

LEAD COMMISSIONER DRAFT GUIDEBOOK

RENEWABLES PORTFOLIO STANDARD ELIGIBILITY

Fifth Edition

Lead Commissioner Draft Guidebook



CALIFORNIA
ENERGY COMMISSION

Edmund G. Brown Jr., Governor

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This guidebook was formally adopted by the Energy Commission on April 21, 2004, pursuant to former Public Utilities Code (PUC) Section 383.5, Subdivision (h), and subsequently revised pursuant to this authority and Public Resources Code (PRC) Section 25747, Subdivision (a), on May 19, 2004; August 11, 2004; May 21, 2005; April 26, 2006; March 14, 2007; December 19, 2007, December 15, 2010, and May 9, 2012.

The requirements in this guidebook are based on applicable law, the Renewables Portfolio Standard Decision on Phase 1 Implementation Issues (Publication Number CEC-500-03-123F), the Renewables Portfolio Standard Decision on Phase 2 Implementation Issues (Publication Number CEC-500-03-049F), staff analysis, advice from the Energy Commission's technical support contractor, and public input.

ABSTRACT

The *Renewables Portfolio Standard Eligibility Guidebook* describes the eligibility requirements and process for certifying eligible renewable energy resources as eligible for California's Renewables Portfolio Standard (RPS) and describes the California Energy Commission's accounting system to verify compliance with the RPS. California's RPS has a goal/target of obtaining 20-33 percent of the state's electricity from eligible renewable energy resources by 2020, 2040. This guidebook outlines eligibility and legal requirements, describes reporting requirements, and includes necessary forms and instructions for program participants. This guidebook also describes the Energy Commission's system for tracking and verifying compliance with the RPS.

Keywords: Biodiesel, biogas, biomass, biomethane, certificates, certification, conduit hydroelectric, digester gas, electrolysis, eligibility, fuel cell, gasification, geothermal, hydrogen, landfill gas, multi-fuel/multifuel, municipal solid waste, ocean wave, photovoltaic, pipeline biomethane, power purchase agreement, Qualified Reporting Entity, RECs, renewable energy, renewable energy credits, Renewables Portfolio Standard, repowered, retail sales, small hydroelectric, Self-Generation Incentive Program, solar thermal, supplemental energy payments, tradable renewable energy credits, TRECs, water supply or conveyance system, wind, Western Renewable Energy Generation Information System, WREGIS, WREGIS Certificates

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I. Introduction

The California Energy Commission (~~Energy Commission~~) developed this guidebook to implement and administer its responsibilities under California's Renewables Portfolio Standard (RPS) under Senate Bill 1038,¹ Senate Bill 1078,² Senate Bill 1250,³ ~~and~~ Senate Bill 107,⁴ ~~and~~ Senate Bill X1-2.⁵ These laws require retail sellers of electricity and local publicly owned electric utilities (POUs) to increase the amount of renewable energy they procure ~~each year by at least 1 percent until 2033~~ percent of their retail sales are served with renewable energy by December 31, ~~2020~~ 2019. Under these laws, the Energy Commission is required to certify electrical generation facilities as eligible renewable energy resources that may be used by retail sellers of electricity and POUs to satisfy their RPS procurement requirements, develop an accounting system to verify a retail seller's' and POUs' compliance with the RPS and adopt regulations specifying procedures for the enforcement of RPS procurement requirements of POUs. ~~and award supplemental energy payments (SEPs) to cover the above-market cost of procuring eligible renewable energy resources.~~ This guidebook describes the requirements and process for certifying electrical generation facilities as eligible renewable energy resources for the RPS and describes how the Energy Commission will track and verify compliance with the RPS. The Energy Commission is addressing its responsibilities for adopting regulations for enforcement provisions for POUs in a separate process.

This guidebook establishes efficient and effective processes to encourage participation in California's RPS and assure program credibility to benefit stakeholders, regulators, and consumers. Although this guidebook addresses the Energy Commission's role in implementing the RPS, the Energy Commission recognizes that the California Public Utilities Commission (CPUC) and the California Air Resources Board (ARB) also ~~have~~ a key RPS implementation and enforcement roles.

1 SB 1038, (Chapter 515, Statutes of 2002). The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code Sections 383.5 and 445, but are now codified in Public Resources Code Sections 25740 through 25751 as a result of Senate Bill 183 (Chapter 666, Statutes of 2003).

2 SB 1078, (Chapter 516, Statutes of 2002). The pertinent provisions of SB 1078 are codified in Public Utilities Code Section 399.11 through 399.15. This law was subsequently amended to add Sections 399.16, 399.17, and 399.12.5 under Senate Bill 67 (Chapter 731, Statutes of 2003), Assembly Bill 200 (Chapter 5, Statutes of 2005), and Assembly Bill 2189 (Chapter 747, Statutes of 2006), respectively.

3 SB 1250, (Chapter 512, Statutes of 2006). SB 1250 amends pertinent provisions in Public Resources Code Sections 25740 through 25751.

4 SB 107, (Chapter 464, Statutes of 2006). SB 107 amends pertinent provisions in Public Resources Code Sections 25740 through 25751 and Public Utilities Code Sections 399.11 through 399.16.

5 SB X1-2 (Chapter 1, Statutes of 2011, First Extraordinary Session). SB X1-2 amends pertinent provisions in Public Resources Code sections 25740 through 25751, and amends and/or adds Public Utilities Code Sections 399.11 through 399.31.

The enabling legislation established specific roles for the Energy Commission and the CPUC and directs the two agencies to work together to implement the RPS.⁶ Although the law assigns lead roles for specific implementation efforts to each agency, the roles of the two agencies are interrelated. The Energy Commission is responsible for certifying electrical generation facilities as eligible renewable energy resources and tracking the procurement of such resources to ensure compliance with the RPS. With the passage of SB X1-2, the Energy Commission is also responsible for adopting regulations specifying the enforcement provisions for the POU. Under SB X1-2, the Energy Commission must refer violations by the POUs to the ARB, which may apply penalties for noncompliance. The CPUC is responsible for establishing compliance targets for the amount of eligible renewable energy resources ~~that retail sellers of electricity must procure and determines compliance with the RPS to comply with the RPS and verifies compliance with the requirements.~~⁷ Retail sellers include electrical corporations⁸~~investor-owned utilities (IOUs)~~, electric service providers (ESPs), and community choice aggregators (CCAs).

In February 2003, the CPUC issued a ruling formalizing collaboration on RPS issues, and in March 2003, the Energy Commission adopted a reciprocal agreement. The Energy Commission subsequently developed this guidebook collaboratively with the CPUC.

While this guidebook reflects current requirements, the Energy Commission recognizes that it may need to ~~periodically~~ revise program guidelines periodically to reflect market, regulatory, and legislative developments as well as incorporate the lessons learned from experience implementing the RPS. For example, various laws enacted since the original adoption of this guidebook have triggered the need for guidebook revisions. This fifth edition of the guidebook incorporates changes in law resulting from the following legislation:

⁶ SB X1-2 modifies the roles and responsibilities of each agency in implementing the 33 percent RPS requirement, now assigned to all of California's load-serving entities. Both the CPUC and the Energy Commission will implement SB X1-2 through public processes that will define these roles and provide details of the rules and requirements for compliance. To the extent the requirements in this new law are clear and straight-forward, they are implemented with the adoption of this fifth edition of the guidebook. Many provisions, however, require further exploration by the agencies and stakeholders before being finalized, and the Energy Commission will incorporate those provisions in future editions of this guidebook. In the meantime, many requirements remain unchanged in this guidebook even though they are changed or new in the law.

⁷ ~~The enabling legislation also required the CPUC to adopt rules for flexible compliance. These rules permit a retail seller load serving entity (LSE) to apply excess procurement to subsequent years or to make up inadequate procurement in one year within no more than the following three years. LSEs are also subject to penalties for failure to comply with the RPS. SB 107 added that flexible rules for compliance apply to all years, including years before and after a retail seller meets its 20 percent RPS target. This modification by SB 107 was implemented by the CPUC in Decision 08-02-008, February 14, 2008.~~

⁸ Also referred to as investor-owned utilities (IOUs) in this guidebook.

- Assembly Bill 920,⁹ signed into law in 2009, requires electric utilities to develop a tariff to compensate wind and solar net energy metering customers for electricity they produce in excess of their on-site load at the end of a 12-month period (net surplus generation). An eligible customer-generator with a facility no more than 1 megawatt in capacity that elects to participate in the tariff will be compensated by the utility for the facility's net surplus generation at a rate determined by the CPUC. The utility may count this surplus generation toward its RPS obligation.
- Assembly Bill 1954,¹⁰ signed into law on September 29, 2010, directs the Energy Commission to set a de minimis¹¹ quantity of nonrenewable fuels that may be used for each renewable technology at no more than 2 percent, but permits the Energy Commission to adjust this de minimis quantity to a maximum of 5 percent for individual facilities if certain conditions are satisfied.
- Senate Bill X1-2, signed into law on April 12, 2011, establishes the California Renewable Energy Resources Act and modifies and/or adds provisions in Public Resources Code Sections 25740 through 25751 and Public Utilities Code Sections 399.11 through 399.31. SB X1-2 increases the RPS procurement from 20 percent by 2010 to 33 percent by 2020, expands these requirements to include POUs, revises the responsibilities of the CPUC with respect to retail sellers of electricity, and gives the Energy Commission new regulatory responsibilities with respect to POUs. SB X1-2 also makes other changes to the RPS, including replacing the annual procurement targets with compliance periods, replacing the market price referent (MPR) with new cost containment provisions, and creating renewable energy product categories with specific procurement requirements for each compliance period.

Legislation incorporated into previous editions of the *RPS Eligibility Guidebook* includes:

- Senate Bill 1038 (Chapter 515, Statutes of 2002).
- Senate Bill 1078 (Chapter 516, Statutes of 2002).
- Senate Bill 1250 (Chapter 512, Statutes of 2006).
- Senate Bill 107 (Chapter 464, Statutes of 2006).
- Senate Bill 1036 (Chapter 685, Statutes of 2007,¹² passed in October 2007, repeals the provisions for awarding SEPs and requires the Energy Commission to terminate production incentives awarded as of January 1, 2002, unless the facility began generating electricity by

9 Assembly Bill 920 (Chapter 376, Statutes of 2009). AB 920 amends Section 2827 of the Public Utilities Code. AB 920 does not apply to electric service providers or to publicly owned electric utilities that serve more than 750,000 customers and convey water to their customers.

10 Assembly Bill 1954 (Chapter 460, Statutes of 2010). AB 1954 amends Section 399.2.5 and 399.12 of the Public Utilities Code.

11 "De minimis – insignificant; minute, frivolous. Something or some act which is 'de minimis' in interest is one which does not reiserise to a level of sufficient importance to be dealt with judicially..." Gifis, Steven H. Law Dictionary. Fourth Edition. 1996.

12 SB 1036, Chapter 685, Statutes of 2007. SB 1036 amends pertinent provisions in Public Resources Code Sections 25740 through 25751.

January 1, 2007. SB 1036 also requires the Energy Commission to transfer remaining unencumbered funds to the retail sellers by March 2008. The Energy Commission transferred the remaining unencumbered SEP funds to the retail sellers in March 2008. To implement SB 1036, the CPUC adopted Resolution E 4160 on April 10, 2008 and E 4199 on March 12, 2009. Resolution E 4199 developed the Above Market Price Referent Fund (Above MPR Fund or AMF) program and established eligibility criteria and guidelines for approving requests for costs above the market price referent (MPR) of renewable energy contracts negotiated through a competitive solicitation. The resolution also set a limitation on total costs expended above the AMF for Bear Valley Electric Service,¹³ Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE), and requires the latter three large investor-owned utilities (IOUs) to submit a confidential AMF calculator to the CPUC to determine the amount of remaining funds. Each of the three large IOUs submitted AMF calculators to the CPUC, and in May 2009 the CPUC determined that there were no remaining AMF balances for these utilities. Resolution E 4160 directed the IOUs to amortize funds transferred from the Energy Commission and make other adjustments to their rate components.

Because no AMF funds remain for the large IOUs, they are no longer obligated to procure renewables priced above the Market Price Referent (MPR), although they may do so voluntarily. According to Public Utilities Code Section 399.15 (d)(3):

(3) If the cost limitation for an electrical corporation is insufficient to support the total costs expended above the market prices determined in subdivision (c) for the procurement of eligible renewable energy resources satisfying the conditions of paragraph (2), the commission [CPUC] shall allow the electrical corporation to limit its procurement to the quantity of eligible renewable energy resources that can be procured at or below the market prices established in subdivision (c).

- Assembly Bill 1969 (Chapter 731, Statutes of 2006).¹⁴ added Public Utilities Code (PUC) Section 399.20, authorizing tariffs and standard contracts for the purchase of eligible renewable generation from public water and wastewater customers. In July 2007, the CPUC implemented AB 1969, creating a feed-in tariff (FIT) up to 1.5 MW, and expanded the FIT to cover non-water and wastewater customers in the PG&E and SCE territories.¹⁵ All generation procured under this program counts towards the RPS target.
- Assembly Bill 3048 (Chapter 558, Statutes of 2008).¹⁶ and Senate Bill 380¹⁷ were passed into law in 2008. AB 3048 addresses the RPS eligibility of existing renewable generation owned

13 A division of Golden State Water Company.

14 Assembly Bill 1969 (Chapter 731, Statutes of 2006).

15 CPUC Decision 07-07-027.

16 AB 3048, Chapter 558, Statutes of 2008. AB 3048 amends pertinent provisions in Public Resources Code 25741 and 25742 and Public Utilities Code Sections 399.12 and 399.12.5.

17 SB 380, Chapter 544, Statutes of 2008. SB 380 amends Section 399.20 of the Public Utilities Code.

by or under contract with a local publicly owned electric utility (POU), and SB 380 expands feed-in tariffs for small renewable generators in the service territories of the large IOUs and raised the program cap from 250 MW to 500 MW.

- Assembly Bill 1351 (Chapter 1351, Statutes of 2009).¹⁸ was signed into law in 2009. AB 1351 requires that hydroelectric facilities must be owned by a retail seller or publicly owned electric utility for their incremental generation due to eligible efficiency improvements to count as eligible for the RPS. AB 1351 also expands eligibility for such facilities located outside California.
- ~~Assembly Bill 920,¹⁹ signed into law in 2009, requires electric utilities to develop a tariff to compensate wind and solar net energy metering customers for electricity they produce in excess of their on-site load at the end of a 12-month true-up period (net surplus generation). An eligible customer-generator with a facility no more than 1 megawatt in capacity that elects to participate in the tariff will be compensated by the utility for the facility's net surplus generation at a rate to be determined by the CPUC. The utility may count this surplus generation toward its RPS obligation.~~
- Senate Bill 32 (Chapter 328, Statutes of 2009).²⁰ signed into law in 2009, further modifies Public Utilities Code 399.20. It expands the eligible project size of the feed-in tariff from 1.5 MW to 3 MW in size, raises the program cap from 500 MW to 750 MW, and requires the municipal utilities to comply with this statute. SB 32 must be implemented through a CPUC proceeding before projects can utilize the new tariff.
- Senate Bill 1247 (Chapter 488, Statutes of 2010).²¹ signed into law on September 29, 2010, as an urgency bill, modifies Public Utilities Code Section 399.12.5. SB 1247 ensures that for a hydroelectric generation facility certified as of January 1, 2010, its RPS eligibility will not be revoked if the facility causes a change in the volume or timing of streamflow that is required by license conditions approved pursuant to the Federal Power Act (Chapter 12 (commencing with Section 791a) of Title 16 of the United States Code) on or after January 1, 2010.
- ~~Assembly Bill 1951 (statutes of 2010, chapter 460) directs the Energy Commission to set the de minimis quantity of nonrenewable fuels that may be used for each renewable technology at 2 percent, but permits the Energy Commission to adjust this de minimis quantity to a~~

18 AB 1351, Chapter 525, Statutes of 2009. AB 1351 amends Section 399.12.5 of the Public Utilities Code.

19 AB 920, (Chapter 376, Statutes of 2009). AB 920 amends Section 2827 of the Public Utilities Code. The CPUC must adopt a net surplus electricity compensation rate before this law can be further implemented.

20 SB 32, Chapter 328, Statutes of 2009. SB 32 amends section 399.20 of, and adds section 387.6 to the Public Utilities Code.

21 SB 1247, Chapter 488, Statutes of 2010. SB 1247 amends Section 399.12.5 of the Public Utilities Code.

~~maximum of 5 percent for individual facilities if certain conditions are satisfied as specified in AB 1954.~~

Additional information on historical legislation is provided in Appendix C.

A. Related Guidebooks and Regulations

This guidebook is one of several guidebooks the Energy Commission has adopted to implement and administer the various program elements of its Renewable Energy Program.

The Energy Commission's *Overall Program Guidebook for the Renewable Energy Program (Overall Program Guidebook)* describes how the Renewable Energy Program will be administered and includes information and requirements that apply overall to the Renewable Energy Program and the program elements. To qualify for certification as an eligible renewable energy resource ~~eligible for the RPS, an applicant electrical generation facilities (that is, power plants)~~ must satisfy the requirements specified in this *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook*. ~~Please note that the Energy Commission provides production incentive payments to eligible existing renewable resources, but the facilities must also be eligible for the RPS. For more information, refer to the *Existing Renewable Facilities Program Guidebook*.~~²² For general information on the process of creating, appealing, and implementing the RPS guidelines, please refer to the *Overall Program Guidebook*.²³

Additionally, information for all retail suppliers of electricity on reporting disclosures and specific purchase claims to customers and the Energy Commission for the Power Source Disclosure Program can be found in the California Code of Regulations, Title 20, Article 5, Sections 1390-1394.

Program guidebooks and regulations are available online at the Energy Commission's website at: <http://www.energy.ca.gov>.

B. Outstanding Issues

There are several outstanding issues that could affect these guidelines. Brief discussions follow regarding the major issues facing the Energy Commission and the CPUC as the RPS is implemented. The Energy Commission will continue to address these issues collaboratively with the CPUC.

~~1. Renewable Energy Credits (REC) Trading~~

~~22 California Energy Commission, CEC 300-2009-001-CMF, January 2009.~~

~~23 California Energy Commission, CEC-300-2012-003-LCD, May 2012. CEC 300-2010-008-CDT, December 2010.~~

Note: This section has been removed from "Outstanding Issues," and information regarding renewable energy credits and REC trading can now be found in Section II G: Eligibility of Renewable Energy Credits for Distributed Generation Facilities and Onsite Load.

