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ENERGY
PROGRAM*

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**RENEWABLES
PORTFOLIO
STANDARD
ELIGIBILITY
GUIDEBOOK**

DRAFT GUIDEBOOK

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This guidebook was formally adopted by the Energy Commission on April 21, 2004, pursuant to Public Utilities Code Section 383.5, Subdivision (h), and subsequently revised pursuant to this authority and Public Resources Code Section 25747, Subdivision (a), on May 19, 2004, August 11, 2004, May 21, 2005, and April ____ 2006 pursuant to Public Utilities Code (PUC) Section 383.5 Subdivision (h), paragraph (1) and Public Resources Code (PRC) Section 25747 Subdivision (a), which authorize the Energy Commission to adopt guidelines to govern its funding programs and portions of the Renewables Portfolio Standard under Senate Bill 1038 and Senate Bill 1078. These guidelines are exempt from the formal rulemaking requirements of the Administrative Procedures Act.

The requirements in this guidebook are based on applicable law, the *Renewables Portfolio Standard Decision on Phase 1 Implementation Issues* (publication number 500-03-023F), the *Renewables Portfolio Standard Decision on Phase 2 Implementation Issues* (publication number 500-03-049F), staff analysis, advice from the Energy Commission's technical support contractor, and public input.

TABLE OF CONTENTS

| | |
|--------------------------------------------------------------------------------|------------|
| Introduction | 1 |
| Related Reports..... | 2 |
| Outstanding Issues | 2 |
| Guidebook Organization | 4 |
| Eligibility Requirements | 5 |
| RPS Targets | 5 |
| Eligibility for the Renewables Portfolio Standard | 6 |
| Resource or Fuel-Specific Eligibility Requirements..... | 9 |
| Biodiesel | 9 |
| Biomass | 9 |
| Geothermal | 10 |
| Incremental Geothermal..... | 11 |
| Municipal Solid Waste | 14 |
| Solar Energy and Distributed Generation..... | 15 |
| Hybrid Systems | 16 |
| Eligibility for Supplemental Energy Payments | 17 |
| Eligibility of Out-of-State Facilities | 18 |
| Delivery Requirements..... | 19 |
| Certification Process | 21 |
| Applying for Certification and Pre-Certification | 21 |
| Amending Certification and Pre-Certification | 24 |
| Supplemental Information..... | 24 |
| Supplemental Instructions for Biomass Facilities | 25 |
| Supplemental Instructions for Incremental Geothermal Facilities | 27 |
| Supplemental Instructions for Municipal Solid Waste Conversion Facilities..... | 28 |
| Supplemental Instructions for Out-of-State Facilities | 29 |
| Supplemental Instructions for Repowered Facilities..... | 31 |
| Registration as Renewable Only (not RPS eligible)..... | 34 |
| Generation Tracking System | 35 |
| Verification of Delivery | 37 |
| Verification Methodology using the Interim Tracking System..... | 38 |
| Appendix A - Forms | A-1 |
| Appendix B - Acronyms | B-1 |
| Appendix C - Summary of RPS Reporting Requirements | C-1 |

Introduction

On April 21, 2004, the California Energy Commission (Energy Commission) adopted this *Renewable Portfolio Standard Eligibility Guidebook (Guidebook)*, pursuant to Senate Bill 1038 (Sher) Chapter 515, Statutes of 2002, Senate Bill 1078 (Sher) Chapter 516, Statutes of 2002, Senate Bill 67 (Bowen), Chapter 731, Statutes of 2003, and Senate Bill 183 (Sher) Chapter 666, Statutes of 2003. The pertinent provisions of these laws are codified in Public Utilities Code (PUC) Sections 381 and 399.11 through 399.16, and Public Resources Code (PRC) Sections 25740 through 25751.¹

This *Guidebook* describes the requirements and process for certifying eligible renewable energy resources for California's Renewables Portfolio Standard (RPS) and supplemental energy payments (SEP). This *Guidebook* also describes how the Energy Commission will track and verify compliance with the RPS using an interim generation tracking process.

This *Guidebook* establishes efficient and effective processes to encourage participation in California's RPS and assure program credibility to benefit stakeholders, regulators, and consumers. Although this *Guidebook* addresses the Energy Commission's role in implementing the RPS, the Energy Commission recognizes that the California Public Utilities Commission (CPUC) also has a key RPS implementation role.

SB 1078 establishes the RPS in California and sets a goal for California retail electric sellers to increase their sales of renewable electricity by at least 1 percent per year, until 20 percent of electricity retail sales will be served with renewable resources by 2017. Pursuant to the *Energy Action Plan, 2003 Integrated Energy Policy Report, the 2004 Integrated Energy Policy Report Update, and the 2005 Integrated Energy Policy Report*, the state's energy agencies are working to accelerate the RPS to achieve the 20 percent target by 2010.

The law also establishes specific roles for the Energy Commission and the CPUC and directs the two agencies to work together to implement the RPS. Although the law assigns lead roles for specific implementation efforts to each agency, the roles of the two agencies are interrelated. The Energy Commission is responsible for certifying eligible renewable resources and tracking the procurement of such resources to ensure compliance with the RPS. The CPUC is responsible for establishing targets for the amount of eligible renewable resources the investor-owned utilities (IOUs) must procure to comply with the RPS and for verifying that the IOUs comply with the requirements.

In February 2003, the CPUC issued a ruling formalizing collaboration on RPS issues, and in March 2003 the Energy Commission adopted a reciprocal agreement. The Energy Commission subsequently developed this *Guidebook* collaboratively with the CPUC.

¹ The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code sections 383.5 and 445, but are now codified in Public Resources Code sections 25740 through 25751 as a result of SB 183.

While this *Guidebook* reflects current requirements, the Energy Commission recognizes that it may need to periodically revise program guidelines to reflect market and regulatory developments as well as incorporate the lessons learned from experience implementing the RPS.

Related Reports

This *Guidebook* is one of several guidebooks the Energy Commission has adopted to implement and administer the various program elements of its Renewable Energy Program. The Energy Commission's *Overall Program Guidebook for the Renewable Energy Program (Overall Program Guidebook,)* describes how the Renewable Energy Program will be administered and includes information on requirements that apply to all program elements. To qualify for certification as a renewable energy resource eligible for RPS and SEPs, an applicant must satisfy the requirements specified in this *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook*.

To receive SEPs, applicants must also satisfy the requirements specified in the Energy Commission's *New Renewable Facilities Program Guidebook*. Parties interested in receiving SEPs may refer to the *New Renewable Facilities Program Guidebook* for information on how to apply for and receive SEPs. Please note that the Energy Commission also provides production incentive payments to eligible existing renewable resources that are not eligible for SEPs but may be eligible for the RPS. For more information, refer to the *Existing Renewable Facilities Program Guidebook*.

For general information on the process of creating, appealing, and implementing RPS guidelines, please refer to the *Overall Program Guidebook*. Program guidebooks are available online at the Energy Commission's Web site at <www.energy.ca.gov>.

Outstanding Issues

This *Guidebook* addresses only RPS certification and verification requirements as they apply to Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E), Southern California Edison Company (SCE), PacifiCorp and Sierra Pacific Power. It does not address these requirements as they apply to Electric Service Providers (ESPs) or Community Choice Aggregators (CCAs). The Energy Commission intends to collaborate with the CPUC to address RPS requirements for ESPs and CCAs.

There are several ongoing issues that could affect these guidelines. The Energy Commission will continue to address these issues collaboratively with the CPUC:

- Renewable Energy Credit/Certificate (REC) trading:

RECs generally represent the non-energy attributes associated with energy production. The CPUC adopted an initial definition for RECs as part of its decision outlining RPS standard contract terms and conditions. For more information, please refer to Decision 04-06-014, *Opinion Adopting Standard Contract Terms and Conditions*, dated June 9, 2004, Rulemaking 04-04-026. . Consistent with CPUC Decision 03-06-071 (June 19, 2003), generation currently must be bundled with the associated RECs to qualify for the RPS. Any action by the Energy Commission and CPUC to allow RPS eligibility for RECs that are traded separately from energy would require further deliberations and public input.

RECs associated with electricity generation should be transferred to the utility when the utility procures the RECs and electricity. A REC procured by a utility and counted toward the utility's RPS obligation should be retired and not allowed to be resold.

- Determining how customer-side renewable distributed generation resources fit into the RPS:

The law includes solar energy as an eligible resource for the RPS, but several issues need to be clarified to determine how best to include distributed photovoltaic resources, as well as other forms of customer-side renewable distributed generation. This *Guidebook* describes these issues in the section on eligibility requirements.

- Defining fuel specific issues:

The Energy Commission anticipates that new issues may arise that will need to be addressed as implementation begins. The Energy Commission recognizes that some parties may be interested in using hydrogen fuel to generate electricity but recommends deferring the development of implementation guidelines for such facilities. The Energy Commission recommends, however, that only eligible RPS fuel stock may be used to produce hydrogen for use at an RPS-eligible facility.

- Hybrid technologies:

For new and repowered facilities not certified as Qualifying Small Power Production Facilities under the federal Public Utilities Regulatory Policies Act that operate on co-fired fuels or a mix of fuels that includes fossil fuel, the Energy Commission will allow the renewable portion of the electricity production to qualify for the RPS once an appropriate tracking system for such electricity production is developed. Facilities that were operational before 2002 or that were or will be developed and awarded power purchase contracts as result of an Interim RPS solicitation approved by the CPUC pursuant to Decision 02-08-071 and Decision 02-10-062 may use up to 25 percent fossil fuel annually (on a total energy input basis) and count all the electricity generated as renewable. If a facility is a Qualifying Small Power Production Facility, then all of the electricity production can qualify for the RPS.

Guidebook Organization

This *Guidebook* is organized as follows:

1. Introduction
2. Eligibility Requirements
3. Certification Process
4. Generation Tracking System
5. Forms
6. List of Acronyms
7. Summary Table of Reporting Requirements

Section 2 covers eligibility requirements for generators interested in producing electricity that can be procured by retail sellers to comply with the RPS. For the purposes of this *Guidebook*, “retail sellers” refers to California’s three largest IOUs, PG&E, SCE, and SDG&E, and to PacifiCorp and Sierra Pacific Power (electrical corporations with 60,000 or fewer customer accounts in California that also serve retail end-use customers outside California pursuant to PUC 399.17). These particular retail sellers are also referred to as “electrical corporations” as defined in the glossary in the *Overall Program Guidebook*.

Section 2 also addresses eligibility requirements for generators interested in producing electricity that can be procured to comply with the RPS and that is eligible to receive SEPs.

Section 3 discusses the Energy Commission’s certification process, including the following:

- Pre-certification application process for developers of renewable facilities that are not yet online but who are seeking a preliminary determination that their facility will be eligible for the RPS or SEPs.
- Certification application process for generators with renewable facilities that are online who are interested in serving energy to meet an RPS obligation or to serve energy that is eligible for SEPs.
- Registration application process for facilities whose owners are interested in registering with the Energy Commission that they are a renewable generator but are not eligible for the RPS or for SEPs.

Section 4 discusses the data submission requirements for a generation tracking system that will be used to verify retail sellers’ compliance with the RPS and to verify that generation is counted only once in California or any other state.

Eligibility Requirements

This section describes eligibility requirements for the RPS, for SEPs, and for out-of-state facilities that seek RPS or SEP eligibility. In general, a facility is eligible if it uses an eligible renewable resource or fuel, satisfies resource-specific criteria, and is either located within the state or satisfies applicable requirements for out-of-state facilities. If a retail seller owns a renewable facility, the facility may be RPS-eligible, but is not eligible for SEPs.

RPS Targets

The CPUC sets annual procurement targets (APTs) for the amount of RPS-eligible energy each retail seller must procure. Public Utilities Code Section 399.15 (b)(1) requires the retail sellers to annually increase their renewable procurement by at least 1 percent of retail sales per year to serve 20 percent of their retail sales with RPS-eligible energy. The CPUC sets an “incremental procurement target” (IPT) for this 1 percent or greater annual increase and sets the APT for total RPS-eligible procurement needed to meet the 20 percent goal. Procurement eligible towards the APT includes “baseline” procurement and “incremental” procurement as defined by the CPUC.²

When a retail seller procures energy and the associated RECs from a facility that is eligible for the RPS (or eligible for the RPS and SEPs), then the procurement may count towards the retail seller’s APT, assuming the transaction meets applicable delivery requirements and other eligibility criteria. The Energy Commission verifies RPS procurement, and the CPUC determines whether or not a retail seller is in compliance with its procurement targets, consistent with CPUC rules for flexible compliance.³

In accounting for RPS-eligible procurement, it is necessary to categorize specific purchases as incremental procurement or baseline procurement. Applying CPUC rules, this accounting depends on both static and dynamic information.

1. Static information: The characteristics of the renewable energy facility determine if it may be accounted for as incremental procurement or if it is restricted to baseline and adjusting the baseline. The following resources are restricted by statute to count only towards baseline or adjusting the baseline; generation cannot count towards the incremental procurement target:
 - a) Geothermal facilities that began commercial operations before September 26, 1996.
 - b) Small hydroelectric facilities that began commercial operations before September 12, 2002 and were owned, or whose generation was procured, by a utility as of this date.
 - c) Eligible municipal solid waste combustion facilities located in Stanislaus County that began commercial operations before September 26, 1996.

² The CPUC is refining its definitions and compliance rules through Rulemaking 06-02-012.

³ Public Utilities Code section 399.14 (a)(2)(C).

2. Dynamic information: The amount of time the retail seller has been procuring energy from the RPS-eligible facility is dynamic and can be the determining factor in accounting for procurement as baseline or incremental.

The Energy Commission's RPS certification identifies if a facility is RPS-eligible, or RPS and SEP-eligible. In the event that the generation from a facility is statutorily restricted to baseline, the Energy Commission will note this on the facility's RPS-certification notice. The "vintage" of the RPS procurement is dynamic and therefore outside the scope of the Energy Commission's RPS certification process.

Eligibility for the Renewables Portfolio Standard

The Energy Commission has determined that it is appropriate to define eligible renewable energy resources by renewable resource or fuel rather than by the specific technology used. For certain eligible renewable energy resources, however, the law contains specific requirements, and the Energy Commission must consider both the resource or fuel and the technology to determine RPS eligibility.

To qualify as eligible for California's RPS, a generation facility must use one or more of the following renewable resources or fuels (see the *Overall Program Guidebook* for full definitions):

- Biomass
- Biodiesel
- Fuel cells using renewable fuels
- Digester gas
- Geothermal
- Landfill gas
- Municipal solid waste
- Ocean wave, ocean thermal, and tidal current
- Photovoltaic
- Small hydroelectric (30 megawatts or less)
- Solar thermal
- Wind

Table 1 on the following page summarizes the requirements for a facility to qualify for the RPS and be eligible for SEPs. The table does not reflect any additional requirements that may apply to facilities located out-of-state.

Please note that, in some cases, the criteria for RPS-eligibility depends on the date that commercial operations commence. If a facility shuts down and later recommences operations, it is subject to the eligibility requirements that apply to the original operation date. If a facility is repowered as provided in this *Guidebook*, its commercial operation date corresponds to its repowering date, and the facility may then qualify for SEPs.

Table 1: Renewables Portfolio Standard Eligibility Requirements for Renewable Electricity Facilities

| Resource Used | RPS Eligibility | RPS and SEP Eligibility |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Biomass | Yes | Yes, if New or Repowered <u>AND IF</u> meets fuel use specifications. See notes below. ^{1,2,3} |
| Biodiesel | Yes, subject to RESTRICTION ⁴ | Yes, if New or Repowered |
| Digester Gas | Yes | Yes, if New or Repowered |
| Fuel Cells | Yes, if a renewable fuel is used. | Yes, if New or Repowered |
| Geothermal | Yes, RESTRICTED to adjusting the baseline if the facility was originally operating before September 26, 1996. | Yes, if New or Repowered |
| Incremental Geothermal | Yes, regardless of original operation date, if certified as Incremental Geothermal Generation. ⁵ | Yes, if New or Repowered |
| Hydroelectric | Yes, RESTRICTED to facilities 30 MW or less. RESTRICTED if it was owned by an IOU as of September 12, 2002, or if the generation was procured by an IOU as of September 12, 2002, then the generation may be counted only towards adjusting an IOUs RPS baseline. Facilities originally operational AFTER September 12, 2002 must meet SEP requirements. | Yes, if 30 MW or less, New or Repowered <u>AND IF</u> it does NOT require a new or increased appropriation or diversion of water. |
| Landfill Gas | Yes | Yes, if New or Repowered |
| MSW Combustion | Yes, but generation from MSW combustion is RESTRICTED to adjusting the baseline AND is only eligible IF the electric generation facility is located wholly within Stanislaus County and began operating before September 26, 1996. | Combusted MSW is NOT SEP eligible. |
| MSW Conversion | Yes, if it meets SEP requirements. | Yes, if New or Repowered AND IF it meets the definition "solid waste conversion." ⁶ |
| Photovoltaic | Yes ⁷ | Yes, if New or Repowered |
| Solar Thermal | Yes | Yes, if New or Repowered |
| Tidal Current | Yes | Yes, if New or Repowered |
| Ocean Wave | Yes | Yes, if New or Repowered |
| Ocean Thermal | Yes | Yes, if New or Repowered |
| Wind | Yes | Yes, if New or Repowered |

Notes to Table 1

¹ **New:** Resources that first begin commercial operation or are repowered on or after January 1, 2002, and meet the other eligibility requirements of Public Resources Code Section 25743, including Subdivision (f), are eligible for SEPs.

² **Repowered:** Repowered generators will be eligible for SEPs if they replace their prime generating equipment and use tax records, or an acceptable alternative, to demonstrate that they have made capital investments in the facility equal to "at least 80 percent of the value of the repowered facility," as required by Public Resources Code Section 25743, Subdivision (c). For generators with existing long-term contracts originally entered into before September 26, 1996, only generation above and beyond what is already under contract, as determined in accordance with Public Utilities Code Section 399.6, Subdivision (c), paragraph (1)(C), may compete to satisfy the RPS obligation of a retail seller and be eligible for SEPs.

