

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

California Energy Commission

DOCKETED
02-REN-1038

TN # 67351

SEP 27 2012

RESOLUTION

WHEREAS, the California Energy Commission has developed its Renewable Energy Program, including elements related to California's Renewables Portfolio Standard (RPS), pursuant to Public Resources Code section 25740 et seq., Public Utilities Code section 399.11 et seq., and former Public Utilities Code sections 381, 383.5, and 445; and

WHEREAS, Public Resources Code section 25747 authorizes the California Energy Commission to adopt guidelines to govern the administration of its Renewable Energy Program, including elements related to the state's RPS; and

WHEREAS, on April 21, 2004, the California Energy Commission adopted guidelines, entitled the *Renewables Portfolio Standard Eligibility Guidebook*, to address the eligibility requirements and process for certifying eligible renewable energy resources for purposes of meeting the state's RPS pursuant to Public Resources Code section 25740 et seq. and Public Utilities Code section 399.11 et seq., and has subsequently revised these guidelines pursuant to this authority; and

WHEREAS, the California Energy Commission staff, with guidance and input from lead Commissioner Carla Peterman, have proposed revisions to the *Renewables Portfolio Standard Eligibility Guidebook*, as set forth in the "Fifth Edition," to address changes in law as a result of Senate Bill X1-2 (2011), Assembly Bill 1954 (2010), and Assembly Bill 920 (2009) and decisions of the California Public Utilities Commission, and to clarify the guidelines based on lessons learned and stakeholder input; and

WHEREAS, on April 18, 2012, the California Energy Commission publicly noticed staff's proposed revisions to the *Renewables Portfolio Standard Eligibility Guidebook*, and offered stakeholders and interested members of the public an opportunity to comment on the proposed guideline revisions; and

WHEREAS, in response to public comments staff revised its proposed revisions to the *Renewables Portfolio Standard Eligibility Guidebook* to clarify changes to the guidelines affecting renewable facilities using multiple energy sources, and subsequently provided public notice of its revised proposed revisions to the guidelines on April 27, 2012; and

WHEREAS, the California Energy Commission's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of revisions to the *Renewables Portfolio Standard Eligibility Guidebook* and opined that the adoption of these guideline revisions is exempt from CEQA, because it is not a "project" subject to CEQA pursuant to Title 14, California Code of Regulations, section 15378 (b)(2) and (4), in that it deals with the continuation of administrative and maintenance activities related to general policy and procedure making and the creation of governmental funding mechanisms that do not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment, and because elements of the guidelines are exempt under Title 14, California Code of Regulations, section 15308, in that these guidelines can be seen as action by a regulatory agency authorized by the state to protect the environment; and

WHEREAS, the California Energy Commission has reviewed staff's proposed revisions to the *Renewables Portfolio Standard Eligibility Guidebook*, including the errata to this guidebook that was presented and discussed at the May 9, 2012, Business Meeting, and finds that the adoption of these guideline revisions with the errata is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these guideline revisions with the errata for the purpose of implementing the RPS; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts staff's proposed guideline revisions as set forth in the *Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition*, and authorizes the Executive Director, or his designee, to implement the RPS as specified in this guidebook.

CERTIFICATION

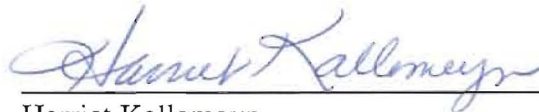
The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on May 9, 2012.

AYE: Weisenmiller, Douglas, Peterman, McAllister

NAY:

ABSENT:

ABSTAIN:



Harriet Kallemeyn,
Secretariat