



Western States Petroleum Association  
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**Catherine H. Reheis-Boyd**  
President

December 22, 2011

Docket #11-IEP-1A  
California Energy Commission  
1516 Ninth Street, MS-14  
Sacramento, CA 95814  
Via electronic mail to: [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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Re: Draft 2011 IEPR – Transportation Fuels Issues  
Western States Petroleum Association Comments

The Western States Petroleum Association (WSPA) submits comments below on the draft 2011 IEPR document. WSPA is a non-profit trade association representing twenty-six companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas, and other energy supplies in California and five other western states.

WSPA was encouraged this year when Commission staff, as part of their biannual review of issues related to transportation fuels and vehicles as input to the IEPR, began to provide comprehensive and realistic data and information regarding historical as well as projected future transportation fuels and vehicles. The staff analysis comprised not only the normal transportation fuels/vehicles data, but also began to examine the potential issues and impacts related to the federal RFS2 program as well as the state's LCFS program.

The actual draft IEPR seems to incorporate only a few select pieces of the detailed information referenced. In addition, there is a long list of uncertainties and challenges presented relative to the transportation sector, but disappointingly, no substantive information that attempts to address these uncertainties or recommend specific strategies to overcome them.

As you know, Sections 25300 to 25323 of the California Public Resources Code mandate and govern the contents of the 2011 Integrated Energy Policy Report (IEPR).

Section 25300(c) states that:

*The Legislature further finds and declares that the state government requires at all times a complete and thorough understanding of the operation of energy markets, including electricity, natural gas, petroleum, and alternative energy sources, to enable it to respond to possible shortages, price shocks, oversupplies, or other disruptions.*

And with specific reference to transportation fuels, Section 25304(a), (c), and (d) requires that the IEPR contain an:

*(a) Assessment of trends in transportation fuels, technologies, and infrastructure supply and demand and the outlook for wholesale and retail prices for petroleum, petroleum products, and alternative transportation fuels under current market structures and expected market conditions.*

and,

*(c) Evaluation of the sufficiency of transportation fuel supplies, technologies, and infrastructure to meet projected transportation demand growth. Assessment of crude oil and other transportation fuel feedstock supplies; in-state, national, and worldwide production and refining capacity; product output storage availability; and transportation and distribution systems capacity and use.*

After reviewing the draft IEPR, WSPA found it challenging to find anywhere in the document that the CEC had addressed the majority of these required transportation fuels related issues.

We also note in the preface to the IEPR it states, “*The Energy Commission prepares these assessments and associated policy recommendations every two years as part of the Integrated Energy Policy Report. Preparation of the Integrated Energy Policy Report involves close collaboration with federal, state, and local agencies and a wide variety of stakeholders in an extensive public process to identify critical energy issues and develop strategies to address those issues* [emphasis added].” WSPA notes the draft document appears to be particularly lacking in identifying transportation fuels related critical energy issues, and strategies to address those issues.

On the positive side, however, during several CEC Transportation Committee and staff workshops held throughout 2011, WSPA felt the Commission was seriously attempting to fulfill its role in assessing the transportation fuels arena and potential risks to feed stocks and fuels, as well as the lack of adequate infrastructure.

On November 14 there was a staff workshop on the “Role of alternative fuels in California’s transportation energy future.” At the workshop staff released a portion of the work and information – particularly relating to their analysis of the RFS2 program and the California Air Resources Board’s (ARB) LCFS program. Unfortunately, staff did not release the rest of the studies either at the workshop nor after the workshop, which is why WSPA submitted a letter to Chairman Weisenmiller requesting all of the information be publicly released, as well as additional work be immediately performed.

It is interesting that a CEC representative provided oral testimony at the December 16<sup>th</sup> ARB LCFS hearing that in part stated, “Unfortunately, some opponents of the LCFS are selectively quoting staff work on one of several cases and studies without context or qualifications.” We assume this remark was at least partly directed at WSPA since prior to the hearing we had been utilizing the information from the November 14<sup>th</sup> CEC workshop to raise questions and concerns relative to the LCFS compliance schedule and the overall transportation fuels picture in the future.

First, as far as WSPA is concerned, the characterization is incorrect since WSPA does not oppose the LCFS, but more importantly we find this remark ironic, since it was the Commission that did not release all of the staff analyses on the cases and background information despite repeated requests, so it is obvious WSPA had to work with what the Commission had made available at the time.

