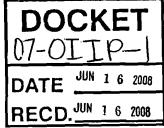
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

)	
Order Instituting Rulemaking to Implement the)	
Commission's Procurement Incentive Framework)	Rulemaking 06-04-009
and to Examine the Integration of Greenhouse Gas)	(Filed April 13, 2006)
Emissions Standards into Procurement Policies.)	
	_)	

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 RECOMMENDED GREENHOUSE GAS EMISSION REDUCTION POLICIES

June 16, 2008

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REPLY COMMENTS OF THE CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION ON RECOMMENDED GREENHOUSE GAS EMISSION REDUCTION POLICIES

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 by the *Administrative Law Judge's Ruling Modifying Schedule and Correcting Suggested Outline for Comments and Reply Comments* ("Ruling") issued on May 20, 2008, in R.06-04-009. CMUA also files these 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 "CARB."

I. CMUA AGREES WITH PARTIES' COMMENTS SUPPORTING EMISSION REDUCTIONS THROUGH PROGRAMMATIC MEANS AND HAVING A VOLUNTARY TRADE MECHANISM AS A SECONDARY MEANS FOR COMPLIANCE.

CMUA agrees with the parties' comments supporting a policy effecting emission reductions through programmatic means. ¹ CMUA does not support a California-only cap-and-trade mechanism over these programmatic reductions. ² If a market-based system is established at all, CMUA believes that it should be implemented at the regional or national level. ³

CMUA supports a *mandatory* cap for achieving GHG emissions reductions and a *voluntary* secondary trading mechanism *if additional reductions are needed*. By incorporating these two principles into the AB 32 Scoping Plan, CARB will both encourage and enable retail providers to select the most cost-effective and technologically feasible means for reducing their GHG emissions.

¹ Opening Comments of the Coalition of California Utility Employees ("CUE") (June 2, 2008) at 2, 4; Opening Comments of the Los Angeles Department of Water & Power ("LADWP") (June 2, 2008) at 3-4, 14, 16; Opening Comments of the Modesto Irrigation District ("MID") (June 2, 2008) at 10-11; Opening Comments of the Northern California Public Power Agency ("NCPA") (June 2, 2008) at 3, 9, 37-39; Opening Comments of the Southern California Public Power Authority ("SCPPA") (June 2, 2008) at 15; Opening Comments of the Sacramento Municipal Utility District ("SMUD") (June 2, 2008) at 8.

² CUE at 4-5; LADWP at 6-7, 15; MID at 3; NCPA at 5-6, 9, 37; SCPPA at 15-16, 18.

³ LADWP at 4, 11, 15; NCPA at 9-10, 12; SCPPA at 17-18. See Opening Comments of Pacific Gas & Electric ("PG&E") (June 2, 2008) at 11.

II. <u>CMUA AGREES WITH PARTIES' COMMENTS OPPOSING ALLOWANCE ALLOCATIONS BY AUCTION.</u>

CMUA agrees with the parties that oppose the auction methodology for allocating allowances in any possible market-based system. CMUA notes that in accord with its own Opening Comments, many parties filed comments stating that an auction mechanism will result in: (1) higher compliance costs; (2) inequitable cost-shifting between sectors and entities; and (3) decreased system reliability.⁴ Some of these parties also correctly pointed out that an auction: (1) would be the *most expensive* allocation methodology; (2) would provide little confidence that 100% of the auction revenues would remain with the retail providers; and (3) may be entirely unnecessary in light of the magnitude of programmatic reductions accomplished by retail providers.⁵

III. CMUA AGREES WITH PARTIES' COMMENTS THAT RETAIL PROVIDERS ARE BEST SITUATED TO SELECT THE MOST EFFECTIVE MEANS FOR ACHIEVING EMISSION REDUCTIONS.

As stated above, the preferred reduction plan of CMUA and its POU members entails a mandatory cap for the electric sector and eventually for each retail provider. Then, once CARB sets the individual cap through a full and fair proceeding, CARB's rules should allow each retail provider to choose and implement the most effective means to reach the CARB-mandated goal via additional energy efficiency, renewable resource acquisitions, and/or other viable alternatives.

The Joint Agencies and CARB should reject certain parties' assertions that public power is not complying with state mandates for energy efficiency or renewable power.⁸ Contrary to the comments

⁷ LADWP at 4, 17; MID at 2-3; NCPA at 13, 36-37. See Energy Efficiency in California's Public Power Sector: A Status Report (March 2008). This report, compiled annually by NCPA, SCPPA, and CMUA, concludes by stating that in reaching the emission reduction goals of AB32, "[c]oordinated energy policy must recognize the value of energy efficiency, renewable resources, and other mechanisms in total while providing local utilities with the flexibility to optimize their own solutions which best contribute to the state's objectives." *Id.* at 28.

⁴ CUE at 3-4; Opening Comments of the Independent Energy Producers ("IEP") (June 2, 2008) at 8; LADWP at 11-14, 17; MID at 7; NCPA at 4, 6-8, 19-22; SMUD at 9-10, 19-20; SCPPA at 16, 18-22. *See* Opening Comments of Calpine ("Calpine") (June 2, 2008) at 9-10.

⁵ Opening Comments of the Division of Ratepayer Advocates ("DRA") (June 2, 2008) at 47; LADWP at 17-18; NCPA at 9, 15-17; SMUD at 9; SCPPA at 25-26, 35-36, 42. *See* Opening Comments of the Sempra Energy Utilities ("SEU") (June 2, 2008) at 38; IEP at 15-16.