Renewable Energy Credits (also termed "renewable energy certificates" or RECs) represent renewable and environmental attributes associated with renewable energy production. Public Utilities Code Section 399.12, Subdivision (g)(1), defines a REC for California RPS purposes to mean a certificate of proof, issued through the accounting system established by the Energy Commission under Public Utilities Code Section 399.13, that one unit of electricity was generated and delivered by an eligible renewable energy resource.

Public Utilities Code Section 399.12, Subdivision (g)(2), specifies that a REC includes all renewable and environmental attributes associated with the production of electricity from the eligible renewable energy resource, except for an emissions reduction credit issued under Section 40709 of the Health and Safety Code and any credits or payments associated with the reduction of solid waste and treatment benefits created by the use of biomass or biogas fuels.

In addition, Public Utilities Code Section 399.12, Subdivision (g)(3), specifies that no electricity generated by an eligible renewable energy resource attributable to the use of nonrenewable fuels, beyond a de minimis quantity as determined by the Energy Commission, shall result in the creation of a REC.

In August 2008, the CPUC adopted a decision defining a renewable energy credit (REC) for purposes of the RPS as one megawatt hour of renewable energy generated and delivered by an eligible renewable energy resource.²⁴ The decision also clarified what attributes associated with renewable energy generation must be included with a REC for compliance with the RPS.

RECs and energy procured together as a "bundled" commodity are eligible for the California RPS. RECs sold separately from the underlying energy are termed "unbundled" and are not currently eligible toward California RPS procurement requirements. The term "tradable RECs" refers to a concept wherein the renewable attributes may be procured unbundled from the renewable generator as a separate commodity from the underlying energy and then can be subsequently sold to other buyers. In place of the term "REC," the Energy Commission's generation tracking system, the Western Renewable Energy Generation Information System (WREGIS), uses the term "WREGIS Certificate."

The law as amended by Senate Bill 107, however, authorizes the CPUC to rule that tradable RECs (TRECs) associated with energy produced from RPS-eligible resources qualify toward RPS procurement requirements, once the CPUC and Energy Commission conclude that the tracking system developed by the Energy Commission is operational, is capable of independently verifying delivery of renewable energy to a retail seller, and can assure that RECs are not double counted by any seller within the Western Electricity Coordinating Council

²⁴ CPUC Decision 08-08-028, August 21, 2008.

(WECC). The CPUC and the Energy Commission adopted such a conclusion in November 2008 and December 2008, respectively, in the *Joint Commission Staff Report on Tracking System Operational Determination*.²⁵

The CPUC may limit the amount of TRECs that a retail seller may procure to satisfy its RPS requirements. The CPUC is addressing RECs and other RPS implementation issues in its Rulemaking 06-02-012²⁶ and Rulemaking 08-08-009²⁷ and subsequent RPS Rulemakings. Since October 2008, the CPUC has released three proposed decisions authorizing TRECs for purposes of the RPS,²⁸ with the third proposed decision being adopted in March 2010.²⁹ Following several petitions to modify the decision, however, the CPUC stayed its TRECs decision on May 6, 2010.³⁰

A preliminary discussion of eligibility requirements and tracking requirements for tradable RECs is provided in this guidebook in anticipation of their possible use for California RPS compliance.

2. Customer-Side Renewable Distributed Generation

Note: This section has been removed from "Outstanding Issues" and information regarding customer-side renewable distributed generation can now be found in Section II G: Unbundled Renewable Energy Credits.

The passage of SB 32 and AB 920 allows the Energy Commission to expand the RPS eligibility of distributed generation for some facilities that have received ratepayer-funded incentives in the past or are participating in a net metering tariff. Senate Bill 32 creates a new tariff for facilities up to 3 MW and provides for generation from such facilities to be RPS eligible. Facilities that participated in an SB 32 tariff and have received ratepayer-funded incentives may now be RPS eligible if it has been demonstrated to the CPUC, or applicable authority, that the facility has provided sufficient benefit to the ratepayers or has repaid the funds it has received, and it enters into a new tariff or standard contract after exiting its net metering tariff, if applicable. Once the CPUC has provided guidance for reimbursement of ratepayer funds or on how it will

25 CPUC, Resolution E-4178, November 2008, and California Energy Commission, CEC 300-2008-001-SF, December 2008.

26 The CPUC's Assigned Commissioner's Ruling on April 3, 2009, transferred consideration of certain issues from Rulemaking 06-02-012 to Rulemaking 08-08-009.

27 On August 26, 2008, the CPUC issued Rulemaking 08-08-009, which is a successor to and thereby closed Rulemaking 06-05-027.

28 The CPUC released proposed decisions on tradable RECs for RPS on October 29, 2008, March 26, 2009, and December 23, 2009.

29 CPUC Decision 10-03-021, March 11, 2010.

30 The CPUC Decision 10-05-018 issued on May 6, 2010, stayed Decision 10-03-021 pending resolution of the petitions of parties for its modification. On August 25, the CPUC issued a proposed decision to modify Decision 10-03-021. The CPUC issued a revision to its proposed TRECs decision on October 14, 2010. As of this writing, the CPUC has not adopted Decision 10-03-021.

determine that the facility has provided sufficient benefit to the ratepayers, the Energy Commission will address the eligibility of these facilities in a future revision to this guidebook.

Assembly Bill 920 requires electric utilities to compensate wind and solar net energy metering customers for electricity they produce in excess of their on-site load at the end of a 12-month true-up period (net surplus generation). The utility will pay an eligible customer generator for the facility's net surplus at a rate that will be determined by the CPUC. Although AB 920 allows for the utility to count this surplus generation toward its RPS obligation, the certification of these facilities will be addressed in future revisions to this guidebook and after the CPUC has adopted rules for net surplus metering compensation. RPS eligibility will be awarded to these facilities in accordance with the calendar year(s) it participates in the program

The law includes solar energy as an eligible resource for the RPS. The CPUC Rulemaking 06-03-004 addressed if and how output from renewable distributed generation may be counted toward a retail seller's RPS obligations. In January 2007 the CPUC adopted a decision³¹ that allows distributed generation system owners to retain 100 percent of the RECs associated with the distributed generation energy produced. As in that decision, the Energy Commission does not require participants of its New Solar Homes Partnership program to relinquish their claims of RECs or to transfer ownership of any RECs to the Energy Commission or any other entity as a condition of receiving New Solar Homes Partnership program funding. This guidebook describes distributed generation issues in the section on eligibility requirements.

Other than the exception noted below, the Energy Commission will certify distributed generation facilities as RPS-eligible only if and when the CPUC authorizes applying tradable RECs toward RPS obligations.

The Energy Commission will certify facilities that might otherwise be considered distributed generation facilities if some or all of the energy produced is sold through a standard contract/tariff executed pursuant to Public Utilities Code 399.20, as implemented through the CPUC Decision 07-07-027 (R.06.05.027).³² Similarly, the Energy Commission may certify a facility if the energy generated is sold through a comparable standard contract/tariff approved by a local publicly owned electric utility or if the facility is owned by a utility and meets other requirements.

[The information in this subsection has been moved to the subsection titled, *Renewable Facilities Using Multiple Energy Resources.*]

31. Storage Facilities

31 CPUC Decision 07-01-018, January 11, 2007.

32 CPUC Decision 07-07-027 adopts tariffs and standard contracts for water, wastewater, and other customers to sell electricity generated from RPS-eligible renewable resources that are up to 1.5 megawatts in size to electrical corporations, for a cumulative statewide total of 250 megawatts.

Assembly Bill 2514,³³ passed in 2010, requires the CPUC to determine appropriate targets, if any, for each load-serving entity to “procure viable and cost-effective energy storage systems” by December 31, 2015, with a second target to be achieved by December 31, 2020.

The only energy storage technologies, not integrated into an electrical generation facility, currently eligible for the RPS are pumped-storage hydroelectric and fuel cell facilities using a renewable fuel. (See the sections on eligibility of hydroelectric and fuel cell facilities, respectively.) The Energy Commission recognizes the importance of storage technologies for renewable energy resources, and anticipates that new issues may arise or new technologies may develop (such as compressed air storage) that will need to be addressed in future guidebook revisions.

Methods of storing renewable energy that are integrated into the electrical generation facility as part of the generation process, such as thermal energy storage at a solar thermal facility, are considered part of the electrical generation facility and not a separate, independent storage facility for the purpose of RPS eligibility.

2.4. 33 Percent RPS by 2020 Implementation

~~On September 15, 2009, Governor Schwarzenegger signed Executive Order S-21-09 directing the California Air Resources Board (ARB) to enact regulations that will achieve the goal of having 33 percent of electricity used in California come from renewable sources by 2020. Under Executive Order S-21-09, the ARB will work with the Energy Commission and the CPUC to ensure that regulations adopted under authority of AB 32 encourage the creation and use of renewable energy sources built upon the RPS Program and will regulate all California load-serving entities, including IOUs, POUs, ESPs, and CCAs. The ARB adopted the Renewable Electricity Standard (RES) regulations on September 23, 2010, at which time the ARB directed its staff to consider amending the RES to harmonize with the CPUC’s anticipated decision to allow the use of renewable energy credits, including the use of TRECs, for the RPS.~~

SB X1-2 establishes the RPS target of 33 percent by 2020 for investor-owned utilities (IOUs), POUs, ESPs, and CCAs. In his signing speech, Governor Jerry Brown noted that this target will be a milestone, adding, “Our state has enormous renewable energy potential. I would like to see us pursue even more far-reaching targets.”³⁴

SB X1-2 directs the CPUC to oversee retail sellers’ procurement of eligible renewable energy resources and to assess retail sellers’ compliance with procurement quantity requirements over three compliance periods, ending with 33 percent eligible renewable energy resource procurement by December 31, 2020, and annually thereafter. (Please see Section II A: Renewables Portfolio Standard Targets of this guidebook for more information on RPS targets.) The law also directs the Energy Commission to establish regulations specifying RPS enforcement procedures for POUs and to issue notices of violation for a POU’s failure to comply, which would then be referred to the ARB for possible imposition of penalties.

33 Assembly Bill 2514, Statutes of 2010, Chapter 469.

34 www.jerrybrownnews.com. Accessed April 21, 2011.

The CPUC issued an Order Instituting Rulemaking (OIR) for the 33 percent RPS proceeding³⁵ for retail sellers on May 5, 2011, and held a prehearing conference on June 13, 2011. All load-serving entities, including POUs, are encouraged to participate in the CPUC's proceeding. To receive information on this proceeding, stakeholders must sign up for the R11-05-005 service list by completing the Addition/Change to Service List Form³⁶ on the CPUC's website.

The Energy Commission hosted a scoping workshop on June 17, 2011, in collaboration with the CPUC, to launch the implementation of SB X1-2 and to gather public input on issues and concerns, as well as suggestions for transitioning to the new procurement requirements law to meet the 33 percent RPS requirement by 2020. The Energy Commission issued its own OIR³⁷ on July 13, 2011, to develop regulations governing enforcement of the 33 percent RPS for POUs. These regulations are expected to be adopted by the end of 2012. All POUs are encouraged to sign up for the Energy Commission's "renewable" listserv³⁸ to receive updates on upcoming meetings and publications.

With implementation of SB X1-2, the Legislature intends that the RPS will provide unique benefits to California, including the following, as identified in Section 399.11(b) of the Public Utilities Code:

- 1) Displace fossil fuel consumption within the state
- 2) Add new electrical generating facilities in the transmission network within the Western Electricity Coordinating Council (WECC)
- 3) Reduce air pollution within the state
- 4) Meet the state's climate change requirements by reducing emissions of GHGs associated with electrical generation
- 5) Promote stable retail rates for electric service
- 6) Meet the state's need for a diversified and balanced energy generation portfolio
- 7) Assist with meeting the state's resource adequacy requirements
- 8) Contribute to the safe and reliable operation of the electrical grid
- 9) Implement the state's transmission and land use planning activities related to development of eligible renewable energy resources.

To implement SB X1-2, the Energy Commission and the CPUC are collaboratively revising and establishing their respective rules and guidelines. On a parallel path with the CPUC's rulemaking process, the Energy Commission is working with the POUs and other interested stakeholders to further revise this guidebook and establish new regulations. As the Energy Commission modifies the RPS program due to implementation of SB X1-2 and regulations for

35 Rulemaking (R) 11-05-005. This is a successor proceeding to Rulemakings (R) 08-08-009 and (R) 06-02-012, which are now closed.

36 This form is available at: http://www.cpuc.ca.gov/forms/service_list_addition_change.pdf.

37 Order Instituting a Rulemaking (OIR) number 11-0713-04.

38 To sign up for the renewable listserv, visit the Energy Commission's website at: <http://www.energy.ca.gov/listservers/index.html>.

the POUs are developed and incorporated into RPS policies, revisions requiring further exploration will be incorporated in a future edition of this guidebook.

3. Pipeline Biomethane

The Energy Commission is re-examining the eligibility requirements for pipeline biomethane that are specified in this guidebook. At its March 28, 2012, Business Meeting, the Energy Commission adopted Resolution No. 12-0328-3,³⁹ which suspended RPS eligibility related to biomethane and put certain conditions of suspension and eligibility limitations in place. The suspension, which took effect on March 28, 2012, was adopted to provide the Energy Commission additional time to evaluate issues surrounding the continued eligibility of biomethane as a result of changes in law under SBX 1-2. Language in this guidebook directly pertaining to biomethane is highlighted in gray to indicate that those provisions are subject to the conditions set forth in Resolution No. 12-0328-3 as adopted or subsequently amended. The suspension will remain in effect until the Energy Commission takes subsequent action to lift the suspension.

The RES regulations set forth compliance intervals for achieving the 33 percent target with an obligation of procuring RECs to meet 20 percent of retail sales by 2014, 24 percent by 2017, 28 percent by 2019, and 33 percent by 2020 and annually thereafter. A partial exemption from the RES is provided for regulated parties with annual retail sales less than 200,000 MWh averaged during 2007 through 2009. Compliance with the RES can only be met with RECs acquired from a facility eligible for the RPS program, a facility that meets the RPS requirements (excluding delivery requirements) as determined by the ARB, or a resource that meets the definition of an RES Qualifying POU resource. The regulations provide, with some exceptions, for the RES eligibility of renewable energy resources that are owned by or under contract with a POU before September 15, 2009, to count toward the POUs' RES obligations if the generation was both approved by the POU's Governing Board and reported to the Energy Commission as contributing towards the POU's RPS eligible generation on or after January 1, 2003, and before September 15, 2009. The regulations require RECs to be retired in WREGIS, including those retired for the RPS, within three years from the date of issuance for compliance with the RES.

ARB staff has proposed several modifications to the RES regulations, most notably to: 1) clarify that the RES does not modify any provisions of the RPS; 2) to allow regulated parties that exceed their RPS requirements for 2010 and 2011 to carry over their excess procurement to the RES; 3) to modify the enforcement provisions to avoid dual penalties by the ARB and CPUC for potential violations; and 4) to specify how violations will be assessed. The ARB is expected to issue the modified regulations for public comment and finalize the regulations by the end of 2010. The Energy Commission will continue to work with the ARB and the CPUC to define each agency's roles in implementing the RES.

4. Precertification

³⁹ Resolution No. 12-0328-3, as adopted or sub subsequently amended, can be found at <http://www.energy.ca.gov/portfolio/notices/index.html#resolution>

Staff continues to be interested in exploring options to revise the RPS precertification process for renewable projects that are in development and not yet commercially operational. Many stakeholders submitted comments in response to questions regarding precertification in the Energy Commission's notice for the October 21, 2011, workshop for revising the fifth edition of this guidebook. Staff will continue working with interested stakeholders in efforts to reach consensus on how the Energy Commission can provide a measure of regulatory certainty for projects in development.

5. Facilities Previously Eligible Under the Existing Renewable Facilities Program

The Existing Renewable Facility Program (ERFP) provided funding in the form of production incentives to qualifying electrical generation facilities that used renewable energy resources. Production incentives were provided only for eligible electrical generation, through December 31, 2011, and after this date ceased providing production incentives. Facilities that participated in the former ERFP were also required to be RPS-eligible. If the facility met the conditions to count 100 percent of the generation as eligible for funding in the ERFP, then the entire output of the facility could be counted as RPS-eligible. For biomass facilities, this level of nonrenewable fuel use was 5 percent of the total annual energy input; for solar thermal facilities this level was 25 percent of the total annual energy input. Under the fourth edition of the *RPS Eligibility Guidebook*, facilities that ceased to be eligible for the ERFP must meet the Energy Commission's requirements for a de minimis level of nonrenewable fuel to count 100 percent of its generation as RPS-eligible. The Energy Commission will consider how to treat the use of nonrenewable fuel for the RPS at facilities previously eligible for the ERFP in a future revision of this guidebook. Information regarding current treatment of nonrenewable fuel use at these facilities is provided in Section II C: Renewable Facilities Using Multiple Energy Resources.

C. Guidebook Organization

This guidebook is organized as follows:

- I. Introduction
- II. Eligibility Requirements
- III. Certification Process
- IV. RPS Tracking, Reporting, and Verification System

~~V. Publicly Owned Electric Utilities~~

Appendix A: WREGIS Reporting Instructions

Appendix B: Forms

~~Appendix C: List of Acronyms~~

~~Appendix D: Summary Table of RPS Reporting Requirements~~

Appendix C: Legislative History

Appendix D: List of Acronyms

Section II covers eligibility requirements for generators interested in producing electricity that can be procured by retail sellers and POUs to comply with the RPS. For this guidebook, “retail sellers” is defined in the *Overall Program Guidebook* and includes California’s three largest IOUs, Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E), multijurisdictional IOUs⁴⁰ such as PacifiCorp and CalPeco and Sierra Pacific Power Company,⁴¹ small IOUs such as ~~Mountain Utilities and Bear Valley Electric Service~~ (a division of Golden State Water Company), and ESPs and CCAs. SB X1-2 requires POUs to procure electricity products from eligible renewable energy resources that meet the same RPS-eligibility requirements as resources retail sellers use to meet their RPS procurement requirements.

Section III discusses the Energy Commission’s certification process, including the following:

- ~~Pre-certification~~ Precertification application process for developers of renewable electrical generation facilities that are not on-line, who are seeking a preliminary determination that

40 Multijurisdictional IOUs are electrical corporations ~~that had with~~ 60,000 or fewer customer accounts in California as of January 1, 2010, and that satisfy the requirements of that also serve retail end-use customers outside California as provided in Public Utilities Code Section 399.17.

