

**Energy Commission/POU Focus Group Meeting**  
***Issues Energy Commission Must Address in Developing Regulations***  
**July 19-20**

<b>DOCKET</b> <b>11-RPS-01</b>
DATE _____
RECD. <u>Aug 16 2011</u>

1. Definition of “firmed and shaped”
  - a. Measurement, reporting, and verification for this definition
2. Definition of “incremental electricity”
  - a. Measurement, reporting, and verification for this definition
3. Examples of contracts for the following categories:
  - a. Scheduled into a California balancing authority without substituting electricity from another source
  - b. Firmed and shaped products providing incremental electricity and scheduled into a California balancing authority
  - c. Unbundled RECs
  - d. Unclear; cannot determine portfolio content category
4. Determination of which category generation from post June 1, 2010, contracts belongs to
5. Verification of which category generation from post June 1, 2010, contracts belongs to
6. Classification of generation from contracts executed prior to June 1, 2010 in portfolio content categories
  - a. Associated minimum and maximum limits?
7. Treatment of generation from facilities that are not currently certified as RPS eligible
  - a. Facilities with pre June 1, 2010, contracts: which eligibility rules should these fall under?
8. Potential barriers to the RPS-certification of POU-owned or POU contracted facilities
9. Reasonable deadline for applying for RPS certification, both for POU and generation facilities, if required
10. Reasonable deadline for registration within WREGIS, both for POU and generation facilities, if required
11. Difficulties with POU meeting the targets in SB X1 2
12. POU program consistency with Public Utilities Code 399.15(a) stating:

"[f]or any retail seller procuring at least 14 percent of retail sales from eligible renewable energy resources in 2010, the deficits associated with any previous renewables portfolio standard shall not be added to any procurement requirement pursuant to this article"

13. Determining conditions have been met for sales of RECs from a POU to a retail seller based on:

“(a) The local publicly owned electric utility has adopted and implemented a renewable energy resources procurement plan that complies with the renewables portfolio standard adopted pursuant to Section 399.30.

(b) The local publicly owned electric utility is procuring sufficient eligible renewable energy resources to satisfy the target standard, and will not fail to satisfy the target standard in the event that the renewable energy credit is sold to the retail seller.”

14. Criteria to determine non-compliance: explicit, or more general with non-compliance determined on a case-by-case basis

15. Given that small POUs are not exempt from the requirements of the RPS law, what could the Commission do to help small POUs comply with the RPS requirements?

- a. Should the Commission's regulations take into account the limitations of small POUs? If so, how?
- b. Should there be a lesser burden of proof for small POUs?
- c. How small should a "small POU" be to be treated differently under the Commission's regulations?

16. Application of excess procurement to future compliance periods, POUs and the following requirement for retail sellers:

“In no event shall electricity products meeting the portfolio content of paragraph (3) of subdivision (b) of Section 399.16 be counted as excess procurement”

17. Excess procurement prior to January 1, 2011, and application of that procurement to future compliance periods

18. For compliance periods ending December 31, 2016, and December 31, 2020:

- a. Does generation data from the last year of the compliance period determine that the targets for these periods have been met?
- b. What time period should be used?

19. Timing issues with the regulations

- a. Sections that should not apply until the provisions of SB X1 2 go into effect (90 days after the close of the extraordinary session)?

20. How to determine reasonable conditions that allow for delaying timely compliance consistent with the procurement requirements in Public Utilities Code subdivision (b) of Section 399.15 have been met
  
21. How to determine reasonable conditions that allow procurement expenditures to meet or exceed cost limitations consistent with Public Utilities Code subdivision (c) of Section 399.15 have been met