³ **New or Repowered Biomass:** New or repowered biomass facilities seeking SEP eligibility must certify to the satisfaction of the Energy Commission that fuel utilization is limited to the following pursuant to Public Resources Code Section 25743, Subdivision (f):

(A) Agricultural crops and agricultural wastes and residues.

(B) Solid waste materials such as waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape or right-of-way tree trimmings, mill residues that are directly the result of the milling of lumber, and rangeland maintenance residues.

(C) Wood and wood wastes that meet all of the following requirements:

(i) Have been harvested pursuant to an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly Forest Practice Act of 1973, Chapter 8 (commencing with Section 4511 of Part 2 of Division 4 of the Public Resources Code).

(ii) Have been harvested for the purpose of forest fire fuel reduction or forest stand improvement.

(iii) Do not transport or cause the transportation of species known to harbor insect or disease nests outside zones of infestation or current quarantine zones, as identified by the Department of Food and Agriculture or the Department of Forestry and Fire Protection, unless approved by those agencies.

⁴ **Biodiesel:** Electricity produced from biodiesel is eligible for the RPS IF the biodiesel is derived either from 1) a biomass feedstock such as "agricultural crops and agricultural wastes and residues" or as a result of an eligible "solid waste conversion" process (see Municipal Solid Waste Conversion) and 2) if it meets the requirements for hybrid technologies, as appropriate. Electricity generated from biodiesel derived from biomass fuel or as a result of a solid waste conversion process may also qualify for SEPs if the SEP requirements for biomass or solid waste conversion are satisfied.

⁵ **Incremental Geothermal:** Incremental Geothermal Generation is defined as resulting from eligible capital expenditures that reflect:

1) a substantial capital project, resulting in replacement of generating equipment or increase in steam converted to generation at a facility;

2) a sustainable impact on the underlying reservoir use; that is, a project does not cause an increase in the decline rate of the reservoir; and

3) a capital project completion date after September 26, 1996;

4) AND IF the incremental output was not sold to a retail seller under contract entered into prior to September 26, 1996.

⁶ **Municipal Solid Waste Conversion:** A technology using a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity that meets all of the following criteria:

(i) The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.

(ii) The technology produces no discharges of air contaminants or emissions, including greenhouse gases as defined in Section 42801.1 of the Health and Safety Code.

(iii) The technology produces no discharges to surface or groundwaters of the state.

(iv) The technology produces no hazardous wastes.

(v) To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process, and the owner or operator of the facility certifies that those materials will be recycled or composted.

(vi) The facility at which the technology is used complies with all applicable laws, regulations, and ordinances.

(vii) The technology meets any other conditions established by the Energy Commission.

(viii) The facility certifies that any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling and composting. To qualify for SEPs, the facility must certify that any local agency sending solid waste to the facility is in compliance with Division 30 of the Public Resources Code (commencing with Section 40000), and has reduced, recycled, or composted solid waste to the maximum extent feasible, and shall have been found by the California Integrated Waste Management Board to have diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.

⁷ **Photovoltaic:** The CPUC is currently deliberating how to achieve the RPS eligibility of distributed generation, particularly solar.

Facilities using biomass, municipal solid waste, geothermal, hydropower, or biodiesel are subject to the additional resource or fuel-specific requirements described below. Also addressed below are requirements for photovoltaic facilities, as well as those for hybrid facilities that use a mix of fuels, including those that operate in part by using fossil fuels.

Resource or Fuel-Specific Eligibility Requirements

The following requirements apply to generators seeking RPS certification or RPS and SEP certification for a facility that operates on biodiesel, biomass, geothermal or incremental geothermal, hydropower, municipal solid waste (MSW), photovoltaics, or a mix of fuels in a “hybrid technology.”

Biodiesel: The electricity produced from combusting biodiesel is eligible for the RPS to the extent that the biodiesel is derived from the following:

1. A biomass feedstock such as “agricultural crops and agricultural wastes and residues,” consistent with the requirements for hybrid technologies (refer to the guidelines for biomass eligibility and for hybrid technologies below), or
2. An eligible “solid waste conversion” process using MSW (refer to the MSW eligibility guidelines below), consistent with applicable requirements for hybrid technologies.

In addition, the facility must be located in California or satisfy the out-of-state eligibility requirements discussed later in this *Guidebook*.

Biomass: The eligibility requirements for biomass facilities vary depending on the date the facility first commences “commercial operation” as defined in the *Overall Program Guidebook*.

Pre-January 1, 2002: The generation from a biomass facility that commenced commercial operations prior to January 1, 2002, is eligible for the California RPS if the facility is located in-state or satisfies the out-of-state eligibility requirements.

Post-January 1, 2002: The generation from a biomass facility that commences commercial operations or is repowered on or after January 1, 2002, is eligible for the RPS to the extent that the facility is located in-state or satisfies the out-of-state eligibility requirements. The generation is eligible for SEPs if the facility operator certifies to the satisfaction of the Energy Commission that the fuel used is limited to the following:

1. Agricultural crops and agricultural wastes and residues.
2. Solid waste materials such as waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape or right-of-way tree trimmings, mill residues that are directly the result of the milling of lumber, and rangeland maintenance residues.

3. Wood and wood wastes that meet all of the following requirements:
 - a. Have been harvested pursuant to an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code).
 - b. Have been harvested for the purpose of forest fire fuel reduction or forest stand improvement.
 - c. Do not transport or cause the transportation of species known to harbor insect or disease nests outside zones of infestation or current quarantine zones, as identified by the Department of Food and Agriculture or the Department of Forestry and Fire Protection, unless approved by these agencies.

When applying for pre-certification or certification, biomass facility operators that are repowering or commencing commercial operations on or after January 1, 2002, and are seeking SEP eligibility must state their intent in writing to (1) procure biomass fuel supplies that meet the applicable statutory requirements noted above, and (2) comply with annual reporting requirements. After receiving certification and commencing commercial operations, facility operators must submit an annual written attestation from the facility's fuel supplier(s) stating that the biomass fuel delivered to the facility meets the applicable statutory requirements.

This annual attestation must be submitted regardless of whether the facility operator intends to compete for SEPs. The attestation is due to the Energy Commission on February 15th of each year and should apply to fuel use for the previous calendar year. Biomass facility operators must also provide documentation upon request by the Energy Commission to verify ongoing compliance with these requirements between reporting dates.

Additional information is required annually for biomass facility operators receiving SEPs; that information is discussed in the *New Renewable Facilities Program Guidebook*.

Geothermal: The RPS eligibility of geothermal facilities varies depending on the date the facility first commences commercial operations.

- Pre-September 26, 1996: Generation from geothermal facilities that began commercial operations before September 26, 1996, is eligible for the RPS only to establish or adjust a retail seller's baseline of eligible renewable energy resources. The facility must also be located in-state or satisfy the out-of-state requirements. Generation from these facilities is not eligible for SEPs.
- September 26, 1996, to January 1, 2002: Generation from geothermal facilities that began commercial operations on or after September 26, 1996, and before

January 1, 2002, is eligible for the RPS. The facility must also be located in-state or satisfy the out-of-state requirements. Generation from these facilities is not eligible for SEPs.

- Post-January 1, 2002: Generation from geothermal facilities that commence commercial operations or are repowered on or after January 1, 2002, is eligible for the RPS provided the facility is located in-state or satisfies the out-of-state requirements. Generation from these facilities is also eligible for SEPs provided it meets the eligibility requirements described in the *New Renewable Facilities Guidebook*.

Incremental Geothermal: Incremental generation from geothermal facilities is eligible for the RPS but is limited to generation resulting from eligible capital expenditures as described below. Incremental geothermal generation is eligible for SEPs to the extent that the generation meets the criteria for “new” or “repowered” in-state renewable electricity generation technology facilities described in SB 1038.

To be considered an “eligible capital expenditure,” the expenditure must meet the following criteria:

1. is a substantial capital project that results in replaced generating equipment or increased steam converted to generation.
2. does not cause an increase in the decline rate of the reservoir.
3. is a capital project completed after September 26, 1996.

Examples of eligible capital expenditures at a facility are repowering or refurbishing generation equipment, or using the geothermal energy more effectively to increase generation, such as adding a binary bottoming cycle. An example of an eligible capital expenditure at a steamfield is increasing production from the steamfield through increased water injection.

Small Hydroelectric: The RPS eligibility of small hydroelectric facilities varies depending on the date the facility first commences commercial operations and whether the facility is owned, or its generation is procured by, an IOU.

- Pre-September 12, 2002: Except as noted, generation from a small hydroelectric facility that commenced commercial operations before September 12, 2002, is eligible for the RPS if the facility meets all of the following criteria:
 1. The facility is 30 MW or less.
 2. The facility is located in-state or satisfies the out-of-state requirements.

3. The facility was not owned by an IOU as of September 12, 2002, and its generation was not procured by an IOU as of September 12, 2002.
 4. If the facility was owned by an IOU as of September 12, 2002, or its generation procured by an IOU as of September 12, 2002, its generation is eligible only for purposes of establishing or adjusting an IOU's RPS baseline. The facility's generation may not be used for meeting an IOU's incremental procurement target.
- Post-September 12, 2002: Generation from a small hydroelectric facility that commences commercial operations or is repowered on or after September 12, 2002, and is 30 MW or less is eligible for the California RPS and SEPs if the facility meets all of the following criteria:
 1. The facility is 30 MW or less.
 2. The facility is located in-state or satisfies the out-of-state requirements.
 3. The facility does not require a new or increased appropriation or diversion of water. For purposes of this limitation, the terms "appropriation" and "diversion" shall be defined as follows:

"Appropriation" shall be defined in a manner consistent with Water Code Section 1201 to mean the right to use a specified quantity of water from any surface streams or other surface bodies of water or from any subterranean streams flowing through known and definite channels.

"Diversion" shall be defined in a manner consistent with Water Code Section 5100(b) to mean the taking of water by gravity or pumping from a surface stream or subterranean stream flowing through a known and definite channel, or other body of surface water, into a canal, pipeline, or other conduit, and includes impoundment of water in a reservoir.

Hydroelectric Facilities Located within California

A new or repowered small hydroelectric facility located within California is NOT eligible for the RPS or RPS and SEPs if it requires any of the following:

1. A new or revised permit from the State Water Resources Control Board (SWRCB) for a new appropriation of water.
2. A new permit or license from the SWRCB for a new diversion of water.
3. An increase in the volume or rate of water diverted if the increase would require a new permit or license from the SWRCB.

4. An increase in the volume or rate of water diverted under an existing right, even if such an increase would not require a water right permit or license from the SWRCB.

If a new or repowered small hydroelectric project can demonstrate that it could operate without a new or increased appropriation or diversion of water, it may be eligible for the RPS and SEPs. For example, a small hydro facility that can operate by simply adding hydroelectric power generation as an authorized purpose of use to its existing SWRCB permit or license may be eligible for the RPS and SEPs if this change in use does not require a new appropriation or does not increase the volume or rate of water diverted beyond that which is allowed under that permit or license. Similarly, a water development project that has been granted a permit by the SWRCB but has not been built out and issued a license by the SWRCB may be able to use additional water as authorized under the permit to create electric energy so long as there is no change in water use relative to what the permittee would have used under the approved project.

A new or repowered small hydroelectric project located in California can qualify for the RPS and SEPs if it meets the following criteria:

1. The applicant has a permit or license to appropriate water from the SWRCB, which was issued on or before September 12, 2002.
2. The applicant can operate its proposed project under its existing SWRCB permit or license.

Hydroelectric Facilities Located Outside California

A new or repowered small hydroelectric facility located outside California is NOT eligible for the RPS or RPS and SEPs if it requires any of the following:

1. A new permit or license from any government body for a new appropriation of water.
2. A new permit or license from any government body for a new diversion of water.
3. An increase in the volume or rate of water diverted under an existing right, even if such an increase would not require a new permit or license from any government body.

If a new or repowered small hydroelectric project located outside California can demonstrate that it could operate without a new or increased appropriation or diversion of water, it may be eligible for the RPS and SEPs. For example, a small hydro facility that can operate by simply adding hydroelectric power generation as an authorized purpose of use to its existing government permit or license may be eligible for the RPS and SEPs if this change in use does not require a new appropriation or increased diversion and does not change the volume or rate of water withdrawn or released under that permit or license. A project located outside California would likely qualify for the

RPS and SEPs if it meets the following criteria, as well as the out-of-state eligibility criteria specified earlier in this guidebook:

1. The applicant has a permit or license to appropriate water from the applicable governing body, which was issued on or before September 12, 2002.
2. The applicant can operate its proposed project under its existing government-issued permit or license.

The applicant is responsible for showing that its project qualifies for the RPS. Information required for small hydropower applicants is discussed in the section on certification.

The Energy Commission interprets the 30-MW size limit to apply to the total hydro project. Consequently, the facility must not exceed 30 MW, including any incremental increases to the efficiency or size of the facility. For example, a 5-MW incremental addition to a 50-MW facility would not qualify for the RPS because the facility exceeds the 30-MW size limit.

Municipal Solid Waste: Applicants representing facilities using MSW fall into two categories:

1. **Combustion Facilities:** A facility that directly combusts MSW to produce electricity is only eligible for the RPS if it is located in Stanislaus County and was operational before September 26, 1996. Applicants for combustion facilities must submit documentation to the Energy Commission demonstrating that the facilities meet these requirements. The generation from such facilities is eligible for the RPS only to establish or adjust an IOU's baseline quantity of eligible renewable energy resources. Generation from these facilities does not qualify for SEPs.
2. **Solid Waste Conversion Facilities:** A facility that uses a non-combustion thermal process to convert MSW to a clean burning fuel that is then used to generate electricity is eligible for the RPS and may qualify for SEPs if it qualifies as new or repowered and is located in-state or satisfies the out-of-state requirements. Such facilities must meet all of the following criteria in accordance with Public Resources Code Section 25741(a)(3):
 - a. The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.
 - b. The technology produces no discharges of air contaminants or emissions, including greenhouse gases as defined in Section 42801.1 of the Health and Safety Code.
 - c. The technology produces no discharges to surface or groundwaters of the state.

- d. The technology produces no hazardous wastes.
- e. To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process, and the owner or operator of the facility certifies that those materials will be recycled or composted.
- f. The facility at which the technology is used complies with all applicable laws, regulations, and ordinances.
- g. The technology meets any other conditions established by the State Energy Resources Conservation and Development Commission (formal name of the Energy Commission).
- h. The facility certifies that any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting. To qualify for SEPs, the facility must certify that any local agency sending solid waste to the facility is in compliance with Division 30 of the Public Resources Code (commencing with Section 40000) has reduced, recycled, or composted solid waste to the maximum extent feasible, and shall have been found by the California Integrated Waste Management Board to have diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.

Solar Energy and Distributed Generation: Generation from facilities using solar energy is eligible for the RPS. Both central station and distributed generation facilities are eligible, but the Energy Commission has not yet determined how to include distributed generation into RPS compliance or guidelines.

Solar thermal electric central station facilities delivering electricity to the grid are relatively straightforward to integrate into RPS implementation because the generation can be readily measured and procured towards meeting RPS requirements. It is possible that a photovoltaic (PV) central station facility could also produce electricity that is eligible for the RPS with standard metering employed for central station facilities.

Distributed generation PV facilities and other distributed renewable energy technologies, however, have qualities that make them more difficult than central station facilities to integrate into RPS implementation. For example, distributed PV facilities are typically small-scale applications designed to meet on-site energy demands. In addition, generation from distributed generation PV may be metered differently than central station facilities or not metered at all. Also, as described in the *New Renewable Facilities Program Guidebook*, on-site generation is not eligible for SEPs.

Both the Energy Commission and the CPUC have roles in determining RPS implementation for distributed generation. However, the Energy Commission is deferring any decisions on how to integrate distributed generation PV and other forms of

customer-sited renewable energy into the RPS until the CPUC has further addressed RPS implementation issues for distributed generation.

In May 2005, the CPUC issued the *Opinion Clarifying Participation of Renewable Distributed Generation in the Renewable Portfolio Standards Program* to clarify participation of renewable distributed generation in the RPS (Decision 05-05-011, Rulemaking 04-04-026). Among other things, the CPUC ruled that RECs from eligible renewable distributed generation facilities installed after October 24, 2002, may qualify for the RPS. However, the CPUC stated that renewable distributed generation facilities cannot be counted for the RPS until issues surrounding measurement, metering, and how to account for subsidies distributed generation may receive elsewhere (such as rebates from the Energy Commission's Emerging Renewables Program) are resolved. The CPUC referred the outstanding issues to its distributed generation Rulemaking (R. 04-03-017).

Hybrid Systems: In the past, the Energy Commission's Renewable Energy Program (REP) provided that renewable facilities using fossil fuels were eligible for funding as long as the percentage of fossil fuel used did not exceed 25 percent of the total energy input of the facility during a given calendar year. As long as a facility did not use more than 25 percent fossil fuel for its total generation, including the portion produced with fossil fuels then it was considered eligible for funding by the Energy Commission. The Energy Commission will provide the same treatment under the RPS for existing facilities that originally commenced commercial operations prior to January 1, 2002, and have not been repowered.

Further, any facility that is developed and awarded a power purchase contract as a result of an Interim RPS procurement solicitation approved by the CPUC pursuant to Decision 02-08-071 and Decision 02-10-062 may use up to 25 percent fossil fuel in its facility and count 100 percent of the electricity generated as RPS-eligible (assuming the electricity meets all other eligibility requirements).

The Energy Commission will allow two alternatives for eligibility of new and repowered facilities that operate on co-fired fuels or a mix of fuels that includes fossil fuel:

1. If the facility is certified as a Qualifying Small Power Production Facility (QF) under the federal Public Utilities Regulatory Policies Act (PURPA), then 100 percent of the electricity production from the facility may count as renewable provided the facility satisfies the fossil fuel use limitations specified in PURPA and the facility otherwise satisfies the applicable California RPS standards.
2. If the facility is NOT certified as a QF, then only the renewable portion of the electricity production can qualify for the RPS, and then only once an appropriate tracking system for such electricity production is developed.