41 Sierra Pacific Power Company was a multijurisdictional utility serving California customers and doing business as NV Energy. On January 1, 2011, NV Energy completed the sale of its California electric distribution and generation assets to California Pacific Electric Company (CalPeco), doing business as Liberty Energy, which is now the successor to Sierra Pacific Power Company.

their facility ~~may will~~ be eligible for the RPS. Facilities that have been precertified by the Energy Commission must meet the requirements of the *RPS Eligibility Guidebook* that are in effect at the time the Energy Commission receives the application for certification.

- Certification application process for owners or agents of on-line generators with renewable electrical generation facilities that are on-line who are interested in selling renewable electricity serving energy to meet an RPS obligation.
- Process to amend certification or ~~pre-certification~~precertification.
- Section IV discusses the RPS tracking, reporting, and verification processes the Energy Commission uses ~~the data submission requirements for the interim generation tracking and verification system and WREGIS that will be used to verify retail sellers' and POUs'~~ compliance with the RPS and to verify that generation is counted only once in California or any other state.

~~Section V addresses participation of local publicly owned electric utilities in the RPS.~~

II. Eligibility Requirements

This section describes eligibility requirements for the RPS, including eligibility for ~~out-of-state~~ electrical generation facilities with the first point of interconnection outside California. In general, a facility is eligible if it uses an eligible renewable resource or fuel, satisfies resource-specific criteria, and is either located ~~within~~ the state or near the border of the state with the first point of connection to the transmission network of a balancing authority area primarily located within the state,⁴² or the facility has its first point of interconnection to the transmission network outside the state, within the WECC service area and satisfies applicable requirements for ~~out-of-states~~ such facilities or for ~~and~~ out-of-country facilities, as applicable. A facility that was approved before June 1, 2010, by the governing board of a POU to meet its procurement obligations pursuant to former Public Utilities Code Section 387 may be certified by the Energy Commission as RPS-eligible if the facility meets the eligibility requirements set forth in the edition of this guidebook that was in place at the time of the facility's approval by the POU governing board for its RPS under former PUC Section 387. For a facility not meeting the eligibility requirements set forth in the current *RPS Eligibility Guidebook*, but having met the requirements in the guidebook in place at the time of the POU's approval of the facility, as described above, an applicant must submit documentation to the Energy Commission that verifies the POU board's approval and the approval date, with the application for certification.

~~The generation from facilities certified as RPS-eligible may qualify for funding under the Energy Commission's Existing Renewable Facilities Program. To receive funding, eligible facilities must satisfy the requirements specified in the Energy Commission's Existing Renewable Facilities Program Guidebook.~~

A. Renewables Portfolio Standard Procurement Targets and Procurement Content Categories

The following discussion on the RPS targets and procurement content categories is provided for informational purposes only and does not supersede any CPUC Decision or any requirements adopted as part of the Energy Commission's regulations pertaining to enforcement of the RPS for POUs. The Energy Commission verifies RPS procurement for retail sellers and POUs. The Energy Commission determines whether a POU is in compliance with its procurement targets and procurement content categories; the CPUC determines whether a retail seller is in compliance with its RPS procurement targets and procurement content categories.

⁴² On December 15, 2011, the CPUC adopted Decision 11-12-052, which identified five California Balancing Authorities "primarily located within the state" as follows: the California Independent System Operator (California ISO), the Balancing Authority of Northern California (BANC, formerly SMUD), Imperial Irrigation District (IID), the Los Angeles Department of Water And Power (LADWP), and Turlock Irrigation District (TID).

As established by SB X1-2, eligible renewable energy resources must be procured consistent with portfolio content categories with the following criteria:

Portfolio Content Category Number 1: A. Have a first point of interconnection with a California balancing authority, or with distribution facilities used to serve end users with a California balancing authority area, or are scheduled from the eligible renewable energy resource into a California balancing authority without substituting electricity from another source. The use of another source to provide real-time ancillary services required to maintain an hourly or subhourly import schedule into a California balancing authority shall be permitted, but only the fraction of the schedule actually generated by the eligible renewable energy resource shall count toward this portfolio content category.

Portfolio Content Category Number 1. B: Have an agreement to dynamically transfer electricity to a California balancing authority.

Portfolio Content Category Number 2: Firmed and shaped eligible renewable energy resource electricity products providing incremental electricity and scheduled into a California balancing authority.

Portfolio Content Category Number 3: Eligible renewable energy resource electricity products, or any fraction of the electricity generated, including unbundled renewable energy credits that do not qualify under the criteria of Portfolio Content Category Number 1. A or 1.B above.

~~The CPUC sets annual procurement targets (APTs) for the amount of RPS-eligible energy each retail seller must procure. Public Utilities Code Section 399.15, Subdivision (b)(1), requires the retail sellers to annually increase their renewable procurement by at least 1 percent of retail sales per year so that 20 percent of their retail sales is procured from RPS-eligible resources not later than December 31, 2010. Retail sellers must maintain a minimum of 20 percent renewables in their portfolios after 2010.~~

Retail Sellers

SB X1-2 directs the CPUC to set, by January 1, 2012, a minimum quantity of eligible renewable energy resources to be procured by each retail seller for each of the following compliance periods:

- a) January 1, 2011, to December 31, 2013, inclusive
- b) January 1, 2014, to December 31, 2016, inclusive
- c) January 1, 2017, to December 31, 2020, inclusive

For the January 1, 2011, to December 31, 2013, compliance period, SB X1-2 directed the CPUC to establish procurement targets equal to an average of 20 percent of retail sales. For the second and third compliance periods, the targets shall reflect reasonable progress in each of the intervening years sufficient to ensure the procurement of electricity products from eligible

renewable energy resources achieves 25 percent of retail sales by December 31, 2016, and 33 percent of retail sales by December 31, 2020.⁴³

For the first compliance period, retail sellers must procure at least 50 percent, 65 percent for the second period, and 75 percent thereafter of the eligible renewable energy resource electricity products associated with contracts executed after June 1, 2010, from Portfolio Content Category Number 1.

Retail sellers shall not procure more than 25 percent for the first compliance period, 15 percent for the second compliance period, and 10 percent thereafter of the eligible renewable energy resource electricity products associated with contracts executed after June 1, 2010, from Portfolio Content Category Number 3.

Local Publicly Owned Electric Utilities (POUs)

The state's RPS requirements are expanded to include POUs under SB X1-2. The law requires each POU to adopt and implement a renewable energy resources procurement plan that requires the utility to procure a minimum quantity of electricity products from eligible renewable energy resources, including renewable energy credits, as a specified percentage of total kilowatt-hours sold to the utility's retail end-use customers, for each of the following compliance periods:

- a) January 1, 2011, to December 31, 2013, inclusive
- b) January 1, 2014, to December 31, 2016, inclusive
- c) January 1, 2017, to December 31, 2020, inclusive

For the January 1, 2011, to December 31, 2013, compliance period, SB X1-2 directs the governing board of each POU to ensure that the quantities of eligible renewable energy resources procured by the POU are equal to an average of 20 percent of retail sales. For the second and third compliance periods, the targets must reflect reasonable progress in each of the intervening years sufficient to ensure that the procurement of electricity products from eligible renewable energy resources achieves 25 percent of retail sales by December 31, 2016, and 33 percent of retail sales by December 31, 2020.⁴⁴ The local governing board shall require each POU to procure not less than 33 percent of retail sales of electricity products from eligible renewable energy resources in all subsequent years. POUs must adopt procurement requirements consistent with requirements established for retail sellers in Public Utilities Code Section 399.16.

For POUs that are joint powers authorities established on or before January 1, 2005, provide electric services to nonresidential customers, and are formed pursuant to the Irrigation District

43 Public Utilities Code Section 399.15, Subdivision (b)(2)(A,B). On December 1, 2011, the CPUC adopted its Decision Setting Procurement Quantity Requirements for the Retail Sellers in D. 11-12-020.

44 Public Utilities Code Section 399.30, Subdivisions (c)(1) and (c)(2).

Law,⁴⁵ governing boards must calculate their procurement requirements based on average retail sales over the past seven years. If the utility has not been providing electric service for seven years, then the calculation will be based on average retail sales over the number of years the utility has provided electric service.⁴⁶

A POU receiving all of its electricity pursuant to a preference right under Section 4 of the Trinity River Division Act⁴⁷ is considered already in compliance with RPS procurement requirements.⁴⁸

A POU in a city and county receiving more than 67 percent of its procured electricity from hydroelectric generation facilities that it owns and operates, that are located in the state and that do not meet the definition of an RPS-eligible facility in this guidebook, must procure eligible renewable energy resources to meet only the demands unsatisfied by its hydroelectric generation in any given year to satisfy its renewable energy procurement requirements.⁴⁹

The Energy Commission will determine compliance with the RPS for all obligated POUs and will adopt regulations specifying procedures for enforcement. Any violations will be referred to the ARB to determine potential penalties.

Retail Sellers' Procurement From POUs

A retail seller may procure RECs associated with deliveries of electricity by an eligible renewable energy resource to a POU, for purposes of the RPS, if the Energy Commission determines that both of the following conditions are met:^{50,51}

- 1) The POU has adopted and implemented a renewable energy resources procurement plan that complies with the RPS adopted pursuant to Public Utilities Code Section 399.30.
- 2) The POU is procuring sufficient eligible renewable energy resources to satisfy the target standard, and will not fail to satisfy the target standard in the event that the REC is sold to the retail seller.

In making its determination, the Energy Commission will:

- 1) Verify that the POU has adopted and implemented an RPS procurement plan.
- 2) Verify that the electrical generation associated with the RECs is from an electrical generation facility that has been certified for the RPS by the Energy Commission.
- 3) Require the REC to be tracked in WREGIS.

45 Division 11, commencing with Section 20500, of the Water Code.

46 Public Utilities Code Section 399.30, Subdivision (j).

47 Public Law 84-386, adopted August 12, 1955.

48 Public Utilities Code Section 399.30, Subdivision (h).

49 Public Utilities Code Section 399.30, Subdivision (k).

50 Public Utilities Code Section 399.25(d).

51 Public Utilities Code Section 399.31.

4) Verify that the quantity of RECs procured by the retail seller will not impede the POU from meeting its target standard.

The CPUC sets annual procurement targets (APTs) for the amount of RPS-eligible energy each retail seller must procure. Public Utilities Code Section 399.15, Subdivision (b)(1), requires the CPUC to set an “incremental procurement target” (IPT) for this 1 percent or greater annual increase and sets the APT for total annual RPS-eligible procurement requirements. The first year in which PG&E, SCE, and SDG&E were subject to an APT and IPT was 2004. On May 29, 2008, the CPUC issued a decision that completed the incorporation of the small and multijurisdictional utilities (SMJUs)⁵² into the rules governing the RPS Program.⁵³ That decision confirmed that the RPS procurement obligations of all electrical corporations, including SMJUs, commenced January 1, 2004. The first year ESPs were subject to an APT was 2006 and the first year the SMJUs had an APT was 2007.⁵⁴

CPUC Decision 06-10-050 (Rulemaking 06-05-027) determined that “any RPS-eligible procurement may be used to satisfy any portion of the APT.”⁵⁵ Further, any RPS-eligible procurement may be used to satisfy the IPT.⁵⁶ When a retail seller procures energy and the associated renewable and environmental attributes from a facility that is RPS-certified, then the procurement may count toward the retail seller’s APT, including its IPT, assuming the transaction meets applicable delivery requirements and other eligibility criteria.⁵⁷ The Energy

52 The SMJUs include Mountain Utilities and Bear Valley Electric Service, and PacifiCorp and Sierra Pacific Power Company, respectively.

53 With Decision 08-05-029, the CPUC determined that the RPS annual procurement requirements, reporting requirements, and flexible compliance rules apply to the SMJUs in the same way as to other load-serving entities in the RPS program. However, noting the special rules for MJUs set by the Legislature for calculating their RPS procurement targets and reviewing their planning procedures, this decision provides an extended period for SMJUs during which they may defer their annual procurement obligations.

54 Public Utilities Code Section 399.12, Subdivision (h)(3). The CPUC defined targets for these entities in the Interim Opinion, Decision 06-10-019, Rulemaking 06-02-012, October 5, 2006. On July 26, 2007, Decision 06-10-019 was modified by Decision 07-07-025, which changed the formula for calculating the baseline amounts of renewable energy for ESPs to be consistent with the formula adopted in Decision 07-03-046 for IOUs. The CPUC set procurement targets for ESPs and CCAs in Decision 06-10-019, and multijurisdictional utilities in Decision 08-05-029 on October 19, 2006.

55 CPUC Decision 06-10-050, as modified by Decisions 07-03-046 and 09-11-014. Rulemaking 06-05-027.

56 The CPUC is refining its definitions and compliance rules through Rulemaking 06-02-012 and Rulemaking 08-08-009.

57 Under Public Utilities Code Section 399.16, Subdivision (a)(5) and (a)(6), RECs shall not be created for electricity generated under contract with a retail seller or a local publicly owned electric utility executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of those credits, and shall not be created for contracts with qualifying facilities under the federal Public Utility Regulatory Policies Act executed after January 1, 2005. Deliveries under those contracts shall be tracked through WREGIS and automatically retired as counting toward the retail

~~Commission verifies RPS procurement, and the CPUC determines whether a retail seller is in compliance with its procurement targets, consistent with CPUC rules for flexible compliance.⁵⁸~~

~~The Energy Commission's RPS certification identifies if a facility is RPS-eligible. The methodology to account for and verify RPS-eligible procurement is discussed in this guidebook under Section IV: RPS Tracking, Reporting and Verification System.~~

B. Eligible Resources Eligibility for the Renewables Portfolio Standard

The Energy Commission's RPS certification identifies whether a facility is RPS-eligible. The methodology to account for and verify RPS-eligible procurement is discussed in this guidebook under Section IV: RPS Tracking, Reporting and Verification System.

An eligible renewable energy resource for the RPS means a facility that meets the definition of a "renewable electrical generation facility" subject to certain restrictions and criteria, as described in this section.⁵⁹ The Energy Commission has determined that it is appropriate to define eligible renewable energy resources by renewable resource or fuel, rather than by the specific technology used. For certain eligible renewable energy resources, however, the law contains specific requirements, and the Energy Commission must consider both the resource or fuel and the technology to determine RPS eligibility for the facility that uses them for electricity generation.

To qualify as eligible for California's RPS, ~~a~~an electrical generation facility must use one or more of the following renewable resources or fuels (see the *Overall Program Guidebook* for full definitions):

- Biodiesel
- Biogas (including pipeline biomethane)
- Biomass
- Conduit hydroelectric
- Digester gas
- Fuel cells using renewable fuels
- Geothermal
- Hydroelectric incremental generation from efficiency improvements
- Landfill gas
- Municipal solid waste
- Ocean wave, ocean thermal, and tidal current
- Photovoltaic

~~seller's baseline for pre January 1, 2005 contracts, and counting toward the retail seller's RPS obligations for qualifying facility contracts executed after January 1, 2005. This is discussed in the section on "Eligibility of Tradable Renewable Energy Certificates or Credits."~~

~~58 Public Utilities Code Section 399.14 (a)(2)(C).~~

~~59 Public Resources Code Section 25741, Subdivision (a).~~

- ~~Small hydroelectric (30 megawatts or less)~~
- Solar thermal electric
- Wind

Table 1 summarizes the requirements for a facility to qualify for the RPS and provides information on the appropriate forms and additional required information to submit for facilities seeking RPS certification or precertification. The table does not reflect any additional requirements that may apply to facilities located ~~out of state or out of country~~ or with a first point of interconnection to the WECC located outside California.

Facilities using biodiesel, biogas, biomass, small hydroelectric or conduit hydroelectric resources, municipal solid waste (MSW) resources, or fuel cell technologies, are subject to the additional resource or fuel-specific requirements described below. Also addressed below are requirements for renewable distributed generation facilities, as well as those for ~~multi-fuel~~ multifuel and other facilities that use a combination of fuels, including those that operate in part by using fossil fuels or other nonrenewable fuels, and facilities located ~~out of state or out of country~~ or with a first point of interconnection to the WECC located outside California.

~~Please note that, i~~n some cases, the criteria for RPS eligibility depend on the date ~~that~~ a facility begins commercial operations. If a facility shuts down and later recommences operations, it is subject to the eligibility requirements that apply to the original operation date. If a facility is repowered as provided in this guidebook, however, its commercial operation date may be considered its repowering date. ~~Alternatively, a facility that began commercial operations before September 26, 1996, and later repowered as provided in this guidebook, may opt to use the date the facility began commercial operations if the facility is also seeking funding under the Energy Commission's Existing Renewable Facilities Program. Please see the Existing Renewable Facilities Program Guidebook for eligibility information. These facilities must also be RPS certified.~~

~~All facilities must be located in California, or satisfy the out of state or out of country eligibility requirements discussed later in this guidebook.~~ As of January 1, 2009, the generation of all ~~operational~~ facilities serving retail sellers must be tracked in WREGIS according to the provisions and exceptions described in this guidebook for the generation to be counted as an RPS-eligible resource for RPS compliance. A facility serving a POU must be registered with and approved by WREGIS by October 1, 2012, for its generation to count toward a utility's RPS requirements. Generation from a facility serving a POU may be tracked and reported using the Interim Tracking System (ITS) for 2011 and part of 2012. Additional requirements regarding generation from facilities serving POUs are discussed in later sections of this guidebook.