⁶ Accord NCPA at 4.

⁸ In this apparent discrediting of public entities, it should be noted that *cities* are public entities, too. There are many cities within IOU service territories that through actions of their city councils, have voluntarily set stringent local goals for energy efficiency and greenhouse gas emission reductions. The point is this: The "bragging rights" for these achievements must go to the local city councils and not the IOUs. San Francisco, for example, was the first city in California to register its municipal emissions with the California Climate Action Registry. The City and County of San Francisco ("CCSF") are now working on a community-wide emission baseline. The CCSF also have a Climate Action Plan and are currently at 1990 GHG emission levels (municipal). At the very least, this complicates the accusation that POUs are 25% of load but only provide 6% of the environmental solution.

of Pacific Gas & Electric and Sempra Energy Utilities which effectively represented pre-AB 32 data, the POUs are compiling an impressive record of *early actions*. In regard to reducing GHG emissions, the current and future actions matter most. And, there is evidence of significant activity in the public power industry to aggressively increase its levels of energy efficiency since AB 32 was enacted. As cited in public power's 2008 report to the CEC, expenditures for energy efficiency are expected to increase dramatically in the year ending June 2008 as opposed to the year ending June 2007.

	Expected change in annual	Expected change in net annual
	expenditures	kWh savings achieved
	(2008 compared to 2007)	(2008 compared to 2007)
Los Angeles DW&P	+560%	+446%
Roseville Electric	+229%	+179%
Imperial Irrigation District	+219%	+361%
Burbank W&P	+167%	+126%
Silicon Valley Power	+158%	+213%
SMUD	+156%	+112%
Anaheim Electric	+130%	+174%

Many of the POU parties that filed Opening Comments provided current evidence of POU formal actions setting California's most aggressive standards for reducing GHG emissions and evidence of *post-AB 32 actions that have already reduced GHG emissions* from business-as-usual.¹¹

CMUA agrees with many parties in stating that additional prescriptive requirements for energy efficiency and renewable power procurements are not required for the electric sector to achieve AB 32's goals. 12

⁹ PG&E at 89-90; SEU at 8-9. See Opening Comments of The Utility Reform Network ("TURN") (June 2, 2008) at 29. <u>See</u> footnote 12, below.

¹⁰ Energy Efficiency in California's Public Power Sector: A Status Report (March 2008) at 89, 136, 77-78, 49, 150, 142, and 37 (respectively).

¹¹ LADWP at 5-6; MID at 11-12; SCPPA at 15, 21.

¹² DRA at 3-4, 49; MID at 11-12; NCPA at 37; SCPPA at 13. *See* TURN at 29. PG&E argues against mandating RPS and EE goals because "California will already have challenges meeting the 20% RPS and the current CEE goals" and that additional goals will be "unreachable." PG&E at 90. The Joint Agencies and CARB should take note that CMUA does not support this logic. CMUA, on the contrary, argues against the setting of uniform statewide goals because it believes that each retail provider is best situated to craft and then *attain* the aggressive goals it determines are required to comply with AB 32.

IV. <u>CMUA AGREES WITH PARTIES' COMMENTS SUPPORTING FLEXIBLE</u> COMPLIANCE MECHANISMS

CMUA agrees with the multitude of parties asking the Commissions to recommend that CARB should evaluate all means for flexible compliance. In particular, CMUA agrees with parties advocating a multi-year compliance period. CMUA agrees with the parties stating that the Joint Agencies have insufficient information to rule out any flexible compliance mechanism at this early stage in the proceeding. Accordingly, CARB should evaluate all opportunities as more details of the emission reduction program become known. In CMUA's support for this continuing evaluation of flexible compliance opportunities, CMUA agrees that CARB must consider the possible impacts related to environmental justice and low income customers.

VIII. CONCLUSION

CMUA respectfully requests the Joint Agencies to consider these Reply Comments as they draft recommendations for greenhouse gas emission reduction policies.

Dated: June 16, 2008 Respectfully submitted,

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¹³ Opening Comments of FPL Energy ("FPL") (June 2, 2008) at 6; MID at 8-10; NCPA at 29; PG&E at 15; SEU at 24; SMUD at 25-31; Opening Comments of Southern California Edison ("SCE") (June 2, 2008) at 11-13. *See generally* DRA at 21-22.

¹⁴ Calpine at 16; DRA at 22, 31-32; FPL at 9; MID at 9; NCPA at 30; PG&E at 37, 52; SMUD at 26, 29-30; SCPPA at 62; SCE at 22; SEU at 30; TURN at 21.

¹⁵ Opening Comments of the Green Power Institute (June 2, 2008) at 22-23; LADWP at 27; MID at 8; NCPA at 29; SCPPA at 30-31, 51-54.

 $[\]frac{16}{1}$ LADWP at 10, 14. CMUA acknowledges the concerns put forward by CUE at 5-9.

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 ON GREENHOUSE GAS EMISSION REDUCTION POLICIES

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 16th day of June 2008, at Sacramento, California.

Vicki Ferguson

CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

Proceeding: R0604009 - CPUC - PG&E, SDG&E, Filer: CPUC - PG&E, SDG&E, SOCALGAS, EDISON

List Name: LIST

Last changed: June 13, 2008

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