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101 Ash St

San Diego, CA 92101

02-REN-1038

DOCKET

11-RPS-01

DATE Nov. 02 2011

RECD. Nov. 03 2011

November 2, 2011

Ms. Kate Zochetti
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

And

California Energy Commission
Dockets Office, MS-4
RPS Proceeding
1516 Ninth Street
Sacramento, CA 95814-5512

Re: 02-REN-1038 and 11-RPS-01; *RPS Proceeding* Draft Fifth Edition of the Commission's Renewables Portfolio Standard Eligibility Guidebook

Dear Ms. Zochetti:

Sempra Generation provides these comments on the revised Renewables Portfolio Standard Eligibility Guidebook. Sempra Generation engages in the development and operation of gas-fired, wind and solar electric generation facilities within and outside of California. The company currently has 58 MW of solar PV projects operating and an additional 1547 MW of solar and 1141 MW of wind projects under construction, permitted or in active development. The comments below relate to two primary areas: certification of out-of-country projects and whether the pre-certification process should be maintained.

1. Out of country projects.

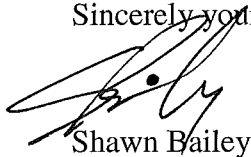
The text of the draft Fifth Edition of the RPS Eligibility Guidebook makes useful clarifying changes to the guidebook's requirements. These changes conform to the changes made concerning out-of-country projects in SBX1 2. They also clarify that an out-of-country project does not in all cases require an out-of-state analysis. To further simplify and clarify that distinction we include some additional suggested changes in the attachment to this letter.

2. Pre-certification

The pre-certification process should be retained, though perhaps some changes could be made to improve the process. While projects must eventually also obtain final certifications, availability of the pre-certification is necessary to give developers, investors and lenders some assurance upon which to base very large investments prior to the availability of the final certification process. We understand the need to avoid unnecessary staff time taken up with applications for pre-certification that are not associated with viable projects. Sempra Generation would not object to a time for pre-certifications to expire with re-application for pre-certification then being required. A five year period may be adequate, plus an additional three years for multiphase projects that have completed and finally certified an initial phase within the five year period. We would also support some reasonable milestone as a predicate to application for a pre-certification. Application for a major land use entitlement permit might be a good benchmark. Preparation of such applications often requires substantial investments in design, environmental analysis, and land interests to have occurred.

Thank you for considering these comments and your past cooperation in working through the details of our prior applications for pre-certification and certification for renewable projects.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Shawn Bailey', is written over the typed name.

Shawn Bailey

Director Planning and Analysis

Sempra Generation

ATTACHMENT

Page 62 of Draft Fifth Edition RPS Guidebook; Suggested Changes:

3. Additional Required Information for All Out-of-Country Facilities

~~In addition to the above information for out-of-state facilities, an applicant for a facility located outside the United States must provide all of the following:~~ For facilities located outside the United States, but within the WECC, the applicant must analyze and document that the facility is developed and operated in a manner that is as protective of the environment as a similar facility in California. To meet this requirement the analysis performed by the applicant must include all of the following:¹⁰¹

a) A comprehensive list and description of all California environmental quality LORS that would apply to a similar facility located within California within a local jurisdiction ~~at a site~~ designated by the applicant.

~~b) An assessment as to whether the facility's development or operation will cause or contribute to a violation of any of these LORS. The applicant may select any region in California to demonstrate whether the facility's development or operation will cause or contribute to a violation of any of the California LORS. [This paragraph seems to reflect an incorrect assumption that out-of-state analytical requirements apply as well as out-of-country requirement. This is not the case as noted in new footnote 101. The change made to refer to "California LORS" does help to distinguish this analysis from the in-state analytical requirements. However, the paragraph may remain somewhat confusing since the language still closely tracks language in the in-state provisions. The paragraph does not seem necessary since the out-of-country requirements are adequately captured in the following paragraph. That paragraph does refer back to the California LORS identified in the first paragraph.]~~

~~b~~e) An explanation as to how the facility's developer and/or operator will protect the environment to the same extent as provided by these LORS for a similar facility located in California in developing or operating the facility, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are followed.

~~c~~d) Documentation that substantiates the applicant's assessment as required in b) ~~and e)~~ above. For example, documentation could include environmental studies, permits, and similar materials that demonstrate that the facility's development or operation will ~~not cause or~~

~~contribute to a violation of a California environmental standard or regulation and will~~
protect the environment to the same extent as provided by these LORS for a similar facility
located in California. *[The stricken language again appears to relate to the required in-state analysis covered elsewhere in the guidebook. Alternatively, all of the language following the word "materials" could be deleted as redundant and possibly confusing. There is no need to repeat the criteria set forth in paragraph b) above since that reference is already covered in the first sentence of this paragraph: "Documentation that substantiates the applicants assessment as required in b) above.". Restating the requirements in possibly a slightly different way could be confusing.]*

101 Depending on the location and interconnection of the facility, the applicant may also need to address the requirements for Out-of-State facilities.