Table 1: Summary of Renewables Portfolio Standard Eligibility and Additional Required Information and Forms

NOTE: ~~Either a CEC RPS 1~~CEC-RPS-1 Form A (certification) form or CEC RPS 1B (pre-certification) form must be submitted for all eligible resources ~~each electrical generation facility seeking certification or precertification~~, in addition to supplemental forms or information, as applicable. All forms can be found in Appendix B. ~~Facilities required to supply supplemental forms in the certification application must apply using the CEC-RPS-1 form. Facilities not required to submit any supplemental forms may apply using either the CEC-RPS-3 or CEC-RPS-4 form, if the facility meets all requirements necessary to use the specific form used.~~

Resource Used by Facility	Facility RPS Eligibility	Additional Required Information	Supplemental Form
Biodiesel (derived from biomass or MSW Conversion)	Yes, with fuel restrictions	Submit additional required information regarding the feedstock used to derive biodiesel. Refer to Section III.	CEC-RPS-1A/B:S1 and 1A/B:S5
Biogas (including pipeline biomethane)	Yes, with fuel restrictions	Submit additional required information regarding the feedstock used to derive biogas, and delivery of the biogas if applicable. Refer to Sections II and III.	CEC-RPS-1A/B:S1 and 1A/B:S5
Biomass	Yes, with fuel restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S1 and 1A/B:S5
Conduit Hydroelectric	Yes, with restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S2
Digester Gas	Yes	N/A	CEC-RPS-1A/B:S1 and 1A/B:S5
Fuel Cell	Yes, with fuel restrictions	Submit material required for the feedstock or technology used for generation, if applicable. Refer to Section III.	CEC-RPS-1A/B:S1 and 1A/B:S5, if applicable.
Geothermal	Yes	N/A	N/A
Incremental Hydroelectric	Yes, with restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S2
Landfill Gas	Yes	N/A	CEC-RPS-1A/B:S1 and

<u>Resource Used by Facility</u>	<u>Facility RPS Eligibility</u>	<u>Additional Required Information</u>	<u>Supplemental Form</u>
			1A/B:S5
MSW Combustion	Yes, with restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S1
MSW Conversion	Yes, with restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S1
Ocean Thermal	Yes	N/A	N/A
Ocean Wave	Yes	N/A	N/A
Photovoltaic	Yes	N/A	N/A
Small Hydroelectric	Yes, with restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S2
Solar Thermal	Yes	N/A	N/A
Tidal Current	Yes	N/A	N/A
Wind	Yes	N/A	N/A
Characterization			
Out-Of-State <u>Interconnection</u> <u>Outside CA/Out-of-Country</u>	Yes, with restrictions	Yes, refer to Section III	CEC-RPS-1A/B:S3
Repowered	Yes, with restrictions	Yes, refer to Section III	N/A

Source: California Energy Commission

1. Biodiesel

~~The electricity produced from combusting~~The electrical generation produced by a facility that uses biodiesel is eligible for the RPS if the biodiesel is derived from one or both of the following fuel sources and complies with the requirements for these fuel sources and ~~multi-fuel~~multifuel technologies:

1. A biomass feedstock such as “agricultural crops and agricultural wastes and residues,” including but not limited to animal waste, remains and tallow, food waste, recycled cooking oil, and pure vegetable oil, and consistent with the applicable requirements for ~~multi-fuel~~multifuel technologies. (Refer to the requirements for biomass eligibility and for ~~multi-fuel~~multifuel technologies below.) ~~or~~
2. An eligible “solid waste conversion” process using MSW and consistent with applicable requirements for ~~multi-fuel~~multifuel technologies. (Refer to the requirements for MSW eligibility and for ~~Multi-fuel~~multifuel technologies below.)

When applying for RPS ~~pre-certification~~precertification or certification, the applicant must complete the biopower supplemental application form, CEC-RPS-1A/B:S1, ~~and the supplemental attestation form, CEC RPS 1A/B:S5,~~ which can be found in Appendix B.

2. Biogas (including pipeline biomethane)

Note: As noted in the “Outstanding Issues” section of this guidebook, the Energy Commission suspended RPS eligibility related to biomethane and put certain conditions of suspension and eligibility limitations in place, as described in Resolution No. 12-0328-3. The suspension, which took effect on March 28, 2012, was adopted to provide the Energy Commission additional time to evaluate issues surrounding the continued eligibility of biomethane as a result of changes in law under SBX 1-2. Language in this guidebook directly pertaining to biomethane is highlighted in gray to indicate that those provisions are subject to the conditions and limitations set forth in the resolution as adopted or subsequently amended. The suspension will remain in effect until the Energy Commission takes subsequent action to lift the suspension.

The electrical generation produced by a facility that uses biogas is eligible for the RPS if the biogas is derived from an RPS-eligible biogas is a gas derived from RPS-eligible fuel including such as biomass, digester gas, and/or landfill gas. Biogas may be converted to electricity in an RPS-eligible electrical generationg facility located at the fuel processing site, or it may be transported to an RPS-eligible electrical generationg facility. If the biogas is used to generate electricity at the same site, no information on the delivery of the biogas from the processor to the generator is required. If, however, the fuel is used to generate electricity at a different site, then the biogas must be delivered to the electrical generationg facility by one of the following methods:

- a) Fuel container: The biogas is injected into a fuel container containing only biogas and then the container is transported to the generation site by a vehicle.~~;~~~~or~~
- b) Dedicated pipeline: The biogas is injected into a pipeline running from the fuel processing facility to the electrical generation facility with no possibility of mixture with non-RPS-eligible gas.~~;~~~~or~~

c) Natural gas pipeline: The biogas is conditioned to become pipeline biomethane, injected into a natural gas pipeline, and withdrawn at the designated RPS-eligible electrical generation facility. See below for additional instructions regarding delivery of pipeline biomethane.

As part of the RPS eligibility requirements, no party may sell, trade, give away, claim, or otherwise dispose of any of the attributes that would prevent the resulting electricity from being compliant with the definition of “green attributes” as defined in the *Overall Program Guidebook for the Renewable Energy Program*. For biogas that is delivered from the biogas production facility to the electrical generation facility applying for certification, these necessary attributes must be conveyed along with the biogas and sold for the purpose of use at the electrical generation facility ~~electricity-generating facility~~ such that RECs generated would be eligible to meet the RPS.

Applicants for facilities using a mixture of RPS-eligible biogas and ineligible gas must certify as multifuel facilities, as described in Section II C: Renewable Facilities Using Multiple Energy Resources.

In addition to the certification or ~~precertification~~ ~~pre-certification~~ application, applicants for ~~biogas~~ ~~electrical generation facilities using biogas~~ must complete the Biopower supplemental application form, CEC-RPS-1A/B:S1, ~~and the supplemental attestations form, CEC-RPS-1A/B:S5,~~ which can be found in Appendix B.

~~The amount of RPS-eligible electricity produced shall be calculated by multiplying the generation of the facility in megawatt-hours (MWh) by the ratio of the biogas (measured in BTUs) delivered to the total gas (measured in BTUs) used by the facility. The consumption of the delivered gas and the corresponding generation of the electricity that is delivered to the procuring entity must occur within a single WREGIS reporting period for the facility generating electricity from that gas (such as MWh produced per month and gas [BTU] used in the same month). See Section II 8: Renewable Facilities Using Multiple Energy Resources, for more information on how to measure the renewable generation from multi fuel facilities.~~

Pipeline Biomethane Delivery via Injection into a Natural Gas Pipeline

RPS-eligible pipeline biomethane, also referred to as biomethane, may be injected into a natural gas transportation pipeline system and delivered into California (or delivered to the electrical generation facility if the electrical generation facility is located outside California) for use in an RPS-certified facility. The resulting generation will be considered RPS-eligible electricity, if all other eligibility requirements have been met. ~~It should be noted that~~ ~~the~~ The biomethane must meet strict heat content and quality requirements within a narrow band of tolerance to qualify as pipeline-quality gas.

Quantifying RPS-eligible energy production requires accurate metering of the volume of the biomethane injected into the transportation pipeline system and the measured heat content of the injected biomethane. Although blending the biomethane into the transportation pipeline system mixes the biomethane with other pipeline gas, biomethane entering the system must be designated for use at a specific power plant or designated to a pipeline system owned by the

local publicly owned electric utility (POU) or other load-serving entity (LSE) procuring the biomethane, with the POU or LSE then designating which facility will consume the biomethane. The facility to which biomethane is designated must be certified as RPS-eligible, recognizing that the facility may use a blend of RPS-eligible and ineligible fuels.

As described in Section II C.B.8: Renewable Facilities Using Multiple Energy Resources, certain renewable facilities may use a de minimis amount of fossil fuel and count 100 percent of the generation for RPS. For facilities that use biomethane and fossil fuel or other nonrenewable fuel inputs, but exceed the applicable de minimis amount of nonrenewable fuel that would allow them to count 100 percent of the electricity generated as RPS-eligible, only the portion of generation attributable to biomethane will count as ~~RPS~~-RPS-eligible.⁶⁰ The amount of RPS-eligible electricity produced shall be calculated by multiplying the generation of the facility (in ~~M~~mega ~~W~~watt hours) by the ratio of the energy of the biomethane injected and delivered to the total energy of the gases, biomethane and natural gas, used by the facility, in British Thermal Units (Btu). The electricity generated and gas used must be measured over an equal and overlapping period (such as electricity [MWh] produced per month and gas ~~{[BtuTU]}~~) used in the same month); ~~s~~See Section II C for more information on how to measure the renewable generation from multi-fuel facilities.

Any production or acquisition of biomethane that is directly supplied to the gas transportation pipeline system and used to produce electricity may generate RPS-eligible electricity as follows:

1. The biomethane must be produced from an RPS-eligible resource, such as biomass, digester gas, or landfill gas.
2. The biomethane must be injected into a natural gas pipeline system that is either within the WECC region or interconnected to a natural gas pipeline system located in the WECC region that delivers gas into California (or delivers to the electrical generation facility if the electrical generation facility is located outside California) and the gas is delivered as specified below.
3. The applicant, or authorized party, must enter into contracts for the delivery (firm or interruptible) or storage of the gas with every pipeline or storage facility operator transporting or storing the gas from the injection point to California (or to the electrical generation facility if the electrical generation facility is located outside ~~of~~ California). Delivery contracts with the pipeline operators may be for delivery with or against the physical flow of the gas in the pipeline.
4. The energy content produced and supplied to the transportation pipeline system must be measured on a monthly basis and reported annually, illustrated by month. Reporting shall be in units of energy (for example, ~~MM~~Btu) based on metering of gas volume and adjustment for measured heat content per volume of each gas). In addition, the total amount of gas used at the RPS-eligible facility must be reported in the same units measured over the same period, and the electricity production must be reported in MWh.

60 Refer to Section II C.B.8: Renewable Facilities Using Multiple Energy Resources for RPS-E-eligibility requirements Requirements.

5. The biomethane must be used at a facility that has been certified as RPS-eligible. As part of the application for certification, the applicant must attest that the RPS-eligible biomethane will be designated to that facility or to the LSE-owned pipeline serving the designated facility.
6. In its annual *RPS Procurement Verification Report*,⁶¹ the Energy Commission will calculate the RPS-eligible energy produced using the same methodology discussed above, if it determines this is necessary.

In addition to the attestations described above, applications for RPS pre-certification or certification must include a completed "Pipeline Biomethane Delivery Attestation" found in the attestations supplemental form, CEC-RPS-1A/B:S15, for each entity responsible for the delivery of the pipeline biomethane. The supplemental forms can be found in [Appendix B](#).

3. Biomass

The electrical generation produced by a facility that uses a "biomass" fuel as defined in the *Overall Program Guidebook*, is eligible for the RPS.

~~If the facility is seeking RPS eligibility and funding under the Existing Renewable Facilities Program, its biomass fuel must be limited to the biomass fuels specified in the *Existing Renewable Facilities Program Guidebook*. Facilities receiving funding from the Existing Renewable Facilities Program that use nonrenewable fuel must not exceed a de minimis amount of nonrenewable fuel annually for 100 percent of the generation to be eligible for funding from that program. For the Existing Renewable Facilities Program, de minimis is defined as 5 percent of all fuels used and measured on an annual total energy input basis. (Refer to the *Existing Renewable Facilities Program Guidebook* for further information about eligibility for funding.)~~

Applications for RPS precertification or certification must include a completed attestation form ~~from signed by~~ the facility owner or operator ~~of stating the intent to procure and utilize use~~ biomass fuel that meets RPS eligibility requirements. ~~The owner/operator attestation can be found on the attestations supplemental form, CEC RPS 1A/B:S5.~~ Failure to utilize use eligible biomass fuel will jeopardize the RPS eligibility of the facility. Applicants for biomass facilities must ~~also~~ complete and submit the Biopower supplemental application form, CEC-RPS-1A/B:S1, with the application for certification or ~~pre-certification~~ precertification. The supplemental forms can be found in [Appendix B](#).

4. Fuel Cell Facilities Using Renewable Fuel

~~The RPS eligibility of fuel cell facilities that generate electricity through an electrochemical reaction using a renewable fuel.~~ The electrical generation produced by a fuel cell facility using renewable fuel is eligible for the RPS if the renewables fuel used is limited to fuel cell technologies using one or more of the following fuel sources:

⁶¹ While not legally mandated, RPS Procurement Verification Reports are Prepared as part of the Energy Commission's RPS responsibilities

- Landfill gas, digester gas, or other gases that meet the definition of an “eligible renewable energy resource” as defined in Public Utilities Code Section 399.12(ee) with reference to Public Resources Code Section 25741(ba).
- Hydrogen or hydrogen-rich gases derived from a non-fossil fuel or feedstock through a catalytic or electrolytic process that is energized using power generated by an “eligible renewable energy resource.” ~~Note that the electrical generation from a fuel cell using this source of fuel is eligible for the RPS only if the electricity (that was used to make the renewable fuel) is not also counted toward an RPS compliance obligation, or claimed for any other program as renewable generation, limited to the electricity output; the power from the eligible renewable energy resource that is used to energize the electrochemical reaction does not count toward RPS compliance.~~ If the source of eligible renewable electricity used in this process to make the renewable fuel is located at another site, the facility generating that electricity must be certified as California RPS-eligible.⁶²

Applicants for RPS ~~pre-certification~~ precertification or certification must complete the Biopower and attestations supplemental application form, CEC-RPS-1A/B:S1 and CEC-RPS-1A/B:S5 respectively, which can be found in Appendix B.

5. Hydroelectric Facilities

Electrical generation produced by the following types of hydroelectric facilities is eligible for the RPS:

- Small hydroelectric facilities 30 MW or less
- Conduit hydroelectric facilities 30 MW or less
- Existing hydroelectric generation units 40 MW or less and operated as part of a water supply or conveyance system
- Incremental generation from eligible efficiency improvements to hydroelectric facilities regardless of the facility’s overall generating capacity.

The RPS eligibility requirements for each of these small hydroelectric facilities, conduit hydroelectric facilities, and incremental generation from eligible efficiency improvements of hydroelectric facilities regardless of their overall generating capacity, are addressed separately in Subsections (a), (b), ~~and (c), and (d) below, respectively.~~

~~With exceptions for eligible efficiency improvements~~ The maximum nameplate capacity of an RPS-eligible small hydroelectric facility or conduit hydroelectric facility must not exceed 30

⁶² An example of an eligible renewable fuel for a fuel cell is hydrogen derived from water through a catalytic or electrolytic process that is energized with electricity generated by a solar photovoltaic system. In this example, the hydrogen is derived from water (a non-fossil fuel or feedstock) through a process energized with electricity from an eligible renewable energy resource (a solar photovoltaic system). The electricity used to energize the process must be bundled with the RECs so that it is renewable energy that is used to produce the hydrogen. If the renewable attributes are unbundled from the electricity and disposed of separately, the hydrogen will be produced with null power and will not be considered a renewable fuel for purposes of fuel cell eligibility under the RPS.

MW. However, the law allows such a facility to retain its RPS eligibility if efficiency improvements cause the facility to exceed 30 MW. ~~For example, the Energy Commission interprets the 30 MW size limit such to mean that if a small hydroelectric or conduit hydroelectric facility with a nameplate capacity of 30 MW had an eligible 5 MW energy efficiency increase, the entire generation energy from the 35 MW capacity would be RPS-eligible. Small hydroelectric facilities and conduit hydroelectric facilities must meet the definition of "project," as defined in the Overall Program Guidebook, to be eligible for the RPS.~~

The maximum nameplate capacity of an existing hydroelectric generation unit that is operated as part of a water supply or conveyance system is 40 MW; such units are not subject to the same "project" definition as small hydroelectric and conduit hydroelectric facilities to be RPS-eligible.

Under certain circumstances, the incremental generation from eligible efficiency improvements to a hydroelectric facility of any generating capacity may qualify for the RPS, although the generation that is net of the incremental increase does not qualify.⁶³ For example, if a 50 MW hydro facility increased its capacity to 55 MW due to eligible energy efficiency improvements measures, the incremental increase of 5 MW would qualify for the RPS, but the initial 50 MW would not qualify for the RPS because the original size of the facility exceeded 30 MW in nameplate capacity. Eligibility requirements for efficiency improvements are discussed at the end of this section.

In addition to the certification or ~~pre-certification~~ precertification application, some applicants for small hydroelectric facilities or conduit hydroelectric facilities with eligible incremental efficiency improvements must complete the hydroelectric supplemental application form, CEC-RPS-1A/B:S2, which can be found in aAppendix B, and provide additional required information described later in this section. (see Section III: Additional Required Information).

a. Small Hydroelectric

The RPS eligibility of small hydroelectric facilities depends in part on whether the facility was operational before or after January 1, 2006, and whether energy efficiency improvements were made after January 1, 2008.

- Pre-January 1, 2006 (Existing Facility): Generation from a small hydroelectric facility that commenced commercial operations before January 1, 2006, is eligible for the California RPS if the facility meets all of the following criteria:

1. The facility has a nameplate capacity of ~~is~~ 30 MW or less, with an exception for eligible efficiency improvements made after January 1, 2008, as discussed below.

- ~~2. The facility is located in state or satisfies the out of state requirements.~~

63 Assembly Bill 809 (Chapter 684, Statutes of 2007) ~~amended Section 399.12 of the enacted~~ Public Utilities Code Section 399.12.5 and ~~changed the definition of conduit hydroelectric facility, revised the RPS-eligibility requirements for small hydroelectric and conduit hydroelectric facilities, and added as made~~ RPS-eligible, the incremental increase in electricity generation due to efficiency improvements, at the hydroelectric facility, regardless of the electrical output of the facility.

~~23.~~ The facility was under contract to, or owned by, a retail seller or local publicly owned electric utility as of December 31, 2005~~prior to January 1, 2006.~~⁶⁴

- Post-January 1, 2006 (New Facility): Generation from a small hydroelectric facility that commences commercial operations or is repowered on or after January 1, 2006, is eligible for the California RPS if the facility meets all of the following criteria:

1. The facility has a nameplate capacity of ~~is~~ 30 MW or less, with an exception for eligible efficiency improvements made after January 1, 2008, as discussed below.

