

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.

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

California Energy Commission Docket #07-OIIP-01

**REPLY COMMENTS OF THE
CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES**

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June 16, 2008

DOCKET	
07-OIIP-1	
DATE	JUN 16 2008
RECD	JUN 16 2008

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**REPLY COMMENTS OF THE
CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES**

The Center for Energy Efficiency and Renewable Technologies (CEERT) respectfully submits these reply comments in accordance with: 1) the “Administrative Law Judges' Ruling Requesting Comment on Emission Reduction Measures, Modeling Results, and Other Issues; Incorporating Materials into the Record; and Recommending Outline for Comments” issued on May 13th (May 13 ALJ Ruling); 2) the extended schedule and updates set forth in “Administrative Law Judges’ Ruling Modifying Schedule and Correcting Suggested Outline for Comments and Reply Comments” issued on May 20th (May 20 ALJ Ruling); and 3) and pursuant to Rules 1.9 and 1.10 of the California Public Utilities Commission’s (CPUC) Rules of Practice and Procedure. These reply comments have been submitted both in this proceeding (R.06-04-009) and the California Energy Commission’s (CEC) Docket No. 07-OIIP-01.

Introduction

CEERT appreciates the opportunity to offer the following comments in response to several topics discussed by parties in Opening Comments filed June 2, 2008. These reply comments are organized into the following headings: 1) The Commissions Should Recommend, and the CARB Should Set, a Minimum Renewable Goal of 33 Percent Renewables by 2020 as a Sector Goal in the Scoping Plan; 2) Comparisons of the Cost

and Value of Electric Resource Options Must Include Full and Accurate Consideration of Natural Gas Price Volatility; 3) Expected Future CO₂ Price Signals Should Not be Relied Upon to Alone Dictate Policy and Investment Toward Preferred Resources in the Near Term.

1) The Commissions Should Recommend, and the CARB Should Set, a Minimum Renewable Goal of 33 Percent Renewables by 2020 as a Sector Goal in the Scoping Plan

CEERT fully supports the recommendation made by a number of parties in their Opening Comments¹ in favor of the Commissions recommending a target of 33% renewable energy by 2020 for the electricity sector. Parties offer a number of reasons, some of which CEERT also explores in prior comments filed in this proceeding. These reasons include: significant greenhouse gas emissions reductions expected from a 33% RPS, approximately 44% of the sector total in 2020 according to the Commissions' Aggressive Policy Case; setting a clear target will spur the years-long permitting, siting and development process that will be necessary to achieve *even close* to 33% of delivered renewable energy by 2020; a valuable signal will be sent to global investment and renewable energy industries if the state declares that a part of its landmark greenhouse gas emissions law includes a goal that a full one-third of our electricity will be procured from renewable resources – such a goal is unprecedented in the United States.

In Opening Comments, PG&E contends that a number of assessments are needed before setting an increased RPS target: “(1) adequacy of supply; (2) adequacy and availability of transmission infrastructure, and (3) how to integrate new renewable

¹ These parties include: Green Power Institute, Natural Resources Defense Council and Union of Concerned Scientists, California Wind Energy Association and Large Scale Solar Association, and Solar Alliance.

resources into the grid and manage over-generation.”² PG&E further argues that “(r)ather than mandating increased RPS targets at this time, the agencies should allow the many processes evaluating the feasibility of this initiative to go forward”.³ CEERT agrees that all of these issues need to be examined, and that efforts underway to address renewables interconnection and transmission continue, but in the context of achieving a 33% renewables target by 2020, not in advance of adopting such a target as a key driver for system planning and greenhouse gas emissions reductions.

Just as AB 32’s targets of greenhouse gas emissions reductions to 1990 levels by 2020 are driving resource and planning decisions in all sectors of the economy, setting a strong target for renewables, efficiency and other “preferred” resources, will have a similar, and necessary, effect in the electricity sector. CEERT concurs with a number of other parties⁴ that setting strong targets will drive processes underway to address barriers to renewables. Specifically, CEERT appreciates the comments of NRDC and UCS that *“(O)vercoming these challenges will require extreme commitment from and extraordinary coordination among state agencies...(T)hese changes will not happen organically – they require a strengthened RPS policy that includes both a higher renewables mandate and statutory and regulatory reforms to enable more renewable energy in the state”*.⁵

² Opening Comments of Pacific Gas and Electric Company (U 39 E) on Additional Issues Related to Implementation of AB 32 in the Electric and Natural Gas Sectors, filed June 2, 2008, page 91.

