the
24 retail sellers that did not meet this delivery
25 requirement, and we will determine if claims -- you

1 know, based on this supporting documentation, staff will
2 determine if the claims can be considered verified.
3 And, if so, we will include a recommendation in the
4 draft Verification Report.

5 So, basically, staff does not have the authority
6 to go against what is in the guidebook. So, in a
7 situation like this we want to get enough information to
8 be able to make a recommendation one way or another.

9 It is the full Commission that votes on a
10 decision like this.

11 So, we can now be open to public comments. Feel
12 free to comment on any of the issues, now.

13 Theresa also will be giving her presentation and
14 she'll be going into more detail of the various retail
15 sellers summary slides, and so it's also possible to
16 make comments after that presentation.

17 So, it's really up to you. We can wait for blue
18 cards and give you some time now to see if anybody wants
19 to comment, or you can hold your comments until later.

20 It looks like we might have a comment.

21 And if you're on WebEx, please send a request to
22 the coordinator that you would like to ask a question or
23 make a comment.

24 And Lorraine Gonzales will go around and maybe
25 look for blue cards, or feel free to bring it up. Okay.

1 MS. WINN: Hi, Valerie Winn with PG&E. I
2 believe back on slide 9 you talked about as you're doing
3 more of the verification going forward --

4 MS. BARKALOW: Yes.

5 MS. WINN: -- that you're going to need to do
6 more contract checks.

7 MS. BARKALOW: Yes.

8 MS. WINN: Could you say a little bit about what
9 you're going to be looking for? Are you going to be
10 looking for the contract, are you going to ask people to
11 simply provide the date of the execution, or approval?
12 What's that going to look like?

13 MS. BARKALOW: Actually, that's really a
14 question that's more appropriate for the second portion
15 of today's workshop.

16 MS. WINN: Okay.

17 MS. BARKALOW: We're going to be talking about
18 that because it has to do with the role of the CPUC, as
19 well.

20 MS. WINN: Okay, good, because that goes to my
21 questions about confidentiality of the contract
22 information, which was really where I was going.

23 MS. BARKALOW: Okay. Well, I could just tell
24 you that we really do not want confidential information.
25 We're not interested in price information. And we'd

1 really appreciate it if all confidential information is
2 redacted. It makes our life a lot easier, too.

3 MS. WINN: Okay.

4 MS. BARKALOW: So, we usually tend to agree on
5 how to be able to get the information submitted without
6 a confidential request.

7 MS. WINN: Okay, thank you.

8 MS. BARKALOW: You're welcome.

9 And it's also possible to provide written
10 comments, so if you don't feel like speaking right now,
11 please just go ahead and submit your comments. And the
12 information is on the notice, and it looks like maybe we
13 have a question on -- through WebEx.

14 Okay, so Brian is going to write down the
15 question and I will read it.

16 And folks can maybe start thinking about how we
17 want to go about the rest of the day. So, after
18 Theresa's presentation we can take a break. And if it's
19 still early, then perhaps we can launch into the
20 presentation or it's possible to break for lunch,
21 depending on the timing. So, we can think about that
22 and we'll just maybe probably take a vote or so, try and
23 get a sense of what people would like to do.

24 MR. ROTH: Gina, I'm calling from WebEx, can you
25 hear me?

1 MS. BARKALOW: Yes, go ahead.

2 MR. ROTH: Good. Yeah, this is Tom Roth calling
3 with SCPPA.

4 You state in one of your slides. I didn't get
5 the number. It was going faster than I could write it
6 down.

7 MS. BARKALOW: Oh, sorry.

8 MR. ROTH: That the certified facility must show
9 that it is the purchaser and sole possessor of the
10 biomethane that's to be consumed for the purpose of
11 making a qualified RPS product.

12 Certain facilities and, of course, one of which
13 SCPPA owns and is operated by Burbank, does not purchase
14 gas for use in the facility. It owns the facility, but
15 the facility's gas is brought -- and this is the
16 biomethane. It's brought to the facility by the cities
17 that participate in the plant.