~~2. The facility is located in state or satisfies the out of state requirements.~~

~~2.3.~~ The facility does not “cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.”⁶⁵

A small hydroelectric facility shall not lose its RPS eligibility if efficiency improvements undertaken after January 1, 2008, cause it to exceed 30 MW and “the efficiency improvements do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.”⁶⁶ The entire generating capacity of the facility shall be RPS-eligible.

b. Conduit Hydroelectric

To be eligible for the RPS, a conduit hydroelectric facility must use for its generation only the hydroelectric potential of an existing⁶⁷ pipe, ditch, flume, siphon, tunnel, canal, or other manmade conduit that is operated to distribute water for a beneficial use.⁶⁸ A conduit hydroelectric facility may be considered a separate project even though the facility itself is part of a larger hydroelectric facility. The RPS eligibility requirements for conduit hydroelectric facilities depend in part on whether the facility was operational before or after January 1, 2006, and whether eligible energy efficiency improvements were made after January 1, 2008. A discussion of eligible efficiency improvements can be found at the end of this section.

- Pre-January 1, 2006 (Existing Facility): Generation from a conduit hydroelectric facility that commenced commercial operations before January 1, 2006, is eligible for the RPS if the facility meets ~~all of the following~~ criteria~~criteria~~:

64 Assembly Bill 3048 (Chapter 558, Statutes of 2008) revised the definition of an “eligible renewable energy resource” to include small hydroelectric facilities under contract with or owned by a local publicly owned electric utility.

65 Public Utilities Code Section 399.12(~~ee~~)(1)(A).

~~66 Public Utilities Code Section 399.12.5a~~

67 “Existing” in this context is defined as built before January 1, 2008, the effective date of Assembly Bill 809. If the conduit hydroelectric facility is built in a new pipe, ditch, flume, siphon, tunnel, canal, or other manmade conduit, it may apply as a small hydroelectric facility if it meets all the eligibility requirements of a small hydroelectric facility.

68 “Beneficial use” shall be defined consistent with the California Code of Regulations, Title 23, Sections 659 through 672, to include the following uses of water: domestic use, irrigation use, power use, municipal use, mining use, industrial use, fish and wildlife preservation and enhancement use, aquaculture use, recreational use, and heat control use.

1. The facility has a nameplate capacity of~~is~~ 30 MW or less, with the exception of eligible efficiency improvements made after January 1, 2008, as discussed below.

~~2. The facility is located in state or satisfies the out of state requirements.~~

- Post-January 1, 2006 (New Facility): Generation from a conduit hydroelectric facility that commences commercial operations or is repowered on or after January 1, 2006, is eligible for the California RPS if the facility meets all of the following criteria:

1. The facility has a nameplate capacity of~~is~~ 30 MW or less, with the exception of eligible efficiency improvements made after January 1, 2008, as discussed below.

~~2. The facility is located in state or satisfies the out of state requirements.~~

~~2.3.~~ The facility does not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.

A conduit hydroelectric facility shall not lose its RPS eligibility if efficiency improvements undertaken after January 1, 2008, cause it to exceed 30 MW and do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. The entire generating capacity of the facility shall be RPS-eligible.

A conduit hydroelectric facility may be associated with or part of a larger existing hydroelectric facility and separately certified as RPS eligible if the facility meets the following criteria:

1. The associated existing hydroelectric facility commenced commercial operations before January 1, 2006.

2. The conduit hydroelectric facility commenced commercial operations on or after January 1, 2006.

3. The existing hydroelectric facility and conduit hydroelectric facility are separately metered to identify their respective generation.

c. Existing Hydroelectric Generation Unit Operated as Part of a Water Supply or Conveyance System

The certification of an existing hydroelectric generation unit operated as part of a water supply or conveyance system⁶⁹ requires that the unit meet all of the following requirements:

1. The generation unit has a nameplate capacity of 40 MW or less.

2. Generation from the facility was under contract to, or owned by, a retail seller or local publicly owned electric utility as of December 31, 2005.

3. The unit is operated as part of a "water supply or conveyance system," as defined in the Overall Program Guidebook.

69 Senate Bill X1-2 revised Public Utilities Code Section 399.12(e)(1)(A) to add existing hydroelectric generation units not exceeding 40 MW and operated as part of a water supply or conveyance system as an eligible renewable energy resource, if certain criteria are met.

ed. Incremental Hydroelectric Generation ~~F~~rom Efficiency Improvements Regardless of Facility Output

The incremental increase in generation that results from efficiency improvements to a hydroelectric facility, regardless of the electrical output of the facility, is eligible for the RPS if ~~ALL~~all of the following conditions are met:

1. The facility is owned by a retail seller or a local publicly owned electric utility.⁷⁰
2. The facility was operational before January 1, 2007.
3. The efficiency improvements are initiated on or after January 1, 2008, are not the result of routine maintenance activities, and were not included in any resource plan sponsored by the facility owner before January 1, 2008.
4. The facility meets one of the following conditions:
 - a. For a facility located in California, the facility has, within the immediately preceding 15 years from the date the efficiency improvements are initiated, received certification from the State Water Resources Control Board (SWRCB) pursuant to Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341), ~~or has received certification from a regional board to which the SWRCB has delegated authority to issue certification, unless the facility is exempt from certification because there is no potential discharge into waters of the United States, ~~or~~~~
 - b. For a facility not located in California, the certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341) may be received from the applicable state board or agency, as determined by the Energy Commission, or from a regional board to which the state board has delegated authority to issue the certification.~~,⁷¹ or~~
 - c. The facility meets the requirements of the Public Utilities Code 399.12.5(b)(2)(C).
5. The incremental increase is the result of efficiency improvements from a retrofit, and the efficiency improvements do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.

70 Assembly Bill 1351 (Chapter 525, Statutes of 2009). AB 1351, amended then Section 399.12.5 of the Public Utilities Code to require that a hydroelectric facility, regardless of output, be owned by a retail seller or local publicly owned electric utility for the facility's incremental generation from efficiency improvements to be eligible for the RPS, and to authorize the applicable state board, agency, or regional board outside California to issue a certification to the facility pursuant to the federal Clean Water Act.

71 Public Utilities Code Section 399.12.5, Subdivision (b). ~~Assembly Bill 1351.~~

6. All of the incremental increase in electricity generation resulting from the efficiency improvements must be demonstrated to result from a long-term financial commitment by the retail seller or local publicly owned electric utility.⁷²

General Requirements for Hydroelectric Facilities Located Within California

~~To be eligible for the RPS, a new or repowered small hydroelectric facility, conduit hydroelectric facility, or incremental generation from eligible efficiency improvements to a hydroelectric facility must demonstrate that it can operate without adversely impacting the instream beneficial uses or causing a change in the volume or timing of streamflow; it may be eligible for the RPS.~~⁷³

~~A new or repowered small hydroelectric facility, conduit hydroelectric facility, or incremental generation from eligible efficiency improvements located within California, is NOT eligible for the RPS if it results in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.~~ A facility could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water, including a change in the volume, rate, timing, temperature, turbidity, or dissolved oxygen content of the stream water.

~~If a new or repowered small hydroelectric facility, conduit hydroelectric facility, or incremental generation from eligible efficiency improvements to a hydroelectric facility, can demonstrate that it can operate without adversely impacting the instream beneficial uses or causing a change in the volume or timing of streamflow, it may be eligible for the RPS.~~

General Requirements for Hydroelectric Facilities Located Outside California

~~A new or repowered small hydroelectric facility, conduit hydroelectric facility, or incremental generation from eligible efficiency improvements to a hydroelectric facility located outside California may be eligible for the RPS if it can demonstrate that it may operate without adversely impacting the instream beneficial uses or causing a change in the volume or timing of streamflow.~~⁷⁴ A facility could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water, including a change in the volume, rate, timing, temperature, turbidity, or dissolved oxygen content of the stream water.

⁷² “Long-term financial commitment” means either new ownership investment in the facility by the retail seller or local publicly owned electric utility or a new or renewed contract with a term of 10 or more years, which includes procurement of the incremental generation. ~~{[Public Utilities Code Section 399.12.5, sSubdivision [b][4].]}~~

⁷³ A hydroelectric generation facility that is certified as eligible for the RPS as of January 1, 2010, shall not lose its eligibility if the facility causes a change in the volume or timing of streamflow required by license conditions approved pursuant to the Federal Power Act (Chapter 12 ~~{[commencing with Section 791a]}~~) of Title 16 of the United States Code) on or after January 1, 2010.

⁷⁴ See previous footnote. 48

Eligible Efficiency Improvements

Eligible efficiency improvements to hydroelectric facilities are limited to those improvements that make more efficient use of the existing water resource and equipment, rather than increase the storage capacity or head of an existing water reservoir. Efficiency improvements do ~~not~~^{NOT} include regular or routine maintenance activities. Eligible efficiency improvements may include the following measures:

- Rewinding or replacing the existing turbine generator.
- Replacing turbines.
- Computerizing control of turbines and generators to optimize regulation of flows for generation.

The applicant is responsible for showing that its facility qualifies for the RPS. Additional information required of applicants for small hydroelectric, conduit hydroelectric facilities, and incremental generation regardless of output is discussed ~~in the section on certification~~^{below}.

Pumped Storage Hydroelectric

A pumped storage hydroelectric facility may qualify for the RPS if: 1) the facility meets the eligibility requirements for small hydroelectric facilities, and 2) the energy used to pump the water into the storage reservoir qualifies as an RPS-eligible resource. The amount of energy that may qualify for the RPS is the amount of electricity dispatched from the pumped storage facility.

Pumped storage facilities qualify for the RPS on the basis of the renewable energy used for pumping water into the storage reservoir, but the storage facilities will not be certified for the RPS as separate or distinct eligible renewable energy resources~~facilities~~. A facility certified as RPS-eligible may include an electricity storage device if it does not conflict with other RPS eligibility criteria.

Note: Information that follows was moved from the subsection formerly called "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities."

Additional Required Information for Hydroelectric Facilities

An applicant must provide additional information to substantiate its application for RPS ~~pre-~~^{pre-}~~certification~~^{certification} or certification for a small hydroelectric facility, conduit hydroelectric facility, or incremental generation from efficiency improvements to hydroelectric facilities regardless of overall facility size if the facility:

- Commenced commercial operations or was repowered on or after January 1, 2006, for small or conduit hydroelectric facilities.
- Commenced commercial operations before January 1, 2007, for incremental generation from efficiency improvements regardless of facility size.
- Was added to an existing water conduit on or after January 1, 2006, for conduit hydroelectric facilities.

- ~~Was~~Is an existing small hydroelectric or conduit hydroelectric facility and made efficiency improvements after January 1, 2008, that caused it to exceed 30 MW.

Additional required water-use data and documentation described below must be included with a complete application for RPS precertification or certification. This information must be included in the CEC-RPS-1:S2 that accompanies attached to a completed CEC-RPS-1A (for certification) or CEC-RPS-1B (for pre-certification) application form. ~~These requirements apply to facilities located within California as well as those located out of state.~~ Applicants possessing a permit or license from the ~~State Water Resources Control Board (SWRCB)~~ – or from another governing body if located in another state – must submit a copy of the permit or license as well as the application for the permit or license.

1. Name of the ~~f~~Facility
2. Ownership of the ~~f~~Facility
3. Source ~~w~~Water ~~d~~Description

The application must identify the source of the water for the hydroelectric project. The source must be characterized as surface, groundwater, or other (for example, recycled water). For surface water sources, a map at a scale of 1:24,000 must be provided. The map should also identify the location of the diversion point and all other facilities. In addition, a written description of the location of the diversion should be provided (county and nearest city) as well as the name of the body of water at the point of diversion. For groundwater, the location of the well(s) and conveyance facilities shall be identified on a map of 1:24,000 scale. The applicant must also specify how much water is used for each of the identified beneficial uses.

4. Water ~~r~~Rights

~~Both in state and out of state a~~ Applicants must clearly establish their right to divert water by submitting all necessary information as well as all appropriate licenses or permits. Within California, this information must identify the permitted volume, rate, and timing of water diversions, the place of diversion, and beneficial uses. This may be achieved through submittal of the appropriate SWRCB appropriation permit or license, or the Statement of Water Diversion and Use filed with SWRCB. For diversions not subject to an appropriation permit or license, a copy of any Statement of Water Diversion and Use filed with SWRCB should be provided. Facilities located outside ~~of~~ California must provide similar documentation of an existing water right for ~~the water diversion of the project.~~

5. Hydrologic ~~d~~Data

The applicant must submit appropriation and/or diversion data for the last five years or for the period of operation if the project has been operating less than five years. Information contained in any legally required reports may be used to meet this requirement if sufficient information is included in the report. For other projects, the hydrologic data submitted must be accompanied by a description of how the data is collected. Flow data shall be provided at the frequency set forth in the applicable water appropriation permit; for example, if the permit specifies

minimum and maximum flows on a monthly basis, then that is the level of information necessary to be submitted.

6. Other pPermits

The applicant must submit all other applicable permits, including those permits and exemptions issued by the Federal Energy Regulatory Commission (FERC).

7. Environmental dDocumentation

The applicant must submit copies of any permits, agreements, contracts, or other requirements affecting the operation of the facility, especially those that affect the volume, rate, timing, temperature, turbidity, and dissolved oxygen content of the stream water before and after the points of diversion.

8. Capacity

For small and conduit hydroelectric facilities, the applicant must demonstrate how the project will comply with the 30 MW nameplate capacity size limitations under the RPS and not cause an adverse impact on instream beneficial uses or a change in the volume or timing of streamflow. For this purpose, a facility may have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

9. Efficiency iImprovements

Applicants seeking certification of small or conduit hydroelectric facilities that exceed 30 MW due to efficiency improvements must~~are required to~~ provide the following:

- a. Documentation ~~that show~~ings when the existing small or conduit hydroelectric facility commenced commercial operations.
- b. Documentation ~~that describ~~inges the efficiency improvements and when they were initiated and completed.
- c. Documentation ~~that demonstrat~~inges that the efficiency improvements are not the result of routine maintenance.
- d. Documentation ~~that demonstrat~~inges that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. For this purpose, an efficiency improvement could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

10. Incremental Hydroelectric Generation

Applicants seeking certification of incremental hydroelectric generation due to efficiency improvements regardless of facility output are required to provide ~~the following~~:

- a. Documentation ~~that show~~ings when the existing hydroelectric facility commenced commercial operations.

- b. Documentation ~~that describes~~ the efficiency improvements and when they were initiated and completed.
- c. Documentation ~~that demonstrates~~ that the efficiency improvements are not the result of routine maintenance.
- d. Documentation ~~that demonstrates~~ that the efficiency improvements were not included in any resource plan sponsored by the facility owner before January 1, 2008. An example of this documentation is submission of pertinent sections of such a resource plan.
- e. One of the following:
 - i. A copy of certification from the State Water Resources Control Board (SWRCB) pursuant to Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341) or the certification from a regional board to which the SWRCB has delegated authority to issue certification, unless the facility is exempt from certification because there is no potential discharge into waters of the United States. The certification must have been received within the immediately preceding 15 years ~~before~~ ~~of when~~ the improvements were initiated. ~~or;~~
 - ii. If the hydroelectric facility is located in a state in the United States other than California, the certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341) may be received from the applicable state board or agency or from a regional board to which the state board has delegated authority to issue the certification. ~~or;~~
 - iii. The facility meets the requirements of the Public Utilities Code Section 399.12.5, Subdivision (b)(2)(C).
- f. Documentation ~~that demonstrates~~ that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow⁷⁵. For this purpose, an efficiency improvement would have an adverse impact on ~~the~~ instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.
- g. Documentation ~~that demonstrates~~ ~~evidence~~ that the efficiency improvements to the facility resulted from a long-term financial commitment by the retail seller or POU.⁷⁶
- h. A calculation of the historical average annual production of the existing hydroelectric facility, including verifiable generation data for the 20 years preceding the efficiency improvements, including supporting water flow data. If the facility has not been operating 20 years, then provide data for the years it has been operational.

⁷⁵ ~~The eligibility of a hydroelectric generation facility, certified as of January 1, 2010, shall lose its eligibility if the facility causes a change in the volume or timing of streamflow required by license conditions approved pursuant to the Federal power Act (Chapter 12 (commencing with Section 791a)) of Title 16 of the United States Code) on or after January 1, 2010.~~

⁷⁶ "Long-term financial commitment" means either new ownership investment in the facility by the retail seller or local publicly owned electric utility or a new or renewed contract with a term of 10 years or more, which includes procurement of the incremental generation. (Public Utilities Code Section 399.12.5, Subdivision (b)(4).

- i. The actual or expected efficiency improvement and increase in production in MWh resulting from the efficiency improvement and a discussion of the method used to estimate increased energy production. The actual or expected efficiency improvement should be based on the same data that is used to calculate the historical average annual production of the existing hydroelectric facility. If production data are available for years following the efficiency improvement, please provide those data.

Additional Required Information for Existing Hydroelectric Generation Units 40 MW or Less and Operated as Part of a Water Supply or Conveyance System.

Additional documentation described below must be included with a complete application for RPS precertification or certification. This information must be included in the CEC-RPS-1:S2 that accompanies a completed CEC-RPS-1 application form. An applicant must provide the following additional information to substantiate that the hydroelectric generation unit is operated as part of a water supply or conveyance system:

- Current water supply permit issued by the California Department of Public Health or its local equivalent.
- Current hydroelectric project license or exemption from licensing from the Federal Energy Regulatory Commission (FERC).

End of additional required information for hydroelectric facilities.

6. Municipal Solid Waste

~~Facilities using Electrical generation produced by a facility that uses municipal solid waste (MSW) as defined in the Overall Program Guidebook fall into two categories is eligible for the RPS.~~
Two types of MSW facilities are eligible:

1. Municipal Solid Waste Combustion Facilities: A facility that directly combusts MSW to produce electricity is ~~only~~ eligible for the RPS only if it is located in Stanislaus County and was operational before September 26, 1996.⁷⁷ An applicant for a combustion facility must submit documentation to the Energy Commission demonstrating that the facility meets these requirements.
2. Municipal Solid Waste Conversion Facilities: A facility is eligible for the RPS if 1) it uses a two-step process to create energy whereby in the first step, (gasification⁷⁸ conversion,) a

⁷⁷ Public Utilities Code section 399.12, Subdivision (e)(2).

⁷⁸ This process is referred to as "Gasification" is the terminology used in Public Resources Code Section 40117, as implemented by the California Department of Resources Recycling and Recovery (CalRecycle).

non-combustion thermal process that consumes no excess oxygen, is used to convert MSW into a clean-burning gaseous or liquid fuel, and then in the second step this clean-burning fuel is used to generate electricity, 2) it is located in-state or satisfies the out-of-state requirements, and 3) the facility and conversion technology meet all of the following applicable criteria in accordance with Public Resources Code Section 25741, Subdivision (b)(3):

- a. The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.
- b. The technology produces no discharges of air contaminants or emissions, including greenhouse gases as defined in Section 38505 of the Health and Safety Code.
- c. The technology produces no discharges to surface or groundwaters of the state.
- d. The technology produces no hazardous wastes.
- e. To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process, and the owner or operator of the facility certifies that those materials will be recycled or composted.
- f. The facility at which the technology is used complies with all applicable laws, regulations, and ordinances.
- g. The technology meets any other conditions established by the Energy Commission.
- h. The facility certifies that any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting.

