

STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

California Energy Commission

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Enforcement Procedures for
the Renewables Portfolio Standard
for Local Publicly Owned Electric Utilities

Docket No. 13-RPS-01

**COMMENTS OF THE LARGE-SCALE SOLAR ASSOCIATION ON
THE SECOND 15-DAY LANGUAGE CHANGES TO THE REGULATIONS
ESTABLISHING ENFORCEMENT PROCEDURES FOR THE RENEWABLES
PORTFOLIO STANDARD FOR LOCAL PUBLICLY OWNED UTILITIES**

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June 6, 2013

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The Large-scale Solar Association (LSA) submits these comments on the Second 15-Day Language Changes to the Regulations Establishing Enforcement Procedures for the Renewables Portfolio Standard (RPS) for Local Publicly Owned Utilities (POUs), which were released by the California Energy Commission (Commission) on May 22, 2013. LSA encourages the Commission to adopt the regulations at its June 12th meeting.

LSA commends the Commission for its hard work on the regulations. We were pleased to see the most recent changes to the regulations, which now conform restrictions on banking of short-term contracts to both the statutory language and the requirements established by the California Public Utilities Commission (CPUC). LSA also supports the retention, in the revised regulations, of the linear targets for the third compliance period. These two elements represent significant improvements to the regulations and progress towards compliance with state law and to ensuring critical RPS program requirements are uniform for retail sellers and POUs.

That being said, LSA remains concerned that the regulations continue to include a stair-step approach to compliance in the second compliance period (2014-16) and that this approach does not ensure the POUs will make reasonable progress through this period as it allows POUs to maintain a 20% renewable portfolio through the year 2015. LSA and others have commented extensively on this issue previously and we will not repeat those comments here. However, we remind the Commission that it does not have a reasonable basis for adopting the stair-step approach in the second compliance period as the approach is both unsupported by law and inconsistent with the CPUC's recent

decision D.11-12-020.¹

LSA also remains concerned that the regulations do not limit the POUs' ability to take advantage of lower procurement requirements in the second compliance period by banking a higher margin of excess compliance into the third period. As such, LSA encourages the Commission, in its implementation of the regulations, to exercise prudence in its approach to approving any carryover of excess procurement from the second compliance period into the third.

LSA thanks the Commission for the opportunity to provide these comments.

Respectfully submitted,

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Dated: June 6, 2013

¹ See Joint Comments of TURN, CCUE, CalWEA, NRDC and LSA on the Adoption of Regulations Establishing Enforcement Procedures for the RPS for POUs (May 6, 2013).