18 Does this give rise to a conflict with the proof
19 of physical path, which we can certainly give you that,
20 but the issue having to do with possession, title, and
21 all those particular matters? Would you kind of tell me
22 about that?

23 MS. BARKALOW: I'm going to ask if James Haile
24 has anything to say, or Kate. I'm not really able to
25 answer that question right now.

1 MR. ROTH: Okay.

2 MS. BARKALOW: We probably have to think more
3 about how that would work.

4 Certainly, feel free to provide that question in
5 writing, too, so we can think about it more.

6 MR. ROTH: Oh, I've made an effort -- okay, I've
7 made an effort to do that but I'm failing miserable in
8 the jackpot. So, I can get into it, but it isn't taking
9 my message.

10 MS. BARKALOW: Oh, I'm sorry.

11 MR. ROTH: Anyway, you have somebody there who
12 is doing a transcript of this so, hopefully, that
13 will --

14 MS. BARKALOW: Yes, we will have a transcript.
15 We will have a transcript of this, yeah, and there will
16 be a WebEx recording, as well.

17 MS. ZOCSETTI: Tom, this is Kate Zocsetti.
18 Thank you for your comment.

19 MR. ROTH: Yes.

20 MS. ZOCSETTI: I think probably we'll discuss
21 plans for future verification processes in the last
22 section of our workshop today, when we talk about how
23 we're going to verify RPS claims under SB X 1-2.

24 Hopefully, you're going to be on the line at
25 that time, and I think probably others will have similar

1 questions, if you don't mind?

2 MR. ROTH: That's good.

3 MS. BARKALOW: Oh, actually, I'm sorry, just to
4 jump in, I was not actually planning to talk about
5 verification of biomethane in the afternoon portion.

6 MS. ZOCETTI: That's true.

7 MS. BARKALOW: Just as more of the buckets so,
8 I'm sorry.

9 MR. HERRERA: Hey, Tom, this is Gabe Herrera
10 with the Commission's Legal Office. So, this issue is
11 one that comes up in the context of the AB2196 which, if
12 the Governor signs that bill, the Energy Commission will
13 have to revise its guidebook to talk about the rules for
14 verifying, both the delivery of the biomethane, itself,
15 as well as the delivery path, and then the attributes.

16 So, that discussion, I think, how we verify the
17 quantities of biomethane that were procured by SCPPA on
18 behalf of its members I think is a good point to raise
19 when we start talking about 2196.

20 MR. ROTH: We will raise it then and at any
21 other point in time that you suggest it's appropriate.
22 I guess we'd like to get it front of it before, you
23 know, it gets reported and then a year or two later it
24 gets questions.

25 MS. ZOCETTI: Sure, understood. Just a

1 reminder to everyone, though, that these morning
2 presentations are regarding 2008 through 2010 claims.
3 So, the verification --

4 MR. ROTH: Okay.

5 MS. ZOCETTI: -- processes that were in place
6 at that time are more of what's coming into play here.

7 MR. ROTH: I'll keep that in mind. Thank you,
8 Kate.

9 MS. ZOCETTI: Thanks Tom.

10 MR. ROTH: Yeah.

11 MS. BARKALOW: I have a blue card from Michael
12 Webster, Associate Director of Power System Planning and
13 Development, LADWP.

14 MR. WEBSTER: Yes, Mike Webster, L.A. Water and
15 Power.

16 I might reserve this comment, but when you said
17 you weren't going to talk about biomethane verification,
18 it is a very important issue to the City of Los Angeles.
19 And I'll gen it up and maybe we can talk more about it
20 this afternoon.

21 But we were under our rules at the time, 387
22 delegated that authority to water and power
23 commissioners and our city council.

24 And so while we implemented RPS with an eye
25 towards what was going on in California, what the CEC

1 was doing under Guidebook Number 3, it was not clear to
2 us that you were going to implement that through
3 tracking the biomethane all the way through the
4 pipeline.

5 While we can clearly demonstrate that it is
6 burned in our facility, some of the tracking mechanisms
7 that were deployed in historical verification are going
8 to be very, very hard in the future.