In addition to the certification or ~~pre-certification~~ precertification application, applicants for MSW facilities must complete the supplemental application form for bBiopower, CEC-RPS-1A/B:S1, which can be found in Appendix B, and provide the additional required information described below (see Section III C 2: ~~Instructions for Additional Required Information for Municipal Solid Waste Conversion Facilities~~).

Note: Information that follows was moved from the subsection formerly called, "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities." This subsection was located in Section III, Certification, of this guidebook.

Additional Required Information

The requirements for Mmunicipal Ssolid Wwaste Cconversion facilities described below are for facilities located in California; the requirements for MSW conversion facilities physically located outside California are provided at the end of this subsection.

The requirements of Section 40117 mirror the requirements of Public Resources Code Section 25741, Subdivision (b)(3), as applicable to municipal solid waste conversion.

MSW Conversion Facilities Located in California

Applicants for RPS certification of solid waste conversion facilities must provide copies of any solid waste facilities permits issued by the appropriate Enforcement Agency⁷⁹ (EA) pursuant to regulations promulgated by the California Department of Resources Recycling and Recovery (CalRecycle). These permits must be attached to the completed CEC-RPS-1A ~~or CEC-RPS-1B~~ form to verify compliance with the requirements specified above. Applicants seeking RPS ~~pre-certification~~ precertification must attach copies of their Solid Waste Facilities Permit Application, as submitted to the ~~Enforcement Agency~~ EA. The Energy Commission will verify compliance in consultation with CalRecycle based on the adopted regulations as set forth in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with Section 17400.

To become certified as an eligible renewable energy resource ~~eligible~~ for the RPS, an applicant for a solid waste conversion facility must submit to the Energy Commission a copy of any applicable permits issued pursuant to the requirements of Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with Section 17400. The Energy Commission will confirm that the permit is approved, active, and applicable to the facility seeking RPS certification. These permits must demonstrate ~~the following~~:

1. The facility is using only a “gasification” conversion technology, as defined in Public Resources Code Section 40117.
2. The facility accepts and processes “solid waste” as defined in Public Resources Code Section 40191 and is not limited to receiving and processing “source-separated” waste as defined in Title 14, California Code of Regulations, Section 17402.5(b)(4).
3. The facility processes solid waste from which, to the maximum extent feasible, all recyclable materials and marketable green waste compostable materials have been removed before the solid waste conversion process.

In addition, an applicant for a solid waste conversion facility must certify to the Energy Commission ~~that the following~~:

1. All recyclable materials and marketable green waste compostable materials ~~that have been~~ removed from solid waste prior to the conversion process are recycled or composted.
2. Any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting. For purposes of this certification, “local agency” means any city, county, or special district, or subdivision thereof that is authorized to provide solid waste handling services.

To become pre-certified as RPS-eligible, the applicant must submit to the Energy Commission copies of its Solid Waste Facilities Permit Application, as submitted to the ~~Enforcement Agency~~ (EA) or a letter from CalRecycle stating that the facility, if built and operated as proposed, is using a “gasification” conversion technology, as defined in Public Resources Code Section

⁷⁹ Enforcement agency as defined in Public Resources Code Section 40130. A list of enforcement agencies can be found at <http://www.calrecycle.ca.gov/LES/Directory/>.

40117. In the event that the ~~Enforcement Agency~~EA determines that no permit is required, then the applicant must submit to the Energy Commission the information provided to the ~~Enforcement Agency~~EA and the ~~Enforcement Agency's~~EA's official determination of the facility's regulatory status. The Energy Commission will review this information and consult with CalRecycle to determine if the information is complete and satisfies the requirements specified in Public Resources Code Section 25741(a)(3). The Energy Commission will confer with CalRecycle to determine that the information included on any final approved solid waste facility permit is consistent with the requirements of the RPS eligibility criteria.

If a pre-certified applicant does not obtain an applicable solid waste facility permit, if such a permit is deemed necessary, by the time the project commences commercial operation, or if it is denied approval for a required permit, the Energy Commission will revoke the applicant's ~~pre-certification~~precertification.

MSW Conversion Facilities Located Outside California

In the case of an MSW ~~C~~conversion facility not ~~physically~~ located within California and thus not under the jurisdiction of CalRecycle or an EA, the facility must meet the same requirements for in-state facilities, except that the Energy Commission will accept similar permits (as described above) from the corresponding local agency or agencies with the authority to ~~award~~issue such permits. ~~For RPS certification, the~~The applicant must submit copies of the permit applications and all documentation required to receive the local equivalent of the required EA permits as well as any additional information that would be required to receive these permits from the EA.

For RPS ~~pre-certification~~precertification, the applicant must submit all available documentation required to receive the local equivalent of the EA permits, as well as the permits required by the local authority. If a pre-certified applicant does not obtain all required permits from the local authority or meet all standards placed on similar facilities located in California by the EA to receive the required permits by the time the project commences commercial operation, or if it is denied approval for a permit, the Energy Commission will revoke the applicant's ~~pre-certification~~precertification status.

End of additional required information for MSW Conversion facilities.

7. Distributed Generation

Note: Information regarding customer-side renewable distributed generation can now be found in Section II.G: Renewable Energy Credits for Onsite Load.

~~Distributed generation PV facilities and other distributed renewable energy technologies have qualities that make them more difficult than central station facilities to integrate into RPS implementation. For example, distributed PV facilities are typically small scale applications designed to meet a consumer's on-site energy demands. In addition, generation from distributed generation PV may be metered differently than central station facilities or not metered at all.~~

Both the Energy Commission and the CPUC have roles in determining RPS implementation for renewable distributed generation facilities. The CPUC has addressed whether and how output from renewable distributed generation may be counted toward a retail seller's RPS obligations. The CPUC issued a decision on January 11, 2007, which allows distributed generation system owners to retain 100 percent of the RECs associated with the distributed generation energy produced.⁸⁰ As in that decision, the Energy Commission does not require participants of its New Solar Homes Partnership program to relinquish their claims of RECs or to transfer ownership of any RECs to the Energy Commission or any other entity as a condition of receiving New Solar Homes Partnership program funding.

~~However, the Energy Commission will not certify distributed generation PV and other forms of customer-sited renewable energy into the RPS at this time, with the following exception. The Energy Commission certifies facilities that might otherwise have been considered distributed generation facilities, except that they are participating in a standard contract/tariff executed pursuant to Public Utilities Code 399.20, as implemented through the CPUC Decision 07-07-027 (R.06.05.027), executed pursuant to a comparable standard contract/tariff approved by a local publicly owned electric utility (POU), or if the facility is owned by a utility and meets other requirements, to become certified as RPS eligible. If the energy is sold under contract to a retail seller (or POU that may have a similar standard contract/tariff structure), then the energy sold may be RPS eligible. To qualify as RPS eligible, the facility must not receive (or have received or be planning to receive) benefits from the CPUC approved Self-Generation Incentive Program or California Solar Initiative, the Energy Commission's Emerging Renewables Program, New Solar Homes Partnership, or Pilot Performance Based Incentive Program, or any other similar ratepayer-funded program. Similarly, the facility must not receive or plan to receive benefit from net metering programs or net metering tariffs approved by the CPUC or any POU. If the facility is currently receiving benefits through net metering, it may apply for pre-certification and subsequently apply for certification once it has exited any net metering agreements.~~

~~The Energy Commission will not certify distributed generation facilities as RPS eligible unless the CPUC authorizes tradable RECs to be applied toward the RPS. If the CPUC authorizes the use of tradable RECs, it may revisit the metering requirements for DG systems consistent with the measurement requirements adopted for grid-connected renewable facilities and the Energy Commission's tracking system. Facilities that receive funding under the Energy Commission's New Solar Homes Partnership program, Emerging Renewables Program, or Pilot Performance-Based Incentive Program, under the CPUC approved Self-Generation Incentive Program or California Solar Initiative, or any similar ratepayer-funded program, and facilities that benefit~~

⁸⁰ Decision 07-01-018, Rulemaking 06-03-004, January 11, 2007. On March 13, 2008, the CPUC closed Rulemaking R.06-03-004 and opened a new Rulemaking, R.08-03-008, to address and refine policies, rules and programs for the California Solar Initiative (CSI) and the Self-Generation Incentive Program (SGIP).

from net metering programs or tariffs approved by the CPUC or any POU, are considered distributed generation and may not be certified as RPS eligible at this time.⁸¹

When applying for RPS pre-certification or certification, the applicant must complete the Distributed Generation supplemental application form, CEC RPS 1A/B-S4, which can be found in Appendix B.

C7. Renewable Facilities Using Multiple Energy Resources

Renewable facilities that use multiple energy resources to generate electricity are eligible for the RPS. These renewable facilities are referred to as “~~multi-fuel~~multifuel” facilities and use a mix of fuels or energy resources that includes fossil fuels, other nonrenewable energy resources, and one or more ~~or multiple~~ RPS-eligible renewable energy resources to generate electricity.

Applicants for these multifuel facilities must accurately measure the annual contribution of each fuel and energy resource type and maintain and report this information to the Energy Commission and WREGIS, as required.

To count 100 percent of the electricity generated from a multi-fuel facility that uses fossil fuel or other nonrenewable energy inputs toward RPS obligations, one of the following three conditions must be met:

If the total annual amount of nonrenewable energy resources use at the facility does NOT exceed a de minimis amount as defined in this guidebook, then 100 percent of the electricity production from the facility may count as RPS-eligible. De minimis for facilities seeking RPS eligibility is 2 percent of all energy inputs used and measured on an annual total energy input basis.⁸² Note that de minimis amount of nonrenewable energy resources eligible for the RPS for

81 Once the CPUC authorizes TRECs for the RPS or implements AB 920 or SB 32 (including determining if facilities that have received benefits from a rate-payer funded incentive program have provided sufficient benefit to the rate-payers or have repaid the funds they received), then the Energy Commission will address these restrictions on RPS eligibility.

82 In early 2011 the Energy Commission will revise the de minimis quantity of nonrenewable energy resources that may be used by facilities. The revisions will be made in accordance with AB 1954, which takes effect on January 1, 2011, and directs the Energy Commission to set the de minimis quantity of nonrenewable fuels that may be used for each renewable technology at 2 percent, but permits the Energy Commission to adjust this de minimis quantity to a maximum of 5 percent for individual facilities if certain conditions are satisfied as specified in AB 1954. The Energy Commission’s revisions to these guidelines will describe the criteria and process for an individual facility to seek an increase in the 2 percent de minimis quantity of nonrenewable fuels a facility may use up to the maximum 5 percent permitted by AB 1954. In addition, the guideline revisions will clarify the extent to which facilities may use nonrenewable fuels during periods when the facility is not generating electricity and have such fuel use excluded for purposes of the de minimis limits for nonrenewable fuel use. The revised guidelines may include specific metering requirements to properly measure the quantity and time of use of renewable and nonrenewable energy resources and the corresponding amounts of electricity generated,

facilities eligible for or receiving funding under the Energy Commission's Existing Renewable Facilities Program is 5 percent of all energy inputs used and measured on an annual energy input basis, as long as the facility remains eligible for the Existing Renewable Facilities Program. If the facility ceases to be eligible for the Existing Renewable Facilities Program, it must meet the 2 percent de minimis level to count 100 percent of its generation as RPS eligible.

In the past, the Energy Commission's Renewable Energy Program provided that renewable facilities using nonrenewable energy resources were eligible for funding as long as the percentage of nonrenewable energy resources used did not exceed 25 percent of the total energy input of the facility during a given calendar year. The Energy Commission will provide the same treatment under the RPS for renewable facilities that commenced commercial operations before January 1, 2002, were certified and operational as a renewable qualifying small power production facility (QF)⁸³ pursuant to the federal Public Utility Regulatory Policies Act⁸⁴ before January 1, 2002, and are currently certified by the Federal Energy Regulatory Commission (FERC) as a renewable QF.

Any facility that was awarded a renewable power purchase contract as a result of a 2002/2003 Interim RPS procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062 may use up to 25 percent nonrenewable energy resources, measured on an annual total energy input basis, and count 100 percent of the electricity generated as RPS-eligible.

The Energy Commission may allow multi-fuel facilities that use fossil fuel or other nonrenewable energy resources, but that do not meet one of the above criteria, to be certified as RPS-eligible, but only the renewable portion of their generation will count as RPS-eligible, and only when the Energy Commission approves a method to measure the renewable portion (see Measuring the Renewable Generation from Multi-Fuel Facilities below).

If a facility meets the above criteria, the Energy Commission will certify or pre-certify the facility by the technology type of the primary renewable technology used. For example, if a solar thermal electric facility is currently a renewable QF certified under the Public Utility Regulatory Policies Act (PURPA) co-fired with less than 25 percent natural gas on an annual basis and was a certified renewable QF before January 1, 2002, then the facility will be certified as "solar thermal electric" and all generation may be considered RPS-eligible. The certificate issued will note both the annual nonrenewable energy used and the eligibility of the renewable and nonrenewable portions of the generation.

1. Measuring the Renewable Generation from Multifuel Facilities

and may include other criteria to ensure a facility's use of nonrenewable energy resources is not inappropriately credited as renewable electricity generation that is eligible for the RPS.

83 A QF is a qualifying small power production facility eligible for certification pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations.

84 Section 1253 of the Energy Policy Act of 2005 ("EPA Act") added Section 210(m) to Public Utility Regulatory Policies Act of 1978 ("PURPA").

All applications to certify or precertify a multifuel facility must include a measurement methodology to determine the contribution of each fuel or energy resource, a list of all energy resources used at the facility, and the actual, or anticipated, percentage of the contribution of each energy resource to the total generation output as measured by the fuel measurement methodology on an annual basis, showing monthly data. Any significant change in the fuel amounts should be reported to the Energy Commission through an amended application for certification, or precertification; significant changes are discussed in Section III: Certification, Subsection B 5. Unless the facility's operations comply with one of the requirements described below to treat an amount of nonrenewable generation as RPS-eligible, no generation attributable to the use of nonrenewable fuel or energy resource will be counted as RPS-eligible.

The Energy Commission will allow one of the methods provided below for measuring the fraction of a ~~multi-fuel~~ multifuel facility's electricity output ~~that is~~ attributable to renewable energy resources. An application for RPS ~~pre-certification~~ precertification or certification of a ~~multi-fuel~~ multifuel facility must indicate which of these methods will be used to measure the renewable fraction of the facility's generation. ~~Alternatively, an a~~ Applicants may submit an alternative measurement method if it can be demonstrated to the Energy Commission's satisfaction that the method is superior to the methods discussed below and is the most appropriate method for that technology, ~~or fuel, or energy resource~~. The measurements shall be based on the total annual energy input of ~~each~~ the energy resources to the generating system, and any inputs not separately metered ~~must~~ be measurable on a monthly basis. The Energy Commission will evaluate and consider the proposed measurement method as part of the facility's application for ~~pre-certification~~ precertification or certification. The applicant shall report the fraction of renewable energy relative to the total electricity generation from a ~~multi-fuel~~ multifuel facility to WREGIS on a monthly basis.

All fuels or energy resources contributing thermal energy to the system that generates electricity (except for solar thermal facilities using direct steam generation systems with no thermal storage capacity, which may use the approach described below), and any inputs not separately metered, must be accounted for in the measurement methodology for all thermal conversion technologies. This includes, but is not limited to, fuel use for startup, freeze protection, flame stabilization, supplemental firing, and any input of thermal energy used to maintain, increase, or control the decrease of the thermal energy within the generation system. Similarly, all fuels or energy resources entering a fuel cell must be considered. Nonthermal technologies should independently and accurately measure all generation directly from each technology or separate unit.

Solar thermal facilities using direct steam generation systems with no thermal storage capacity may use nonrenewable fuel for the purpose of increasing or maintaining the thermal energy of the generation system, subject to all the following limitations:

1. The maintenance or increase in thermal energy is limited to levels not exceeding temperatures necessary to generate electricity.

2. The maintenance or increase in thermal energy may not exceed 25 percent of the hourly thermal capacity of the receiver system.
3. The use of nonrenewable fuel for maintenance or increase in thermal energy is limited to the facility's pre-generation warming period and the period of time between the final daily shutdown of the generator and commencement of generation the next morning.

Uses of nonrenewable fuel falling within these limitations shall not be considered as contributing to electricity generation in the measurement methodology. The applicant must demonstrate to the Energy Commission's satisfaction that the proposed method is superior to the methods discussed below and is the most appropriate method for solar thermal facilities using direct steam generation systems with no thermal storage capacity, similar to all other proposed alternative measurement methodologies. The alternative measurement methodology shall include separate metering of the total amount of nonrenewable fuel used daily by the facility and separate metering for the portion of this total used between shutdown and commencement of generation the next morning, for reporting the fuel usage to the Commission. The facility operator shall maintain adequate documentation to substantiate the reported nonrenewable fuel use at the facility.

Below are the preapproved methods for measuring the contribution of each fuel or energy resource at RPS-eligible facilities.

1. Combustion technologies and fuel cell technologies: For eligible renewable resources using the combustion of renewable fuels to generate electricity, such as biomass or digester gas, the percentage of the total generation attributable to the RPS-eligible source shall be determined by the ratio of the eligible renewable energy input (MMBTU) to the total energy input (MMBTU) contributing thermal energy to generate electricity or improve the efficiency by adding heat to the system, given by the following equation:

$$\text{Percent Renewable} = \frac{\sum(\text{MMBTU})_{\text{RPS}}}{\sum(\text{MMBTU})_{\text{RPS}} + \sum(\text{MMBTU})_{\text{non-RPS}} + \sum\left((\text{MWh})_{\text{grid}} \cdot \frac{3.413 \text{ MMBTU}}{1 \text{ MWh}}\right)}$$

$(\text{MWh})_{\text{grid}}$ = Grid Electricity adding heat to the system (MWh)

$(\text{MMBTU})_{\text{RPS}}$ = RPS Eligible Renewable Fuel(s) (MMBTU)

$(\text{MMBTU})_{\text{non-RPS}}$ = Non - Renewable Fuel(s) (MMBTU)

2. Noncombustion, thermal technologies: Renewable technologies that do not use a combustion process to generate RPS-eligible electricity, such as solar thermal and

geothermal technologies, have two possible methods to measure the renewable contribution to the total generation.

