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

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

AB 32 Implementation

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

CEC Docket
07-OIIP-01

**COMMENTS OF THE INDICATED PRODUCERS
REGARDING INTERIM OPINION ON GREENHOUSE GAS REGULATORY
STRATEGIES**

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February 28, 2008

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The Indicated Producers (IP) submit the following comments on the Interim Opinion on Greenhouse Gas Regulatory Strategies issued on February 8, 2008 (PD). These comments also support the position taken by EPUC/CAC in comments filed contemporaneously on issues related to combined heat and power regulation.

I. OVERVIEW AND SUMMARY OF RECOMMENDATIONS

The PD establishes the scope and regulatory approach for natural gas sector regulations. It also recognizes the value of a large liquid cap-and-trade market. Despite recognizing the value of such a market to ensure low cost compliance, it does not recommend the inclusion of the NG sector into the market at this time. This is largely because the PD underestimates the value of including the NG sector into the cap-and-trade market. As explained below, this sector should be included into the market because it will further AB 32 objectives

by providing flexible compliance options and by increasing the liquidity of the cap-and-trade market. Under this approach, the point of regulation should be placed at the local distribution company (LDC) as transporter. Proposed findings of fact and ordering paragraphs are attached as Exhibit A.

II. DECISION TO EXCLUDE NATURAL GAS SECTOR FROM CAP-AND-TRADE PROGRAM LIMITS COMPLIANCE OPTIONS AND LIQUIDITY OF THE PROGRAM

While the PD recognizes the value of a cap-and-trade program, it recommends that the natural gas sector should not be included in such a program for the following reasons:

- Fewer options to reduce emissions
- Limited availability of low-carbon alternative sources of natural gas
- A preference for energy efficiency programs
- Lack of firm reporting protocols; and
- A finding that inclusion of the NG sector in the cap-and-trade program will provide only small additional benefit.¹

The PD's rationale overlooks two key facts.

First, the focus of AB 32 is on *state-wide* and *cost-effective* emissions. While reduction alternatives may admittedly be limited in the NG sector, inclusion of the sector can facilitate additional emissions reductions in other sectors in a cost-effective manner. In this way, including the NG sector would further AB 32's objectives.

Second, expanding the cap-and-trade program increases the liquidity of the market.² Approximately 13.87% of the state's GHG emissions are attributable to end-use combustion of natural gas from sources other than gas-fired electric

¹ PD, at 8.

² Comments of the Indicated Producers on Point of Regulation Issues, December 12, 2007 (IP Comments), at 4-5.

generation.³ Removing large industrial sources from this value, whose emissions will be separately addressed by CARB, puts the natural gas sector in the range of 7-10% of total state emissions.⁴ Including these emissions and additional market participants in the cap-and-trade market would materially enhance market liquidity, making it a more effective tool.

In short, inclusion of the NG sector in the cap-and-trade program will benefit the state's efforts to achieve AB 32 targets. This portion of the decision requires modification.

III. IF THE NG SECTOR IS INTEGRATED INTO THE MULTI-SECTOR CAP AND TRADE MECHANISM, THE POINT OF REGULATION SHOULD BE PLACED AT THE LOCAL DISTRIBUTION COMPANY AS TRANSPORTER.

If the NG sector is integrated into a multi-sector cap-and-trade mechanism, the Indicated Producers generally support the initial recommendations offered by Staff in their July 12, 2007 *Preliminary Staff Recommendations for Treatment of Natural Gas Sector Greenhouse Gas Emissions* (Staff Report). Specifically, Staff's direction is on solid ground in several areas:

- Regulation of the natural gas sector should not duplicate electricity or industrial sector regulation;
- Emissions within the scope of the natural gas sector are best regulated at the local distribution company level.

Staff's recommendation, as IP noted previously, requires clarification. Staff states that “[r]egulation of emissions from smaller end users should be at the

³ Staff Recommendations, at 6-7.

⁴ Staff Report, Table 3, at 7.

distribution utility level." There are two ways in which this proposal can be interpreted: regulation at the retail sales level (including all retail sales) or regulation at the retail distribution level (based on transportation volumes). As the IP observed in their December 12, 2007 comments, placing compliance at the LDC as ***distributor***, not seller, of natural gas would provide the best and simplest solution for the sector.⁵ The LDC would bear compliance responsibility for all NG sector gas it transports, including utility and non-utility sales volumes.

IV. CONCLUSION

For all of the foregoing reasons, the IP recommend that the PD be modified to include the NG sector in a multi-sector cap and trade program with compliance responsibility placed on the LDCs as transporters on behalf of their customers.

Respectfully submitted,



Evelyn Kahl

Counsel to the Indicated Producers

February 28, 2008

⁵ IP Comments at 6-11.

EXHIBIT A

Findings of Fact

31. Key differences between the electricity and natural gas sectors make it reasonable to recommend that ARB to proceed to design a multi-sector GHG emissions cap-and-trade system for California but to not include the natural gas sector at this time.

* * *

35. ~~Despite the limited alternatives, There are incremental benefits that will result from including the natural gas sector in a multi-sector GHG emissions cap-and-trade system are likely to be less than those from including the electricity sector.~~

36. Reporting protocols for GHG emission arising from the storage, transportation and distribution of natural gas to end-users are under development and do not yet include provisions for reporting end-user combustion related GHG emissions.

37. Implementing a multi-sector GHG emissions cap-and-trade system that includes small end-users of natural gas now ~~will make available flexible compliance options that are available to entities regulated in the electricity sector, may expose those customers to greater price risk than small end-users in the electricity sector.~~

38. Including all fuels in a multi-sector cap-and-trade system ~~could~~ will maximize the benefits of a market-based system.

~~39. Taking a programmatic approach to the natural gas sector now does not preclude future inclusion in a multi-sector GHG emissions cap-and-trade system.~~

~~40. It is reasonable for ARB to not include the natural gas sector when designing a multi-sector GHG emissions cap-and-trade system for California, for implementation in 2012, as described in this decision.~~

INTERIM ORDER (Ordering Paragraphs)

5. We recommend that ARB design a multi-sector cap-and-trade system for greenhouse gas (GHG) emissions in California, to be implemented in 2012. This GHG emissions cap-and-trade system should include the electricity and ~~natural gas~~ sectors.

CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Comments of the Indicated Producers Regarding Interim Opinion on Greenhouse Gas Regulatory Strategies** in R.6-04-009 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated February 28, 2008 at San Francisco, California.



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