

# Memorandum

**To:** Robert Weisenmiller, Ph.D., Chair  
James Boyd, Vice Chair  
Karen Douglas, J.D., Commissioner  
Carla Peterman, Commissioner

**Date:** November 15, 2011

**From:** Robert Oglesby, Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
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**Subject: Petition for a Rulemaking on the Energy Commission's Emission Performance Standard**

On November 9, 2011, the Natural Resources Defense Council (NRDC) and the Sierra Club jointly filed a petition requesting the California Energy Commission initiate a rulemaking proceeding to "...ensure that current practices of California publicly owned utilities (POUs) meet the requirements of Senate Bill 1368 (Perata, Chapter 598, Statutes of 2006) and California's Emissions Performance Standard (EPS)."

Specifically, NRDC and Sierra Club request the following actions:

- (1) Modify Section 2907 to require mandatory reporting requirements when POUs make investments in existing coal plants; and,
- (2) Develop clear criteria for the evaluation of investments at existing coal plants for compliance with the EPS.

Staff has completed its review and has determined that the petition meets the requirements under California Code of Regulations, Title 20, Section 1221. Therefore, staff recommends the California Energy Commission find the petition to be complete.