

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement the )  
Commission's Procurement Incentive Framework )  
and to Examine the Integration of Greenhouse )  
Gas Emissions Standards into Procurement )  
Policies. )

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Rulemaking 06-04-009  
(Filed April 13, 2006)

**BEFORE THE CALIFORNIA ENERGY COMMISSION**

In The Matter Of, )  
 )  
AB 32 Implementation – Greenhouse Gas )  
Emissions. )

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Docket 07-OIIP-01

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**RESPONSE OF SOUTHERN CALIFORNIA EDISON (U 338-E) TO ADMINISTRATIVE  
LAW JUDGE'S RULING REQUESTING COMMENTS ON TYPE AND POINT OF  
REGULATION ISSUES FOR THE NATURAL GAS SECTOR**

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## TABLE OF CONTENTS

<b><u>Section</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
I.	SCE'S RESPONSE TO GENERAL QUESTIONS .....	1
II.	COMMENTS ON THE RELEVANCE OF CERTAIN PRINCIPLES OR OBJECTIVES TO EVALUATING DESIGN OPTIONS .....	3
III.	RESPONSES TO QUESTIONS REGARDING SCOPE OF GHG REGULATION.....	4
IV.	RESPONSE TO POINT OF REGULATION QUESTIONS .....	6
V.	RESPONSE TO QUESTIONS REGARDING DEFERRAL OF A MARKET- BASED CAP AND TRADE SYSTEM.....	7
VI.	RESPONSE TO QUESTIONS REGARDING RELATIONSHIP OF NATURAL GAS REGULATION TO ELECTRICITY SECTOR REGULATION.....	8
VII.	RESPONSE TO QUESTIONS REGARDING ALTERNATIVES .....	10
VIII.	CONCLUSION.....	11

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
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LAW JUDGE'S RULING REQUESTING COMMENTS ON TYPE AND POINT OF  
REGULATION ISSUES FOR THE NATURAL GAS SECTOR**

Pursuant to the "Administrative Law Judges' Ruling Extending Deadline for Comments and Incorporating Responses to Staff Data Request on Natural Gas Issues," issued December 10, 2007, Southern California Edison Company ("SCE") responds to the various questions on type and point of regulation subjects as set forth in the ruling issued by the California Public Utilities Commission ("CPUC") on November 28, 2007.

**I.**

**SCE'S RESPONSE TO GENERAL QUESTIONS**

**Q1. What do you view as the incremental benefits of a market-based system for GHG compliance in the natural gas sector, in the current California context?**

The California Air Resources Board's ("CARB's") greenhouse gas ("GHG") inventory suggests that emissions from natural gas consumption by sectors other than the electricity and transportation sectors constitute a large share of California's emissions inventory.<sup>1</sup> For example, residential, commercial, and agricultural customers contribute about 15 percent of emissions to California's GHG inventory. Consequently, emissions reductions from these sectors, where most GHG emissions are likely due to natural gas consumption, are important if the State hopes to achieve Assembly Bill ("AB") 32's objective of reducing the overall carbon footprint of California to 1990 levels.

A cap-and-trade program enables entities subject to the emissions cap to choose the most efficient and cost-effective emissions reduction options, based on the market price of CO<sub>2</sub> allowances. A broad-based, multi-sector cap-and-trade system will allow entities responsible for compliance in individual sectors to optimize their emissions reduction and compliance strategies across all available emission reduction options, not just from within its own. This ability to offer cost-effective emissions reduction options to other sectors, as well as the ability to choose from cost-effective options available from other sectors, are the primary incremental benefits that a market-based system offers for compliance in the natural gas sector.

When designing a market-based cap and trade system for the natural gas sector, the CPUC should ensure that natural gas consumers are not duplicatively regulated. For example, if natural gas consumption in the electricity sector or cement manufacturing sector is subject to a cap designed for such sectors, such gas use should then be exempted from the cap applicable to the natural gas sector.

**Q2. Can a market-based system for the natural gas sector provide additional emissions reductions beyond existing policies and/or programs? If so, at what level? How much of such additional emission reductions could be achieved through expansion of existing policies and/or programs?**

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<sup>1</sup> "California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit," California Air Resources Board Report issued November 16, 2007, at 6. This document can be found at <http://www.arb.ca.gov/cc/ccei/ccei.htm>.