Before new or repowered non-QF hybrid facilities can be certified as RPS eligible, the Energy Commission will need to develop a methodology as part of the tracking system

to measure the renewable fraction of generation. This methodology could be based on the total heat input of the fuel, for example. As part of their application for certification from the Energy Commission, parties interested in certifying such facilities are invited to propose an appropriate tracking methodology for their facility.

Pumped storage hydro may qualify for the RPS to the extent that: 1) the facility meets the eligibility requirements for small hydro, and 2) the electricity used to pump the water qualifies as RPS-eligible. The amount of energy that may qualify for the RPS is the amount of electricity dispatched from the system.

The Energy Commission clarifies that pumped storage facilities qualify for the RPS on the basis of the renewable electricity used for pumping, and that electricity storage facilities will not be certified for the RPS as distinct or separate renewable facilities. A facility certified as RPS eligible may include an electricity storage device if it does not conflict with other RPS eligibility criteria, but the storage unit itself will not be separately certified.

Eligibility for Supplemental Energy Payments

A facility that is eligible for the RPS may also be eligible for SEPs. To qualify as eligible for SEPs, a facility must meet the RPS eligibility requirements above, as well as the additional requirements below.

1. The facility is either:
 - a. “new,” meaning the facility first commences commercial operations on or after January 1, 2002, with the commercial operation date used to designate a facility as “new” to be periodically updated by the Energy Commission, or
 - b. “repowered,” such that the prime generating equipment of the facility is replaced and the applicant demonstrates that the capital investments equal “at least 80 percent of the value of the repowered facility,” as required by Public Resources Code Section 25743 (c). A facility qualifies as “repowered” only if it re-enters commercial operations on or after the commercial operations date that distinguishes “new” facilities. Only investments made in the two years prior to re-entering commercial operations qualify toward the 80 percent investment threshold. More information about the requirements to qualify as a repowered facility is provided in the section on certification.
2. A small hydroelectric facility may qualify for SEPs if it commences commercial operations or is repowered on or after September 12, 2002.
3. If a facility has an existing long-term contract with a retail seller originally entered into before September 24, 1996, then only incremental new or repowered generation that is above and beyond what is already under contract, as determined in accordance with Public Utilities Code Section 399.6 (c)(1)(C), may qualify for SEPs.

For information about applying for and receiving SEPs, please refer to the *New Renewables Facilities Program Guidebook*).

Eligibility of Out-of-State Facilities

This section applies to renewable facilities that are located out-of-state and have their first point of interconnection to the Western Electricity Coordinating Council (WECC) transmission system outside the state, as defined in the *Overall Program Guidebook*. Facilities that have their first point of interconnection to the WECC transmission system within the state are considered to be in-state facilities and are not subject to the requirements of this section for purposes of RPS or SEP eligibility. Out-of-state facilities that are not or will not be interconnected to the WECC transmission system are not eligible for the RPS.

Generation from renewable facilities located out-of-state is potentially eligible for both the RPS and SEPs. To qualify only for the RPS, generation from an out-of-state facility must meet the RPS eligibility requirements described above and must satisfy all of the following criteria. Note that the criteria below do not apply to electric corporations that serve retail end-use customers outside California and have 60,000 or fewer customer accounts in California pursuant to Public Utilities Code Section 399.17, as enacted by Assembly Bill 200 (Leslie) AB 200, Chapter 50, Statutes of 2005. AB 200 modified the definition of eligible renewable resources to include out-of-state facilities for certain electric corporations, such as PacifiCorp and Sierra Pacific Power, which serve customers both in and outside California.

For PG&E, SCE and SDG&E, electricity procured from a facility located out-of-state must meet the following criteria to be eligible for the RPS.

1. The generation must be from a facility that:
 - a) Is located so that it is or will be connected to the WECC transmission system.
 - b) Has a guaranteed contract to sell its generation to a retail seller or the California Independent System Operator (CA ISO).
 - c) Demonstrates delivery of its generation to an in-state market hub or in-state substation located within the CA ISO control area of the WECC transmission system.
 - d) Satisfies the “Delivery Requirements” set forth below.
 - e) Participates in an RPS tracking and verification system approved by the Energy Commission.

To qualify for both the RPS and SEPs, generation from an out-of-state facility must meet the RPS eligibility requirements described above and must satisfy all of the following criteria:

2. The generation must be from a facility that:
 - a) Is located so that it is or will be connected to the WECC transmission system.
 - b) Is developed with guaranteed contracts to sell its power to end-users subject to the funding requirements of Public Utilities Code Section 381 (end-use customers of PG&E, SCE, and SDG&E) during the period in which it receives SEPs.
 - c) Demonstrates delivery of its generation to an in-state market hub or in-state substation located within the CA ISO control area of the WECC transmission system.
 - d) Does not cause or contribute to any violation of a California environmental quality standard or requirement.
 - e) If located outside the United States, is developed and operated in a manner that is as protective of the environment as a similar facility located in California.
 - f) Participates in an RPS tracking and verification system approved by the Energy Commission.
 - g) Satisfies the “Delivery Requirements” set forth below.

For PacifiCorp and Sierra Pacific Power, electricity procured from a facility located out-of-state must meet the following criteria to be eligible for the RPS.

- a) The generation must be procured by the retail seller on behalf of its California customers and is not used to fulfill its renewable energy procurement requirements in other states.
- b) The facility and retail seller must participate in an RPS tracking and verification system approved by the Energy Commission.

Generation procured by PacifiCorp or Sierra Pacific Power is not eligible for SEPs.

Delivery Requirements

To count generation from out-of-state facilities for purposes of RPS compliance, it must be delivered to an in-state market hub (also referred to as “zone”) or in-state substation (also referred to as “node”) located within the CA ISO control area of the WECC transmission system. The retail seller and Seller may negotiate a delivery location that

is located out-of-state as long as the energy is ultimately delivered into the CA ISO or a delivery location that otherwise satisfies applicable CPUC rules on delivery location. The delivery must be made consistent with North American Electricity Reliability Council (NERC) rules and documented with a NERC tag as described below.

The following deliverability requirements were developed in consultation with the CA ISO. These requirements must be satisfied for an out-of-state facility to qualify for the RPS or SEPs (with the exception noted above for Sierra Pacific Power and PacifiCorp). The delivery requirements do not apply to facilities located outside of California whose first point of interconnection to the WECC transmission system is located in California.

1. The facility must either engage in an interchange transaction with the CA ISO to deliver the facility's generation to the market hub or substation in the CA ISO control area or engage in an interchange transaction with another control area operator to deliver the facility's generation to an in-state location that satisfies applicable CPUC rules for delivery location. . . In accordance with the policies of the NERC, the interchange transaction must be tagged as what is commonly referred to as a "NERC tag," which requires, among other things, that information be provided identifying the Generation Providing Entity, the "source" or "Point of Injection", the physical transmission path for delivery, the contract or market path, the location to which the electricity will be delivered to ("sink" or "Point of Withdrawal"), and the Load Serving Entity responsible for the consumption of electricity delivered.
2. The owner of the eligible facility shall register the facility as a unique source with NERC. This source shall be used on NERC transaction tags for all eligible energy deliveries.
3. The facility must provide the Energy Commission with its NERC identification number when it applies for RPS certification.
4. The facility must submit for and receive acceptance of a NERC tag between the CA ISO and the operator of the control area in which the facility is located.
5. The applicable parties (the Generation Providing Entity and Load Service Entities) must agree to make available upon request documentation of the NERC tag to the Energy Commission. On May 1 of each year, the retail seller must submit an annual report documenting compliance with this NERC tag requirement for the previous calendar year to the Energy Commission.
6. The facility, or the retail seller on the facility's behalf, must submit verification of its generation to the Energy Commission annually until the long-term tracking system is in place. Please refer to the section on the generation tracking system. The Energy Commission will use these data to verify the actual generation of power that was scheduled for delivery via NERC tags.

Certification Process

This section covers pre-certification and certification of renewable facilities eligible only for the RPS, eligible for both the RPS and SEPs, and for registration as renewable only (not RPS eligible). This section also describes required supplemental information for renewable facilities using technologies that must meet special eligibility requirements.

Electricity generation from a facility cannot be counted towards meeting a retail seller's RPS procurement requirement until the Energy Commission certifies the facility as a Renewable Supplier Eligible for the RPS or as a Renewable Supplier Eligible for the RPS and SEPs. Any facility operator interested in entering into a contract through an RPS solicitation to generate electricity that will count toward a retail seller's RPS obligation must certify the facility with the Energy Commission.

Procurement in 2001 and 2002 may count toward a retail seller's RPS obligation even though facilities were not RPS certified at the time of procurement. The electricity will not be considered eligible, however, and will not be counted toward meeting an RPS obligation until the facility is certified by the Energy Commission as being eligible for the RPS. This applies to all facilities regardless of whether they previously registered with the Energy Commission's Renewable Energy Program.

In applying for certification, the facility operator, or the IOU on the operator's behalf, agrees to participate in the Energy Commission's generation tracking system. For more information about the tracking system, please refer to the section of this guidebook titled "Generation Tracking System."

The generation from facilities certified as eligible for RPS may be claimed by the procuring retail seller for purposes of establishing the retail seller's baseline, adjusting its baseline, or meeting its annual procurement requirements, depending on the eligibility requirements established in this *Guidebook*. The generation from facilities certified as eligible for RPS and SEPs may qualify for SEP funding under the Energy Commission's New Renewable Facilities Program. To receive SEPs, eligible facilities must satisfy the requirements specified in the Energy Commission's *New Renewable Facilities Program Guidebook*.

Applying for Certification and Pre-Certification

Facilities seeking certification as eligible for the RPS or RPS and SEPs consistent with the eligibility requirements noted above must submit a completed application, along with any necessary supporting documentation, to the Energy Commission at the address shown on the form. An application may be submitted for a facility by the facility operator (CEC-RPS-1) or by the procuring retail seller on the operator's behalf (CEC-RPS-2) for facilities under contract with the retail seller prior to April 21, 2004, the initial adoption date of this *Guidebook*.

Except for CPUC-ordered extensions to existing QF power purchase contracts, retail seller certification on the operator's behalf becomes void in the event that the facility's contract with the retail seller expires, or is voluntarily extended, or is otherwise renegotiated by the retail seller and the facility operator. Once the contract expires or is voluntarily renegotiated, the facility operator must apply for certification from the Energy Commission on its own behalf, and the retail seller may not recertify the facility on the operator's behalf. For CPUC-ordered extensions, retail seller certification may continue until the extension expires.

The Energy Commission will review the application to determine eligibility as a Renewable Supplier Eligible for the RPS or as a Renewable Supplier Eligible for the RPS and SEPs and will notify applicants once a determination of eligibility is made. Facilities that are certified by a retail seller will only be granted certification for the generation procured under contract by that retail seller. The facility operator must separately certify any facility capacity that is not subject to the retail seller's procurement contract but is procured to satisfy the RPS targets of another retail seller.

Provisional or "pre" certification as an eligible renewable resource is available for applicants whose facilities are not yet online or do not have a contract in place to sell their generation to a retail seller at the time of application. The information submitted by these applicants will be subject to further verification once the pre-certified facility comes online or secures a contract with a retail seller. Applicants must indicate their desire to be pre-certified on their completed CEC-RPS-1 form and must submit all required supplemental information, as described below, to the extent available. If the required supplemental information is not available at the time of pre-certification application because of the facility's stage of development or contract negotiations, the applicant must explain this in its application and identify the missing information and the dates when this information is expected to be available. Facilities that are pre-certified must submit a complete and updated certification application with all required supplemental information and be certified as RPS or RPS and SEP eligible before any of its generation may be counted toward satisfying a retail seller's RPS procurement requirements.

The Energy Commission will make every effort to notify applicants of their facility's eligibility status as soon as possible. For facilities that are not required to submit supplemental information as described below, the Energy Commission expects to review and process applications for certification and pre-certification within ten business days of their receipt, unless questions or concerns arise regarding the applications. If questions arise, the applicant will be contacted and may be asked to submit additional information. The Energy Commission recognizes that it may receive a large volume of applications at the onset of this program and that the 10-day goal may not be met.

The Energy Commission will notify applicants in writing of its determination on the application for certification. If the application for certification or pre-certification is approved, the Energy Commission will issue a certificate stating that the facility is certified or pre-certified as eligible for the RPS, or eligible for the RPS and SEPs, as

appropriate. The certificate will list the Energy Commission-issued certification number for the facility as well as the size, fuel type, name, location, and owner/operator of the facility. The certificate will also indicate whether the facility was certified by the facility owner/operator or a retail seller on the owner/operator's behalf.

In addition, the certificate will identify any limits on certification or pre-certification. For example, a certificate issued for a facility that has been certified by a retail seller will indicate certification by the retail seller, rather than the facility operator, and will limit certification to the generation procured under contract by the retail seller. A certificate issued for a facility that produces (or will produce) electricity that is eligible only for RPS baseline or baseline adjustment will indicate certification for this purpose only. A certificate issued for a facility that has certified a portion of its capacity as incremental geothermal, and the remainder as geothermal, will identify the amount of capacity that falls into each category.

The Energy Commission encourages local publicly owned electric utilities to meet their RPS obligations through procurement from RPS-certified facilities. However, to become RPS-certified an out-of-state facility must have a guaranteed contract to sell to its generation to a retail seller or the CA ISO. By statute, the definition of a "retailer seller" excludes local publicly owned electric utilities. Consequently, an out-of-state facility selling its generation exclusively to a local publicly owned electric utility is not RPS-eligible and may not apply for RPS certification, but may apply for pre-certification. If the Energy Commission determines that an out-of-state facility is eligible for pre-certification and is otherwise eligible for certification except that it does not have a guaranteed contract with a retail seller or the CA ISO, then it will note this determination in the pre-certification notification upon request by the applicant.

For applicants that must submit supplemental information, such as for small hydroelectric, incremental geothermal, MSW/solid waste conversion, out-of-state, or repowered facilities, the Energy Commission must conduct an extensive review of the supplemental data. Review of these applications will require a minimum of 30 days from when the Energy Commission receives a complete application. The 30-day clock starts on the date a complete application is date-stamped by the Energy Commission as received. After completing its review, the Energy Commission will either notify the applicant of its proposed determination, or will request additional information from the applicant.

Applicants that disagree with the Energy Commission's determination on certification or pre-certification applications may petition the Renewables Committee and the Energy Commission for reconsideration as described in the *Overall Program Guidebook*. As described in the *Overall Program Guidebook*, the Energy Commission expects to issue decisions on petitions for reconsideration within 45 days of receipt of a complete petition. The 45-day clock starts on the date a complete petition is date-stamped by the Energy Commission as received.

Certification and pre-certification must be renewed once every two years to confirm that all certified renewable energy resources remain eligible for the RPS. This provision also applies to facilities certified by a retail seller. All facilities certified in year 2004 will be subject to recertification in January 2007, with facilities certified in year 2005 recertifying in January 2008, and so on. In addition, if a certified or pre-certified facility does not respond to the Energy Commission's request for an information update in a timely manner, it will risk losing its certification status.

The Energy Commission will post information on its Web site listing those facilities that are certified or pre-certified as eligible for the RPS or for the SEPs. Any changes in a facility's certification status will also be posted on the Energy Commission's Web site.

Consistent with the *Overall Program Guidebook*, the Energy Commission may conduct periodic or random reviews to verify records submitted for certification or pre-certification as a Renewable Supplier eligible for the RPS or for the RPS and SEPs. Further, the Energy Commission may conduct on-site audits and facility inspections to verify compliance with the requirements for certification or pre-certification. The Energy Commission may request additional information it deems necessary to monitor compliance with the certification requirements specified in this *Guidebook*.

To the extent that a retail seller applies for certification on a facility's behalf, the retail seller must secure and have available for inspection records to verify the application for certification or pre-certification. In addition, the retail seller must possess documents to verify a facility's compliance with the requirements of certification and pre-certification. These documents must be available to the Energy Commission upon request for auditing purposes.

Amending Certification and Pre-Certification

Representatives of certified and pre-certified facilities must notify the Energy Commission promptly of any changes in information previously submitted in an application for certification or pre-certification. A facility failing to do so risks losing its certification status. Any changes to a certification application should be reported on an amended CEC-RPS-1 form. The Energy Commission will review the amended application and notify the applicant of any modifications to their certification status. Also, any changes to the status of a facility's certification will be posted on the Energy Commission's Web site and any affected retail seller contracting with that facility will be promptly notified.

Supplemental Information

The following supplemental instructions apply to applications for biomass, small hydroelectric, incremental geothermal, and MSW/solid waste conversion facilities. Supplemental instructions are also included for applicants seeking certification of repowered facilities and facilities located outside California. The information described

below must be submitted as an attachment to the applicant's completed CEC-RPS-1 form.

Supplemental Instructions for Biomass Facilities

Applicants for certification or pre-certification of biomass facilities that commenced commercial operations on or after January 1, 2002, must submit an attestation attached to the applicant's completed CEC-RPS-1 that they comply or will comply, in the case of pre-certification, with the biomass fuel requirements described above.

Additionally, Public Resources Code 25748 requires the Energy Commission to "...identify the types and quantities of biomass fuels used by facilities receiving funds pursuant to [Public Resources Code] Section 25743 and their impacts on improving air quality." To meet this requirement, biomass facility operators receiving SEPs must submit an annual report to the Energy Commission describing fuel use as follows: tons of biomass by type of biomass, the air district from which the biomass originated if the fuel may have been open-field burned had it not been used for electricity production, and an attestation from the fuel supplier(s) that the biomass fuel continues to meet the RPS eligibility standards. The report is due to the Energy Commission on February 15th of each year to report on the biomass supply consumed in the previous calendar year.

Supplemental Instructions for Small Hydropower Facilities

To demonstrate that a hydropower facility built or repowered on or after September 12, 2002, is eligible for the RPS and SEPs, the applicant must provide the following water-use data and documentation attached to its completed CEC-RPS-1 form to substantiate its self-certification. These requirements apply to facilities located within California as well as those located out-of-state. Applicants possessing a permit or license from the State Water Resources Control Board (SWRCB) – or from another governing body, if located out-of-state – must submit a copy of the permit or license as well as the application for the permit or license.