While there are many details in the draft 2011 IEPR that we believe are overly optimistic or aggressive, we understand it's probably too late in the process to introduce any substantive comments that will be integrated into the Report.

WSPA's earlier comments, both written and oral, are not reflected in the draft IEPR even though we specifically asked that various data and conclusions be included in the IEPR and not just in the transportation fuels report since we recognize the IEPR is the document policymakers will tend to review.

However, the following are some broad comments and requests we ask the Commission to consider as it makes revisions to the draft IEPR:

- The Commission should conduct annual, versus biannual reviews of transportation fuels as input to the IEPR since this is a segment of the energy market that should be provided equal focus and analysis as the electricity sector – especially with the evolution currently occurring in the transportation sector. Many of the issues in the electricity sector are identical or similar to the transportation fuels sector. As electricity fuel use and electric vehicle penetration increase in the state, there will be cross-over issues at play with transportation fuels and an annual review would assist in addressing them.
- In aid of the ARB's LCFS reviews, the Commission should provide to the ARB, at a minimum on a quarterly basis, information on transportation fuels including supply, demand and cost information for conventional fuels as well as projections; supply, demand and cost information for alternative/low carbon intensive fuels as well as projections; availability and projections of alternatively fueled vehicles and the match up or not with the fuels; as well as information relating to infrastructure or other challenges that are developing in the system.
- That statements in the IEPR summarizing general observations or dilemmas about possible future outcomes without a dose of realism based on history and informed insight, does not enhance the state's energy reliability and security goals. There is a tendency for the IEPR to simply state additional work is needed to assess projections, etc. But no date certain is provided for when results of these additional studies will be forthcoming. This is not acceptable and puts at risk the state's fuels system since reporting "after the fact" will not be timely enough. A clear understanding with appropriate recommendations for how to avoid issues/problems is required and expected from the Commission. We ask the Commission to include in the IEPR specific dates by which certain studies and results will be accomplished.

Several specific comments are included below. Many relate to our concerns with what we believe are overly optimistic projections cited in the draft 2011 IEPR and used elsewhere by the ARB (e.g. LCFS compliance scenarios) and that these present direct concerns for credible policymaking:

- The CEC's forecast of biofuel production volumes are aggressive. In its recent publication, the National Academies reports on some of the challenges associated with cellulosic biofuels that CEC should consider in its analysis.
- In the scenario where 50% of U.S. cellulosic biofuel production is used in California, there is a significant risk of shuffling, which will result in additional emissions. CEC should consider these risks in its analysis. Similar risks may also occur in scenarios when significant volumes of Brazilian ethanol and the back-haul of Midwestern corn ethanol are assumed.
- Use of the consumer choice model to predict electric vehicle volumes (fuel cell, battery and plug in) is not the best approach to accurately forecast vehicle deployments or consumer

acceptance. This model is based on “stated preference” surveys, which often paint the most optimistic picture of what the public is willing to accept because the participant often says what they think the interviewer wants to hear. CEC should consider other survey approaches.

- In both the introductory portion and the more detailed portion of the document on transportation fuels there is no recognition that there are likely to be significant infrastructure needs and costs. For example, on page 14 there is a comment about California’s infrastructure being adequate for ethanol – with no recognition that ethanol related infrastructure may be needed in other areas of the country or outside the country in order to accommodate volumes of ethanol for either RFS2 and/or LCFS compliance.
- Page 138, second paragraph under “Federal Regulation – Renewable Fuels Standard (RFS2)” – States that retail fueling infrastructure may require the installation of between 1,300 and 13,000 E85 dispensers by 2022. WSPA questions why there is such a big range in the estimates and recommends these numbers be closely reviewed.
- Page 139, second paragraph – CEC states ARB anticipates that E85 may play a significant role in LCFS pathways. WSPA questions the validity of the paragraph based on the fact there is no acknowledgement of the difficulty in blending E85 with CARBOB.
- Page 140, second paragraph under “State Regulation – Low Carbon Fuel Standard” – In the middle of the paragraph it states “However, this assumption is dependent on ARB completing its assessment of what portion of existing transit electricity use may be eligible for credits and at what levels.” WSPA questions what “assessment” this refers to since we are unaware of such an assessment. In addition, we request a response on whether this assessment will account for the fact that credits from programs such as AB118 should not be issued due to the public funding component.
- Page 144, first paragraph – “Certain biofuels...modest refuelling infrastructure investment and little to no modifications to motor vehicles to enable greater use.” We question this statement for a number of the fuels as stated in the first bullet above, but especially for sugarcane-based ethanol that may be coming in from Brazil, for example. Also, E85 needs to be captured in this paragraph.
- End of the above-referenced paragraph – “It should be noted that the Clean Fuels Outlet program indicates the program is feasible for hydrogen stations at prices for hydrogen ranging from approximately two to three times that of gasoline.” WSPA questions this statement and indicates this may depend, for example, on per station fuel demand amongst several other market factors.
- Page 145, first paragraph at top of the page – “Alternatively, ethanol from Brazil could be imported through the Houston ship channel and transferred via rail cars before delivery to California. Kinder Morgan has examined this business development scenario and could complete the necessary modifications in less than six months upon gaining sufficient client commitments.” WSPA notes that based on the LCFS compliance schedule, sugarcane based ethanol will only help with carbon intensity reduction for a limited time period before a transition to cellulosic and other low carbon fuels is necessary – which could strand investments. This needs to be discussed and accounted for in the economic analysis.