9 So, I'm going to get that up and we'll talk more
10 about it this afternoon.

11 And I'll just raise one more comment about this
12 historical verification. We're in 2012 and you're in
13 the process of wrapping up verification for 2008 to
14 2010. So, when I think about the future, that's quite a
15 long delay. And I know it's incredibly complicated, but
16 if we were to find ourselves short in renewable energy
17 how do we make up the difference?

18 And I'll just pose that as a question, not
19 living with your process for all these years, how will
20 we go back and make sure we comply when maybe two years
21 later we find out we're deficient for whatever technical
22 reason? Thank you.

23 MS. BARKALOW: Thanks. I would just sort of say
24 one of the lessons learned here is that we do require
25 documentation going back in time, so I would start

1 collecting it now and have it ready and available, so it
2 makes it a lot easier to get when it's time to present
3 it.

4 So, it has been hard. PG&E had to go back and
5 look for 2008 records, and a lot of time had passed
6 since then, so that's part of the problem in the delay
7 of getting information.

8 So, now that we know a little bit more, I would
9 start saving that documentation right away.

10 MS. ZOCETTI: This is Kate Zocetti. I'd also
11 like to add a reminder that we are not planning to, as
12 Gina pointed out, really discuss biomethane tracking in
13 our presentation today regarding what the Energy
14 Commission is thinking about for 2011 and thereafter,
15 under SB X 1-2.

16 As Mr. Herrera mentioned, we're also watching
17 carefully as to whether or not the Governor signs
18 AB2196. And if he does, we will be charged with
19 implementing most of that.

20 And so there's a lot that we don't know and
21 we're trying to get ahead of the game and figure out, if
22 it is chaptered, how we will address that.

23 And we expect to have a workshop later on this
24 year to talk about that and other issues that will have
25 to all be rolled into an RPS Eligibility Guidebook

1 revision process, which we'll have another at least one
2 opportunity for public participation.

3 So, I just want to assure everyone that today is
4 looking more at 2008 through 2010. And while we're
5 having this workshop, we wanted to take the opportunity,
6 while we have your attention, to also kind of just tee
7 up our thinking, our current thinking, nothing is in
8 stone at all, about how we might proceed with verifying
9 2011 and thereafter.

10 So, the last presentation is more of a
11 brainstorming, talking with you, and more informal
12 process. We won't be having the court reporter at that
13 time.

14 So, I sense people's concerns that we might have
15 made decisions about how we're going to do things in the
16 future that, you know, you might not have had a say in,
17 and that's not the case at all.

18 So, just be watching for future notices about
19 workshops, or webinars, or things like that as we start
20 to begin the guidebook revision process. So, thank you.

21 MS. BARKALOW: Okay, hi, so I do have two blue
22 cards here and I have a Barry Dong on the phone. Barry,
23 if you'd like to go ahead and speak?

24 MR. DONG: Yeah, this is Barry Dong from L.A.
25 Water and Power. I have a question on one of the slides

1 you showed that the June for 2010 biomethane contracts
2 will have to be used as CEC certified facility in order
3 to count the credits.

4 The thing is, the CEC certification was not
5 required actually out for the SB X 1-2 is in place.

6 So, our situation applied to out, our facilities
7 were not certified, even though we submitted
8 verification out of that. But right now it's still
9 under pending.

10 I was wondering what those facilities, the
11 contracts hired 2010, would that biomethane credit would
12 be counted in those facilities?

13 MS. BARKALOW: Just to clarify, are you asking
14 about something that was an SB X 1-2 situation?

15 MR. DONG: No, no, our facilities were not SB X
16 1-2 --

17 MS. BARKALOW: And, I'm sorry, could you speak
18 up a little bit louder, it's very hard to hear you.

19 MR. DONG: Yeah, our facilities are not
20 certified, have not been certified, yet, even though we
21 submitted application and it has been pre-certified, but
22 it has not been certified.

