



March 28, 2012

Chairman Robert B. Weisenmiller, Ph.D.
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

02-REN-1038

DOCKET

11-RPS-01

DATE MAR 28 2012

RECD. MAR 28 2012

Re: RPS Proceeding, Docket Numbers 11-RPS-01 and 02-REN-1038: Notice to Consider Suspension of RPS Eligibility Guidelines Related to Biomethane

Dear Chair Weisenmiller and Commissioners:

The Solid Waste Association of North America (SWANA) would like to take this opportunity to comment on our concern over the Commission's consideration of a suspension of the RPS eligibility guidelines relating to biomethane. SWANA is a not-for-profit professional association with nearly 8,000 members from both the public and private sectors of the municipal solid waste management field. Our members are engaged in the field of preparing landfill gas for pipeline quality projects and this moratorium would set a dangerous precedent for their work throughout North America.

A moratorium will have an adverse effect upon green jobs in the renewable natural gas industry, hamper efforts to develop waste-to-energy projects nationwide, inhibit municipal utilities' ability to cost-effectively achieve the State's 33% RPS goals, and our joint ability to enter into and/or service contracts that guarantee stable rates for California's electricity consumers.

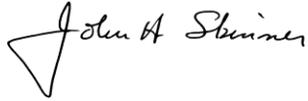
We do not disagree that eligibility of pipeline fuels such as biomethane deserve careful consideration within the requirements and objectives of the RPS. We also support the goal of expanding demonstrable environmental benefits in California or elsewhere, whether by achieving additionality in the context of Greenhouse Gas (GHG) and/or through the creation of a more accurate national accounting system to prevent double counting of the benefit of these transactions.

While the well-documented benefits of biomethane are many, including as a base-load power that complements intermittent resources like wind and solar, decreases dependence upon fossil fuel natural gas, and advances the goals of an ultra-low carbon transportation fuel, the relative quantity of available biomethane is minimal. A moratorium at this point would undermine the value of the information gathered by the Commission from stakeholders throughout the public hearing process and the legislative process already underway. As such, we request that the Commission maintain the existing rules and defer to the Legislature for action to further clarify future RPS eligibility conditions for biomethane.

Respectfully, we ask that the Commission dismiss any request for an immediate, unilateral moratorium on permitting of any biomethane transactions, and allow the legislative body and Administration to jointly effect any necessary changes to the existing statute regarding the treatment of biomethane produced in and out-of-state, for RPS compliance purposes.

If you need any additional information, please contact me at 301-585-2898 or
jskinner@swana.org

Respectfully Submitted,

A handwritten signature in black ink that reads "John H. Skinner". The signature is written in a cursive style with a large, stylized initial "J".

John H. Skinner, Ph.D.
SWANA Executive Director and CEO

Cc: Carla Peterman, Commissioner
Karen Douglas, Commissioner
Darrell Steinberg, Senate President Pro Tempore
John A. Perez, Speaker of the Assembly
Gareth Elliott, Legislative Affairs Secretary, Office of the Governor