1. Name of the Facility
2. Ownership of the Facility
3. Source Water Description

The application must identify the source of the water for the small hydro project. The source must be characterized as surface, groundwater, or other (for example, recycled water). For surface water sources, a map at a scale of 1:24,000 must be provided. The map should also identify the location of the diversion point and all other facilities. In addition, a written description of the location of the diversion should be provided (county and nearest city) as well as the name of the body of water at the point of diversion. For groundwater, the location of the well(s) and

conveyance facilities shall be identified on a map of 1:24,000 scale. The applicant must also specify how much water is used for each of the identified beneficial uses.

4. Water Rights

Both in-state and out-of-state applicants must clearly establish their right to divert water by submitting all necessary information as well as all appropriate licenses or permits. Within California, this information must establish the applicant's legal right to appropriate or divert water and identify the permitted volume and rate of water diversions, the place of diversion, and beneficial uses. This may be achieved through submittal of the appropriate SWRCB appropriation permit or license. Out-of-state facilities must provide similar documentation of an existing water right for the water diversion of the project.

5. Hydrologic Data

The applicant must submit appropriation and/or diversion data for the last five years, or for the period of operation if the project has been operating less than five years. Information contained in any legally required reports may be used to meet this requirement if sufficient information is included in the report. For other projects, the hydrologic data submitted must be accompanied by a description of how the data is collected. Flow data shall be provided at the frequency set forth in the applicable water appropriation permit; for example, if the permit specifies minimum and maximum flows on a monthly basis that is the level of information necessary to be submitted.

6. Other Permits

The applicant must submit all other applicable permits, including those permits and exemptions issued by the Federal Energy Regulatory Commission.

7. Environmental Documentation

The applicant must submit copies of any permits, agreements, contracts, or other requirements affecting the operation of the facility, especially those that affect the volume and rate of flows.

8. Capacity

The applicant must demonstrate how the project will comply with the size limitations under the RPS. For repowering projects, the applicant must describe how capacity will be increased without an increase in the appropriation and/or diversion of water or in the change in the volume or rate of flows.

Supplemental Instructions for Incremental Geothermal Facilities

Applicants must provide the following information attached to the completed CEC-RPS-1 form when applying for certification as an incremental geothermal facility. The following information must be presented for individual facilities and may not be aggregated for the entire steam field.

1. Evidence that the incremental generation from the facility resulted or will result from an eligible capital expenditure in a project completed after September 26, 1996. The capital investment must be in new or replaced capacity or steam production and must exclude monies that would have been spent on operation and maintenance in the normal course of doing business.
2. The expected production increase for each year in megawatt hours resulting from each capital improvement for as long as the increased production is expected to last.
3. All of the capital investments that pertain to each facility along with a brief description of each investment. The brief description must include the relationship between the capital investment and the production increase from the facility, including a discussion of the nature of the capital investments and how they resulted in the incremental generation.
4. A graph and table for each facility that shows the historical generation for each facility in megawatt hours. The graph and table should include a forecast of future generation from each facility based on the capital investments along with a forecast of generation without the capital investments. This information should provide the Energy Commission with an estimate of future increased production based on the capital improvements.
5. A discussion of how and why capital improvements are assigned to a particular generating facility.
6. A discussion of the sustainability of increased production from the facility. The discussion should show how the capital investment is consistent with, and protective of, the long-term preservation of the geothermal resource and also demonstrate that increased production from the facility in the short-term is not overdrawing the resource and leading to overall diminished production in the long-term.
7. A discussion of the methodology used by the applicant to estimate, forecast, and measure increased generation from each capital improvement.

In substantiating a claim of incremental geothermal production, the burden of proof will be on the applicant for the geothermal facility to submit compelling evidence demonstrating the effect that capital expenditures have had on production. As applicable, applicants also have the responsibility of properly allocating any increase among different generating facilities in the same steamfield.

In addition, all data submitted to substantiate a claim are expected to be public, although the Energy Commission is interested only in data with a direct bearing on the claim. For example, although information on capital investments and the resulting production increases is expected to be submitted publicly, the Energy Commission has no interest in any proprietary underlying economic analyses that may have led to the decision to make such investment.

Supplemental Instructions for Municipal Solid Waste Conversion Facilities

Applicants for solid waste conversion facilities must provide copies of permits issued by the California Integrated Waste Management Board (CIWMB) attached to the completed CEC-RPS-1 form to verify compliance with the requirements specified above. The Energy Commission will verify compliance in consultation with the CIWMB and based on CIWMB's proposed regulations for solid waste conversion technologies as set forth in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with Section 17400. These regulations are being adopted pursuant to Assembly Bill 2770 (Mathews, Chapter 704, Statutes of 2002), which establishes requirements for solid waste conversion technologies that mirror the requirements for these technologies found in Public Resources Code Section 25741(a)(3). The proposed regulations are part of CIWMB's Transfer/Processing Operations and Facilities Regulatory Requirements and will require facilities using solid waste conversion technologies to obtain a Conversion Technology Facility Permit. Pending the adoption of the proposed regulations, the CIWMB may permit facilities using solid waste conversion technologies on a case-by-case basis pursuant to its existing regulations for the Transfer/Processing Operations and Facilities Regulatory Requirements.

To become certified as a renewable energy resource eligible for RPS (and SEPs), an applicant for a solid waste conversion facility must submit to the Energy Commission a copy of its Conversion Technology Facility Permit approved by the CIWMB. In the event that CIWMB's regulations for solid waste conversion technologies are not adopted at the time the facility seeks RPS certification, the facility must request and obtain from CIWMB a Solid Waste Facility Permit under CIWMB's existing regulations for the Transfer/Processing Operations and Facilities Regulatory Requirements. The Energy Commission will confirm that the permit is approved, active, and applicable to the facility seeking RPS certification. These permits must demonstrate the following:

1. The facility is using only a "gasification" conversion technology, as defined in Public Resources Code Section 40117
2. The facility accepts and processes "solid waste" as defined in Public Resources Code Section 40191 and is not limited to receiving and processing "source separated" waste as defined in Title 14, California Code of Regulations, Section 17402.5(b)(4)

3. The facility processes solid waste from which, to the maximum extent feasible, all recyclable materials and marketable green waste compostable materials have been removed prior to the solid waste conversion process

In addition, an applicant must certify to the Energy Commission the following:

1. All recyclable materials and marketable green waste compostable materials that have been removed from solid waste delivered to the facility are recycled or composted.
2. Any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting. For purposes of this certification, "local agency" means any city, county, or special district, or subdivision thereof, that is authorized to provide solid waste handling services.

To become pre-certified as RPS and SEP eligible, the applicant must submit to the Energy Commission the information required to receive a Conversion Technology Facility Permit from CIWMB. In the event CIWMB's regulations for solid waste conversion technologies have not been adopted at that time, then the applicant must submit to the Energy Commission the information required to receive a Solid Waste Facility Permit. This information is identified in Title 14, California Code of Regulations, Sections 18221.5 and 18221.6. The Energy Commission will review this information in consultation with the CIWMB to determine if the information is complete and satisfies the requirements specified in Public Resources Code Section 25741(a)(3).

If a pre-certified applicant does not obtain a Conversion Technology Facility Permit from CIWMB by the time the project commences commercial operation, or if it is denied approval for a permit, the Energy Commission will revoke the applicant's pre-certification.

Supplemental Instructions for Out-of-State Facilities

Out-of-state facilities seeking certification as RPS-eligible must provide their NERC identification number in a completed CEC-RPS-1 form. The NERC identification number is required to receive certification that a facility located outside California is eligible for California's RPS. This requirement does not apply, however, to a facility that is:

- 1) exclusively serving retail sellers subject to Public Utilities Code Section 399.17, or 2) seeking pre-certification and is not yet on-line.

Out-of-state facilities seeking certification as eligible for RPS and SEPs must submit the following additional information with a completed CEC-RPS-1 form.

1. Impact on California Environmental Quality Standards: The applicant must provide
 - a) a comprehensive list and description of all California environmental quality laws, ordinances, regulations, and standards (collectively referred to as "LORS") that may

be directly or indirectly impacted by the facility's development or operation, and b) an assessment as to whether the facility's development or operation will cause or contribute to a violation of any of these LORS.

At a minimum, the LORS described shall address the following environmental areas consistent with Appendix B, Section (g), of the Energy Commission's regulations for power plant certification, Title 20, California Code of Regulations, Sections 1701, et seq:

- Cultural Resources
- Land Use
- Traffic and Transportation
- Visual Resources
- Socioeconomics
- Air Quality
- Public Health
- Hazardous Materials Handling
- Workers' Safety
- Waste Management
- Biological Resources
- Water Resources
- Agriculture and Soil
- Paleontologic Resources
- Geological Hazards and Resources
- Transmission System Safety and Nuisance

The applicable LORS for a given facility will vary depending on the facility's location, since the LORS across California vary. For example, the air quality standards in Southern California may differ from the air quality standards in Northern California.

2. Out-of-Country Facilities: In addition to the above information, an applicant for a facility located outside the United States must provide all of the following:
 - a. A comprehensive list and description of all California environmental quality LORS that would apply to the facility if the facility were located within California.
 - b. An assessment as to whether the facility's development or operation will cause or contribute to a violation of any of these LORS.
 - c. An explanation as to how the facility's developer and/or operator will meet these LORS in developing or operating the facility, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are complied with.

Supplemental Instructions for Repowered Facilities

To apply for certification as a repowered facility, an applicant must submit a completed CEC-RPS-1 form, along with documentation confirming the replacement of the facility's prime generating equipment and the capital investments made to repower the facility as well as the value of those investments.

1. Prime Generating Equipment: The applicant must document that the facility's prime generating equipment is new and that the repowered facility re-entered commercial operations on or after January 1, 2002.
 - The "prime generating equipment" for each renewable resource is defined as follows:
 - Wind: the entire wind turbine, including the generator, gearbox (if any), nacelle, and blades.
 - Biomass: the entire boiler. Stoker boilers may be replaced with boilers using improved stoker technology or fluidized bed technology.
 - Geothermal: the entire steam generator, including the turbine rotors, shaft, stationary blades, and any gear assemblies.
 - Small hydroelectric: the entire turbine and structures supporting the turbine.
 - Solid waste conversion: the entire gasifier (gasifying equipment) and combustion turbine.
 - Landfill gas: the entire internal combustion engine or combustion turbine as applicable.
 - Digester gas: the entire digester unit and internal combustion engine or combustion turbine as applicable.
 - Solar thermal: the entire steam turbine.
 - All prime generating equipment at the facility must be replaced with new equipment for the facility to qualify as a repowered facility. For example, a 25-MW wind facility consisting of 50 separate wind turbines must at a minimum replace each of the 50 wind turbines with new turbines of like or greater capacity for the entire 25-MW facility to qualify as a repowered facility. The Energy Commission recognizes that a wind facility owner may want or need to repower only a portion of the turbines owned at a site and does not exclude that option. In the event that a generator is interested in repowering a portion of a site, then it will need to re-certify or re-register the remaining portion of the site that is not being repowered.

2. Capital Investments: The applicant must document that capital investments were made not more than two years prior to the date that the facility re-entered commercial operations. Expenses are only applicable on that portion of the facility that contributes directly to the production of electricity.
 - Electrical Generators and/or Fuel Processing and Delivery Equipment: It is generally not necessary for a facility to replace its existing electrical generators or fuel processing and delivery equipment because replacing this equipment will produce little or no improvement to the facility's efficiency and, therefore, does not warrant the additional expense. Exceptions are cases in which the electrical generator is an integral part of the prime generating equipment, such as for wind facilities, or where the fuel processing and delivery equipment is an integral part of the prime generating equipment via the fuel conversion process, such as for solid waste conversion facilities and digester gas facilities. The facility's environmental control equipment, such as air pollution control equipment, would not be considered because such equipment does not contribute directly to the production of electricity.
 - Any associated process control equipment and structures used for structural support of the prime generating equipment, electrical generators, fuel processing and delivery equipment, and associated process control equipment, as appropriate, would also fall into this category and are generally not necessary to replace.

The applicant must provide documentation, such as invoice receipts, verifying the replacement of the old equipment, as well as other components of the technology relevant to the repowering application. The Energy Commission will confirm that the equipment listed is appropriate for certification as a repowered facility.

The applicant must document the value of the capital investments made to the facility and the total value of the repowered facility. The value of the capital investments must equal at least 80 percent of the total value of the repowered facility.

The "repowered facility" is defined as all of the new and/or existing prime generating equipment, electrical generators, fuel processing and delivery equipment, and any associated process control equipment and structures at the facility. The land on which the facility sits will not be considered part of the repowered facility for purposes of determining the 80 percent threshold. Similarly, intangibles such as the value of a facility's power purchase contract or its goodwill will not be considered part of the repowered facility.

The applicant may show that it has met the 80 percent threshold by submitting either tax records or an assessment of the "replacement value" of the facility along with documentation of the cost of the new equipment. The applicant must notify the

Energy Commission which method it is using and provide the appropriate information as described below.

a. Tax Records Methodology:

The applicant must submit to the Energy Commission all relevant tax records needed to demonstrate that the capital investments made to repower the facility are equal to at least 80 percent of the value of the repowered facility.

- 1) The applicant must document the value of the capital investments and the year the investments were made. In this case, the value of capital investments is the original tax “basis” declared to the Internal Revenue Service to calculate depreciation. The tax basis should reflect the value of the equipment the applicant has attested to purchasing. The tax basis is generally what a business pays for an item to be depreciated.
- 2) The applicant must document the value of the repowered facility. In this case, the value of the repowered facility is based on the sum of the tax basis declared for all of the equipment and structures in the repowered facility as of the year the facility is repowered. For new equipment and structures, the value of the repowered facility is the original tax basis; for existing equipment and structures, the value of the repowered facility is the tax basis as adjusted for depreciation. For facilities financed using a sale/lease-back or similar structure, the original tax basis of the equipment and structures for both the lessor and lessee will be considered.
- 3) The applicant must divide the total value of capital investments by the total value of the repowered facility. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.

b. Replacement Value Methodology:

This alternative approach may make it more difficult for a facility to meet the 80 percent repowering threshold but is a reasonable alternative for parties who are unable or unwilling to secure the necessary tax records to use the adjusted tax basis approach.

- 1) The applicant must document the value of the equipment replaced in the facility. The replacement cost of new equipment is based on the equipment’s purchase price and, consequently, is the same value when compared to the adjusted tax basis approach.
- 2) The applicant must submit an independent evaluation of the replacement cost of existing, unreplaced equipment (“retained equipment”). The evaluation should be an estimate of the capital costs that would have to be incurred to

replace the retained equipment. This estimate must be provided by an accountant in good standing with the American Institute of Certified Public Accountants or a member in good standing and certified as an Internal Auditor with the Institute of Internal Audits.

- 3) The applicant must divide the total value of capital investments by the sum of the replacement cost of the new equipment and the independent estimate of the replacement cost of the retained equipment. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.

Registration as Renewable Only (not RPS eligible)

Applicants representing facilities that do not meet the RPS or SEP eligibility requirements may apply to the Energy Commission for “registration” as a Renewable Supplier. To qualify for registration as a Renewable Supplier, a facility must satisfy the following requirements:

1. The facility must use one or more of the following energy sources, as defined in the *Overall Program Guidebook*, to generate electricity: biomass, biodiesel, fuel cells using renewable fuels, digester gas, geothermal, landfill gas, municipal solid waste, ocean wave, ocean thermal, tidal current, photovoltaic, small hydroelectric (30 megawatts or less), solar thermal, or wind.
2. The facility must specify the type and percentage of any fossil fuel used in the facility.

Applicants must submit a completed form CEC-1038E-1, Registration Form for Renewable Suppliers, to the Energy Commission.

The Energy Commission expects to review and process complete applications for registration within 15 business days of their receipt, unless questions or concerns arise regarding the applications. If questions arise, the Energy Commission will contact the applicant for additional information. Otherwise, the Energy Commission will notify applicants in writing once it determines registration eligibility.

Once the Energy Commission approves an application for registration, the Energy Commission will issue a certificate stating that the facility is a registered Renewable Supplier, along with a supplier number to be used in all subsequent transactions. The certificate will also specify the amount of fossil fuel, if any, used by the facility.

Registration as a Renewable Supplier does **NOT** imply Energy Commission endorsement or verification of renewable status. Registration as a Renewable Supplier merely indicates that the applicant has certified under penalty of perjury that its facility meets the registration requirements of a Renewable Supplier and has obtained an identification number from the Energy Commission.

Generation Tracking System

The Energy Commission is responsible for developing a tracking system to verify compliance with the RPS. Pursuant to SB 1078, the Energy Commission is required to:

Design and implement an accounting system to verify compliance with the renewables portfolio standard by retail sellers, to ensure that renewable energy output is counted only once for the purpose of meeting the renewables portfolio standard of this state or any other state, and for verifying retail product claims in this state or any other state. In establishing the guidelines governing this system, the Energy Commission shall collect data from electricity market participants that it deems necessary to verify compliance of retail sellers, in accordance with the requirements of this article and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). In seeking data from electrical corporations, the Energy Commission shall request data from the CPUC.

The Energy Commission is developing an electronic tracking system to meet this requirement and will use an interim generation tracking system until the electronic system is operational. Once the long-term, electronic tracking system referred to as the “Western Renewable Energy Generation Information System” (WREGIS) is in place, the Energy Commission will require renewable suppliers and retail sellers to participate in the WREGIS as part of RPS compliance.

Reports to the Energy Commission

Retail sellers must report annually to the Energy Commission on the amount of RPS-eligible electricity they procure per facility, called a “specific purchase.” . Using the CEC-RPS-Track form, retail sellers must report the amount of energy they procured per month from each RPS-eligible facility, various identification numbers for each facility, and how the retail seller intends to count the procurement (i.e. whether to count it as incremental or baseline procurement). The CEC-RPS-Track form must be executed by an authorized agent of the retail seller who can attest that the specific purchases reported on the form were sold once and only once to retail consumers. This information is due to the Energy Commission on May 1 (or the next business day) of each year until WREGIS is operational. Once WREGIS is operational, this reporting requirement is expected to be satisfied with reports generated through WREGIS. The CEC-RPS-Track form and instructions are provided in Appendix A.

