

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

**DOCKET**

**07-OIIP-1**

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

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

ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA

In the Matter of:

Order Instituting Informational Proceeding on a  
Greenhouse Gas Emissions Cap

Docket 07-OIIP-01

REPLY COMMENTS OF THE  
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION  
ON MODELING-RELATED ISSUES

January 18, 2008

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REPLY COMMENTS OF THE  
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION  
ON MODELING-RELATED ISSUES

In accordance with the Rules of Practice and Procedure of the Public Utilities Commission (“CPUC”) of the State of California, the California Municipal Utilities Association (“CMUA”) hereby files these Reply Comments to various parties’ responses to questions posed in the Administrative Law Judges’ Ruling Requesting Comments on Modeling-Related Issues (“ALJ Ruling”) issued November 9, 2007, in the R.06-04-009. CMUA also files these Reply Comments with the California Energy Commission (“CEC”) in Docket 07-OIIP-01. In these Comments, the CPUC and CEC will collectively be called the “Joint Agencies” and the California Air Resources Board will be called the “CARB.”

I. INTRODUCTORY COMMENT

In the CARB Scoping Plan workshop held on Wednesday, January 16, 2008, Program Manager Chuck Shulock said– “we must not confuse the tools [for achieving AB 32] with the goal [of AB 32].” CMUA understood his comment to be that CARB must set the goals, and provide the regulated entities (whatever the point of regulation will eventually be) with as many tools as possible to achieve California’s AB 32 goal. CMUA completely agrees with that approach. The CPUC and the locally elected regulatory boards of publicly owned electric utilities (“POUs”) must be responsible for managing the portfolio of options available to retail providers for AB 32 compliance. The CPUC’s recommendations for CARB’s regulations, therefore, should concentrate on the end goal and not on prescriptively restricting the specific measures used to get there.

II. CMUA’S REPLIES TO PARTIES’ SPECIFIC COMMENTS

A. California’s renewable energy, energy efficiency, and emission reduction goals are shared among all retail providers and their customers.

In contrast to the comment of Southern California Edison, CMUA notes that all of California’s retail providers will share in the cost of reducing greenhouse gas (“GHG”) emissions to meet the objectives of AB 32.<sup>1</sup> In terms of renewable portfolio standards, the opening comments of CMUA, the Northern California Power Agency (“NCPA”), the Southern California Public Power Authority (“SCPPA”), and the Sacramento Municipal Utility District (“SMUD”) all accurately stated

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<sup>1</sup> Southern California Edison Comments at 5.

the mandatory requirements on POUs.<sup>2</sup> In no manner will the IOUs bear the full cost of reaching the AB 32 goals, nor do POUs expect to bear less than their fair share within the electricity sector.

Concerning energy efficiency, CMUA notes that equivalency between IOUs and POUs is precisely the state of existing law. San Diego Gas & Electric incorrectly claims that POU energy efficiency efforts fall short.<sup>3</sup> The requirements of Assembly Bill 2021 and Senate Bill 1037 apply across the board to IOUs and POUs in equivalent fashion.

Lastly, in regard to the cost and responsibility for meeting California's AB 32 goals, the POUs have been fully involved in the Joint Agency rulemaking from the beginning. The POUs, like the rest of the electricity sector, will adhere to all of the regulations ultimately adopted by CARB and will bear their fair share of costs and responsibilities.

B. Large hydro, nuclear, and new technologies such as carbon capture and sequestration ("CCS") and integrated gasification combined-cycle ("IGCC") should be included as options for reducing emissions.

In order to maximize the ability of the state's retail providers to reduce emissions, the state should not preclude any viable options for lower emitting resources, including large hydro and nuclear power. Positions like those of the Center for Energy Efficiency and Renewable Technologies ("CEERT")<sup>4</sup> and the Green Power Institute ("GPI")<sup>5</sup> would limit these compliance alternatives in contravention to the statement of Mr. Chuck Shulock as described above. These comments confuse the tools with the goals. The AB 32 regulations should set the targets and standards, but the retail providers should be given the most expansive list of tools to achieve the standards.<sup>6</sup>

Many POUs are preference customers of the Western Area Power Administration ("WAPA") and receive allocations of the hydro power from the WAPA system. For some of the smaller POUs, this power comprises a large portion of their capacity. In accordance with the WAPA Marketing Plan for 2015, most existing customers will have their allocations reduced whereby the [existing] capacity will be redistributed to new or different preference customers. These valuable resources should be

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<sup>2</sup> NCPA Comments at 2-4; SCPPA Comments at 6-7; SMUD Comments at 2.

<sup>3</sup> San Diego Gas & Electric Comments at 4.

<sup>4</sup> CEERT Comments at 24. CEERT appears to argue against the viability of large hydro, nuclear, and CCS to achieve GHG emission reductions. CMUA supports maximizing the discretion of any utility to devise the cost-effective means to achieve emission reductions. CEERT's proposal would institute micro-management of the tools available to retail service providers, and specifically of POUs. This restricts POUs' and IOUs' ability to make the most cost-effective decisions.