Market-based programs create stronger economic incentives to reduce emissions than do command and control policies and programs. A wider, multi-sector, market-based program will more efficiently identify the most cost-effective emissions reduction options for the State. Accordingly, the CPUC should be asking whether the natural gas sector's participation in a wide market-based system will result in the most cost-effective emission reductions state-wide, rather than asking whether a market-based system will provide "additional" emission reductions beyond existing policies and programs in the natural gas sector.

Under a market-based system, if the natural gas sector can achieve more cost-effective emissions than those which can be achieved by other options available to other sectors within the same market-based system, it is very likely there will be additional emissions reductions in the natural gas sector beyond what would have been achieved under existing programs.

While SCE is unable to quantify the extent to which additional emissions reductions can be achieved by market-based mechanisms or by existing programs, SCE believes that a market-based program which encompasses multiple sectors will provide the greatest levels of emissions reductions at the lowest cost.

## **II.**

### **COMMENTS ON THE RELEVANCE OF CERTAIN PRINCIPLES OR OBJECTIVES TO EVALUATING DESIGN OPTIONS**

**Q3. What objectives or principles should the Public Utilities Commission and the Energy Commission use to determine the appropriate method of regulating GHG emissions in the natural gas sector, and why? Please rank the objectives you propose, in order of importance, adding any objectives not covered above.**

SCE agrees with and supports the enumerated set of objectives and suggests the addition of two other objectives. First, the CPUC should consider equity. The natural gas sector should be regulated to the same extent that other sectors will be regulated in order to ensure the reduction of GHG emissions. Second, the CPUC should adopt regulations that prevent the

natural gas sector from unfairly allocating compliance costs to natural gas users that will also be subject to GHG regulation a part of different sectors.

Regarding ranking the stated objectives by importance, cost effectiveness should be ranked at the top, followed closely by expandability.

### **III.**

#### **RESPONSES TO QUESTIONS REGARDING SCOPE OF GHG REGULATION**

**Q4. Should GHG emissions from the natural gas sector be capped under AB 32? Are there certain sources of emissions within the sector that should be exempt from an enforceable cap?**

Yes, GHG emissions from the natural gas sector should be capped under AB 32. This approach would treat the natural gas sector the same as other sectors that contribute significantly to the State's total emissions level. However, sources that consume natural gas and are separately regulated under a different sector should be exempt from any enforceable cap. If such sources are not exempt, the natural gas use will be double-counted.

**Q5. For each of the following sources of GHG emissions, state whether the sources described should be subject to an enforceable cap and, if so, whether the cap should be covered by a cap-and-trade approach or only by programmatic measures. For sources you recommend covering programmatically, what specific programmatic actions should be taken? For sources you recommend covering in a cap-and-trade program, are there specific programmatic measures that should be undertaken as complementary to the cap-and-trade program? For each source, discuss how your recommended approach is likely to affect rates.**

- a. Natural gas combustion in the residential, commercial, and small industrial segments of the natural gas sector.**

Yes, these sources should be subject to an enforceable cap; however, the point of regulation may need to be the local distribution company ("LDC") level.

**b. Natural gas combustion by natural gas vehicles.**

SCE believes that natural gas combustion by natural gas vehicles should be regulated as part of the transportation sector. This is consistent with the treatment of other fuels within the transportation sector.

**c. Combustion-related emissions from operating the infrastructure (including infrastructure related to proprietary operations) used to deliver natural gas to end users within the State.**

Yes, these emissions should be subject to an enforceable natural gas sector cap; however, the point of regulation may need to be at the LDC level.

**d. Fugitive emissions, including from pipelines, storage facilities, and compressor stations.**

Yes, these emissions should be subject to an enforceable natural gas sector cap; however, the point of regulation may need to be at the LDC level.

**e. Non-combustion uses of natural gas (please specify).**

Non-combustion uses of natural gas, such as the use of natural gas as feedstock for certain industries, should also be subject to an enforceable cap. However, to the extent the consuming industry itself is regulated as part of a different sector, the non-combustion use can be exempted from the natural gas sector.

**f. Other sources of natural gas sector emissions not listed above (please specify).**

SCE does not have any comments on this issue at this time.

**Q6. For the sources you recommend exempting from an enforceable cap, how would emission reductions be achieved?**

See responses above. Natural gas used in the transportation sector should be treated the same as other fuels used in the transportation sector. This means that emissions reductions should be achieved through the same regulatory scheme designed for the transportation sector. Consumption of natural gas in those sectors that are separately subject to their own enforceable cap should be regulated under the sector-specific regulatory scheme.