A facility that certifies as RPS or RPS and SEP eligible with the Energy Commission must annually submit data on its monthly generation, including any generation sold to an entity that does not qualify as a retail seller pursuant to Public Utilities Code Section 399.12, Subdivision (c). These data must be reported on the CEC-RPS-GEN by May 1 (or the next business day) of each year and indicate if the generation is restricted to counting towards the baseline/adjusting the baseline. To verify generation, the facility must submit monthly payment statements from the retail seller as an attachment to the form showing the amount of energy procured from the facility. If the facility is serving an entity that does not qualify as a retail seller pursuant to Public Utilities Code Section 399.12, Subdivision (c), and is participating in the Energy Commission's RPS-tracking system, then the verification may be from that entity. The Energy Commission intends to simplify program implementation by using the retail seller's payment statement to serve as the verification rather than allowing alternate sources of data. The facility should strike out any price or other data on the statement that it does not want to make publicly available. Once WREGIS is operational, this reporting requirement is expected to be satisfied with reports generated through WREGIS system. The CEC-RPS-Gen form and instructions are provided in Appendix A.

For cases in which the retail seller certifies a facility on the facility's behalf, the retail seller is responsible for reporting the generation data for the facilities it certifies. This reporting requirement will be satisfied through the CEC-RPS-Track form until WREGIS is operational, and retail sellers do not need to file separate CEC-RPS-GEN forms for the facilities they certify. Also, since the retail seller is providing the data, the retail seller does not need to separately provide third party verification of the generation.

In addition, a facility, or a retail seller on the facility's behalf, must submit documentation verifying compliance with the NERC tag requirements (described under "Delivery Requirements" in the "Eligibility of Out-of-State Facilities" section). This documentation is required annually beginning in 2005, and is due to the Energy Commission by May 1 (or the next business day) each year. The Energy Commission intends to work with industry to establish a standardized, annual summary report and a standardized format for supporting documentation..

If necessary, the Energy Commission will request that the CPUC direct the retail sellers to submit the CEC-RPS-Track form data and documentation showing compliance with the NERC tag requirement if the Energy Commission does not receive these data promptly.

Accounting for Incremental Geothermal Generation

In some cases, part of the capacity of a geothermal facility is certified as incremental geothermal, with the remainder certified as geothermal that is restricted to the baseline or adjusting the baseline. To determine the amount of energy from a facility that qualifies as incremental geothermal, the Energy Commission will calculate the percent of incremental capacity relative to operational capacity and apply it to the facility's total energy generation. For example, if 12 MW is certified as incremental geothermal from a

facility with 100 MW of operational capacity, then 12 percent of the monthly and annual generation will qualify as incremental geothermal energy.

Energy Commission RPS Verification Report

The Energy Commission intends to prepare an annual RPS Verification Report specifying the quantity of RPS-eligible energy each retail seller procured in the previous calendar year. This report will be transmitted to the CPUC and is intended to help the CPUC determine RPS procurement targets and evaluating retail sellers' RPS compliance. The Energy Commission will account for procurement disaggregated by baseline and incremental procurement consistent with the requirements of this *Guidebook* and applicable CPUC decisions.

Although the first RPS Verification Report (February 2006) stated that the Energy Commission anticipated adopting subsequent Verification Reports by the end of each calendar year, the Energy Commission intends to accelerate the schedule by bifurcating the report.⁴ By September of each year, the Energy Commission intends to adopt the following findings: verification that delivery requirements were met, verification of RPS eligibility, verification that the procurement was counted only once, allocation of procurement as eligible for the APT and IPT, and calculation of incremental geothermal energy generated. By the end of each calendar year, the Energy Commission anticipates separately reporting its findings on reconciling procurement and generation to verify that procurement does not exceed generation. This bifurcation and schedule will be readdressed once WREGIS is operational.

Verification of Delivery

As part of the RPS Verification Report, the Energy Commission will also verify compliance with delivery requirements for out-of-state facilities. The Energy Commission will annually verify that the delivery requirements were satisfied on a monthly (not daily or hourly) basis. This level of verification is consistent with the interim accounting system for generation and the CA ISO Participating Intermittent Renewable Projects program.

To verify deliveries from out-of-state facilities, the Energy Commission intends to compare the monthly generation data for a facility with the monthly NERC tag data for that facility, with the lesser of the two considered to be eligible RPS procurement. For example, if the NERC tag transmission capacity exceeds the amount of energy generated, then the Energy Commission will count the amount generated as RPS-eligible procurement (assuming the retail seller procures the full amount of energy generated from the facility). Conversely, if the amount generated exceeds the amount that could be transmitted via the NERC tag, the Energy Commission will assume some

⁴ California Energy Commission, February 2006, *Renewables Portfolio Standard Procurement Verification Report*, Commission Report, CEC-300-2006-002-CMF.

of the generation was delivered elsewhere and will only count as RPS-eligible the amount of procurement supported by the NERC tag data.

Verification Methodology using the Interim Tracking System

As discussed above, the Energy Commission has developed an interim accounting system for use until WREGIS is operational. The Energy Commission will verify that the RPS procurement reported in the CEC-RPS-Track form is certified as RPS-eligible. Also, to the extent possible the Energy Commission will ensure that RPS-eligible energy procured by retail sellers is counted only once in California or any other state. In the interim until WREGIS is operational, the Energy Commission will conduct this verification by cross-checking RPS procurement with retail claims reported under the Energy Commission's Power Source Disclosure Program and other similar data.

The Energy Commission will apply statutory provisions and CPUC rules to report on the amount of procurement that is eligible toward the IPT and the APT. For incremental geothermal, the Energy Commission does not intend to allocate the amount of generation that is sold to separate parties if more than one retail seller procures from a facility (assuming the facility is part incremental and part baseline geothermal). The allocation of incremental geothermal and baseline geothermal procurement should be contractually determined and reported on the CEC-RPS-Track form. The Energy Commission intends to verify that the specific purchases of incremental geothermal procurement do not exceed the eligible amount generated.

The Energy Commission will verify the energy generation to the extent possible, and will verify that the amount of RPS-eligible procurement did not exceed the facility's total generation. As part of the interim tracking system, the Energy Commission will check that if two or more retail sellers procured energy from the same facility, the cumulative amount of energy procured does not exceed the facility's total generation. If procurement exceeds generation, the Energy Commission will report the discrepancies.

Appendix A - Forms

Please note that current versions of the forms (downloadable) are available online at:
<www.energy.ca.gov/portfolio/documents/index.html>

- CEC-RPS-Track, Interim data collection from retail sellers
- CEC-RPS-GEN, Interim data collection from RPS-eligible facilities
- CEC-RPS-1, Application for Certification, California Renewable Portfolio Standard Program
- CEC-RPS-2, Utility Application for Certification of Renewable Facility, California Renewable Portfolio Standard Program

(TO BE COMPLETED BY RETAIL SELLERS)
Report to the California Energy Commission
Utility Procurement of Renewable Energy By Retail Sellers in 2005
ATTESTATION FORM

I, (print name and title) _____, declare under penalty of perjury that the statements contained in Schedules 1 and 2 are true and correct and that I, as an authorized agent of (print name of company) _____, have authority to submit this report on the company's behalf.

I further declare that the kilowatt-hours claimed as specific purchases as shown in Schedule 2, are to the best of my knowledge, sold once and only once to retail consumers. The renewable electricity and associated Renewable Energy Certificates used for RPS compliance have not otherwise been, nor will be, sold, retired, claimed, or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than California, and for no other reason than to comply with California's Renewables Portfolio Standard. I certify that the procurement claimed to meet baseline and Interim Procurement Target, respectively meets those criteria.

Out-of-state facilities are subject to the same deliverability requirements as in-state facilities. Generation that will be counted for purposes of RPS compliance from out-of-state facilities must be delivered to an in-state market hub (also referred to as "zone") or in-state substation (also referred to as "node") located within the California ISO control area (or delivery point that meets applicable CPUC rules) of the WECC transmission system. The requirements of the two foregoing sentences do not apply to retail sellers subject to Public Utilities Code Section 399.17.

Signed: _____

Dated: _____

Executed at: _____

CONTACT INFORMATION

Name

Title

Company Name

Address

City, State, Zip

Phone

Fax

E-mail

(TO BE COMPLETED BY GENERATORS)
REPORT to the CALIFORNIA ENERGY COMMISSION
Report of Generation for California RPS Certified Facilities
for Calendar Year 2005

GENERAL INSTRUCTIONS

Please enter the following information:

| | |
|-------------------------------------------|--|
| Name of Company Preparing Form | |
| Name of Individual Completing Form | |

PLEASE ENABLE MACROS IN ORDER FOR THE FORMS TO WORK PROPERLY. Generating facilities that were certified by an Investor-Owned Utility on their behalf are not required to complete Schedules 3 and 4. However generators that certified on their own behalf are required to complete Schedules 3 and 4. This form may be used to enter information for any number of generating facilities. Complete Schedules 3 and 4 and e-mail the completed file to the address shown below. Then print out the file, sign the attestation as appropriate, and mail the package to the address shown below:

California Energy Commission
e-mail: RPSTrack@energy.state.ca.us

Jason J. Orta
 Attn: Interim Tracking
 California Energy Commission
 1516 9th Street, MS-45
 Sacramento, CA 95814-5512

These forms are due by close of business on May 1, 2006.

PLEASE NOTE: The Energy Commission reserves the right to ask for supplemental documentation to this filing including utility statements provided to the individual generators.

(TO BE COMPLETED BY GENERATORS)
REPORT to the CALIFORNIA ENERGY COMMISSION
Report of Generation for California RPS Certified Facilities for Calendar Year 2005
ATTESTATION FORM

I (print name and title) _____ declare under penalty of perjury that the following is true and correct to the best of my knowledge:

- 1) I am an authorize agent of (print name of company) _____ and have authority to submit this report on the company's behalf;
- 2) The information and data provided in this report, including information provided in Schedules 3 and 4, is correct and is submitted for use to verify generation and procurement requirements pursuant to the California Renewables Portfolio Standard;
- 3) The kilowatt-hours of electricity generation in Schedule 4 of this report have been sold once and only once by the generator signing this attestation;
- 4) To the best of my knowledge, none of the renewable electricity identified in Schedules 3 or 4 of this report, nor any of the Renewable Energy Certificates associated with this renewable electricity, has been or will be used, sold, retired, claimed, or represented as part of electrical energy output or sales to satisfy renewable procurement obligations in jurisdictions other than California;
- 5) Out-of-state facilities are subject to the same deliverability requirements as in-state facilities. Generation that will be counted for purposes of RPS compliance from out-of-state facilities must be delivered to an in-state market hub (also referred to as "zone") or in-state substation (also referred to as "node") located within the California ISO control area (or delivery point that meets applicable CPUC rules) of the WECC transmission system. The requirements of the two foregoing sentences do not apply to retail sellers subject to Public Utilities Code Section 399.17.

Signed: _____

Dated: _____

CONTACT INFORMATION
(FOR PREPARER OF THIS REPORT)

Name

Title

Company Name

Address

City, State, Zip

Phone

Fax

E-mail



**To request certification, please fill out Sections I through X.
For pre-certification, please fill out Sections II, III-A, and XI through XIX.**

Please fill out all applicable portions of application, sign, and submit completed form to:

**California Energy Commission, Attn: RPS Certification
1516 Ninth Street, MS-45, Sacramento, CA 95814**

Please also submit form electronically via e-mail to:
RPSTrack@energy.state.ca.us, subject line "RPS Certification"

All data on this form is subject to public disclosure

Section I: Type of Certification Requested

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Choose One</i> | <input type="checkbox"/> Eligible for California RPS |
| | <input type="checkbox"/> Eligible for California RPS plus Supplemental Energy Payments (SEPs) |
| <i>Choose One</i> | <input type="checkbox"/> Certification <input type="checkbox"/> Amended certification <input type="checkbox"/> Renewal |
| | If this is an amendment or renewal, date of original certification (m/d/yyyy): If an amendment, note certification number, if applicable. _____ |
| <i>Please note: Facility must be on line to qualify for certification. To register as Renewable Only (not eligible for RPS or SEP), please use form CEC-1038-E1, available on-line at: www.energy.ca.gov/renewables/documents</i> | |

Section II: Applicant Contact Information

| | | | |
|---------------------------------------------------------------|--------|---------|--|
| Name: | Title: | | |
| Company: | | | |
| Address: | | | |
| City: | State: | ZIP: | |
| Telephone: | Fax: | E-Mail: | |
| Person Completing Form (if different from Applicant Contact): | | | |

Section III-A: Facility Information (Part A)

| | | | |
|----------------------------------------------------|---------|--------------------------------------------------------|--|
| Name of Facility: | | | |
| Location: City: | County: | State: | |
| <input type="checkbox"/> Located within California | | <input type="checkbox"/> Located outside of California | |
| Telephone: | Fax: | E-Mail: | |
| Owner Name: | | | |
| Owner Address: | | | |
| City: | State: | ZIP: | |
| Owner Telephone: | Fax: | E-Mail: | |

Please specify any additional names this facility is or has been known by, including names the facility has used in the past, if known:

For example, the facility may have changed names or may be part of a group of facilities collectively known by one name.

ID#'s (if known): CEC-REP CEC-RPS CEC-Other
 QFID EIA CA ISO
 SO Other (please explain)

CEC-REP refers to the CEC ID# under the Renewable Energy Program.

CEC-RPS refers to the CEC ID# issued under the Renewables Portfolio Standard, if this application is an amendment or renewal.

CEC-Other refers to any other CEC ID# issued.

QFID refers to a unique identifier assigned to a Qualifying Facility by the retail seller contracting for power from the facility.

EIA refers to the number assigned by the Energy Information Administration that is used to report monthly generation data to the EIA.

CAISO refers to the number assigned to the facility by the California Independent System Operator.

SO refers to number assigned to the facility by another system operator, not the CA ISO.

Section III-B: Facility Information (Part B)

| | |
|-------------------|-------------------------------------------------------------------------------------------------------------------------|
| Choose One | <input type="checkbox"/> Facility commenced commercial operations prior to January 1, 2002 (specify date): |
| | <input type="checkbox"/> New facility, commenced commence commercial operation after January 1, 2002 (specify date): |
| | <input type="checkbox"/> Repowered facility, re-entered commercial operation after January 1, 2002 (specify date): |

Location of WECC interconnection:

The WECC interconnection is the substation where radial lines from the facility interconnect/will interconnect to the WECC controlled transmission system.

Nameplate capacity of facility (in megawatts):

Section IV: Eligibility for Supplemental Energy Payments

1. Is the output from this facility being sold under a long-term contract entered into prior to January 1, 2002 with a California retail seller that includes fixed energy or capacity payments?

Yes No

If yes: A. Date contract executed:

B. Retail seller contracted with:

C. Does the output from this facility meet the requirements in Public Utilities Code Section 399.6(c)(1)(C) as shown below? (If yes, please attach a detailed explanation. If no, facility is not eligible for SEPs) Yes No

Public Utilities Code Section 399.6(c)(1)(C) – to be eligible for SEPs, all of the following must occur:

- 1) The facility's power purchase contract provides that all energy delivered and sold under the contract is paid at a price that does not exceed commission-approved short-run avoided cost of energy.
- 2) Either of the following:
 - a. The power purchase contract is amended to provide that the kWh used to determine the capacity payment in any time-of-delivery period in any month under the contract shall be equal to the actual kWh production, but no greater than the five-year average of the kWh delivered for the corresponding time-of-delivery period and month, in the years 1994 to 1998, inclusive.
 - b. If a facility's installed capacity as of December 31, 1998, is less than 75 percent of the nameplate capacity as stated in the power purchase contract, the power purchase contract is amended to provide that the kWh used to determine the

capacity payment in any time-of-delivery period in any month under the contract shall be equal to the actual kWh production, but no greater than the product of the five-year average of the kWh delivered for the corresponding time-of-delivery period and month, in the years 1994 to 1998, inclusive, and the ratio of installed capacity as of December 31 of the previous year, but not to exceed contract nameplate capacity, to the installed capacity as of December 31, 1998.

3) The Supplemental Energy Payments are payable only with respect to the kWh delivered in a particular month that exceeds the corresponding five-year average calculated pursuant to clause 2.

2. Is the facility owned by a retail seller or local publicly-owned electric utility? Yes No
Retail seller-owned facilities are not eligible to receive SEPs, but may be eligible for the RPS.

3. Is the entire output of the facility intended to be used exclusively on-site (i.e. self generation)? Yes No
On-site generation is not eligible to receive SEPs.

4. Is the entire output of facility excluded from paying an applicable competitive transition charge? Yes No
If yes, facility is not eligible to receive SEPs.

Section V: Facility Fuel Type

5. Please indicate energy source used by the facility. For hybrid systems, indicate all energy sources used.

- | | | |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Biodiesel (complete Section VI, questions 6-10) | <input type="checkbox"/> Landfill Gas (skip to Section VII) | <input type="checkbox"/> Ocean Wave (skip to Section VII) |
| <input type="checkbox"/> Biomass (complete Section VI, questions 7-10) | <input type="checkbox"/> Municipal Solid Waste, combustion (complete Section VI, question 20) | <input type="checkbox"/> Ocean Thermal (skip to Section VII) |
| <input type="checkbox"/> Digester Gas (skip to Section VII) | <input type="checkbox"/> Municipal Solid Waste, conversion (complete Section VI, questions 20-22) | <input type="checkbox"/> Wind (skip to Section VII) |
| <input type="checkbox"/> Fuel Cell (skip to Section VII) | <input type="checkbox"/> Photovoltaic (skip to Section VII) | |
| <input type="checkbox"/> Geothermal (complete Section VI, questions 11-14) | <input type="checkbox"/> Solar Thermal Electric (skip to Section VII) | <input type="checkbox"/> Hybrid System (complete Section VI, questions 23-24) |
| <input type="checkbox"/> Hydropower (complete Section VI, questions 15-19) | <input type="checkbox"/> Tidal Current (skip to Section VII) | |

Does this facility use any fossil fuel? Yes No

If yes, please specify average annual percentage on a total heat input basis for the calendar year immediately prior to the date of application:

Facilities that use fossil fuel must complete Section VI, question 24 dealing with hybrid systems.

