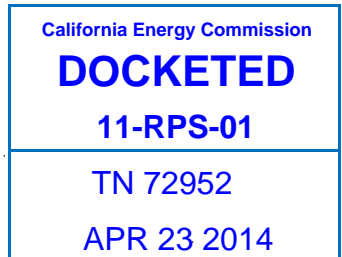


STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION



RESOLUTION

WHEREAS, the California Energy Commission is charged with certifying eligible renewable energy resources for purposes of California's Renewables Portfolio Standard (RPS) pursuant to Public Utilities Code section 399.11 et seq. and Public Resources Code section 25740 et seq.; and

WHEREAS, the California Energy Commission has adopted guidelines, as currently set forth in the *Renewables Portfolio Standard Eligibility Guidebook, Seventh Edition* (RPS Guidebook), to address the eligibility requirements and process for certifying electrical generation facilities as eligible renewable energy resources for the RPS pursuant to Public Utilities Code section 399.11 et seq. and Public Resources Code section 25740 et seq.; and

WHEREAS, the RPS Guidebook establishes various application deadlines for RPS certification to help ensure the Energy Commission has the most up-to-date information on RPS-certified facilities, to avoid and minimize staff work in verifying RPS-certified generation, and to guard against fraud in cases where it may be difficult to verify a facility's use of fossil fuels or other non-renewable energy resources; and

WHEREAS, the RPS Guidebook does not currently recognize the financial consequences to facility operators if an operator misses an application deadline, and does not establish a process for extending and waiving the application deadlines under any circumstances; and

WHEREAS, to address this issue, staff is recommending a time extension process that would allow the Energy Commission's Executive Director to extend and waive application deadlines for RPS certification based on the following criteria and process:

- 1) Applicants for RPS certification may request from the Energy Commission's Executive Director an extension of time to submit a complete application for RPS certification. The request may be submitted before or after the application deadline specified in the RPS Guidebook.
- 2) A request for an extension of time shall be submitted in writing to the Executive Director at the following address:

California Energy Commission
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

- 3) A request for an extension of time shall include the following information:
 - a) The name and address of the applicant and the name, location, and other identifying information of the electrical generation facility for which the applicant has or will seek RPS certification, including any certification or precertification ID numbers issued by the Energy Commission and any WREGIS registration numbers.
 - b) The amount of additional time being requested for the applicant to submit a complete application for RPS certification or an amended application for RPS certification, as applicable, unless the request for an extension of time includes a completed application for certification or amended certification.
 - c) An explanation of the circumstances why the applicant is or was unable to submit a timely application for certification and/or supporting documentation by the deadline specified in the RPS Guidebook, and whether these circumstances were beyond the applicant's control.
 - d) An explanation of the financial consequences or other consequences to the applicant and/or facility owner or operator if an extension of time is not granted.
 - e) An explanation of any other good cause that exists for granting the request for an extension of time.
 - f) Documentation, if available, to support the information provided in items (a) through (e).
- 4) If a request for an extension of time is incomplete, the Executive Director may either request additional information from the applicant or return the request unprocessed.
- 5) The Executive Director may grant an extension of time if he or she finds that the applicant has demonstrated good cause exists for granting an extension of time. In determining whether good cause exists, the Executive Director may consider, without limitation, whether the applicant was diligent in submitting a request for an extension of time upon learning that an application deadline was missed, whether the applicant's failure to submit a timely application for certification was caused by circumstances beyond the control of the applicant, and whether the applicant or facility owner or operator will suffer financial consequences or other hardships if an extension of time is not granted.
- 6) The extension of time granted by the Executive Director shall be limited to that time reasonably necessary for the applicant to submit a complete application for certification.
- 7) An extension of time shall not exempt the facility from complying with all eligibility requirements of the RPS Guidebook, such as registration in WREGIS and metering requirements.
- 8) An extension of time shall not be granted under any circumstances that would waive or excuse any of the eligibility dates specified in RPS Guidebook, such as the eligibility dates to qualify under the category for existing biomethane procurement contracts in Section II.C.1 of the RPS Guidebook, or the eligibility dates to qualify under the category for small hydroelectric in Section II.F.1. of the RPS Guidebook.
- 9) An extension of time shall not be granted under any circumstances that would allow the applicant to use a discontinued certification application form, such as the CEC-RPS-4 form, which is no longer available for use.

- 10) An extension of time shall not be granted under any circumstances that would allow an applicant to circumvent changes under pending RPS Guidebook revisions, or receive a benefit that is not provided in the RPS Guidebook under which the facility actually submitted an application for certification. Applicants shall be subject to the RPS Guidebook requirements in place when an application for certification is submitted to the Energy Commission.
- 11) The Executive Director's approval of an extension of time may include the conditions under which Energy Commission staff may amend the applicant's certification, if previously granted, to reflect the extended application deadline and any corresponding change in the applicant's RPS eligibility date; and

WHEREAS, on April 8, 2014, the California Energy Commission issued a public notice in accordance with Public Resources Code section 25747 that identified and discussed the time extension criteria and process recommended by staff, and offered stakeholders and interested member of the public an opportunity to comment on staff's recommended time extension criteria and process; and

WHEREAS, the California Energy Commission has considered staff's recommended criteria and process to extend and waive application deadlines for RPS certification, and accepts the recommended criteria and process; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts staff's recommended criteria and process to extend and waive application deadlines for RPS certification.

The Executive Director, or his designee, is hereby authorized and directed to implement the adopted criteria and process specified herein to extend and waive application deadlines for RPS certification.

CERTIFICATION

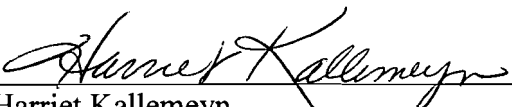
The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on April 22, 2014.

AYE: Weisenmiller, Douglas, Hochschild, Scott

NAY:

ABSENT: McAllister

ABSTAIN:



Harriet Kallemeyn,
Secretariat