

**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 Emission Standards into  
Procurement Policies.

R.06-04-009  
(Filed April 13, 2006)

**ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF  
THE STATE OF CALIFORNIA**

Order Instituting Informational Proceeding  
AB-32 Implementation: Greenhouse Gases

Docket 07-OIIP-01

**REPLY COMMENTS OF INDICATED CEMENT COMPANIES**

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07-OIIP-1	
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Dated: June 16, 2008

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Pursuant to the May 13, 2008 ruling of California Public Utilities Commission Administrative Law Judges Charlotte TerKeurst and Jonathan Lakritz, as revised by subsequent ruling of May 20, 2008, CEMEX-Pacific Region (CEMEX), Lehigh/Hanson Cement, Inc. (L/H), Mitsubishi Cement Corporation (MCC), National Cement Company (NCC), and TXI-Riverside Cement Company (TXI) (collectively the Indicated Cement Companies, ICC) respectfully submit these reply comments on the role of bottoming cycle Combined Heat and Power (CHP) (also known as cogeneration) as a greenhouse gas (GHG) mitigation strategy.

In these reply comments, ICC will focus on several issues:

1. Support for double benchmarking proposal of EPUC-CAC.
2. A response to proposed efficiency calculations for CHP to qualify as a GHG mitigation measure.
3. The reasons why bottoming cycle CHP should not be included in cap and trade.

4. A demonstration of the appropriate place to draw the line between GHG emissions associated with the industrial sector and electricity production through CHP for bottoming cycle applications and reasons why this is so.
5. The reasons why the ARB reporting requirements for CHP should not be used for allocation purposes for bottoming cycle CHP, or for compliance, in contrast to the arguments made by several parties that the ARB reporting requirements should be disparities.
6. Uncertainty regarding the definition of an emissions reduction measure.
7. Why the risk of overbuilding bottoming cycle CHP and creating subsidies, as feared by PG&E in its opening comments, is very small and should not be of concern.

#### Issue 1: Double benchmarking

ICC's opening comments were consistent with EPUC-CAC's double benchmarking proposal and ICC supports this approach to allocation for CHP, including bottoming cycle CHP.

#### Issue 2: CHP efficiency standards

ICC agrees with the use of an allowance allocation based on a benchmark, as proposed by EPUC-CAC, and supports the application of this approach to bottoming cycles. ICC believes that the average fossil generation benchmark proposed by EPUC-CAC under Item (1) on page 52 of its opening comments, 0.48 MT CO<sub>2</sub> per MWh, which corresponds to 9,053 MMBTU per MWh based on the natural gas emission factor of 53.05 kg CO<sub>2</sub> per MMBTU, may be appropriate but also is conservative. ICC supports the use of an average benchmark. However, it is important to note that this calculation, as described in footnote 66 of EPUC-CAC's opening comments, is based on EIA data *excluding* GHG emissions associated with coal-based imports.

The mix of fossil generation serving California clearly *does* include coal-fired generation. The resulting average emission rate under this approach is conservative because the actual marginal GHG emission rate is higher, due to the amount of coal-fired generation from outside California in the generation mix.

If the Commissions were to adopt the EPUC-CAC equation, for a bottoming-cycle system without thermal output, the procedure for applying the allowance allocation to bottoming cycle would be as follows:

$$\text{Allowance allocated} = (0.480 \text{ MT CO}_2/\text{MWh} \times \text{MWh Output}_E)$$

We have revised our calculation of GHG emission reductions to use the 0.480 MT CO<sub>2</sub>/MWh reference standard proposed by EPUC-CAC. This calculation is attached to these comments.

EPUC-CAC's alternative benchmark, based on a new gas-fired combined cycle plant and a boiler, is even more conservative and, indeed, too conservative. Like the SCE-proposed benchmark based on a new state-of-the-art gas-fired combined cycle plant, this approach inherently assumes that GHG emissions from less efficient, and potentially coal-fired, generation, cannot be avoided by new CHP. This is not the case.

Lastly, ICC, as in its opening comments, agrees with EPUC-CAC that an additional benefit of on-site use of CHP is reduced grid losses that are not usually accounted for in calculating GHG reductions.