Section VI: Additional Required Information for Specific Fuel Types

Facilities using digester gas, fuel cell, landfill gas, photovoltaic, solar thermal, tidal current, ocean wave, ocean thermal, and wind technologies have no special fuel requirements. Applicants for facilities using these fuels or resources exclusively may skip to Section VII.

For Biodiesel Applicants

6. Source of biodiesel fuel

Choose **One**

- Biodiesel derived from biomass fuel – answer questions 7-10.
 Biodiesel derived from MSW conversion process – answer questions 20-22.

For Biomass Applicants

7. Did the facility commence commercial operations prior to January 1, 2002?

- Yes, please note that facility is not eligible for SEPs No

8. Indicate current source of biomass fuel supply (check all that apply):

- Agricultural crops and agricultural wastes and residues.
 Solid waste materials - Includes waste pallets, crates, dunnage, manufacturing and construction wood wastes, landscape or right-of-way tree trimmings, mill residues resulting directly from milling of lumber, and rangeland maintenance residues, sludge derived from organic sludge.
 Wood and wood wastes that meet all of the following requirements:
 1) Harvested pursuant to an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly

Forest Practice Act of 1973 (Ch. 8 (commencing with Sec. 4511), Pt. 2, Div. 4, Public Resources Code).

- 2) Harvested for the purpose of forest fire fuel reduction or forest stand improvement.
- 3) Do not transport or cause the transportation of species known to harbor insect or disease pests outside zones of infestation or current quarantine zones, as identified by the Department of Food and Agriculture or the Department of Forestry and Fire Protection, unless approved by those agencies.

Facilities using these biomass fuels are eligible for the RPS, regardless of the date they commenced commercial operations.

9. To be eligible for SEPs, an applicant for a “new” or “repowered” biomass facility must agree to use only eligible biomass fuel and to annually provide written attestations from its fuel supplier(s) documenting that the supplier(s) have delivered eligible biomass fuel to the facility. Applicant must also agree to provide documentation, or make documentation available upon request, to the Energy Commission verifying ongoing compliance with these requirements.

Applicant acknowledges and agrees to comply with the above requirements as more fully described in the *Renewable Portfolio Standard Eligibility Guidebook*.

10. For biomass facility operators receiving SEPs only: You must submit an annual report to the Energy Commission describing fuel use as follows: tons of biomass by type of biomass, the air district from which the biomass originated if the fuel may have been open-field burned had it not been used for electricity production, and an attestation from the fuel supplier(s) that the biomass fuel continues to meet the RPS eligibility standards. The report is due to the Energy Commission on February 15th of each year to report on the biomass supply consumed in the previous calendar year.

Applicant acknowledges and agrees to comply with the above requirements as more fully described in the *Renewable Portfolio Standard Eligibility Guidebook*.

For Geothermal Applicants

11. Date facility commenced commercial operations

Choose **One**

Prior to September 26, 1996

Generation may be eligible for the RPS but only to establish or adjust a retail seller's baseline.

Between September 26, 1996 and January 1, 2002

Generation may be eligible for RPS but not for SEPs.

On or after January 1, 2002

Generation may be eligible for both RPS and SEPs.

12. Are you applying for certification for incremental geothermal?

Yes (*complete question 13*) No (*skip to Section VII*)

Incremental generation from geothermal facilities is eligible for the RPS but is limited to generation resulting from “eligible capital expenditures” as defined in the Renewables Portfolio Standard Eligibility Guidebook. Incremental geothermal generation may be eligible for SEPs to the extent that the generation meets criteria for a “new” or “repowered” facility.

13. Eligible capital expenditures

Choose **all that apply**

The capital expenditure results in replaced generating equipment or increased steam converted to generation.

The capital expenditure does not cause an increase in the decline rate of the reservoir.

The capital project was completed after September 26, 1996.

Only capital expenditures that meet all of the above criteria are considered “eligible.”

14. Please attach the documentation specified in the section titled “Supplemental Instructions for Incremental Geothermal Facilities” in the *Renewables Portfolio Standard Eligibility Guidebook*.

For Hydropower Applicants

15. Facility size

Applicant certifies that total facility size, including any incremental additions to original facility, does not exceed 30 megawatts.

Only hydropower facilities 30 megawatts or less in size qualify for the RPS or RPS and SEPs.

| <p>16. Date facility commenced commercial operations (choose one)</p> <p><input type="checkbox"/> Facility commenced commercial operations prior to September 12, 2002 (<i>go to question 17</i>)</p> <p><input type="checkbox"/> Facility commenced commercial operations on or after Sept. 12, 2002 (<i>go to question 18</i>)</p> <p><input type="checkbox"/> Facility is “repowered” and re-entered commercial operation after September 12, 2002 (<i>answer questions 17-18</i>)</p> <p><i>Generation may be eligible for RPS or RPS and SEPs</i></p> | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>17. Was facility owned by, and/or its generation procured by, a retail seller as of September 12, 2002?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, generation may be eligible only for purposes of establishing a retail seller’s RPS baseline. Facility’s generation may not be used for adjusting a retail seller’s baseline or meeting a retail seller’s annual procurement target.</i></p> | | | | | |
| <p>18. “New” or “Repowered” Hydropower Facilities: please check all that apply:</p> <table border="1"> <thead> <tr> <th style="text-align: center;"><i>Facility located within California</i></th> <th style="text-align: center;"><i>Facility located outside California</i></th> </tr> </thead> <tbody> <tr> <td> <p><input type="checkbox"/> The applicant has a permit or license from the State Water Resources Control Board (SWRCB) to appropriate water, which was issued before September 12, 2002.</p> <p><input type="checkbox"/> The applicant can operate its facility under its existing SWRCB permit or license.</p> <ul style="list-style-type: none"> <i>The facility does not require a new or revised permit from the SWRCB for a new appropriation of water.</i> <i>The facility does not require a new permit or license from the SWRCB for a new diversion of water.</i> <i>The facility will not require an increase in the volume or rate of water diverted that would require a new permit or license from the SWRCB.</i> <p><input type="checkbox"/> The facility does not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a water right permit or license from the SWRCB.</p> </td> <td> <p><input type="checkbox"/> The applicant has a permit or license from the applicable governing body to appropriate water, which was issued before September 12, 2002.</p> <p><input type="checkbox"/> The applicant can operate its project under its existing government-issued permit or license.</p> <ul style="list-style-type: none"> <i>The facility does not require a new permit or license from any government body for a new appropriation of water.</i> <i>The facility does not require a new permit or license from any government body for a new diversion of water.</i> <p><input type="checkbox"/> The facility does not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a new permit or license from any government body.</p> </td> </tr> </tbody> </table> | | <i>Facility located within California</i> | <i>Facility located outside California</i> | <p><input type="checkbox"/> The applicant has a permit or license from the State Water Resources Control Board (SWRCB) to appropriate water, which was issued before September 12, 2002.</p> <p><input type="checkbox"/> The applicant can operate its facility under its existing SWRCB permit or license.</p> <ul style="list-style-type: none"> <i>The facility does not require a new or revised permit from the SWRCB for a new appropriation of water.</i> <i>The facility does not require a new permit or license from the SWRCB for a new diversion of water.</i> <i>The facility will not require an increase in the volume or rate of water diverted that would require a new permit or license from the SWRCB.</i> <p><input type="checkbox"/> The facility does not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a water right permit or license from the SWRCB.</p> | <p><input type="checkbox"/> The applicant has a permit or license from the applicable governing body to appropriate water, which was issued before September 12, 2002.</p> <p><input type="checkbox"/> The applicant can operate its project under its existing government-issued permit or license.</p> <ul style="list-style-type: none"> <i>The facility does not require a new permit or license from any government body for a new appropriation of water.</i> <i>The facility does not require a new permit or license from any government body for a new diversion of water.</i> <p><input type="checkbox"/> The facility does not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a new permit or license from any government body.</p> |
| <i>Facility located within California</i> | <i>Facility located outside California</i> | | | | |
| <p><input type="checkbox"/> The applicant has a permit or license from the State Water Resources Control Board (SWRCB) to appropriate water, which was issued before September 12, 2002.</p> <p><input type="checkbox"/> The applicant can operate its facility under its existing SWRCB permit or license.</p> <ul style="list-style-type: none"> <i>The facility does not require a new or revised permit from the SWRCB for a new appropriation of water.</i> <i>The facility does not require a new permit or license from the SWRCB for a new diversion of water.</i> <i>The facility will not require an increase in the volume or rate of water diverted that would require a new permit or license from the SWRCB.</i> <p><input type="checkbox"/> The facility does not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a water right permit or license from the SWRCB.</p> | <p><input type="checkbox"/> The applicant has a permit or license from the applicable governing body to appropriate water, which was issued before September 12, 2002.</p> <p><input type="checkbox"/> The applicant can operate its project under its existing government-issued permit or license.</p> <ul style="list-style-type: none"> <i>The facility does not require a new permit or license from any government body for a new appropriation of water.</i> <i>The facility does not require a new permit or license from any government body for a new diversion of water.</i> <p><input type="checkbox"/> The facility does not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a new permit or license from any government body.</p> | | | | |
| <p>19. Please attach the documentation specified in the section titled “Supplemental Instructions for Small Hydropower Facilities” in the <i>Renewables Portfolio Standard Eligibility Guidebook</i></p> | | | | | |
| <p><i>For Municipal Solid Waste Applicants</i></p> | | | | | |
| <p>20. Type of MSW Facility</p> <table border="1"> <tr> <td style="vertical-align: middle; text-align: center;"> <p>Choose <i>One</i></p> </td> <td> <p><input type="checkbox"/> MSW combustion facility that meets the following criteria (<i>skip to Section VII</i>) <i>Generation is eligible for the RPS only if the facility is located in Stanislaus County and commenced commercial operations prior to September 26, 1996. Applicant must attach documentation to this application demonstrating that the facility meets both of these requirements. Generation from MSW combustion facilities is only eligible to establish or adjust a retail seller’s RPS baseline.</i></p> <p><input type="checkbox"/> MSW conversion facility (<i>answer questions 21-22</i>) <i>Facility uses a non-combustion thermal process to convert MSW to a clean-burning fuel that is then used to generate electricity.</i></p> </td> </tr> </table> | | <p>Choose <i>One</i></p> | <p><input type="checkbox"/> MSW combustion facility that meets the following criteria (<i>skip to Section VII</i>) <i>Generation is eligible for the RPS only if the facility is located in Stanislaus County and commenced commercial operations prior to September 26, 1996. Applicant must attach documentation to this application demonstrating that the facility meets both of these requirements. Generation from MSW combustion facilities is only eligible to establish or adjust a retail seller’s RPS baseline.</i></p> <p><input type="checkbox"/> MSW conversion facility (<i>answer questions 21-22</i>) <i>Facility uses a non-combustion thermal process to convert MSW to a clean-burning fuel that is then used to generate electricity.</i></p> | | |
| <p>Choose <i>One</i></p> | <p><input type="checkbox"/> MSW combustion facility that meets the following criteria (<i>skip to Section VII</i>) <i>Generation is eligible for the RPS only if the facility is located in Stanislaus County and commenced commercial operations prior to September 26, 1996. Applicant must attach documentation to this application demonstrating that the facility meets both of these requirements. Generation from MSW combustion facilities is only eligible to establish or adjust a retail seller’s RPS baseline.</i></p> <p><input type="checkbox"/> MSW conversion facility (<i>answer questions 21-22</i>) <i>Facility uses a non-combustion thermal process to convert MSW to a clean-burning fuel that is then used to generate electricity.</i></p> | | | | |
| <p>21. MSW conversion facilities must meet all of the following criteria to be eligible for the RPS or RPS and SEPs. Please check all that apply:</p> <p><input type="checkbox"/> The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.</p> | | | | | |

- The technology does not produce any discharges of air contaminants or emissions, including greenhouse gases as defined in Section 42801.1 of the Health and Safety Code.
- The technology does not produce any discharges to surface or groundwaters of the state.
- The technology does not produce any hazardous wastes.
- To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted.
- The facility at which the technology is used is in compliance with all applicable laws, regulations, and ordinances.
- The technology meets any other conditions established by the State Energy Resources Conservation and Development Commission.
- The facility certifies that any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting.
- The facility certifies that any local agency sending solid waste to the facility is in compliance with Division 30 (Commencing with Section 4000), has reduced, recycled, or composted solid waste to the maximum extent feasible. (The California Integrated Waste Management Board must find that the facility has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.) Facilities must satisfy these criteria to be eligible for SEPs.

22. Please attach the documentation specified in the section entitled "Supplemental Instructions for Municipal Solid Waste Conversion Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*.

For Hybrid System Applicants

23. Type of Hybrid System:

| | |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Choose One | <input type="checkbox"/> Pumped Storage Hydropower <i>(identify energy source used for pumping)</i> Must use a renewable energy source to be eligible for RPS or RPS and SEPs; only the amount of energy dispatched to the transmission system is eligible. |
| | <input type="checkbox"/> Other <i>(describe fuels used – attach additional sheets if necessary)</i> |

24. For Hybrid Systems using fossil fuel (please select A or B)

A. Facility commenced commercial operations or was repowered before January 1, 2002:

| | |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>If you checked "A", choose one</i> | <input type="checkbox"/> Applicant attests that the percentage of fossil fuel used in the facility does not exceed 25 percent of the total annual energy input of the facility. <i>Facilities using fossil fuel that were operational or repowered prior to January 1, 2002 may use up to 25 percent fossil fuel and still have the total generation from their facility considered renewable and eligible for the RPS.</i> |
| | <input type="checkbox"/> Percentage of fossil fuel used in the facility exceeds 25 percent of the total annual energy input of the facility. <i>Only the renewable portion of electricity production may qualify for the RPS, and only once an appropriate tracking system is developed to monitor such production.</i> |
| | <input type="checkbox"/> Facility was developed and awarded a power purchase contract as a result of a retail seller Interim RPS procurement solicitation approved by the California Public Utilities Commission, and applicant attests that the facility uses no more than 25percent fossil fuel annually on a total energy input basis. <i>Facilities developed and awarded power purchase contracts as a result of a retail seller's Interim RPS procurement solicitation and approved by the CPUC may use up to 25 percent fossil fuel and count 100 percent of the electricity generated as RPS-eligible.</i> |

B. Facility commenced/will commence commercial operation or was/is repowered on or AFTER January 1, 2002:

| | |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>If you checked "B", choose one</i></p> | <p><input type="checkbox"/> Facility is certified as a Qualifying Small Power Production Facility (QF), and applicant attests that the facility satisfies the fossil fuel use limitations specified in PURPA.</p> <p><i>Facilities certified as QFs under the federal Public Utilities Regulatory Policies Act may use up to 25 percent fossil fuel and count 100 percent of the electricity generated as RPS eligible provided the facility otherwise satisfies the applicable California RPS standards.</i></p> <p><input type="checkbox"/> Facility is NOT certified as a Qualifying Small Power Production Facility but uses some percentage of fossil fuel.</p> <p><i>Only the renewable portion of electricity production may qualify for the RPS, and only once an appropriate tracking system is developed to monitor such production.</i></p> <p><input type="checkbox"/> Facility was developed and awarded a power purchase contract as a result of a retail seller's Interim RPS procurement solicitation approved by the California Public Utilities Commission, and applicant attests that the facility uses no more than 25 percent fossil fuel annually on a total energy input basis.</p> <p><i>Facilities developed and awarded power purchase contracts as a result of a retail seller's Interim RPS procurement solicitation and approved by the CPUC may use up to 25 percent fossil fuel and count 100 percent of the electricity generated as RPS eligible.</i></p> |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Section VII: Repowered Facility Information

Is applicant requesting certification for RPS and SEP eligibility for a repowered facility that re-entered commercial operations after January 1, 2002?

Yes. Answer questions in this Section. No. Skip to Section VIII

Generally describe the prime generating equipment replaced at the facility:

Please attach a detailed description in the documentation required under question 26. The applicant must document that the facility's prime generating equipment is new. For a definition of each renewable resource's prime generating equipment, please see the Renewables Portfolio Standard Eligibility Guidebook.

25. Please indicate the method used to demonstrate compliance with the 80 percent threshold:

Tax Records Methodology Replacement Value Methodology

Applicant must document the value of the capital investments made to the facility and the total value of the repowered facility, and the value of the capital investments must equal at least 80 percent of the total value of the repowered facility.

26. Please attach the documentation specified in the section titled "Supplemental Instructions for Repowered Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*

Section VIII: Out-of-State Facility Information

27. Is the facility's first point of interconnection to the WECC transmission system be located within California?

Yes. Facility is considered an in-state facility for purposes of RPS and SEP eligibility.

No. Answer questions 28 – 32.

28. Provide the facility NERC ID# _____. The NERC ID # refers to the North American Electricity Reliability Council identification number for this facility. The NERC ID# is **required** to certify RPS eligibility of a facility that is located outside of California. This requirement does not apply to a facility that is: 1) exclusively serving retail sellers subject to Public Utilities Code Section 399.17, or 2) seeking pre-certification **and** is not yet on-line.

29. For RPS eligibility only, applicants for out-of-state facilities must submit documentation showing that the facility meets all of the following criteria (check all that apply):

Facility has guaranteed contracts to sell its generation to a retail seller or the California Independent System Operator (CA ISO).

Facility can demonstrate delivery of its generation to the in-state market hub/zone or in-state substation/node located within the CA ISO control area of the WECC transmission system.

Applicant agrees to participate in the Energy Commission's RPS tracking and verification system.

30. For RPS **and** SEP eligibility: Applicants for out-of-state facilities must submit documentation showing that their facility meets all of the following criteria (check all that apply).

Facility is located within the United States. *Facility may not cause or contribute to any violation of a California environmental quality standard or requirement.*

Facility is located outside of the United States. *Facility must be developed and operated in a manner that is as protective of the environment as a similar facility located within California.*

Facility is located so that it is/will be connected to the WECC transmission system.

Facility is developed with guaranteed contracts to sell its power to end use customers of California retail sellers during the period in which it will receive SEPs.