<sup>5</sup> GPI Comments at 4. GPI does support the use of large hydro and nuclear but does not support CCS.

<sup>6</sup> CMUA is not stating that CCS and IGCC are the proper tools for any particular retail provider. CMUA argues only that each retail provider must have those choices left available. Furthermore, CMUA would caution that having these tools available should not adversely affect modeling calculations.

acknowledged for what they are, i.e., zero emission resources.<sup>7</sup>

In a similar vein, CMUA agrees with the Natural Resources Defense Council (“NRDC”) and others that CCS has technical viability and should be included in the AB 32 compliance tool box.<sup>8</sup> The federal Department of Energy has provided \$318 million in grants supporting CCS projects and any attempt to restrict this technology would be out of step with the federal approach<sup>9</sup> and ostensibly prevent California entities from participating in these partnerships and grants.<sup>10</sup>

C . Flexible compliance mechanisms such as multi-year compliance periods and offsets will be key for achieving AB 32.

Flexible compliance mechanisms will be key elements of any successful AB 32 implementation plan, and CMUA fully supports the call by virtually all retail providers for their adoption.<sup>11</sup> This goes hand in hand with CMUA’s overarching policy giving the maximum discretion to all retail providers to decide on the best tools for their specific portfolios. CMUA argues that this same principle should apply beneficially to all retail providers including IOUs, ESPs,<sup>12</sup> CCAs, multi-jurisdictional entities, and POUs. Robust and enforceable performance goals are sufficient to attain the AB 32 goal, and all retail providers should be empowered to lawfully utilize every available option to maximize its cost-effective implementation of reduction measures.

D . CMUA supports the comments by NCPA, SCPPA, and SMUD on Attachment A.

CMUA supports in their totality, all the POUs’ comments made on Attachment A.<sup>13</sup>

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<sup>7</sup> This concept was not recognized in the CPUC’s recommendations on mandatory reporting and CARB’s proposed regulations suggest saddling these entities with a default emission rate of 1,100 pounds of CO<sub>2</sub>/MWh for this zero-emission resource.

<sup>8</sup> NRDC Comments at 3-4; San Diego Gas & Electric Comments at 5. The NRDC filing included a list of good suggestions for emission reduction opportunities. NRDC also mentioned a CEC document on POU energy efficiency activities. NRDC Comments at 2. CMUA agrees that POU energy efficiency should be acknowledged. Information on POU energy efficiency progress and policies is already available at the CEC through the POUs’ compliance with existing reporting regulations.

<sup>9</sup> See e.g., Lieberman-Warner Climate Security Act of 2007. This legislation would require, among other things, the EPA to develop sequestration rules.

<sup>10</sup> <http://www.fossil.energy.gov/programs/sequestration/partnerships/index.html>.

<sup>11</sup> San Diego Gas & Electric Comments at 10.

<sup>12</sup> CMUA acknowledges AREM’s opening comments that any recommendation that doesn’t recognize ESPs is not fully representative of the electric sector. AREM Comments at 2.

<sup>13</sup> NCPA Comments at 2-4; SCPPA Comments at 6-7; SMUD Comments at 2.

- E. Modeling results should not override reasonable policymaking and utilities must be able to make prudent resource decisions in accordance with their particular issues.

The Los Angeles Department of Water & Power (“LADWP”) is correct in stating that the individual retail providers must have a free hand to make prudent resource decisions.<sup>14</sup> While the modeling is a key step to understanding some of the cost implications of various emission reduction measures, the modeling results cannot convey the total picture. The modeling may be used to assist in making informed decisions, but not drive them.<sup>15</sup>

- F. The evaluation of transmission availability and costs must be considered as part of the overall recommendation.

As mentioned in CMUA’s opening comments, CMUA supports the various parties’ calls to address transmission planning and development.<sup>16</sup> In addition, the costs for transmission necessary to deliver renewable resources must be included in any analysis of RPS costs.

### III. CONCLUSION

CMUA appreciates the opportunity to provide these comments and looks forward to productively participating in future workshops and proceedings.

Dated: January 18, 2008

Respectfully submitted,



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<sup>14</sup> LADWP Comments at 4-5.

<sup>15</sup> CMUA believes that this same principle which is so important to POU’s should also be applied to benefit the LSEs. Although CMUA has not participated in CARB’s work group meetings for other sectors, it wonders whether CARB would expect to set prescriptive actions in place for other industries designating what type of machinery the industry must purchase and how it should be operated.

<sup>16</sup> See e.g., Comments of SMUD, SCE, and SDG & E.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the attached:

REPLY COMMENTS OF THE  
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION  
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on all known parties to R.06-04-009 by transmitting an e-mail message with the document attached to each party named in the official service list. I served a copy of the document on those without e-mail addresses by mailing the document by first-class mail addressed as follows:

See attached service list

Executed this 18<sup>th</sup> day of January 2008, at Sacramento, California.



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