³ Ibid, page 92.

⁴ Comments of the Green Power Institute on Allocation, Modeling and Flexible Compliance, filed June 2, 2008, page 30; Comments of the Natural Resources Defense Council (NRDC) and the Union of Concerned Scientists (UCS) on Allowance Allocation, Flexible Compliance, CHP, Emission Reduction Measures, and Modeling Issues, filed June 2, 2008, page 31-32; Comments of the California Wind Energy Association and the Large-Scale Solar Association on Greenhouse Gas Regulatory Strategies for the Electricity and Natural Gas Sectors, filed June 2, 2008, pages 5-7.

⁵ Comments of the Natural Resources Defense Council (NRDC) and the Union of Concerned Scientists (UCS) on Allowance Allocation, Flexible Compliance, CHP, Emission Reduction Measures, and Modeling Issues, filed June 2, 2008, page 31-32.

PG&E requests that the Commissions lower the percentage of renewables in the Aggressive Policy Case from 33% to 27% based on the utility's "*degree of uncertainty in the ability to develop such a large amount of renewables in a relatively short amount of time*".⁶ PG&E then goes on to recommend that the Commissions not assume that the projected emissions reductions resulting from 27% renewables by 2020 is feasible.

California state agencies have assumed a 33% renewable target by 2020 for some time. The CEC's Integrated Energy Policy Report is heavily focused on policy changes and decision-maker coordination that needs to occur in order to achieve 33% renewables by 2020. The Energy Action Team also recognizes the need to focus on removing obstacles to new renewable development in its 2008 Energy Action Plan Update. The 2008 Energy Action Plan Update stated enthusiastically that the Energy Action Team is dedicated to working towards the 33% RPS goal.⁷

Coordinated focus on removal of barriers to renewables in order to achieve 33% renewables is among the many recommendations in the final report of the Economic and Technology Advancement Advisory Committee⁸ (ETAAC), as a key means of meeting the state's AB 32 climate change goals.⁹ The Commissions in this proceeding have rightly included a 33% RPS among their policy cases. A number of studies have been conducted by all energy agencies over the past few years that examine the feasibility of a 33% RPS.

⁶ Opening Comments of Pacific Gas and Electric Company (U 39 E) on Additional Issues Related to Implementation of AB 32 in the Electric and Natural Gas Sectors, filed June 2, 2008, page 116.

⁷ 2008 Energy Action Plan Update (February 2008), at p. 12.

⁸ AB 32 created the Economic and Technology Advancement Advisory Committee (ETAAC) to advise the CARB on "*activities that will facilitate investment in and implementation of technological research and development opportunities.*" Health & Safety Code §38591.

⁹ Recommendations of the Economic and Technology Advancement Advisory Committee (ETAAC) FINAL REPORT. February 11, 2008, at pp. 5-9; emphasis added.

CEERT encourages the Commissions to continue to include a 33% renewable penetration in its policy case recommendations to the CARB. This target is consistent with state policy and a number of analyses conducted since this goal was put forth in the Energy Action Plan five years ago. The time has long passed for yet again examining the feasibility of a 33% RPS as a precondition to acceptance and advancement of the policy, as PG&E suggests.

2) Comparisons of the Cost and Value of Electric Resource Options Must Include Full and Accurate Consideration of Natural Gas Price Volatility

CEERT supports the comments of a number of parties that efforts to compare the cost and value of electric resource options must include consideration of natural gas price volatility that is based on historical trends and current market data. This is especially true in the case of greenhouse gas emissions planning and regulation for the electricity sector. As CEERT argued in our Opening Comments, “*(T)he price risk of electricity from fossil fuels must be considered as a major factor when comparing the cost of various policy cases*”.¹⁰

CEERT concurs with the observation made by NRDC and UCS that “*AB 32 regulations have the potential to substantially mitigate consumers’ exposure to natural gas price risk*”.¹¹ Natural gas price risk must surely be considered in the cost-effectiveness analysis for AB 32 regulations, and the opportunity provided by efficiency, renewables and other so-called "preferred" resources to mitigate that risk. As CEERT stated in Opening Comments: “*As a result of reliance on conventional gas price forecasts, investment decisions made in recent years have increased the use of gas for electricity*

¹⁰ Opening Comments of the Center for Energy Efficiency and Renewable Technologies, filed June 2, 2008, page 20.