23 MS. BARKALOW: Okay.

24 MR. DONG: So, what the concern is for those
25 pre-2010 contracts, biomethane contracts. So, because

1 on one of your slides it's showing that it has to be
2 used in certified facilities, and our facility has not
3 been certified. So, we are concerned on how do we count
4 those credits?

5 MR. HERRERA: Hi. Gina, I'll address that.
6 This is Gabe Herrera, Mr. Dong.

7 So, this presentation and these requirements are
8 really focusing on the retail seller requirements, and
9 so as part of the retail sellers, in order for them to
10 claim this procurement based on biomethane use, the
11 facility designated for use of the biomethane needed to
12 be certified by the Energy Commission.

13 Again, these were retail sellers. Back in 2010
14 LADWP was under no obligation, obviously, to follow the
15 Energy Commission's rules. It had its own rules it
16 adopted pursuant to Public Utility Code Section 387.

17 You know, going forward, starting in 2011, under
18 Senate Bill X 1-2, the Energy Commission will need to
19 address the situation of verifying procurement by POUs.
20 And at that point we'll need to address L.A.'s, you
21 know, contracts pre-June 2010 contracts.

22 But again, those rules and that discussion, I
23 think, will need to wait until such time as the Energy
24 Commission is implementing AB2196. Because if that bill
25 does get enacted into law there will need to be a number

1 of changes that will be addressed in our guidebook to
2 address the biomethane procurement issue.

3 MR. DONG: Thank you. Thank you.

4 MS. BARKALOW: Okay, I have a blue card that
5 came in over WebEx, and the question is from Dana
6 Griffith.

7 "I own the biomethane production facility.
8 There will be no invoice showing a purchase. How do we
9 meet the invoice requirement in that case?"

10 That is a good question. So --

11 MR. HAILE: Hi, James Haile here. So, you're
12 the biomethane source facility but -- so, you're selling
13 the biomethane but there's no invoice. I would imagine
14 there would have to be some sort of proof of sale that
15 would show the amount of biomethane that was sold by the
16 source facility to someone.

17 MS. BARKALOW: Do you have any comments, Dana
18 Griffith?

19 Okay, it's also possible to submit written
20 comments so I just want to leave it at that.

21 Okay, yes, we have someone from --

22 MR. WESTERFIELD: Yes, I have a blue card. Bill
23 Westerfield with SMUD --

24 MS. BARKALOW: Can you state your name and
25 information?

1 MR. WESTERFIELD: Bill Westerfield with SMUD.

2 MS. BARKALOW: Okay.

3 MR. WESTERFIELD: Gabe, you had just made a
4 comment and I was trying to understand kind of the basis
5 for your comment. I think you had mentioned that should
6 2196 be signed by the Governor, then the Energy
7 Commission would have to look at potentially new
8 requirements for the certification of facilities for the
9 combustion of biomethane from pre-2011 contracts.

10 And I'm thinking over that bill and I can't
11 remember any requirements in that bill that might impose
12 extra requirements on the certification of facilities
13 for those -- those older contracts, or even for the
14 requirements for the eligibility of that fuel under the
15 old contracts.

16 I thought those old contracts were basically
17 grandfathered.

18 MR. HERRERA: So, you're right, so the
19 biomethane procurement contracts, not the procurement of
20 electricity contract, right, is what 2196 is focused on,
21 Bill.

22 But there are provisions in there, for example,
23 that require I think a beefed up verification process
24 that the Energy Commission will have to use in place.

25 For example, we would need to take a look at our

1 existing rules to see if they are as rigorous as may be
2 required by 2196, or if we need to impose some
3 additional requirements.

4 2196 includes, for even these grandfathered
5 provisions, a requirement that the biomethane source be
6 online and injected into common carrier pipeline by
7 April 1, 2014.

8 So, for example, if you had an existing contract
9 for biomethane that included a source that wouldn't be
10 producing gas until after that April 2014 date, then I
11 think, you know, our rules need to address that.

12 So, there are some grandfathering -- there is a
13 grandfather provision, but it's subject to some
14 conditions.

15 And I think what I'm saying is we're going to
16 need to take a look at those, those requirements in the
17 statute and figure out how to apply them to these
18 existing contracts.