- a. The first option takes the ratio of the total nonrenewable energy (grid electricity and nonrenewable energy inputs) contributing thermal energy to the system compared to the total generation of the facility, and subtracts it from one. The contribution of the nonrenewable fuel will be measured by the generation that an equivalent amount of MMBTUs of natural gas would produce at a combined cycle natural gas facility. The result of the equation, provided below, is the contribution attributable to the non-combustion renewable technology.⁸⁵

Percent Renewable

= 1

$$1 - \frac{\left[(MMBTU)_{non-RPS} \cdot \frac{1 \text{ MWh}}{3.413 \text{ MMBTU}} \cdot (eff)_{plant} + (MWh)_{grid} \right]}{(MWh)_{Total}} \left[\frac{(MMBTU)_{non-RPS} \cdot \frac{1 \text{ MWh}}{3.413 \text{ MMBTU}} \cdot 0.425 + (MWh)_{grid}}{(MWh)_{Total}} \right]$$

(MWh)_{Total} = Total electrical generation of all generators,

not the net electrical output of the facility (MWh)

(eff)_{plant} = The actual conversion efficiency of the facility or 0.425

- b. The second option for non-combustion, thermal renewable technologies is to measure the change in the heat content of the medium used to collect the heat attributable to the thermal contribution of the renewable technology. This is done by measuring the heat content of the medium before the heat energy from the renewable source is absorbed and after that heat is absorbed. To use this method, the applicant must provide a single line drawing of the electric generating system identifying every heat source and the proposed points to measure the change in the heat content of the medium. If multiple mediums are used to collect heat at the facility from the thermal sources, the heat added to the system shall be measured using the medium that turns the electric generating turbine. For this option, the applicant may use the following Percent Renewable equation:

$$\text{Percent Renewable} = \frac{\sum (MMBTU)_{RPS}}{\sum (MMBTU)_{RPS} + \sum (MMBTU)_{non-RPS} + \sum \left((MWh)_{grid} \cdot \frac{3.413 \text{ MMBTU}}{1 \text{ MWh}} \right)}$$

Where the non-combustion, thermal renewable contribution is defined by:

$$(MMBTU)_{RPS} = (MMBTU)_{medium_{out}} - (MMBTU)_{medium_{in}}$$

⁸⁵ In accordance with Public Utilities Code Section 216.6, this efficiency standard is "at least 5 percent of the facility's total output must be in the form of useful thermal energy. Where useful thermal energy follows power production, the useful annual power output plus one half the useful annual thermal energy output must equal no less than 42.5 percent of any natural gas and oil energy input."

$(MMBTU)_{RPS}$ = The Heat Contribution of the RPS eligible Technology (MMBTU)

$(MMBTU)_{medium_{out}}$
= The Heat Content of the heated medium Exiting the Solar Boiler (MMBTU)

$(MMBTU)_{medium_{in}}$
= The Heat Content of the heated medium Entering the Solar Boiler (MMBTU)

In the event that any thermal renewable facility uses a nonrenewable energy input to add heat to the system through a non-combustion, thermal process, the contribution of that fuel shall be accounted for in a ~~similar~~ method similar to the second option for non-combustion, thermal renewable technologies.

3. Nonthermal electric generating technologies (except fuel cell technologies): -Some renewable technologies, such as solar photovoltaic and wind, are non-thermal electricity generation technologies. Therefore, measurement of total annual energy input is not appropriate for these technologies. Instead, a facility incorporating one or more of these technologies must have internal metering to measure the electrical generation directly associated with that specific technology. The internal metering shall be compared to the total output of the facility to determine the percentage attributable to any non-thermal renewable technology, if applicable. The percentages attributable to the technology shall be recorded monthly and reported to WREGIS on a monthly basis.

~~To participate in the RPS, a multi-fuel facility must be registered in the WREGIS accounting system and comply with WREGIS' requirements, including the requirements for metering, reporting, and updating the renewable portion of the fuel mix for multiple fuel facilities. These provisions are required regardless of whether the facility satisfies one or more of the Energy Commission's three criteria for allowing 100 percent of the generation to be counted toward RPS obligations.~~

2. De Minimis Quantity of Nonrenewable Fuels or Energy Resources

All of the generation from multifuel facilities using a quantity of nonrenewable fuels or energy resources in the same generation process as the renewable fuel or resource, and as measured by the methodology approved for that specific facility, may be counted as RPS-eligible. Public Utilities Code Section 399.12, Subdivision (h)(3), requires that the Energy Commission set the de minimis quantity for all facilities applying for precertification or certification at a level of no more than 2 percent of the total annual contribution of nonrenewable fuel to the facility's annual electricity output. The Energy Commission has determined that all facilities using nonrenewable fuels in the generation process may use a de minimis quantity of nonrenewable fuel of 2 percent annually, as calculated by a measurement methodology approved under this guidebook.

The law authorizes the Energy Commission to adjust the de minimis quantity for individual facilities up to a maximum level of 5 percent of the total annual contribution of nonrenewable fuel to the facility's annual electricity output if the applicant can demonstrate that several conditions are met by the facility's use of the increased amount of nonrenewable fuel. The

Energy Commission has determined that individual facilities meeting the criteria below will be allowed a de minimis quantity of 5 percent nonrenewable fuel use, as measured by the approved fuel measurement methodology. Applicants for individual facilities seeking this adjusted de minimis nonrenewable fuel use must demonstrate in their applications for precertification or certification that the facility meets all of the following criteria:

1. The higher quantity of nonrenewable fuel used at the facility will lead to an increase in generation from the facility that is significantly greater than generation from the nonrenewable fuel alone. Significantly greater generation from the facility is defined as an increase in generation that, as a result of the increased quantity of nonrenewable fuel use, equals three times the generation potential of the increased quantity of nonrenewable fuel alone.⁸⁶ This equates to an increase in generation attributable to the renewable fuel that is twice as great as the generation potential from the increased quantity of nonrenewable fuel alone.
2. The increased use of nonrenewable fuel reduces the facility's electrical output variability in a manner that results in net environmental benefits to the state. Reduced variability of output from a facility can improve its synchronization to the grid or improve the facility ramp rates, which can improve the ability of renewables to integrate into the California electrical system and achieve the state's RPS and climate change targets, and, thereby, demonstrate a net environmental benefit to the state.
3. The higher quantity of nonrenewable fuel is limited to either natural gas or hydrogen derived by the reformation of a fossil fuel. Specifically, an adjusted de minimis quantity of nonrenewable fuel greater than 2 percent but not greater than 5 percent may be sourced from either natural gas or hydrogen derived by the reformation of a fossil fuel.

All facilities using a de minimis amount of nonrenewable fuels to count toward the RPS must retain records to verify the facility's ongoing compliance with the above requirements, and must submit this information to the Energy Commission as required below, and upon request. If the Energy Commission determines that a facility's adjusted nonrenewable fuel use does not meet the above requirements, the facility will be subject to the 2 percent de minimis limit for the applicable year(s) and all subsequent years unless the applicant provides sufficient documentation to demonstrate its qualities for the 5 percent de minimis limit. If the Energy Commission readjusts the annual de minimis quantity of nonrenewable fuels to 5 percent for that facility, it will be applied to generation that occurs subsequent to the Energy Commission's determination.

For counting generation attributed to nonrenewable fuel as California RPS-eligible, see "Counting Nonrenewable Fuel Use as RPS-Eligible" below.

3. Other Nonrenewable Fuel Allowances

⁸⁶ The generation potential of the increased nonrenewable fuel alone is calculated by applying the heat rate of the facility to the increased quantity of the nonrenewable fuel.

In the past, the Energy Commission has allowed the generation from facilities using greater amounts of nonrenewable fuel than the de minimis quantity to be considered 100 percent eligible for the RPS if certain conditions were met, as described below. Only facilities that continue to meet these conditions and are currently RPS-certified under these conditions may continue to receive RPS credit for the entire output of the facility. For these facilities to count 100 percent of the electricity generated toward the RPS, one of the following three conditions must be met in the current certification for that facility. If the allowable nonrenewable energy amount is exceeded, then only the generation attributable to renewable energy inputs will be counted for the RPS. For counting generation attributed to nonrenewable fuel for the RPS, see “Counting Nonrenewable Fuel Use as RPS-Eligible” below.

1. Facilities eligible for Existing Renewable Facility Program (ERFP) funding as of December 31, 2011. If a facility met the conditions to qualify 100 percent of its generation for ERFP funding under the January 2009 edition of the *Existing Renewables Facilities Program Guidebook, Sixth Edition*, on December 31, 2011, then the entire electrical generation output of the facility can count as RPS-eligible. As was the case under the Existing Renewable Facilities Program, for facilities using biomass fuel, this level of nonrenewable fuel use is 5 percent of the total annual energy input; for facilities using solar thermal resources, this level is 25 percent of the total annual energy input. As noted in the “Outstanding Issues” section of this guidebook, the Energy Commission plans to consider how to treat the use of nonrenewable fuel for the RPS at facilities previously eligible for the ERFP in a future edition of this guidebook.
2. Facilities that commenced commercial operations before January 1, 2002, were certified and operational as a renewable qualifying small power production facility (QF)⁸⁷ pursuant to the federal Public Utility Regulatory Policies Act⁸⁸ before January 1, 2002, and are currently certified by the Federal Energy Regulatory Commission (FERC) as a renewable QF, may use up to 25 percent nonrenewable fuels and the entire electrical generation output of the facility will be considered RPS-eligible.
3. If the facility was awarded a renewable power purchase contract as a result of a 2002/2003 interim RPS procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062, these facilities may use up to 25 percent nonrenewable energy resources, measured on an annual total energy input basis, and count 100 percent of the electricity generated as RPS-eligible.

4. Counting Nonrenewable Fuel Use as RPS-Eligible

All generation from multifuel facilities using fossil fuel or other nonrenewable fuel and meeting the conditions described in Subsections 2 or 3 above may be counted for RPS. However, the Energy Commission must ensure that RECs associated with electricity generation from

87 A QF is a qualifying small power production facility eligible for certification pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations.

88 Section 1253 of the Energy Policy Act of 2005 (“EPAct”) added Section 210(m) to Public Utility Regulatory Policies Act of 1978 (“PURPA”).

nonrenewable fuels are not prematurely labeled as “California RPS-Eligible” before such a determination can accurately be made. Because annual data are not available until after the end of a calendar year, and WREGIS does not create RECs until 90 days after the reporting of monthly generation data, the Energy Commission staff will not label any RECs representing electricity generated from nonrenewable fuels as eligible for California’s RPS until after the end of the calendar year during which the generation occurred.

To help the Energy Commission staff make its determination regarding nonrenewable fuel use, the applicant for each multifuel facility shall provide the following information to the Energy Commission annually:

- The total annual generation from the facility, including monthly data, in MWh.
- A list of energy resources contributing to electricity generation at the facility, and the monthly energy input for each fuel measured in BTUs. (In the case of electricity, contribution should be measured in MWh.) The use of any energy resource that is not separately metered, even if it does not contribute to electricity generation, must be included in this list.
- For solar thermal facilities using direct steam generation systems with no thermal storage capacity the monthly energy input for each fuel, in BTUs, used for maintenance or increase in thermal energy of the generation system, in the pregeneration warming period, and the period of time between the final daily shutdown of the generator and commencement of generation the next morning. Each of these fuel uses must be separately identified.
- Any additional documentation necessary for the Energy Commission to determine nonrenewable fuel use based on the fuel measurement methodology included in the RPS certification, including the information submitted to WREGIS related to fuel use.

The information shall be submitted to the Energy Commission by March 31 for the prior calendar year and shall include all relevant information for the prior calendar year, listed by month. Any discrepancies in the reported information shall be explained in detail and supported with documentation. Staff may request additional documentation to determine whether the facility’s use of nonrenewable fuels may be counted for the RPS for a given year.

For facilities subject to the de minimis quantity described in Subsection 2 of this section, the Energy Commission will make one of the following determinations:

1. The use of nonrenewable fuel at the facility did not exceed the facility’s de minimis quantity as calculated by the approved measurement methodology for that facility. The generation attributable to the use of nonrenewable fuels or energy resources for that year will be RPS-eligible, and the RECs representing the nonrenewable generation will be labeled as “California RPS-Eligible” in the WREGIS system.
2. The use of nonrenewable fuel at the facility exceeded the facility’s de minimis quantity, but remained below 10 percent of the total energy inputs of the system, as calculated by the approved measurement methodology for that facility. The generation attributable to the use of nonrenewable fuels or energy resources that exceeds the de minimis quantity will not be considered RPS-eligible, but the quantity of generation attributable to the

nonrenewable fuel use that does not exceed the de minimis quantity for that year will be RPS-eligible, and the RECs representing the nonrenewable generation, not exceeding the de minimis quantity will be labeled as “California RPS-Eligible” in the WREGIS system.⁸⁹

3. The use of nonrenewable fuel at the facility exceeded 10 percent of the facility’s total energy inputs as calculated by the approved measurement methodology for that facility. None of the generation attributable to the use of nonrenewable fuels or energy resources will be RPS-eligible, and the RECs representing the nonrenewable generation will not be labeled as “California RPS-Eligible” in the WREGIS system.

For facilities subject to one of the other nonrenewable fuel allowances described in Subsection 3 of this section, the Energy Commission will make one of the following determinations:

1. The use of nonrenewable fuel at the facility did not exceed the facility’s nonrenewable fuel allowance as calculated by the approved measurement methodology for that facility. The generation attributable to the use of nonrenewable fuels or energy resources for that year will be RPS-eligible, and the RECs representing the nonrenewable generation will be labeled as “California RPS-Eligible” in the WREGIS system.
2. The use of nonrenewable fuel at the facility exceeded the facility’s nonrenewable fuel allowance as calculated by the approved measurement methodology for that facility. None of the generation attributable to the use of nonrenewable fuels or energy resources will be RPS-eligible, and the RECs representing the nonrenewable generation will not be labeled as “California RPS-Eligible” in the WREGIS system.⁹⁰

RECs that have been transferred from the original WREGIS subaccount cannot be edited or later labeled as California RPS-eligible. Facilities with utility contracts that require immediate transfer to the utility for RPS retirement, as described in Section IV. RPS Tracking, Reporting, and Verification, will not necessarily reside in the generator’s initial subaccount and therefore will not be labeled as RPS-eligible. RECs that are not labeled as RPS-eligible may still be used for California’s RPS if the generation that produced the RECs complied with all requirements of this guidebook.

89 RECs representing eligible generation that occurred before the month during which the nonrenewable fuel use exceeded the annual allowable de minimis quantity will be labeled California RPS-eligible if they remain in the original WREGIS subaccount. The nonrenewable RECs representing generation for the month during which the limit was exceeded beyond the fraction that are eligible, and the nonrenewable RECS generated during the remainder of that year, will not be labeled as California RPS-eligible.

90 Facilities that were eligible for Existing Renewable Facility Program (ERFP) funding on December 31, 2011, must comply with the requirements to count the entire electrical output of the facility as RPS-eligible to treat any of the generation attributable to nonrenewable fuels or energy resources as RPS-eligible regardless of the level of nonrenewable fuel allowance. For example, a facility eligible to use up to 5 percent nonrenewable fuel and consider the entire output of the facility as renewable due to participation in the Existing Renewable Facility Program, will not be allowed to treat the allowed 5 percent as RPS-eligible if the nonrenewable fuel use exceeds 5 percent.

Beginning with the adoption of this guidebook, no REC created in the WREGIS system representing generation attributable to nonrenewable fuel will be considered California RPS-eligible or labeled as such until the Energy Commission has made such a determination as described above. Any REC that does not meet the requirements of this guidebook will not be treated as California RPS-eligible regardless of the information printed on the REC.⁹¹

CD. Repowered Facilities

Note: Information that follows was moved from the subsection formerly called, "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities." This subsection was located in Section III, Certification, of the guidebook.

Applicants seeking to certify a facility as a repowered facility must submit documentation confirming the replacement of the facility's prime generating equipment and the capital investment made to repower the facility, as well as the value of those investments, in addition to the appropriate application form(s) and any other required information necessary for the generating technology.

~~To apply for certification or pre-certification as a repowered facility, an applicant must submit a completed CEC RPS 1A or CEC RPS 1B form, along with documentation confirming the replacement of the facility's prime generating equipment and the capital investments made to repower the facility as well as the value of those investments.~~

1. Prime Generating Equipment: The applicant must document that the facility's prime generating equipment is new and that the repowered facility re-entered commercial operations on or after January 1, 2005. Applicants for repowered small hydroelectric facilities and conduit hydroelectric facilities must document the facilities re-entered commercial operations on or after January 1, 2006.

a. The "prime generating equipment" for each renewable resource is defined as follows:

- Wind: -the entire wind turbine, including the generator, gearbox (if any), nacelle, and blades.
- Biomass: -the entire boiler. Stoker boilers may be replaced with boilers using improved stoker technology or fluidized bed technology.
- Geothermal: -the entire steam generator, including the turbine rotors, shaft, stationary blades, and any gear assemblies.

91 When determining whether nonrenewable fuel or energy resource uses exceed the de minimis quantity, or the applicable fuel allowance, the Energy Commission will round the percentage up to the nearest one-thousandth of a percent. Any use of nonrenewable fuel above the de minimis quantity, or other applicable fuel allowance, will result in the facility exceeding that allowance, regardless of its magnitude.

- Small and conduit hydroelectric: -the entire turbine and structures directly supporting the turbine.
- Solid waste conversion: -the entire gasifier (gasifying equipment) and combustion turbine.
- Landfill gas: -the entire internal combustion engine or combustion turbine as applicable.
- Digester gas: -the entire digester unit and internal combustion engine or combustion turbine as applicable.
- Solar thermal: -the entire steam turbine and solar boiler.

b. All prime generating equipment at the facility must be replaced with new equipment for the facility to qualify as a repowered facility. For example, a 25 MW wind facility consisting of 50 separate wind turbines must, at a minimum, replace each of the 50 wind turbines with new turbines of like or greater capacity for the entire 25 MW facility to qualify as a repowered facility. The Energy Commission recognizes that a wind facility owner may want or need to repower only a portion of the turbines owned at a site and does not exclude that option. In the event that a generator is interested in repowering a portion of a site, then it will need to re-certify the remaining portion of the site that is not being repowered.