¹¹ Comments of the Natural Resources Defense Council (NRDC) and the Union of Concerned Scientists (UCS) on Allowance Allocation, Flexible Compliance, CHP, Emission Reduction Measures, and Modeling Issues, filed June 2, 2008, page 46.

*generation, needlessly exposing consumers to significantly higher prices. Continued reliance on conventional forecasts as the basis of recommendations to ARB would be equally misguided and would undermine the implementation of AB 32”.*¹²

In Opening Comments, NRDC and UCS urged “*the Commissions to revise the E3 model to incorporate risk metrics such as cost variability, at least with respect to natural gas prices, which are typically the most important risk factor affecting overall portfolio risk*”.¹³ Comments filed by the Solar Alliance, and CalWEA and LSA point out that natural gas prices should be updated to start at \$10 per MMBtu in 2008. These parties further recommend that the E3 calculator assume that natural gas prices will continue to increase in the 12 years between 2008 and 2020 at a rate of 3.5% per year, resulting in an estimate of \$15 per MMBtu in 2020.¹⁴ CEERT estimated that natural gas price trends would be approximately \$17/MMBtu by 2020, nearly double the \$7.85/MMBtu in the E3 calculator.¹⁵

CEERT recommended in Opening Comments that the Commissions “*consider the likelihood that natural gas prices may continue to increase between now and the year 2020 as they have in the past. The Commissions should include scenarios based on projections of historical gas prices as shown in Figure 1 in these comments and should formulate recommendations based on these projections*”.¹⁶ CEERT renews that recommendation here.

¹² Opening Comments of the Center for Energy Efficiency and Renewable Technologies, filed June 2, 2008, page 18.

¹³ Comments of the Natural Resources Defense Council (NRDC) and the Union of Concerned Scientists (UCS) on Allowance Allocation, Flexible Compliance, CHP, Emission Reduction Measures, and Modeling Issues, filed June 2, 2008, page 47.

¹⁴ Comments of the Solar Alliance on Allowance Allocation Methodologies and Other Matters, filed June 2, 2008, page 10; Comments of the California Wind Energy Association and the Large-Scale Solar Association on Greenhouse Gas Regulatory Strategies for the Electricity and Natural Gas Sectors, filed June 2, 2008, pages 9-10.

¹⁵ Opening Comments of the Center for Energy Efficiency and Renewable Technologies, filed June 2, 2008, page 19.

¹⁶ Ibid, page 23.

3) Expected Future CO₂ Price Signals Should Not be Relied Upon to Alone Dictate Policy and Investment Toward Preferred Resources in the Near Term

In Opening Comments, several parties argued that additional mandates for preferred resources are not needed to drive resource procurement if the CARB adopts a broad-based cap-and-trade mechanism for the electricity sector. Southern California Edison contends that *“under deliverer-based regulations, the higher market price for electricity will provide greater incentives for EE and renewable energy development”*, based on the assertion that *“(a) broad-based cap-and-trade approach, which includes the natural gas sector, will create an optimal level of incentives for additional investment in low-emission technology.”*¹⁷

CEERT expects the cost of GHG emissions regulation to impact resource choices in the future, but disagrees with Southern California Edison’s analysis that carbon price alone is sufficient to drive energy efficiency and renewable energy deployment, especially in the near-term. Renewable resource development occurs on a timetable that does not link well with strictly price-based approaches to energy resource procurement. The future price of natural gas and carbon dioxide are unknown; the best way to mitigate against those risks is to plan for and procure energy resources that mitigate that risk.

Irrespective of how carbon pricing will impact the prices of different energy technologies in the future, we know now that the technology that the state and country must invest in and aggressively deploy is more expensive than business-as-usual today. Further, the completed design and implementation of a carbon pricing and regulation system is several years away. To state that investments in this technology will be brought about on price signal alone based on the signals of a carbon market that we have not yet

¹⁷ Comments of Southern California Edison Company (U 338-E) on Administrative Law Judge’s Ruling Updating Proceeding and Requesting Comments on Emission Allowance Policies and Other Issues, filed June 2, 2008, page 40.

begun to design, have not tested, and for which there are no other real examples in the world, is irresponsible and simply ridiculous.