### Issue 3: Excluding bottoming-cycle CHP from cap-and-trade

Bottoming cycle CHP, as discussed in ICC's opening comments, is a direct result of the manufacturing process. The waste heat that forms the reason for bottoming cycle CHP exists because of the very nature of that process. Any additional GHG emissions from bottoming cycle CHP would result from the use of supplemental firing, since the waste heat is a function of the

fuel input to the industrial process itself. There would be a natural limit on the amount of supplemental firing resulting from meeting an efficiency standard.

The amount of power generation that would result from bottoming cycle CHP in the cement industry would be about 150 MW. The potential for bottoming cycle CHP in the cement industry is modest from the perspective of the electricity sector but significant as a GHG reduction strategy for the cement sector. Industrial facilities pursuing bottoming cycle CHP would represent a very small part of any market for electricity cap and trade, and their production would be entirely swamped by that of LSEs and generators. Furthermore, for an industrial facility like a cement plant, participation in the electricity sector cap and trade market would represent a significant administrative burden. For all of these reasons, ICC concludes that inclusion of bottoming cycle CHP in the electricity cap and trade market is not appropriate.

Issue 4: Where to draw the line between the industrial process and electricity production for bottoming cycle CHP

As noted above and in ICC's opening comments, the waste heat resulting from the manufacturing process is the reason for pursuing bottoming cycle CHP. The fuel input to the manufacturing process is determined entirely by the needs of that process. For this reason, the GHG emissions associated with that fuel belong appropriately in the industrial sector. On the other hand, any supplemental fuel used to generate electricity (if there is any supplemental firing), in conjunction with the waste heat, is used entirely to produce electricity. Thus, any GHG emissions associated with supplemental firing belong in another sector. We have recommended the use of a separate CHP sector for this purpose.

Calpine's proposal that all fuel input and associated GHG emissions, including fuel used for the manufacturing process, be included in the electricity sector makes no sense for bottoming cycle CHP. This would be like saying that the manufacturing process only exists to produce

electricity, which is simply not true. Indeed, the reverse is true. There would be no electricity production from a bottoming cycle CHP application in an industrial facility without the manufacturing process, because there would be no waste heat.

Issue 5: The reasons why the ARB reporting requirements for CHP should not be used for allocation purposes for bottoming cycle CHP, or for compliance

The current ARB reporting requirements for bottoming cycle CHP involve an arbitrary assignment of GHG emissions to the electricity produced because they include an assignment of emissions associated with the fuel input to the manufacturing process. As ICC has stated many times, here and in its opening comments, the fuel input to the manufacturing process would be the same regardless of whether electricity were produced or not. Thus the only additional GHG emissions resulting from electricity production are those associated with any supplemental firing. If this supplemental firing were done with biomass, or if there were no supplemental firing, there would be none.

Certain industries are attempting to convince the ARB that its reporting requirements should be changed to reflect this physical reality. Regardless of the success of any such efforts, the GHG allocation process associated with bottoming cycle CHP should track the physical reality and not the ARB reporting requirements. ICC therefore strongly disagrees with those parties, including SDG&E and SCG, who state that the ARB reporting requirements should be dispositive. Similarly, ICC believes that the ARB reporting requirements should not be the basis for compliance.

Issue 6: the definition of an “emissions reduction measure”

ICC assumed that this term was to be taken literally, i.e. a measure that could be taken to result in a net reduction in total GHG emissions. In this context, ICC has supported bottoming cycle CHP as a measure, which, when undertaken, would reduce net GHG emissions because the

avoided GHG from other sources of electricity generation would be greater than the GHG resulting from electricity produced using a bottoming cycle CHP application that met certain efficiency requirements. It is clear from the opening comments that no single definition of “emissions reduction measure” was used in the opening comments. If, for example, the term is meant to refer to a programmatic activity to be undertaken by utilities, other LSEs, or generators, pursuant to CPUC or CEC direction, then ICC’s use of this term was mistaken.

