

From: [Herrera, Gabe@Energy](mailto:Herrera_Gabe@Energy)
To: sberlin@mccarthy.com;
[Gould, Angela@Energy](mailto:Gould_Angela@Energy);
Subject: RE: RPS Enforcement Rules
Date: Thursday, April 04, 2013 12:18:33 PM

Susie,

Section 3202 (a)(3) applies to electricity products procured via a pre-6/1/10 contract from an energy source that did not meet the Energy Commission's RPS eligibility requirements when the contract was executed. Hence, the energy source was not considered an "eligible renewable energy resource" when the contract was executed, but may be considered an eligible renewable energy resource now. An example is electricity products procured via a pre-6/1/10 contract from a hydroelectric generation unit with a nameplate capacity not exceeding 40 MW that is operated as part of a water supply or conveyance systems. This hydroelectric generation unit may now be considered an "eligible renewable energy resource" under SBX1-2, but prior to SBX1-2 only hydroelectric generation facilities with a capacity of 30 MW or less were considered "eligible renewable energy resources." This was reflected in the Energy Commission's RPS eligibility requirements prior to 6/1/10.

Electricity products that satisfy the requirements of Section 3202 (a)(3) may be used to comply with the RPS procurements requirements of Section 3204 only as specified in Section 3202 (a)(3). Since there were no "product" eligibility requirements prior to 6/1/10 (prior to SBX1-2), I am not sure it is correct to say the electricity "product was not eligible at the time of [contract] execution." However, if the electricity product is procured from what is now considered an "eligible renewable energy resource," procurement of the electricity product may be used to comply with the RPS procurement requirements.

Gabe

From: Susie Berlin [mailto:sberlin@mccarthy.com]
Sent: Wednesday, April 03, 2013 6:54 PM
To: Gould, Angela@Energy; Herrera, Gabe@Energy
Subject: RPS Enforcement Rules

Angie and Gabe –

I have a quick (I think!) question regarding Section 3020(a)(3) of the proposed regulation . . . This section reads:

“The electricity product is procured pursuant to a contract or ownership agreement executed before June 1, 2010, but the eligible renewable energy resource did not meet the Commission’s RPS eligibility requirements when the original procurement contract or ownership agreement was executed by the POU.”

Does this mean that the product was not eligible at the time of execution, but is currently eligible or becomes eligible under a future guidebook revision?

Thank you for help with this.

- Susie

***** Please note new contact information *****

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