- In addition, for possible insertion in Chapter 9, “Petroleum Supply and Infrastructure” subsection, before the last paragraph on page 148: Only through continually investing to modernize their equipment and processes can refineries in California comply with rigorous California regulations such as AB 32 GHG reduction targets, safely process available crude oil from around the world, and ensure a reliable supply of California manufactured transportation fuels. However, state and local permitting requirements, such as those required for Chevron’s Richmond refinery, are delaying these upgrade projects for many years.

WSPA December 8, 2011 Letter to Chairman Weisenmiller

WSPA has excerpted several paragraphs from our recent letter to Chairman Weisenmiller below, since they directly relate to the draft IEPR and it’s incomplete nature. We would like to reiterate the following requests as part of the IEPR record:

*“Based on the recently released draft IEPR document, it is evident the IEPR contains an inadequate discussion of transportation fuels, a fraction of the information shared during the CEC transportation-related meetings and workshops this year, and completely avoids addressing the potential impacts of the RFS2 and LCFS programs on the state’s transportation fuels supplies as well as the cost of those supplies.*

*Given that the CARB LCFS program was intended to create substantial changes in the California transportation fuel market, it is clear that a comprehensive examination of that regulation is mandatory – particularly as we enter the second year of the compliance schedule. Based on preliminary work presented by staff on September 9<sup>th</sup> and November 14<sup>th</sup>, it appears the CEC staff is attempting to perform such an evaluation, however only the preliminary data has been released and additional work is needed.*

*WSPA requests the Commission complete its evaluation of the RFS2 and LCFS programs as soon as possible, and asks the Commission to make the past staff evaluations as well as the upcoming evaluation we have requested, transparent to the public by releasing all data, data sources, assumptions, documents, models, spreadsheets, and any other materials to the public. To be clear, this request covers not only materials related to a “final” CEC LCFS evaluation that has not yet been completed, but also to all preliminary CEC evaluations relevant to the transportation sector during the past year.*

*WSPA also requests the Commission conduct an analysis of the economic and energy supply impacts of a combination of CARB regulations including the AB32 cap & trade program, fuels under the cap, the LCFS program, the Advanced Clean Cars program, and revisions to the Clean Fuel Outlet regulation. It is important to assess the cumulative impact of this series of CARB regulations rather than analyzing them in isolation.”*

WSPA appreciates the opportunity to provide comments on the draft IEPR, but believes the Commission would be well served to hold a public workshop to discuss the comments received and the Commission’s response, in advance of the CEC’s business meeting where the IEPR will be adopted.

In particular, we ask again that the Commission conduct ongoing reviews of the status of transportation fuels – the supply, the cost, and the challenges such as infrastructure. This information should be supplied and be publicly available before submittal to ARB as part of their annual LCFS review. Even if, as proponents of low carbon/alternative fuels frequently predict, the supply and cost

of these kinds of fuels will be adequate, reliable and affordable, it is clearly prudent to investigate these metrics on an annual and ongoing basis for confirmation.

Sincerely,

A handwritten signature in blue ink, reading "Cathie A. Boyd". The signature is fluid and cursive, with the first name "Cathie" and last name "Boyd" clearly legible.

c.c. President pro Tempore Darrell Steinberg  
Senate Republican Leader Bob Dutton  
Speaker John Perez  
Assembly Republican Leader Connie Conway  
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Cliff Rechshaffen, Senior Advisor, Office of the Governor  
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