19 MR. WESTERFIELD: Yeah, I understand the general
20 point. But I was just wondering if you had any
21 particulars that you had in mind.

22 I know the 2014 date, it's my recollection this
23 only applies to contracts that were signed after March
24 28th, 2012. So, I was just trying to think in the back
25 of mind whether there were any particular requirements

1 that you think needed to be developed.

2 MR. HERRERA: Right. So, we can chat
3 afterwards, Bill, but I think the provisions in the
4 statute actually -- that March -- excuse me, that April
5 1, 2014 date apply to contracts that were executed prior
6 to March 29th, 2012.

7 MR. WESTERFIELD: Okay. All right thank you.

8 MS. BARKALOW: Okay, I have a blue card here
9 from Sergio, and the question is; "Can you go over the
10 dates of which the draft report will be released and
11 finalized?"

12 And I don't really -- I'm not able to give any
13 firm dates right now. We will hope to turn around right
14 after this workshop and get ready to start drafting the
15 Verification Report.

16 And the goal would be to have a draft released
17 publicly by the end of this year. I really hope that's
18 possible, but I cannot promise.

19 And then we hope to have the final one shortly
20 after the draft, so I'm hoping within the next six
21 months or so.

22 Any other questions?

23 Okay. All right, then, we will go ahead with
24 Theresa Daniels' presentation.

25 MS. DANIELS: Hello everyone. My name is

1 Theresa Daniels and I'm going to discuss the 2008
2 through 2010 RPS Procurement Verification Process and
3 the current results of our analysis.

4 The 2008 through 2010 verification process
5 includes procurement data from a total of 16 retail
6 sellers; however, not all of the retail sellers
7 reporting RPS procurement for each year.

8 As you can see, the total RPS-eligible
9 procurement amount has increased each year. In 2008
10 approximately 23.8 terawatt hours of renewable
11 procurement from 520 renewable facilities will be
12 verified as RPS eligible.

13 In 2009, approximately 29.2 terawatt hours of
14 renewable procurement, from 529 facilities will be
15 verified as eligible.

16 And in 2010, approximately 31.8 terawatt hours
17 of renewable procurement, from 561 facilities will be
18 verified as eligible.

19 Please note that the 2010 renewable procurement
20 amounts include generation from years 2008 and 2009 that
21 were claimed in 2010.

22 During the verification process 551 claims in
23 2008 were verified as RPS eligible, and 608 claims in
24 2009, and 620 claims in 2010 were verified as RPS
25 eligible.

1 Of these, staff identified approximately 38 over
2 claim issues, 12 multi-fuel issues, and 13 energy
3 delivery issues.

4 Eleven over claim issues were identified and
5 resolved through our collaboration with Green-e-Energy,
6 a program of the Center for Resource Solutions.

7 Staff resolved the majority of these issues by
8 having the retail seller submit supporting documentation
9 for their claims.

10 However, in some cases retail sellers re-filed
11 their RPS claims to remove ineligible procurement.

12 The sources of the 2008 through 2010
13 verification data; RPS procurement claims are reported
14 on the CEC RPS track form and WREGIS compliance reports.

15 We also use procurement data reported to the
16 1305 Power Source Disclosure Program, and voluntary
17 WREGIS sales information from Green-e-Energy in our
18 analysis to determine that the RPS procurement claims
19 are not double counted.

20 We also used generation data that we got from
21 various Energy Commission programs, EIA, and directly
22 from the generating facilities, themselves, on the CEC
23 RPS GEN form.

24 This slide shows the information found on the
25 CEC RPS Track Form. It includes the facility name, fuel

1 type, various ID numbers, and the annual procurement
2 amount.

3 There's also a Schedule 2 of this form, which
4 includes monthly procurement data for each claim.

5 As Gina mentioned in her presentation, this form
6 was used to report RPS procurement data in 2008 when
7 retail sellers and generators were transitioning to
8 WREGIS.

9 In 2009 and 2010 this form was used for
10 generation that was not available in WREGIS, when
11 supporting documentation was provided confirming this.

