

**CALIFORNIA ENERGY COMMISSION**1516 Ninth Street  
Sacramento, California 95814Main website: [www.energy.ca.gov](http://www.energy.ca.gov)

In the matter of, ) Docket No. 2010-PSDR-01  
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 Developing Regulations for Power Source ) NOTICE OF AVAILABILITY AND  
 Disclosure Program ) REQUEST FOR COMMENTS  
 ) RE: Power Source Disclosure  
 ) Program Pre-Rulemaking Draft  
 ) Regulations

<b>DOCKET</b> <b>10-PSDR-01</b>
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**Notice of Availability and  
 Request for Comments on the  
 Power Source Disclosure Program Pre-Rulemaking  
 Draft Regulations  
 CEC-300-2010-011-SD**

The California Energy Commission is requesting comments on the *Power Source Disclosure Program Pre-Rulemaking Draft Regulations* staff report. This staff report presents proposed draft regulations to be considered as part of the pre-rulemaking process. Comments will be considered for incorporation into the regulations that will be submitted to the Office of Administrative Law.

This draft report is available free from the Energy Commission's website at:

[http://www.energy.ca.gov/power\\_source\\_disclosure/documents/index.html](http://www.energy.ca.gov/power_source_disclosure/documents/index.html)

**Background**

Senate Bill 1305 (Sher, Chapter 796, Statutes of 1997) requires retail electricity providers to disclose quarterly and annual fuel mix information to retail customers in the form of Power Content Labels. All retail suppliers who provide electricity to California customers must include a Power Content Label in promotional materials and in quarterly submittals to their customers. The Power Content Label identifies the mix of electricity fuel and technology types of the retail suppliers' own source of power, and also includes a column listing net system power data as a representation of California's power mix. Net system power is the fuel mix of all the power consumed in California minus the power that is specifically identified by retail suppliers as provided to their customers. Retail suppliers who make claims about the environmental, fuel, or technology characteristics of their power must disclose their actual mix to customers; those who do not make claims may identify their source as net system power.

During the past few years, retail suppliers who provide renewable power have claimed larger amounts of specific purchases, with the result that net system power now contains a very low level of renewable energy. Using net system power on the current label creates the impression that net system power reflects the state's overall level of renewable procurement, which is not the case.

On October 11, 2009, Assembly Bill 162 (Ruskin, Chapter 313, Statutes of 2009) was signed by Governor Schwarzenegger and chaptered into law. This legislation makes a number of changes to the Power Source Disclosure Program. It removes the requirement that retail suppliers provide net system power on customer disclosures and instead requires retail suppliers to disclose total California system electricity, which is the sum of all in-state generation and net electricity imports, designated by fuel type, and is a more accurate representation of California's power mix. The legislation also coordinates the Power Source Disclosure Program with the Renewables Portfolio Standard Program, and amends reporting requirements.

An Order Instituting Rulemaking to change the existing regulations for the Power Source Disclosure Program was adopted at the Energy Commission's July 28, 2010, Business Meeting. Staff has drafted regulations to reflect the changes that AB 162 mandates and is distributing the draft regulations to the public for initial review and comment. The formal rulemaking process, which is initiated with submission of certain documents to the Office of Administrative Law, publication of a notice in the California Regulatory Notice Register, and provision of notice to specific organizations and members of the public, will occur in early 2011.

## Written Comments

Written comments must be submitted by 5 p.m., December 8, 2010. Please include the docket number 2010-PSDR-01 and indicate *Power Source Disclosure Program Pre-Rulemaking Draft Regulations* on the subject line or first paragraph of your comments. Please hand-deliver or mail an original copy to:

California Energy Commission  
RE: **Docket No. 2010-PSDR-01**  
Docket Unit, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5504

The Energy Commission encourages comments by e-mail. Please include your name or organization's in the name of the file. Those submitting comments by electronic mail should provide them in either Microsoft Word format or a Portable Document (PDF) to [docket@energy.state.ca.us]. **One paper copy** must also be sent to the Energy Commission's Docket Unit.

## **Public Participation**

Members of the public who have technical questions regarding this notice may contact Lorraine Gonzalez, Renewable Energy Office, by phone at (916) 654-3842 or by e-mail at [[lgonzale@energy.state.ca.us](mailto:lgonzale@energy.state.ca.us)]. News media should direct inquiries to the Media and Public Communications Office at (916) 654-4989 or by email at [[mediaoffice@energy.state.ca.us](mailto:mediaoffice@energy.state.ca.us)].

Electronic Mail Lists: Power Source Disclosure (AB 162), Renewables