Facility can demonstrate delivery of its generation to the in-state market hub/zone or in-state substation/node located within the CA ISO control area of the WECC transmission system.

Applicant agrees to participate in the Energy Commission's RPS tracking and verification system.

31. To be eligible for RPS and SEPs, an applicant for an out-of-state facility must agree to comply with the "Delivery Requirements" specified in the "Eligibility of Out-of-State Facilities" section of the *Renewables Portfolio Standard Eligibility Guidebook*.

Applicant acknowledges and agrees to comply with the above requirements as more fully described in the *Renewables Portfolio Standard Eligibility Guidebook*.

32. Please attach the documentation specified in the section titled "Supplemental Instructions for Out-of-State Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*.

Section IX: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments.

The Energy Commission's Accounting Office or its authorized agents, in conjunction with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS or RPS and SEP certification, pursuant to the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the awardee's applications, invoices, and reports.

Certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. A facility failing to do so risks losing its certification status. Any changes affecting the facility's certification status should be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's Web site, and any affected retail seller contracting with that facility will be promptly notified.

Section X: Signature

I am an authorized officer of the above-noted facility owner or a retail seller contracting with the above noted facility owner and hereby submit this application on behalf of said facility owner for certification of the facility as a renewable facility eligible for California's RPS or certification as eligible for California's RPS and SEPs. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook*, the *Overall Program Guidebook for the Renewable Energy Program*, and the *New Renewable Facilities Program Guidebook* and understand the provisions of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the California Energy Commission is conditioned on the acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*. I declare under penalty of perjury that the information provided in this application and any attachments is true and correct to the best of my knowledge.

Applicant Name: _____

Applicant Title: _____

Signature: _____

Date signed: _____

**REMINDER:
HAVE YOU INCLUDED
ALL NECESSARY ATTACHMENTS?**

Supplemental Information is required for:
Biodiesel (New or Repowered)
Biomass (New or Repowered seeking SEP-eligibility)
Incremental Geothermal, Hydropower,
New or Repowered Municipal Solid Waste Conversion
Hybrids, Repowered Facilities, Out-of-State Facilities

Section XI: Type of Pre-Certification Requested

| | |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Choose One</i> | <input type="checkbox"/> Eligible for California RPS |
| | <input type="checkbox"/> Eligible for California RPS plus Supplemental Energy Payments (SEPs) |
| <i>Choose One</i> | <input type="checkbox"/> Pre-certification <input type="checkbox"/> Amended pre-certification <input type="checkbox"/> Renewal If this is an amendment or renewal, date of original certification (m/d/yyyy): _____ If an amendment, note pre-certification number, if applicable. _____ <i>Please note: Pre-certification is available for facilities that are not on line or do not have power purchase contracts with a retail seller at the time of application. To register as Renewable Only (not eligible for RPS or SEP), please use form CEC-1038-E1, available on-line at: www.energy.ca.gov/renewables/documents/index.html</i> |

Section XII: Pre-Certification Facility Information

| | |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Choose One</i> | <input type="checkbox"/> Facility commenced commercial operations prior to January 1, 2002 (specify date): _____ |
| | <input type="checkbox"/> New facility, commenced/will commence commercial operation after January 1, 2002 (specify date/expected date): _____ |
| | <input type="checkbox"/> Repowered facility, re-entered/will re-enter commercial operation after January 1, 2002 (specify date/expected date): _____ |

Location of WECC interconnection: _____

The WECC interconnection is the substation where radial lines from the facility interconnect/will interconnect to the WECC controlled transmission system.

Nameplate capacity of facility (in megawatts):

Section XIII: Pre-Certification Eligibility for Supplemental Energy Payments

33. Is the output from this facility being sold under a long-term contract entered into prior to January 1, 2002 with a California retail seller that includes fixed energy or capacity payments?

Yes No

If yes: A. Date contract executed:

B. Retail seller contracted with:

C. Does the output from this facility meet the requirements in Public Utilities Code Section 399.6(c)(1)(C) as shown below? Yes No (If yes, attach a detailed explanation. If no, facility is not eligible for SEPs)

Public Utilities Code Section 399.6(c)(1)(C) – to be eligible for SEPs, all of the following must occur:

- 1) The facility's power purchase contract provides that all energy delivered and sold under the contract is paid at a price that does not exceed commission-approved short-run avoided cost of energy.
- 2) Either of the following:
 - a. The power purchase contract is amended to provide that the kWh used to determine the capacity payment in any time-of-delivery period in any month under the contract shall be equal to the actual kWh production, but no greater than the five-year average of the kWh delivered for the corresponding time-of-delivery period and month, in the years 1994 to 1998, inclusive.
 - b. If a facility's installed capacity as of December 31, 1998, is less than 75 percent of the nameplate capacity as stated in the power purchase contract, the power purchase contract is amended to provide that the kWh used to determine the capacity payment in any time-of-delivery period in any month under the contract shall be equal to the actual kWh production, but no greater than the product of the five-year average of the kWh delivered for the corresponding time-of-delivery period and month, in the years 1994 to 1998, inclusive, and the ratio of installed capacity as of December 31 of the previous year, but not to exceed contract nameplate capacity, to the installed capacity as of December 31, 1998.
- 3) The Supplemental Energy Payments are payable only with respect to the kWh delivered in a particular month that exceeds the corresponding five-year average calculated pursuant to clause 2.

34. Is/will the facility owned by a retail seller or local publicly-owned electric utility? Yes No
Retail seller-owned facilities are not eligible to receive SEPs, but may be eligible for the RPS.

35. Is/will the entire output of the facility intended to be used exclusively on-site (i.e. self generation)? Yes No
On-site generation is not eligible to receive SEPs.

36. Is/will the entire output of facility excluded from paying an applicable competitive transition charge? Yes No
If yes, facility is not eligible to receive SEPs.

Section XIV: Pre-Certification Facility Fuel Type

37. Please indicate energy source used by or will be used by the facility. For hybrid systems, indicate all energy sources used.

- Biodiesel
(complete Section XV, questions 38-42)
- Biomass
(complete Section XV, questions 38-42)
- Digester Gas
(skip to Section XVI)
- Fuel Cell
(skip to Section XVI)
- Geothermal
(complete Section XV, questions 43-46)
- Hydropower
(complete Section XV, questions 47-51)

- Landfill Gas
(skip to Section XVI)
- Municipal Solid Waste, combustion
(complete Section XV, question 52)
- Municipal Solid Waste, conversion
(complete Section XV, questions 52-54)
- Photovoltaic
(skip to Section XVI)
- Solar Thermal Electric
(skip to Section XVI)
- Tidal Current
(skip to Section XVI)

- Ocean Wave
(skip to Section XVI)
- Ocean Thermal
(skip to Section XVI)
- Wind
(skip to Section XVI)
- Hybrid System
(complete Section XV, questions 55-56)

Does/will this facility use any fossil fuel? Yes No

If yes, please specify average annual percentage on a total heat input basis. If the facility has been operational, please provide the average annual percentage on a total heat input basis for the calendar year immediately prior to the date of application:

Facilities that use fossil fuel must complete Section XV, question 55 dealing with hybrid systems.

Section XV: Pre-Certification Additional Required Information for Specific Fuel Types

Facilities using digester gas, fuel cell, landfill gas, photovoltaic, solar thermal, tidal current, ocean wave, ocean thermal, and wind technologies have no special fuel requirements. Applicants for facilities using these fuels or resources exclusively may skip to Section XVI.

For Biodiesel Applicants

38. Source of biodiesel fuel

Choose **One**

Biodiesel derived from biomass fuel – answer questions 39-42.

Biodiesel derived from MSW conversion process – answer questions 52-54.

For Biomass Applicants

39. Did the facility commence commercial operations prior to January 1, 2002?

Yes, please note that facility is not eligible for SEPs

No

40. Indicate current/anticipated source of biomass fuel supply (*check all that apply*):

Agricultural crops and agricultural wastes and residues.

Solid waste materials - Includes waste pallets, crates, dunnage, manufacturing and construction wood wastes, landscape or right-of-way tree trimmings, mill residues resulting directly from milling of lumber, and rangeland maintenance residues, sludge derived from organic sludge.

Wood and wood wastes that meet all of the following requirements:

- 1) Harvested pursuant to an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly Forest Practice Act of 1973 (Ch. 8 (commencing with Sec. 4511), Pt. 2, Div. 4, Public Resources Code).
- 2) Harvested for the purpose of forest fire fuel reduction or forest stand improvement.
- 3) Do not transport or cause the transportation of species known to harbor insect or disease pests outside zones of infestation or current quarantine zones, as identified by the Department of Food and Agriculture or the Department of Forestry and Fire Protection, unless approved by those agencies.

Facilities using these biomass fuels are eligible for the RPS, irrespective of the date they commenced commercial operations.

41. To be eligible for SEPs, an applicant for a “new” or “repowered” biomass facility must agree to use only eligible biomass fuel and to annually provide written attestations from its fuel supplier(s) documenting that the supplier(s) have delivered eligible biomass fuel to the facility. Applicant must also agree to provide documentation, or make documentation available upon request, to the Energy Commission verifying ongoing compliance with these requirements.

Applicant acknowledges and agrees to comply with the above requirements as more fully described in the *Renewable Portfolio Standard Eligibility Guidebook*.

42. For biomass facility operators receiving SEPs only: You must submit an annual report to the Energy Commission describing fuel use as follows: tons of biomass by type of biomass, the air district from which the biomass originated if the fuel may have been open-field burned had it not been used for electricity production, and an attestation from the fuel supplier(s) that the biomass fuel continues to meet the RPS eligibility standards. The report is due to the Energy Commission on February 15th of each year to report on the biomass supply consumed in the previous calendar year.

Applicant acknowledges and agrees to comply with the above requirements as more fully described in the *Renewable Portfolio Standard Eligibility Guidebook*.

For Geothermal Applicants

43. Date facility commenced/will commence commercial operations

Choose **One**

- Prior to September 26, 1996
Generation may be eligible for the RPS but only to establish or adjust a retail seller's baseline.
- Between September 26, 1996 and January 1, 2002
Generation may be eligible for RPS but not for SEPs.
- On or after January 1, 2002
Generation may be eligible for both RPS and SEPs.

44. Are you applying for certification for incremental geothermal?

- Yes (*complete question 45*) No (*skip to Section XVI*)

Incremental generation from geothermal facilities is eligible for the RPS but is limited to generation resulting from "eligible capital expenditures" as defined in the Renewables Portfolio Standard Eligibility Guidebook. Incremental geothermal generation may be eligible for SEPs to the extent that the generation meets criteria for a "new" or "repowered" facility.

45. Eligible capital expenditures

Choose **all that apply**

- The capital expenditure results/will result in replaced generating equipment or increased steam converted to generation.
- The capital expenditure does not/will not cause an increase in the decline rate of the reservoir.
- The capital project was completed after September 26, 1996.
Only capital expenditures that meet all of the above criteria are considered "eligible."

46. Please attach the documentation specified in the section titled "Supplemental Instructions for Incremental Geothermal Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*.

For Hydropower Applicants

47. Facility size

- Applicant certifies that total facility size, including any incremental additions to original facility, does not/will not exceed 30 megawatts.

Only hydropower facilities 30 megawatts or less in size qualify for the RPS or RPS and SEPs.

48. Date facility commenced/will commence commercial operations (choose one)

- Facility commenced commercial operations prior to September 12, 2002 (*go to question 49*)
- Facility commenced/will commence commercial operations on or after Sept. 12, 2002 (*go to question 50*)
- Facility is "repowered" and re-entered/will re-enter commercial operation after September 12, 2002 (*answer questions 49-50*)

Generation may be eligible for RPS or RPS and SEPs

49. Was facility owned by, and/or its generation procured by, a retail seller as of September 12, 2002?

- Yes No

If yes, generation may be eligible only for purposes of establishing a retail seller's RPS baseline. Facility's generation may not be used for adjusting a retail seller's baseline or meeting a retail seller's annual procurement target.

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 50. "New" or "Repowered" Hydropower Facilities: please check all that apply: | |
| <i>Facility located within California</i> | <i>Facility located outside California</i> |
| <input type="checkbox"/> The applicant has a permit or license from the State Water Resources Control Board (SWRCB) to appropriate water, which was issued before September 12, 2002. <input type="checkbox"/> The applicant can operate its proposed facility under its existing SWRCB permit or license. <ul style="list-style-type: none"> • <i>The facility does not require a new or revised permit from the SWRCB for a new appropriation of water.</i> • <i>The facility does not require a new permit or license from the SWRCB for a new diversion of water.</i> • <i>The facility will not require an increase in the volume or rate of water diverted that would require a new permit or license from the SWRCB.</i> <input type="checkbox"/> The facility does not/will not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a water right permit or license from the SWRCB. | <input type="checkbox"/> The applicant has a permit or license from the applicable governing body to appropriate water, which was issued before September 12, 2002. <input type="checkbox"/> The applicant can operate its proposed project under its existing government-issued permit or license. <ul style="list-style-type: none"> • <i>The facility does not require a new permit or license from any government body for a new appropriation of water.</i> • <i>The facility does not require a new permit or license from any government body for a new diversion of water.</i> <input type="checkbox"/> The facility does not/will not require an increase in the volume or rate of water diverted under an existing right, even if such a change would not require a new permit or license from any government body. |
| 51. Please attach the documentation specified in the section titled "Supplemental Instructions for Small Hydropower Facilities" in the <i>Renewables Portfolio Standard Eligibility Guidebook</i> | |
| <i>For Municipal Solid Waste Applicants</i> | |
| 52. Type of MSW Facility | |
| Choose One | <input type="checkbox"/> MSW combustion facility that meets the following criteria (<i>skip to Section XVI</i>) <i>Generation is eligible for the RPS only if the facility is located in Stanislaus County and commenced commercial operations prior to September 26, 1996. Applicant must attach documentation to this application demonstrating that the facility meets both of these requirements. Generation from MSW combustion facilities is only eligible to establish or adjust a retail seller's RPS baseline.</i> <input type="checkbox"/> MSW conversion facility (<i>answer questions 53-54</i>) <i>Facility uses or will use a non-combustion thermal process to convert MSW to a clean-burning fuel that is then used to generate electricity.</i> |
| 53. MSW conversion facilities must meet all of the following criteria to be eligible for the RPS or RPS and SEPs. Please check all that apply: | |
| <input type="checkbox"/> The technology does not/will not use air or oxygen in the conversion process, except ambient air to maintain temperature control. <input type="checkbox"/> The technology does not/will not produce any discharges of air contaminants or emissions, including greenhouse gases as defined in Section 42801.1 of the Health and Safety Code. <input type="checkbox"/> The technology does not/will not produce any discharges to surface or groundwaters of the state. <input type="checkbox"/> The technology does not/will not produce any hazardous wastes. <input type="checkbox"/> To the maximum extent feasible, the technology removes/will remove all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted. <input type="checkbox"/> The facility at which the technology is used/will be used is in compliance with all applicable laws, regulations, and ordinances. <input type="checkbox"/> The technology meets/will meet any other conditions established by the State Energy Resources Conservation and Development Commission. | |

- The facility certifies that any local agency sending solid waste to the facility diverted/will divert at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting.
- The facility certifies that any local agency sending solid waste to the facility is/will be in compliance with Division 30 (Commencing with Section 4000), has reduced, recycled, or composted solid waste to the maximum extent feasible. (The California Integrated Waste Management Board must find that the facility has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.) Facilities must satisfy these criteria to be eligible for SEPs.

54. Please attach the documentation specified in the section entitled "Supplemental Instructions for Municipal Solid Waste Conversion Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*.

For Hybrid System Applicants

55. Type of Hybrid System:

| | |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Choose One | <input type="checkbox"/> Pumped Storage Hydropower (<i>identify energy source used for pumping</i>) Must use a renewable energy source to be eligible for RPS or RPS and SEPs; <i>only the amount of energy dispatched to the transmission system is eligible.</i> |
| | <input type="checkbox"/> Other (<i>describe fuels used – attach additional sheets if necessary</i>) |

56. For Hybrid Systems using fossil fuel (please select A or B)

A. Facility commenced commercial operations or was repowered before January 1, 2002:

| | |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you checked "A", choose one | <input type="checkbox"/> Applicant attests that the percentage of fossil fuel used in the facility does not/will not exceed 25 percent of the total annual energy input of the facility. <i>Facilities using fossil fuel that were operational or repowered prior to January 1, 2002 may use up to 25 percent fossil fuel and still have the total generation from their facility considered renewable and eligible for the RPS.</i> |
| | <input type="checkbox"/> Percentage of fossil fuel used in the facility exceeds/will exceed 25 percent of the total annual energy input of the facility. <i>Only the renewable portion of electricity production may qualify for the RPS, and only once an appropriate tracking system is developed to monitor such production.</i> |
| | <input type="checkbox"/> Facility was developed and awarded a power purchase contract as a result of a retail seller Interim RPS procurement solicitation approved by the California Public Utilities Commission, and applicant attests that the facility uses no more than 25 percent fossil fuel annually on a total energy input basis. <i>Facilities developed and awarded power purchase contracts as a result of a retail seller's Interim RPS procurement solicitation and approved by the CPUC may use up to 25 percent fossil fuel and count 100 percent of the electricity generated as RPS-eligible.</i> |

B. Facility commenced/will commence commercial operation or was/is repowered on or AFTER January 1, 2002:

| | |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you checked "B", choose one | <input type="checkbox"/> Facility is/will be certified as a Qualifying Small Power Production Facility (QF), and applicant attests that the facility satisfies the fossil fuel use limitations specified in PURPA. <i>Facilities certified as QFs under the federal Public Utilities Regulatory Policies Act may use up to 25 percent fossil fuel and count 100 percent of the electricity generated as RPS eligible provided the facility otherwise satisfies the applicable California RPS standards.</i> |
| | <input type="checkbox"/> Facility is NOT certified as a Qualifying Small Power Production Facility but uses some percentage of fossil fuel. <i>Only the renewable portion of electricity production may qualify for the RPS, and only once an appropriate tracking system is developed to monitor such production.</i> |
| | <input type="checkbox"/> Facility was developed and awarded a power purchase contract as a result of a retail seller's Interim RPS procurement solicitation approved by the California Public Utilities Commission, and applicant attests that the facility uses no more than 25 percent fossil fuel annually on a total energy input basis. <i>Facilities developed and awarded power purchase contracts as a result of a retail seller's Interim RPS procurement solicitation and approved by the CPUC may use up to 25 percent fossil fuel and count 100 percent of the electricity generated as RPS eligible.</i> |

Section XVI: Pre-Certification Repowered Facility Information

Is applicant requesting pre-certification for RPS and SEP eligibility for a repowered facility that re-entered or will re-enter commercial operations after January 1, 2002?