12 This slide shows the information found on the
13 WREGIS compliance report. Among other things, it
14 includes the generator's name, fuel type, the vintage
15 month and year of the certificates, the certificate
16 quantity, the certificate serial number and the NERC e-
17 Tag ID, if e-Tags are matched with the certificates.

18 This is the 2008 through 2010 RPS procurement
19 verification methodology. To verify procurement is RPS
20 eligible, Energy Commission staff checked that all
21 claims are from RPS-certified facilities by internal
22 collaboration with the certification staff, compare all
23 load-serving entities' procurement claims from
24 individual facilities with generation data to verify
25 that there is sufficient generation for all procurement

1 claims.

2 Determine, to the extent possible, the claim was
3 counted only once by coordinating with other states,
4 including Oregon, Washington, Nevada and Green-e-
5 Energy's voluntary REC PROGRAM.

6 And to verify that procurement from out-of-state
7 facilities satisfies RPS delivery requirements through
8 2010; the sources for this include the CEC RPS Delivery
9 Form, NERC e-Tags, and the WREGIS NERC e-Tag Summary
10 Report.

11 This is information that we included in the
12 appendices of the Verification Report to demonstrate the
13 detailed findings of our analysis.

14 We report the facility information, the annual
15 generation procured, the procurement from other sources,
16 annual generation of the facility, and the percent
17 difference between the total procurement and the
18 generation amount.

19 Staff works closely with retail sellers in the
20 verification process to gather supplemental
21 documentation to verify claims and to make adjustments
22 to retail sellers' procurement claims, including adding
23 in additional procurement claims and removing ineligible
24 procurement claims.

25 This is our first time using -- this is our

1 first time verifying using WREGIS data and we're
2 developing process to address issues that have been
3 identified using WREGIS.

4 One issue is when retail sellers want to make
5 corrections to their procurement data, WREGIS only
6 allows for certificates to be un-retired within 12
7 months of the retirement. After that, certificates
8 cannot be un-retired.

9 With the ITS, retail sellers were able to submit
10 a revised RPS Track Form with the ineligible claim
11 removed. But corrections cannot be made this way to the
12 WREGIS reports.

13 The process that we are using to address this is
14 to have retail sellers submit a letter to Energy
15 Commission staff documenting which procurement claims
16 should be removed as an ineligible claim for the
17 verification report.

18 In cases that WREGIS reduces the amount of
19 certificates created in a future year to correct an
20 error in the current year, retail sellers can submit an
21 additional letter requesting that the procurement be
22 reduced in the current year and credited back in the
23 future year that WREGIS is reducing.

24 There may be cases in which the amounts claimed
25 in the Verification Report and WREGIS will differ. The

1 end result of this is that the Verification Report
2 should be used as the final determination of eligible
3 procurement.

4 The RPS summary table shows the details of each
5 retail seller's current RPS procurement eligibility.
6 This is a template of the summary table and it includes
7 the total procurement claimed by the retail seller, and
8 lists the disallowances which include procurement from
9 facilities without RPS certification, procurement from
10 facilities in which procurement claims exceed generation
11 by five percent or greater, procurement from distributed
12 generation facilities, procurement of energy only,
13 procurement from facilities that exceed fossil fuel
14 usage limit, and procurement claimed before the
15 beginning on -- before the facility's beginning on date.

16 This table also lists pending claims. These
17 claims fall within the following categories; procurement
18 without standing issues regarding electricity delivery
19 verification and procurement without standing issues
20 regarding biomethane gas delivery verification.

21 There are also footnotes on this table
22 explaining each of the categories.

23 I will now go through each retail seller's
24 individual RPS summary table.

25 Three Phases Renewables has -- Three Phases has

1 a pending 2009 claim due to the NERC e-Tags used in the
2 delivery of their out-of-state claim not having the RPS
3 ID number in the miscellaneous field of the tag, as
4 required by the RPS Eligibility Guidebook.

