

CALIFORNIA ENERGY COMMISSION1516 Ninth Street
Sacramento, California 95814Main website: www.energy.ca.gov

California Energy Commission

DOCKETED**13-RPS-01**

TN 70943

MAY 23 2013



**Notice of Changes to Proposed Regulations and
Notice of Second 15-Day Comment Period
Regarding
Proposed Regulations Establishing Enforcement
Procedures for the Renewables Portfolio Standard for
Local Publicly Owned Electric Utilities**

Notice of Intent to Adopt Negative Declaration

The California Energy Commission will conduct a hearing to consider adopting the proposed regulations establishing enforcement procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities and the proposed Negative Declaration for these regulations on:

WEDNESDAY, June 12, 2013

9 a.m.

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street

First Floor, Hearing Room A

Sacramento, California

(Wheelchair Accessible)

Audio from this meeting will be broadcast over the Internet.

For details, please go to:

www.energy.ca.gov/webcast

Concurrent with this notice, the Energy Commission is also publishing additional changes to the text of the proposed regulations that were previously made available on March 1, 2013, for a 45-day public comment period ending April 16, 2013, and subsequently made available with changes on April 19, 2013, for a 15-day public comment period ending May 6, 2013. These additional changes to the text of the proposed regulations, known as Second 15-Day Language, are available on the Energy Commission's website at www.energy.ca.gov/portfolio/pou_rulemaking/ and are shown relative to the text of the proposed regulations as published on April 19, 2013. The Second 15-Day Language shows the additional changes to the text of the proposed regulations in double underline for added text and double strikeout for deleted text.

Changes to the text of the proposed regulations from the initial 15-Day Language published on April 19, 2013, shows added text in underline and deleted text in strikethrough.

Proposed Regulations version	Date posted	Date comments due
45-Day language	March 1, 2013	April 16, 2013
First 15-Day language	April 19, 2013	May 6, 2013
Second 15-Day language	May 22, 2013	June 6, 2013

At the June 12, 2013 hearing, the Energy Commission will consider adopting the proposed regulations with the changes as reflected in the Second 15-Day Language. At this hearing the Energy Commission also will consider adopting a proposed Negative Declaration for these proposed regulations in accordance with the California Environmental Quality Act. The proposed Negative Declaration and supporting Initial Study were previously made available for public comments on April 5, 2013, with public comments due by May 6, 2013. A copy of the proposed Negative Declaration and supporting Initial Study are available on the Energy Commission's website at http://www.energy.ca.gov/portfolio/pou_rulemaking/documents/.

Background

The Energy Commission is proposing to adopt regulations establishing enforcement procedures for the Renewables Portfolio Standard (RPS) for local publicly owned electric utilities (POUs) under the law as amended by Senate Bill X1-2 (Stats. 2011, 1st Ex. Sess., ch. 1) and Assembly Bill 2227 (Stats. 2012, ch. 606, sec. 8). The proposed regulations will implement, interpret, and make specific several provisions of Public Resources Code sections 25741 and 25747, and Public Utilities Code sections 399.13, 399.15, 399.16, 399.21, 399.30, 9507 and 9508. The proposed regulations will be codified in the California Code of Regulations, Title 20, Division 2, Chapter 13, sections 3200 through 3208, and in Title 20, Division 2, Chapter 2, Article 4, section 1240.

The proposed regulations establish the rules and procedures by which the Energy Commission will assess a POU's procurement actions and determine whether those actions meet the RPS procurement requirements in the law. The proposed regulations determine what POU action is required by the law; so when the Energy Commission evaluates a POU's actions, it may determine whether the POU complied with the law. The proposed regulations require POUs to submit various information and reports to the Energy Commission, so the Energy Commission may verify and determine compliance with the RPS, and, if appropriate, issue a notice of violation and correction for a POU's failure to comply and refer the violation to the California Air Resources Board for potential penalties.

On March 1, 2013, the Energy Commission published the Notice of Proposed Action (NOPA)¹ for the proposed regulations in the California Regulatory Notice Register and

¹ http://www.energy.ca.gov/portfolio/pou_rulemaking/documents/2013-03-01_NOPA.pdf

published the proposed regulations, also referred to as the 45-day language Express Terms, on its website and in mailings to interested persons. The NOPA indicated that if substantial, sufficiently related modifications are made to the original 45-day language Express Terms, the modified text with changes in underline/strikeout will be made available to the public for at least 15 days before the Energy Commission adopts the final version of the regulations.

On April 19, 2013, the Energy Commission published changes to the text of the proposed regulations in 15-Day Language in accordance with the NOPA and Government Code section 11346.8. Public comments on the initial 15-Day Language were due to the Energy Commission by May 6, 2013.

This Notice of Changes is also provided in accordance with the NOPA and Government Code section 11346.8, and provides notice of the Second 15-Day Language and an additional public comment period on such language. The Second 15-Day Language and related rulemaking documents can be obtained from the contact person designated below or from the Energy Commission website at www.energy.ca.gov/portfolio/pou_rulemaking/.

Should the Energy Commission determine that substantial, sufficiently related modifications to the Second 15-Day Language are needed, consideration of the proposed regulations will be continued to a future public hearing. In that case, revised 15-Day Language will be prepared and notice of the revisions and the future public hearing provided separately.

Public Comment and Review Period

The public comment period for the Second 15-Day Language is from May 22, 2013, through 5:00 p.m. on June 6, 2013.

Written comments should be submitted to the Dockets Unit by no later than 5:00 p.m. on June 6, 2013. The Energy Commission appreciates receiving written comments at the earliest possible date to ensure ample opportunity to evaluate the comments. All written comments will become part of the public record of this proceeding. Additionally, written comments may be posted to the Energy Commission's website for the proceeding.

The Energy Commission encourages comments by e-mail. Please include your name and any organization name. Comments should be in a downloadable, searchable format such as Microsoft® Word (.doc) or Adobe® Acrobat® (.pdf). Please include the docket number 13-RPS-01 and indicate Second 15-Day Language for POU RPS Regulations in the subject line. Please submit comments to docket@energy.ca.gov and RPS33@energy.ca.gov to ensure that staff receives a copy.

If you prefer, you may send a paper copy of your comments to:

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 13-RPS-01
1516 Ninth Street
Sacramento, CA 95814-5512

Written comments on the Second 15-Day Language will be also accepted at the June 12, 2013 hearing, but are encouraged to be submitted in advance. The Energy Commission will also accept oral comments during the hearing, but comments may be limited to three minutes per speaker. Any comments will become part of the public record in this proceeding.

Public Participation

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at PublicAdviser@energy.ca.gov or (916) 654-4489 (toll free at (800) 822-6228).

If you have a disability and require assistance to participate, please contact Lou Quiroz at lquiroz@energy.ca.gov or (916) 654-5146 at least five days in advance.

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989.

If you have questions on the Second 15-Day Language or the subject matter of this proceeding, please contact Angela Gould by e-mail at angela.gould@energy.ca.gov or by phone at (916) 654-4881.

Remote Attendance

For remote attendance instructions, see the June 12, 2013, Business Meeting agenda at www.energy.ca.gov/business_meetings/.

Electronic Mail Lists: Renewable Listserver