**Q7. As the Public Utilities Commission does not currently have authority to oversee all potential GHG-reducing programs for all kinds of natural gas entities in California, which agency(ies) should regulate in such areas? For example, should ARB require that publicly owned utilities meet energy efficiency targets? Would additional legislation need to be enacted?**

With a market-wide cap-and-trade or similar market based programs, there should be no need for the CPUC to oversee all potential GHG-reducing programs for all natural gas entities in California. Instead, a CARB administered cap-and-trade mechanism can achieve desired reductions in natural gas related emissions.

#### **IV.**

#### **RESPONSE TO POINT OF REGULATION QUESTIONS**

**Q8. If you believe that the natural gas sector and other sources of emissions related to combustion of natural gas should be included in a cap or cap-and-trade system, where should the compliance obligation be placed: upstream, as close to the fuel source as possible (for example, on natural gas processing plants and pipelines) or midstream/downstream (large point sources and, for smaller users, the local distribution company level)? If you suggest another option for assigning responsibility, please describe in detail.**

The compliance obligation could be placed at the point source for large consumers of natural gas that are not already covered under GHG regulation for another sector. For all other users (including small industrial, commercial and residential customers), the compliance obligation should be at the LDC level. This distinction will facilitate easy administration and monitoring of the program and provide direct incentives for reduction in GHG emissions related to the natural gas sector.

**Q9. Should core aggregators or natural gas marketers bear responsibility for the GHG emissions of the customers for whom they procure natural gas?**

Natural gas marketers should not be responsible for GHG emissions since they only market gas and are not responsible for consequent combustion/sale or resale of the same.



Instead, GHG emissions responsibility should be with large customers, where the natural gas is consumed and emissions are monitored, or should be with the LDC providing gas supplies to small customers. On the other hand, core aggregators should be responsible for GHG emissions from the customers they serve in a manner similar to the responsibility placed on an LDC.

**Q10. If ARB chooses to individually regulate emissions from facilities in certain sectors as well as emissions from other large point sources, what level of GHG emissions should ARB use as the threshold to define large point sources? Explain your reasoning.**

A logical threshold would be to define any source with emissions greater than 25,000 tons of CO<sub>2</sub>e per year as a direct source. This would be consistent with the threshold defined by CARB for other sectors.<sup>2</sup> The distinction should be based on the costs and efficiency involved in implementing the program for smaller customers.

## V.

### **RESPONSE TO QUESTIONS REGARDING DEFERRAL OF A MARKET-BASED CAP AND TRADE SYSTEM**

**Q11. In developing recommendation to ARB, should the Public Utilities Commission and the Energy Commission give consideration to actions other states may take regarding the regulation of natural gas sector GHG emissions? If so, how?**

The CPUC and California Energy Commission (“CEC”) should take into account how other states regulate emissions from the natural gas sector. However, it appears more likely that a national level cap-and-trade system will encompass the natural gas sector before other states. Consequently, even if other states decide to regulate emissions from the natural gas sector via existing/enhanced policies/programs, California should not hesitate to recommend that emissions from the natural gas sector be captured in a cap-and-trade system.

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<sup>2</sup> See CARB’s “Proposed Regulation For Mandatory Reporting Of Greenhouse Gas Emissions Pursuant To The California Global Warming Solutions Act Of 2006,” at viii.

**Q12. Is it important that the regulation of California natural gas sector GHG emissions be consistent with actions taken by other states?**

SCE offers no comment on this question at this time.

**Q13. Would deferral of a cap-and-trade program for the natural gas sector facilitate or hinder California's integration into a subsequent regional or federal program?**

SCE does not support deferral of a cap-and-trade program for the natural gas sector if other sectors in California are subjected to an enforceable cap. If there is a need to defer the cap-and-trade program, the programs in all sectors must be deferred so that there is a consistent approach to achieving emission reductions and there is no discrimination among or between customer groups or sector.

**Q14. If neither a regional system nor a national system is implemented within a reasonable timeframe, should California proceed with implementing its own cap-and-trade system for the natural gas sector? If so, how long should California wait for other systems to develop before acting alone?**

SCE offers no comment on this question at this time.

**Q15. If a market-based cap-and-trade system is not implemented for the natural gas sector in 2012, how would you recommend addressing early actions that entities may have undertaken in anticipation of a market?**

SCE offers no comment on this question at this time.