- Yes. Answer questions in this Section. No. Skip to Section XVII

Generally describe the prime generating equipment replaced/to be replaced at the facility:

Please attach a detailed description in the documentation required under question 64. The applicant must document that the facility's prime generating equipment is new. For a definition of each renewable resource's prime generating equipment, please see the Renewables Portfolio Standard Eligibility Guidebook.

57. Please indicate the method used to demonstrate compliance with the 80 percent threshold:

- Tax Records Methodology Replacement Value Methodology

Applicant must document the value of the capital investments made to the facility and the total value of the repowered facility, and the value of the capital investments must equal at least 80 percent of the total value of the repowered facility.

58. Please attach the documentation specified in the section titled "Supplemental Instructions for Repowered Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*

Section XVII: Pre-Certification Out-of-State Facility Information

59. Is or will the facility's first point of interconnection to the WECC transmission system be located in California?

- Yes. Facility is considered an in-state facility for purposes of RPS and SEP eligibility.
 No. Answer questions 60 – 64.

60. Provide the facility NERC ID# _____. The NERC ID # refers to the North American Electricity Reliability Council identification number for this facility. The NERC ID# is **required** to certify RPS eligibility of a facility that is located outside of California. This requirement does not apply, however, to a facility that is: 1) exclusively serving retail sellers subject to Public Utilities Code Section 399.17, or 2) seeking pre-certification **and** is not yet on-line.

61. For RPS eligibility only, applicants for out-of-state facilities must submit documentation showing that the facility meets/will meet all of the following criteria (check all that apply):

- Facility has/will have guaranteed contracts to sell its generation to a retail seller or the California Independent System Operator (CA ISO).
 Facility can/will be able to demonstrate delivery of its generation to the in-state market hub/zone or in-state substation/node located within the CA ISO control area of the WECC transmission system.
 Applicant agrees to participate in the Energy Commission's RPS tracking and verification system.

62. For RPS **and** SEP eligibility: Applicants for out-of-state facilities must submit documentation showing that their facility meets all of the following criteria (check all that apply).

- Facility is/will be located within the United States. *Facility may not cause or contribute to any violation of a California environmental quality standard or requirement.*
 Facility is/will be located outside of the United States. *Facility must be developed and operated in a manner that is as protective of the environment as a similar facility located within California.*
 Facility is/will be located so that it is/will be connected to the WECC transmission system.
 Facility is/will be developed with guaranteed contracts to sell its power to end use customers of California retail sellers during the period in which it will receive SEPs.
 Facility can/will demonstrate delivery of its generation to the in-state market hub/zone or in-state substation/node located within the CA ISO control area of the WECC transmission system.
 Applicant agrees to participate in the Energy Commission's RPS tracking and verification system.

63. To be eligible for RPS and SEPs, an applicant for an out-of-state facility must agree to comply with the "Delivery Requirements" specified in the "Eligibility of Out-of-State Facilities" section of the *Renewables Portfolio Standard Eligibility Guidebook*.

Applicant acknowledges and agrees to comply with the above requirements as more fully described in the *Renewables Portfolio Standard Eligibility Guidebook*.

64. Please attach the documentation specified in the section titled "Supplemental Instructions for Out-of-State Facilities" in the *Renewables Portfolio Standard Eligibility Guidebook*.

Section XVIII: Pre-Certification General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments.

The Energy Commission's Accounting Office or its authorized agents, in conjunction with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS or RPS and SEP pre-certification, pursuant to the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the awardee's applications, invoices, and reports.

Pre-certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. A facility failing to do so risks losing its pre-certification status. Any changes affecting the facility's pre-certification status should be reported on an amended CEC-RPS-3 form. If there are any changes to the status of a facility's pre-certification, the new information will be posted on the Energy Commission's Web site, and any affected retail seller contracting with that facility will be promptly notified.

Section XIX: Pre-Certification Signature

I am an authorized officer of the above-noted facility owner or a retail seller contracting with the above noted facility owner and hereby submit this application on behalf of said facility owner for pre-certification of the facility as a renewable facility eligible for California's RPS or pre-certification as eligible for California's RPS and SEPs. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook*, the *Overall Program Guidebook for the Renewable Energy Program*, and the *New Renewable Facilities Program Guidebook* and understand the provisions of these guidebooks and my responsibilities. I acknowledge that the receipt of any pre-certification approval from the California Energy Commission is conditioned on the acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*. I declare under penalty of perjury that the information provided in this application and any attachments is true and correct to the best of my knowledge.

Applicant Name: _____

Applicant Title: _____

Signature: _____

Date signed: _____

REMINDER: HAVE YOU INCLUDED ALL NECESSARY ATTACHMENTS?

Supplemental Information is required for:
Biodiesel (New or Repowered)
Biomass (New or Repowered seeking SEP-eligibility)
Incremental Geothermal, Hydropower,
New or Repowered Municipal Solid Waste Conversion
Hybrids, Repowered Facilities, Out-of-State Facilities



**Utility Application for Certification of Renewable Facility
California Renewables Portfolio Standard Program**

INSTRUCTIONS FOR COMPLETING FORM ARE PROVIDED ON TAB 3

Please complete all applicable fields on the Facility Information sheet (TAB 1), read and sign the attestation (TAB 2), and submit to:

**California Energy Commission, Attn: RPS Certification
1516 Ninth Street, MS-45, Sacramento, CA 95814**

**May be submitted electronically via e-mail to:
skorosec@energy.state.ca.us, subject line "RPS Certification"**

**(If submitted electronically, an original signed copy of attestation, along with
a hard copy of the completed form, must be submitted to the address above)**

Form may used to certify multiple facilities

All data on this form is subject to public disclosure

| Line # | Facility Name | Type of Certification Requested Please Check One | | | | If renewal or amendment, date of original certification | Date of Facility Operation (m-dd-yyyy) | Physical Address | | | |
|--------|---------------|-----------------------------------------------------|--------------------------|--------------------------|--------------------------|---------------------------------------------------------|----------------------------------------|------------------|------|-------|-----|
| | | Pre | Initial | Amended | Renewal | | | Street | City | State | ZIP |
| 1 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 2 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 3 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 4 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 5 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 6 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 7 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 8 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 9 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 10 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 11 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 12 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 13 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 14 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| 15 | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |

CEC-RPS-2

Utility Application for Certification of Renewable Facility California Renewables Portfolio Standard Program

Tab 1 Continued

| Line # | If facility is located out of state, check here | Other Names Used by Facility | Technology | Supplemental Information (if applicable; specify category) | Percentage of Fossil Fuel Used, If Any | Nameplate Capacity (in megawatts) |
|--------|-------------------------------------------------|------------------------------|------------|------------------------------------------------------------|----------------------------------------|-----------------------------------|
| 1 | <input type="checkbox"/> | | | | | |
| 2 | <input type="checkbox"/> | | | | | |
| 3 | <input type="checkbox"/> | | | | | |
| 4 | <input type="checkbox"/> | | | | | |
| 5 | <input type="checkbox"/> | | | | | |
| 6 | <input type="checkbox"/> | | | | | |
| 7 | <input type="checkbox"/> | | | | | |
| 8 | <input type="checkbox"/> | | | | | |
| 9 | <input type="checkbox"/> | | | | | |
| 10 | <input type="checkbox"/> | | | | | |
| 11 | <input type="checkbox"/> | | | | | |
| 12 | <input type="checkbox"/> | | | | | |
| 13 | <input type="checkbox"/> | | | | | |
| 14 | <input type="checkbox"/> | | | | | |
| 15 | <input type="checkbox"/> | | | | | |

CEC-RPS-2

Utility Application for Certification of Renewable Facility
California Renewables Portfolio Standard Program

Tab 1 Continued

| Line # | Other Identification Numbers Used by Facility | | | | | | |
|--------|-----------------------------------------------|---------|---------|-----------|-----|-----|-------|
| | QFID | CEC-REP | CEC-RPS | CEC-Other | EIA | ISO | Other |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | | | | | | | |

Utility Application for Certification of Renewable Facility
California Renewables Portfolio Standard Program

Tab 1 Continued

| Line # | Facility Contact | Title | Company | Address | City | State | ZIP |
|--------|------------------|-------|---------|---------|------|-------|-----|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | | | | | | | |



CEC-RPS-2

Utility Application for Certification

California Renewables Portfolio Standard Program

ATTESTATION

TO BE COMPLETED BY AN AUTHORIZED UTILITY REPRESENTATIVE

The Energy Commission reserves the right to request additional information to confirm or clarify information reported in this application, and to verify the RPS eligibility of any facility identified in the application

The Energy Commission's Accounting Office or its authorized agents, in conjunction with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification, pursuant to the Overall Program Guidebook for the Renewable Energy Program. As part of an audit, an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the awardee's applications, invoices, and reports.

Certified and pre-certified facilities must notify the Energy Commission in a timely manner of any material changes in information previously submitted to the Energy Commission. A facility failing to do so risks losing its certification status. Any changes affecting the facility's certification status should be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website and any affected utility contracting with that facility will be promptly notified.

I am an authorized employee of (specify utility) _____

and hereby submit this application on behalf of the noted facilities, and the owners of these facilities, for certification as a renewable facility eligible for California's RPS or certification as eligible for California's RPS and SEPs. I have read the above information as well as the Renewables Portfolio Standard Eligibility Guidebook, the Overall Program Guidebook for the Renewable Energy Program, and the New Renewable Facilities Program Guidebook and understand the provisions and my responsibilities. I acknowledge that the receipt of any certification approval from the California Energy Commission is conditioned on the acceptance and satisfaction of all program requirements as set forth in the Renewables Portfolio Standard Eligibility Guidebook and the Overall Program Guidebook for the Renewable Energy Program. I declare under penalty of perjury that the information provided in this form and attachments is true and correct to the best of my knowledge.

Applicant Name: _____

Applicant Title: _____

Signature: _____

Date Signed: _____

Tab 3 Instructions for CEC-RPS-2

Explanation of fields used:

Line Number

Used to distinguish multiple certifications.

Facility Name

Specify the name under which the facility will be certified and that will appear on the facility's certificate of eligibility issued by the Energy Commission.

Type of Certification Requested:

Pre-certification - applies to developers of renewable facilities that are not yet on-line but who are seeking a preliminary determination that their facility will be eligible for the RPS and/or SEPs.

Certification - applies to renewable facilities that are on-line who wish to establish eligibility for the

Amended - applies to facilities already certified as eligible for the RPS and/or SEPs that have undergone material changes since being certified (for example, change of ownership, size of facility, etc.). Facilities that do not notify the Energy Commission in a timely manner of material changes

Renewal - certification must be renewed every two years to ensure that facilities remain eligible for

Date of Certification - For amended applications or applications for renewal, please specify the most recent certification date shown on the facility's certificate issued by the Energy Commission.

Physical Address

If no physical address exists, attach the legal description of the facility location.

If Facility is Located Out-of-State

Please check this box if the facility is located out-of-state, and attach documentation showing that the facility meets all criteria for out-of-state facilities described in the *Renewables Portfolio Standard*

Other Names Used by Facility

Please list all names previously used in the past by the facility, or specify if the facility is part of a group of facilities collectively known by one name. This information will help the Energy Commission to cross-reference facilities listed under multiple names and ensure that there is no double counting

Other Identification Numbers

Facilities may have one or more identification numbers already assigned by the CEC or other organizations. Please provide information per facility as applicable.

QFID - Refers to the unique identifier assigned by the utility contracting for power from the facility.

CEC-REP - Refers to the CEC ID# issued under the Renewable Energy Program.

CEC-RPS - Refers to the CEC ID# issued under the Renewables Portfolio Standard, if this application is an amendment or renewal.

CEC-Other - Refers to ID#s issued by the CEC for the programs other than the Renewable Energy Program or the Renewables Portfolio Standard Program, or for other purposes.

EIA - The number assigned by the Energy Information Administration and used by the facility to report monthly generation data the EIA.

ISO - The number assigned to the facility by the California Independent System Operator.

Tab 3 Instructions for CEC-RPS-2

Other - Please list any other identification numbers used by the facility.

Technology

Please specify one or more of the following:

- Biodiesel
 - Biomass
 - Digester Gas
 - Fuel Cell
 - Geothermal
 - Incremental Geothermal
 - Hydropower (pumped storage hydropower must meet requirements shown in the Renewables Portfolio Standard Eligibility Guidebook, page 16.)
 - Landfill Gas
 - Municipal Solid Waste Combustion - A facility that directly combusts MSW to produce electricity is only eligible for the RPS if it is located in Stanislaus County and was operational prior to September 26, 1996. Applicants for combustion facilities must submit documentation to the Energy Commission demonstrating that the facilities meet these requirements. The generation from such facilities is eligible for the RPS only to initially establish or adjust an IOU's baseline quantity of eligible
 - Municipal Solid Waste Conversion (must meet criteria shown in the *Renewables Portfolio Standard Eligibility* Guidebook, pages 13-14.)
 - Photovoltaic
 - Solar Thermal Electric
 - Wind
 - Hybrid System (please elaborate)
 - Other (please elaborate)
-

Supplemental Information

Please submit the required supplemental information, as discussed in detail in the *Renewables Portfolio Standard Eligibility Guidebook*, pages 21-30, for facilities in the following categories:

- Repowers, all technologies
 - Out-of-State Power
 - Hybrid Systems
 - New Hydropower
 - New Biomass
 - Municipal Solid Waste
 - Incremental Geothermal
-

Percentage of Fossil Fuel Used, If Any

A facility that uses some portion of fossil fuel may be considered a hybrid facility if the facility uses more than a designated percentage of fossil fuel. Please refer to the *Renewables Portfolio*

- For facilities that began commercial operation before 1-1-02: all generation is eligible for the RPS as long as the percentage of fossil fuel used does not exceed 25 percent of the total energy input of
 - For facilities that began commercial operation after 1-1-02:
 - All generation from facilities using up to 2% fossil fuel may be eligible for the RPS
 - For facilities that use more than 2% fossil fuel, only the renewable portion of the electricity production may qualify for the RPS, and not until an appropriate tracking system for such electricity
-

Tab 3 Instructions for CEC-RPS-2

Nameplate Capacity (in megawatts)

Please enter the nameplate capacity of the entire facility.

Facility Contact

The facility contact is the contact person for any questions about the technical information about the facility submitted in the application for certification.

Date of Facility Operation (mm-dd-yyyy)

For facilities that are already on-line, enter the date the facility began commercial operations, defined as the date on which a renewable energy facility first delivers power for sale to the procuring retailer seller (consistent with the facility's power purchase contract with the retailer seller).

For facilities that are not yet on-line, enter the date the facility is anticipated to begin commercial

Location of WECC Interconnection

The WECC interconnection is the substation where radial lines from the facility interconnect/will interconnect to WECC-controlled transmission. See the delivery requirements in the *Renewables*

Name of Person completing form, Title, Phone, E-mail

Please enter the name and contact information for the person completing the form in case the Energy Commission has questions about information submitted on the form.

Appendix B - Acronyms

| | | |
|--------|---|------------------------------------------------|
| APT | — | annual procurement target |
| CA ISO | — | California Independent System Operator |
| CCA | — | community choice aggregator |
| CIWMB | — | California Integrated Waste Management Board |
| CPUC | — | California Public Utilities Commission |
| DG | — | distributed generation |
| ESP | — | electric service provider |
| IOU | — | investor owned utility |
| kWh | — | kilowatt-hour |
| LFG | — | landfill gas |
| MSW | — | municipal solid waste |
| MW | — | megawatt |
| MWh | — | megawatt-hour |
| NERC | — | North American Electricity Reliability Council |
| NRFP | — | New Renewable Facilities Program |
| PGC | — | Public Goods Charge |
| PG&E | — | Pacific Gas and Electric Company |
| PUC | — | Public Utilities Code |
| PV | — | photovoltaic |
| REC | — | Renewable Energy Credit |
| REP | — | Renewable Energy Program |
| RPS | — | Renewable Portfolio Standard |
| SB | — | Senate Bill |
| SCE | — | Southern California Edison Company |
| SDG&E | — | San Diego Gas and Electric Company |
| SEP | — | supplemental energy payments |
| SWRCB | — | State Water Resources Control Board |
| WECC | — | Western Electricity Coordinating Council |

Appendix C - Summary of RPS Reporting Requirements

| Reporting Party | Reporting Requirement | Due Date |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Facility | Certification/ Pre-certification, CEC-RPS-1 | Anytime |
| Out-of-State Facility | Compliance documentation of the NERC tag requirement | May1 , 2005, and annually thereafter |
| New or Repowered Biomass Facility (or Biodiesel facility using biomass) | Annual attestation from fuel supplier(s) stating verifying ongoing compliance with fuel requirements | February 15, 2005, and annually thereafter |
| Facility or retail seller | Renewal of Certification/Pre-certification | Once every two years. Facilities certified in 2004 must renew in January 2007. Facilities certified in 2005 must renew in January 2008 and so forth. |
| Facility or retail seller | Amendment of Certification/ Pre-certification (form to be developed) | As needed |
| Facility or retail seller | retail seller monthly payment statement showing the amount of energy procured reported annually to the Energy Commission | May1 , 2005, and annually thereafter until data are reported through WREGIS |
| retail seller | Report on Procurement, CEC-RPS-Track | June 15, 2004, and May 1, 2005, and annually thereafter until data are reported through WREGIS |
| retail seller | Utility Certification for Pre-Existing Contracts, CEC-RPS-2 | Anytime until contract expires or is voluntarily re-negotiated |