CEERT also disagrees with PG&E's claims that "*AB 32 requires that GHG reduction strategies, including the role of new renewables, be evaluated and considered in light of all other potential strategies, so that the adopted GHG limits and emissions reduction measures "achieve the maximum technologically feasible and cost-effective reductions" in GHGs. (Health and Safety Code 38562(a).)*"¹⁸

Both PG&E and SCE incorrectly assume that reduced emissions of greenhouse gasses are the *only* policy goals of energy efficiency and renewables programs and AB 32. All of these goals and mandates include among their policy goals. As NRDC and UCS point out in their comments, "*the strengths of regulations and performance standards (such as the efficiency standards and the RPS) include spurring technological innovation, overcoming non-price market barriers, and providing targeted co-benefits (such as air quality improvements and protection from natural gas price volatility).*"¹⁹

California has long-recognized in statute, renewable electric generation not only provides economic benefits for the state, but also "*ameliorate[s] air quality problems through the state and improve[s] public health by reducing the burning of fossil fuels and the associated environmental impacts and by reducing in-state fossil fuel consumption.*"²⁰ In enacting AB 32, the legislature stated its intent that AB 32 regulations include specific benefits to air quality, the economy and electricity system.²¹ The statute

¹⁸ Opening Comments of Pacific Gas and Electric Company (U 39 E) on Additional Issues Related to Implementation of AB 32 in the Electric and Natural Gas Sectors, filed June 2, 2008, page 91.

¹⁹ Comments of the Natural Resources Defense Council (NRDC) and the Union of Concerned Scientists (UCS) on Allowance Allocation, Flexible Compliance, CHP, Emission Reduction Measures, and Modeling Issues, filed June 2, 2008, page 34.

²⁰ Public Utilities Code §399.11(b) and (c).

²¹ Health and Safety Code § 38501(e) and (h).

directs that AB 32 implementation address other public policy goals such as air quality standards, diverse energy sources and economic benefits, in *addition* to reductions in greenhouse gasses.²²

In Opening Comments, CEERT offered several observations on results reported by E3 and what role the price of emissions allowances will play in driving resource planning decisions towards strong reliance on renewable resources. Among these observations was that the market price per ton of CO₂e, and consequent increase in price of fossil electricity, will not change resource decisions in the immediate term. Rather, renewable procurement will likely happen due to CO₂e and natural gas price risk, and myriad benefits of resource diversification, irrespective of the current price per ton of CO₂e. CEERT commented that “*(A) combination of supportive policy tools, removal of barriers to preferred resources, and long-term integrated resource plans and procurement based on continually reducing GHG emissions are far superior to market forces.*”²³

In Opening Comments, CEERT recommended that the Commissions set as a priority in their recommendations to CARB an action plan that includes all of the following: 1) recommended levels of energy efficiency, renewable energy, CHP and solar PV, 2) barriers that must be removed to achieve the recommended level of each “preferred resource”, 3) deadlines for removing each barrier and making each policy change²⁴. This plan should be developed beginning with the Integrated Energy Policy Report, ETAAC Report and Attachment A to the November 9 ALJs’ Ruling in this proceeding. CEERT renews that recommendation here.

²² Health and Safety Code §38562(b) and 38570.

²³ Opening Comments of the Center for Energy Efficiency and Renewable Technologies, filed June 2, 2008, page 22.

²⁴ Ibid, pages 2-3 and 22.

Conclusion

In conclusion, CEERT summarizes its recommendations as follows: 1) the Commissions should reject party arguments that the cost per ton of greenhouse gas emissions reductions is alone sufficient to drive resource procurement toward higher penetrations of “preferred” resources, 2) carefully consider gas risk and projected gas price increases recommended by several parties, in applying the E3 model to various resource scenarios to achieve AB 32 emissions reductions, and 3) adopt party arguments in favor of setting a clear, 33% renewable target for the electricity sector for 2020.

Respectfully submitted,

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June 16, 2008

CERTIFICATE OF SERVICE

I, Merrisa Moore, am over the age of 18 years and employed in the City and County of Sacramento. My business address is 1100 11th Street, Suite 311, Sacramento, California, 95814.

On June 16, 2008, I served the within document REPLY COMMENTS OF THE CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES in R.06-04-009, with electronic service, as prescribed by the Commission's Rules of Practice and Procedure and the ALJs' Ruling of May 20, 2008, on the service list in R.06-04-009 and on the California Energy Commission's (CEC's) Docket Office and designated personnel in CEC Docket No. 07-OIIP-01, with separate, additional service of hard copies by U.S. Mail to Assigned Commissioner Peevey and Assigned ALJs Lakritz and TerKeurst and the CEC Docket Office, at San Francisco, California.

Executed on June 16, 2008, at Sacramento, California.

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