Issue 7: PG&E’s concern about the risk of over-procurement of CHP and possible subsidies

As noted in the above answer to Issue 3, the potential amount of bottoming cycle CHP in the cement industry is not large enough to raise any concerns about over-procurement. The amount of power generation that would result would be about 150 MW. ICC suspects that there are similar natural limitations on bottoming cycle CHP for other industries.

ICC has focused its policy recommendations on elimination of regulatory disincentives to bottoming cycle CHP at industrial facilities, rather than any request for subsidies. ICC notes that a significant disincentive for bottoming cycle CHP is the fact that CHP can represent a GHG emissions increase at the industrial facility, although it represents an overall net reduction in GHG emissions. Similarly, there may be a small increase in local criteria air pollutants from CHP, even though there would be a net decrease in overall criteria pollutants as well as GHG emissions associated with electricity production. While GHG regulation is being undertaken on a state-wide basis, criteria air pollution regulation is not. Where appropriate efficiency requirements are met, it appears prudent to create a policy that mitigates these disincentives in order to achieve the net decrease in overall emissions when measured on a wider scale.

### Conclusion

ICC appreciates this opportunity to provide these reply comments. ICC has focused its attention on bottoming cycle CHP in the hope of elucidating the unique aspects of this electricity generation technology and its particularly strong connection to industrial processes. It hope that this information will be of use to the two Commissions as they fulfill their massive responsibility in developing their recommendations to the Air Resources Board regarding GHG mitigation in the electricity and natural gas sectors.

Respectfully submitted,

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Dated: June 16, 2008



# Evaluation of GHG Reduction for Bottoming-Cycle Cogeneration Unit at sizes 10 MW 20 MW, for two actual efficiency cases

Bottoming-Cycle Cogeneration Unit		Moderate Efficiency HRSG and Turbine			
Enthalpy Available in the Exhaust	MMBTU/hr	155	310	171	343
Supplementary Firing Ratio		0.49	0.49	0.38	0.38
Enthalpy Entering the HRSG	MMBTU/hr	231	461	237	474
Operating Time	hr/yr	7,700	7,700	7,700	7,700
Power Capacity	MW	10	20	10	20
FERC Efficiency		45%	45%	52%	52%
Heat Rate	BTU/kW-hr	7,584	7,584	6,563	6,563
Supplementary Firing Rate	MMBTU/hr	75.8	151.7	65.6	131.3
Emission Rate	tonne CO <sub>2</sub> /yr	30,458	60,916	26,358	52,716

## Reference Gas-Fired Power Plant

Efficiency		37.7%	37.7%	37.7%	37.7%
Heat Rate	BTU/kW-hr	9,053	9,053	9,053	9,053
Fuel Consumption	MMBTU/hr	90.5	181.1	90.5	181.1
Emissions Rate	tonne CO <sub>2</sub> /yr	36,356	72,712	36,356	72,712
Net Reduction in Emissions	tonne CO <sub>2</sub> /yr	5,898	11,795	9,998	19,996

Energy Conversion Factor	BTU/kW-hr	3,413
Emission Factor	lb CO <sub>2</sub> /MMBTU	115
Mass Conversion Factor	lb/tonne	2,205

### **CERTIFICATE OF SERVICE**

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On June 16, 2008, I caused the following to be served:

#### **REPLY COMMENTS OF INDICATED CEMENT COMPANIES**

via electronic mail to all parties on the service list R06-04-009 who have provided the Commission with an electronic mail address and by First class mail on the parties listed as "Parties" and "State Service" on the attached CPUC service list who have not provided an electronic mail address.

I also caused this filing to be served on the California Energy Commission, as directed in the CPUC's May 20, 2008 Ruling, by e-mail to [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us) and [kgriffin@energy.state.ca.us](mailto:kgriffin@energy.state.ca.us); and by mailing a copy to: California Energy Commission, Docket Office, MS-4, Re: Docket No. 07-OIIP-01, 1516 Ninth Street, Sacramento, CA 95814-5512.

— /s/ Judy Pau

Judy Pau

cc: Commissioner Michael R. Peevey (via U.S. Mail and Email)  
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California Energy Commission Docket Office  
Karen Griffin, California Energy Commission



## California Public Utilities Commission

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### 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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