5 Three Phases has submitted supplemental
6 documentation in support of their claim.

7 APS Energy Service has no outstanding issues.

8 Calpine Power America also has no outstanding
9 issues.

10 Constellation New Energy has three pending
11 claims. One in 2008 and two in 2009, due to the NERC d-
12 Tags used in the delivery for their out-of-state claims
13 not having the RPS ID number of the facilities in the
14 miscellaneous field of the e-Tags, as required by the
15 RPS Eligibility Guidebook.

16 CNE has submitted supplemental documentation in
17 support of their claims.

18 Commerce Energy has no outstanding issues.

19 Direct Energy has a pending 2008 claim due to
20 the NERC e-Tags used in the delivery of their out-of-
21 state procurement not having the RPS ID number in the
22 miscellaneous field of the e-Tag, as required by the RPS
23 Eligibility Guidebook.

24 Direct Energy has also submitted supplemental
25 documentation in support of their claim.

1 Paxel Playing Field has no outstanding issues.

2 Pilot Power has a pending 2010 claim due to the
3 biomethane gas delivery verification.

4 Noble Americas also has a pending 2010 claim due
5 to biomethane gas delivery verification.

6 Marin Energy Authority has no outstanding
7 issues.

8 Shell Energy has pending procurement claims in
9 years 2008 through 2010 for the NARC e-Tags used in the
10 delivery of its out-of-state procurement not having the
11 RPS ID number in the miscellaneous field of the e-Tag.

12 Also, Shell's 2010 procurement amounts include
13 vintage 2008 and 2009 generation, which Shell chose to
14 apply to 2010.

15 PacifiCorp has no outstanding issues.

16 Sierra Pacific Power Company also has no
17 outstanding issues.

18 PG&E resubmitted it's 2008 RPA track form to
19 remove procurement that is also being reported in WREGIS
20 -- in PG&E's WREGIS compliance report.

21 PG&E also has pending claims in 2008 for not
22 having the RPS ID number in the miscellaneous field of
23 the NARC e-Tags for the delivery of its out-of-state
24 procurement claim.

25 And in 2009 and 2010 PG&E has pending claims due

1 to the biomethane gas delivery verification.

2 San Diego Gas and Electric has no outstanding
3 issues.

4 This table shows Southern California Edison's
5 2008 through 2010 eligible procurement amounts. During
6 the verification process SCE revised their procurement
7 claims to remove ineligible procurement.

8 SCE currently has no outstanding issues.

9 This table shows SCE's updated RPS procurement
10 claims from 2001 and 2003, through 2007. SCE removed
11 previously reported ineligible procurement claims from
12 its 2001 and 2003, through 2007 total procurement
13 claimed amounts, and also removed a portion of
14 procurement claimed that was determined to be ineligible
15 in each of those years, as well.

16 So, these are their updated procurement claim
17 amounts.

18 The next steps include finishing up the
19 verification analysis and reporting any revisions to the
20 data in the draft 2008 through 2010 RPS Procurement
21 Verification Report.

22 We are hoping that the draft report will be made
23 available for public comment by the end of the year.

24 When the final report is adopted by the Energy
25 Commission, it will be transmitted to the CPUC for

1 compliance determinations.

2 If anyone has public comments, you can provide
3 them now.

4 Are there any comments?

5 Are there any comments for users on WebEx, WebEx
6 participants?

7 If anybody on WebEx has any comments, you're
8 unmuted so you can speak now, or any telephone
9 participants.

10 MS. BARKALOW: All right. So, I guess there are
11 no comments. Feel free to provide written comments.
12 They are due October 1st. And the information to submit
13 those comments is provided in the details of the
14 workshop notice.

15 So, we have wrapped up -- yeah. So, we've
16 wrapped up fairly early here. It's about 10:20. I
17 propose that we take a break, maybe meet back here
18 about, let's see, 10:40, and then we'll get started
19 about 10:45. And we'll go through the second
20 presentation -- or, actually, it's the presentation on
21 SB X 1-2.

22 And for this one we will not have a court
23 reporter, but we will include WebEx, so people can
24 participate via WebEx.

25 And this really will be more of an informal