## **VI.**

### **RESPONSE TO QUESTIONS REGARDING RELATIONSHIP OF NATURAL GAS REGULATION TO ELECTRICITY SECTOR REGULATION**

**Q16. For purposes of natural gas GHG regulation under AB 32, does it matter what is decided regarding electricity sector type and point of regulation? For example, would a load-based cap for the electricity sector necessitate a similar type of cap for the natural gas sector, with local distribution companies as the point of regulation? If applicable, explain**

**the relationships you see between the electricity and natural gas sectors for AB 32 purposes.**

No. The point of regulation for the electricity sector is not relevant to deciding the method and point of regulation for the natural gas sector. It should be noted that given the very complex markets that exist in the electricity sector combined with a variety of fuel sources for producing electricity, the electricity sector has a unique set of challenges in designing the type and point of regulation. However, in the natural gas sector, large end-use customers could be regulated at point source while the small residential and commercial customers could be regulated via the LDCs.

**Q17. If the electricity sector is not included in a California (or wider) cap-and-trade system, could/should the natural gas sector be included? What are your reasons?**

SCE offers no comment on this question at this time.

**Q18. What implications might there be for fuel switching if GHG emissions for one sector (electricity or natural gas) are capped and GHG emissions for the other sector are not? Would such fuel switching likely lead to an overall decrease, or increase, in GHG emissions?**

Even if the emissions from the natural gas sector are capped, the natural gas use attributed to electricity generation should be exempt from such a cap. Accordingly, fuel switching related to emissions reductions in the electricity sector is not an issue regardless of whether the GHG emissions under the natural gas sector are capped.

Within the natural gas sector itself, fuel switching is not likely since natural gas is one of the cleanest burning fossil fuel to begin with, without many, if any, apparent substitutes. One could fathom natural gas being replaced by increased electricity usage, only if the incremental electricity is being produced by a resource that emits fewer GHG emissions than a natural-gas fired resource.

**Q19. How should the GHG emissions of cogeneration, combined heat and power, and distributed generation end users be considered and regulated (e.g., in the electricity sector, in the natural gas sector, or as a point source)?**

The electricity production portion of cogeneration, combined heat and power (“CHP”) and distributed generation projects should be regulated as part of the electricity sector. In the case of cogeneration projects, the process heat portion should be regulated as part of other sectors if directly regulated or as a part of the natural gas sector. If a distributed generation project is not captured in the electricity sector due to its size, it should be captured under the natural gas sector, either as a point source or via the LDC, depending on the level of natural gas consumption.

## **VII.**

### **RESPONSE TO QUESTIONS REGARDING ALTERNATIVES**

**Q20. Please explain in detail your proposal for how the natural gas sector should be treated under AB 32. Address whether the following emissions sources should be subject to an enforceable cap, and if so, whether reductions in the cap should be achieved by a cap-and-trade approach or only through programmatic requirements: end-user combustion of natural gas, combustion-related emissions from operating the infrastructure, fugitive emissions from pipelines and compressor stations, and noncombustion uses of natural gas. Identify the appropriate point of regulation for each source of emission that should be included in a cap or a cap-and-trade system. Should there just be a sectoral cap, or entity-specific caps as well? Should there be a cap-and-trade system? Address the relationship between programmatic strategies (e.g., energy efficiency programs and pipeline leak detection programs) and a sectoral cap. Discuss any legal concerns or need for new legislation to implement your recommended approach.**

SCE offers no comment on this question at this time.

**Q21. Describe how your recommended approach satisfies each one of the principles or objectives set forth in Section 3.2.**

SCE offers no comment on this question at this time.

**Q22. How does your recommended approach differ from the Public Utilities Commission Staff's preliminary recommendations for the natural gas sector attached to the July 12, 2007 ruling?**

SCE offers no comment on this question at this time.

**VIII.**

**CONCLUSION**

SCE thanks the CPUC for the opportunity to submit responses to these questions and looks forward to continuing to work on the implementation of AB 32 in California.

Respectfully submitted,

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December 17, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of RESPONSE OF SOUTHERN CALIFORNIA EDISON (U 338-E) TO ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENTS ON TYPE AND POINT OF REGULATION ISSUES FOR THE NATURAL GAS SECTOR on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

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Executed this 17th day of December, 2007, at Rosemead, California.

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