2. Capital Investments: The applicant must document that the value of the capital investment made to repower the facility equals at least 80 percent of the total value of the repowered facility. In addition, the applicant must document that capital investments were made not more than two years before the date that the facility re-entered commercial operations. Capital investments may ~~only~~ be considered only for meeting the 80 percent threshold if they were made for that portion of the facility that contributes directly to the production of electricity. This includes the prime generating equipment as well as the electricity generators and related equipment; fuel processing, enhancing, and delivery equipment; control equipment; and structures used to ~~structurally~~ support the aforementioned equipment. As discussed below, the electrical generators; fuel processing, enhancing and delivery equipment; control equipment; and related structures do not need to be replaced for the facility to qualify as a repower. However, if this equipment is replaced, the capital investment to do so may be considered ~~for~~ toward meeting the 80 percent threshold.

a. Electrical Generators and/or Fuel Processing, Enhancing, and Delivery Equipment: It is generally not necessary for a facility to replace its existing electrical generators; or fuel processing, enhancing, and delivery equipment, because replacing this equipment may produce little or no improvement to the facility's efficiency and, therefore, does not warrant the additional expense. Exceptions are cases when in which the electrical generator is an integral part of the prime generating equipment, such as for wind facilities, or where the fuel processing, enhancing, and delivery equipment is an integral part of the prime generating equipment via the fuel conversion process, such as for solid waste conversion facilities and digester gas facilities. The facility's environmental control equipment, such as air pollution control equipment, would not be considered toward meeting the 80 percent threshold, because this ~~such~~ equipment does not contribute directly to electricity production.

b. Any associated process control equipment and structures used for structural support of the prime generating equipment; electrical generators, fuel processing, enhancing, and delivery

equipment, and associated process control equipment, as appropriate, would also fall into this category and are generally not necessary to replace.

The applicant must provide documentation, such as invoice receipts, verifying the replacement of the old equipment, as well as other components of the technology relevant to the repowering application. The Energy Commission will confirm that the equipment listed is appropriate for certification as a repowered facility.

The applicant must document the value of the capital investments made to the facility and the total value of the repowered facility. The value of the capital investments must equal at least 80 percent of the total value of the repowered facility.

The “repowered facility” is defined as all of the new and/or existing prime generating equipment, electrical generators, fuel processing, enhancing, and delivery equipment, and any associated process control equipment and structures at the facility. The land on which the facility sits will not be considered part of the repowered facility for purposes of determining the 80 percent threshold. Similarly, intangibles such as the value of a facility’s power purchase contract or its goodwill will not be considered part of the repowered facility.

The applicant may show that it has met the 80 percent threshold by submitting either tax records or an assessment of the “replacement value” of the facility along with documentation of the cost of the new equipment. The applicant must notify the Energy Commission which methodology it is using and provide the appropriate information as described below.

i. ~~a~~-Tax Records Methodology:

The applicant must submit to the Energy Commission all relevant tax records needed to demonstrate that the capital investments made to repower the facility are equal to at least 80 percent of the value of the repowered facility.

- The applicant must document the value of the capital investments and the year the investments were made. In this case, the value of capital investments is the original tax “basis” declared to the Internal Revenue Service to calculate depreciation. The tax basis should reflect the value of the equipment the applicant has attested to purchasing. The tax basis is generally what a business pays for an item to be depreciated.
- The applicant must document the value of the repowered facility. In this case, the value of the repowered facility is based on the sum of the tax basis declared for all of the equipment and structures in the repowered facility as of the year the facility is repowered. For new equipment and structures, the value of the repowered facility is the original tax basis. For existing equipment and structures, the value of the repowered facility is the tax basis as adjusted for depreciation. For facilities financed using a sale/lease-back or similar structure, the original tax basis of the equipment and structures for both the lessor and lessee will be considered.
- The applicant must divide the total value of capital investments by the total value of the repowered facility. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.

ii. ~~Replacement Value Methodology~~:

This alternative approach may make it more difficult for a facility to meet the 80 percent repowering threshold, but it is a reasonable alternative for parties who are unable or unwilling to secure the necessary tax records to use the adjusted tax basis approach.

- The applicant must document the value of the equipment replaced in the facility. The replacement cost of new equipment is based on the equipment's purchase price and, consequently, is the same value when compared to the adjusted tax basis approach.
- The applicant must submit an independent evaluation of the replacement cost of existing, unreplaced equipment ("retained equipment"). The evaluation should be an estimate of the capital costs that would have to be incurred to replace the retained equipment. This estimate must be provided by an accountant in good standing with the American Institute of Certified Public Accountants or a member in good standing and certified as an internal auditor with the Institute of Internal Audits.
- The applicant must divide the total value of capital investments by the sum of the replacement cost of the new equipment and the independent estimate of the replacement cost of the retained equipment. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.

End of additional required information for repowered facilities.

EG. Out-of-State Facilities With a First Point of Interconnection Outside California or Located Outside the United States

~~This section applies~~The requirements of this section apply to renewable facilities that ~~are located out of state and have their first point of interconnection to the WECC transmission system network outside the state, but within the WECC service area, as defined in the Overall Program Guidebook.⁹² Facilities within the WECC service area that are located outside the United States must meet the out-of-country requirements below regardless of the location of their first point of interconnection to the transmission network.~~ Facilities that are physically located in California [or near the border of the state (with the exception of facilities located outside the United States) or have with their first point of interconnection to the WECC transmission system network of a balancing authority area primarily located within the state are considered to be in-state facilities and are not subject to the requirements of this section for RPS eligibility. Facilities located outside the United States must meet the out-of-country requirements below regardless of the location of their first point of interconnection to the transmission network. Similarly, facilities that are physically located outside California but have their first point of interconnection to the WECC transmission system within California are not subject to the requirements of this section; such facilities must Applicants may be required to submit documentation to verify the location of their first point of interconnection to the transmission network system with their application for ~~pre-certification~~ precertification or certification.

~~Out-of-state facilities that are not or will not be interconnected to a transmission network within the WECC transmission system service area are not eligible for the RPS.~~

~~by multijurisdictional retail sellers that serve end-use customers outside and have 60,000 or fewer customer accounts in California pursuant to Public Utilities Code Section 399.17, such as PacifiCorp and Sierra Pacific Power Company, that is counted toward meeting the RPS obligation of the multijurisdictional purchasing utility (and subject to Public Utilities Code Section 399.17) is not subject to the eligibility requirements for out-of-state facilities. In lieu of the above criteria, the energy procured must meet all of the following criteria to be eligible for the RPS:~~

- ~~1. The generation must be procured by the multijurisdictional retail seller subject to Public Utilities Code Section 399.17 on behalf of its California customers and not used to fulfill its renewable energy procurement requirements in other states or for any other renewable energy retail claim.~~
- ~~2. The facility is connected to the WECC transmission system.~~
- ~~3. The facility and multijurisdictional retail seller must participate in WREGIS under the provisions in this guidebook.~~

~~With the exceptions noted below, electrical generation from a renewable facility with its first point of interconnection to the transmission network outside the located out-of-state can qualify for the RPS if it meets the RPS eligibility requirements described in this guidebook and satisfies all of the following criteria.⁹³~~

- ~~1. Facility is located so that it is or will be has its first point of interconnection to an out-of-state transmission network within is located so that it is or will be connected to the WECC transmission systemservice area.system.~~
- ~~2. Facility commences initial commercial operations on or after January 1, 2005.~~
- ~~3. Energy is delivered to an in-state market hub or in-state location, as specified in the delivery requirements in the next section.~~
- ~~4.3. Facility does not cause or contribute to any violation of a California environmental quality standard or requirement within California.~~
- ~~5.4. If located outside the United States, the facility is developed and operated in a manner that is as protective of the environment as would a similar facility would be if it were located in California.⁹⁴~~
- ~~6.5. Facility, and any retail seller, and POU or third parties procuring generation from the facility participate in WREGIS.~~

~~If the facility meets all of the above criteria for facilities with a first point of interconnection outside Californiaout-of-state facilities except it commenced commercial operations on or before January 1, 2005 (criterion "2" above), then it may be RPS-eligible if it meets one of the following criteria:~~

- ~~1. The electricity is from incremental generation resulting from project expansion or repowering of the facility on or after January 1, 2005, or~~

⁹³ Public Resources Code Section 25741, Subdivision (a)(2)(B).

⁹⁴ Public Resources Code Section 25741, Subdivision (a)(3).

2. Electricity generated by the facility was part of the initial baseline procurement portfolio of a retail seller⁹⁵ or of a local publicly owned utility as of January 1, 2010.⁹⁶

Local Publicly Owned Electric Utilities

For a POU that is interconnected to a balancing authority located outside California but within the WECC, procurement is not subject to the eligibility requirements in this section for facilities with a first point of interconnection outside California if all of the following conditions are met:⁹⁷

1. The POU was in existence on or before January 1, 2009.
2. The POU provides retail electric service to 15,000 or fewer customer accounts in California.
3. Electricity generated by the facility is procured by the POU, delivered to the balancing authority area in which the POU is located, and is not used to fulfill the renewable energy procurement requirements of other states.
4. The POU and facility participate in WREGIS.
5. The Energy Commission verifies that the electricity generated by the facility meets the RPS procurement requirements.

The application for certification of such a facility must indicate it is applying under these requirements. The RPS certification issued will indicate the special conditions on the certificate. This exception to the requirements in this section for facilities with a first point of interconnection outside California applies only to situations wherein these POUs procure energy to meet their own RPS obligations. If generation from these facilities is procured to meet the RPS obligations of another POU or retail seller of electricity, the facility will be subject to all of the eligibility requirements in Section E.

Multijurisdictional Utilities

Procurement that is counted toward meeting the RPS obligations of multijurisdictional retail sellers is not subject to the eligibility requirements in this section for facilities with a first point of interconnection outside California.⁹⁸ The application for certification of such a facility must

⁹⁵ Pursuant to paragraph (2) of subdivision (b) of Section 399.15 of the Public Utilities Code, the CPUC established an initial baseline for each retail seller based on the actual percentage of retail sales procured from eligible renewable energy resources in 2001, and to the extent applicable, adjusted going forward pursuant to Section 399.12 of the Public Utilities Code.

⁹⁶ Pursuant to Section 387 of the Public Utilities Code, each governing body of a local publicly owned electric utility shall be responsible for implementing and enforcing a renewables portfolio standard that recognizes the intent of the Legislature to encourage renewable resources, while taking into consideration the effect of the standard on rates, reliability, and financial resources and the goal of environmental improvement.

⁹⁷ Public Utilities Code Section 399.30, Subdivision (i).

⁹⁸ Public Utilities Code Section 399.17 modifies the definition of an eligible renewable energy resource for multijurisdictional electric corporations such as PacifiCorp and Liberty Energy-California Pacific Electric Company (formerly known, in part, as Sierra Pacific Power Company), to include facilities with a first

indicate it is applying under these requirements. The RPS certification issued will indicate the special conditions on the certificate. This exception to the requirements for facilities with a first point of interconnection outside California applies only to situations wherein these multijurisdictional utilities procure energy to meet their own RPS obligations. If generation from facilities with a first point of interconnection outside California is procured to meet the RPS obligations of another retail seller of electricity or POU, then the facility will be subject to all of the eligibility requirements in Section E. To qualify as a multijurisdictional utility, the utility must meet the following criteria:

1. As of January 1, 2010, the utility must have served retail end-use customers outside California or have been located in a control area not under the operational balancing authority of the Independent System Operator or other California balancing authority.⁹⁹
2. The utility must receive the majority of its electrical requirements from generating facilities located outside California.
3. The utility must have 60,000 or fewer customer accounts in California as of January 1, 2010.

Pursuant to Public Utilities Code Section 399.17, in lieu of the criteria for facilities with a first point of interconnection outside California, the energy procured by multijurisdictional utilities and their successors must meet all of the following criteria to be eligible for the RPS:

1. The generation must be procured by the multijurisdictional utility subject to Public Utilities Code Section 399.17 on behalf of its California customers and not used to fulfill its renewable energy procurement requirements in other states or for any other renewable energy retail claim.
2. The facility must be connected to the WECC transmission system.
3. The facility and multijurisdictional utility must participate in WREGIS under the provisions in this guidebook.

~~Note that the delivery requirements described in the next section for out of state facilities do not apply to facilities whose generation is procured by multijurisdictional electric corporations that serve retail end-use customers outside California and have 60,000 or fewer customer accounts in California under Public Utilities Code Section 399.17. The application for certification of such a facility must indicate it is applying under this rule and the subsequent certification will indicate the special conditions of the certificate.¹⁰⁰ This exception to the delivery requirements only~~

point of interconnection outside California that serve customers both in and outside California. Criteria for multijurisdictional utilities subject to Public Utilities Code Section 399.17 apply to a successor entity to all or a portion of the service territory of the multijurisdictional utility, but only to the extent the successor entity will have 60,000 or fewer customer accounts in California.

99 California balancing authority is defined in the *Overall Program Guidebook*, CEC-300-2011-005-SD.

100 Public Utilities Code Section 399.17 modifies the definition of an eligible renewable energy resource to include out of state facilities for multijurisdictional electric corporations, such as PacifiCorp and Sierra Pacific Power Company, which serve customers both in and outside California.

~~applies to situations wherein these multijurisdictional utilities procure energy to meet their own RPS obligations. In the event that these facilities are located out of state and their generation is procured to meet the RPS obligations of another retail seller, the facility would be subject to all out of state eligibility requirements, including delivery requirements.~~

~~In addition to the certification or~~

Note: information that follows was moved from the subsection formerly called "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities." This subsection was located in Section III, Certification, of the guidebook.

1. Additional Required Information for Facilities With a First Point of Interconnection Outside California

~~All out of state facilities with a first point of interconnection to the transmission network outside California must provide the following additional required information when applying for certification as RPS-eligible. Further requirements apply to facilities that commenced commercial operations before January 1, 2005, as described below. However, the additional reporting requirements for out of state facilities with a first point of interconnection outside California do not apply to a facility that is either:~~

- ~~• Exclusively serving retail sellers subject to Public Utilities Code Section 399.17, or~~
- ~~• Exclusively serving POUs subject to Public Utilities Code Section 399.30, Subdivision (i).~~

~~1. Out of State Facilities: Representatives of Applicants for all other out of state facilities with a first point of interconnection outside California seeking RPS certification as RPS-eligible must submit must analyze and document the impacts, if any, the facility has or may have on California's environmental quality.~~

~~the following additional information with a completed CEC RPS 1A form.~~

~~Impact on California Environmental Quality Standards: The law requires a facility with a first point of interconnection outside California located out of state to demonstrate that it will not cause or contribute to a violation of a California environmental quality standard or requirement within California.¹⁰¹ To meet these this requirement, the analysis performed by the applicant must include: criteria, the applicant must provide:~~

- ~~a. A comprehensive list and description of all California environmental quality laws, ordinances, regulations, and standards (collectively referred to as "LORS") that may be directly or indirectly violated by the facility's development or operation, and~~
- ~~b. An assessment as to of whether the facility's development or operation will cause or contribute to a violation of any of these LORS in the region of California most likely to be affected by the facility's development or operation.~~

¹⁰¹ Public Resources Code Section 25741, Subdivision (b)(2)(B)(vii).

c. Documentation ~~that substantiates~~ substantiates the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials ~~that demonstrate~~ demonstrate that the facility's development or operation will not cause or contribute to a violation of a California environmental quality standard or requirement in California.

At a minimum, the LORS described in the applicant's analysis shall address the following environmental areas consistent with Appendix B, Section (g), of the Energy Commission's regulations for power plant certification, Title 20, California Code of Regulations, Sections 1701, et seq, to the extent that application of the Environmental Area Thresholds for ~~Out of State~~ Facilities With a First Point of Interconnection Outside California set forth in Table 2 shows that the project has the potential to impact resources within California:

- Cultural Resources
- Land Use
- Traffic and Transportation
- Visual Resources
- Socioeconomics
- Air Quality
- Public Health
- Hazardous Materials Handling
- Workers' Safety
- Waste Management
- Biological Resources
- Water Resources
- Agriculture and Soil
- Paleontological Resources
- Geological Hazards and Resources
- Transmission System Safety and Nuisance
- Noise

The assessment of the potential for ~~an out-of-state~~ a facility with a first point of interconnection outside California to cause or contribute to any violation of a California environmental quality standard or requirement depends on the environmental resource area and the ~~project's facility's~~ distance from the region in California most likely to be impacted by the facility's development or operation. The likelihood that a facility located outside California will affect California's environmental quality is primarily related to distance. For example, a ~~project facility~~ located in a state not adjacent to California is unlikely to contribute to a violation of a California Visual Resources LORS. The ~~Out of State~~ Supplemental Form for a Facility With a First Point of Interconnection Outside California, CEC-RPS-1A:S3, requires an applicant to identify the project's distance from California, as well as the location in California most likely to be impacted by the project.

The applicable LORS for a given facility will vary depending on the facility's location, since the LORS across California vary. For example, the air quality standards in Southern California may

differ from the air quality standards in Northern California. Accordingly, for demonstrating whether the ~~out-of-state~~ facility with a first point of interconnection outside California will cause or contribute to a violation of any of these LORS in California, the applicant should select the region in California ~~that would~~ most likely to be affected by the facility's development or operation.

The Energy Commission will first consider the facility's technology and distance from the California region most likely to be impacted to assess the applicant's LORS documentation. Table 2 describes the thresholds the Energy Commission will apply when evaluating the likelihood of a ~~project~~ facility to cause or contribute to a violation of a California LORS, with projects located beyond those thresholds being unlikely to violate a California LORS. As shown in Table 2, some environmental areas have discrete distance limits beyond which the project is unlikely to impact California's environmental quality. Other environmental areas have conditional thresholds for which the potential impact depends on the nature of the facility and its location.

All applicants must submit a written explanation substantiating the claim that the ~~facility~~ project does not and will not cause or contribute to a violation of a California LORS within California ~~violate California LORS~~. For ~~facilities~~ projects that are beyond the discrete thresholds identified in Table 2, submission of a simple explanation documenting how the ~~project's~~ facility's development and operation does not cause or contribute to a violation of a California LORS is sufficient. For projects ~~that are~~ closer than the discrete threshold for an environmental area, a detailed explanation documenting how the ~~project's~~ facility's development and operation does not cause or contribute to a violation of a California LORS for the environmental area is required. An applicant may submit a simple explanation for each environmental area with a conditional threshold if there is no potential for a violation of a California LORS. If, however, there is potential for such a violation for an area with a conditional threshold, a detailed explanation is required. For example, Traffic and Transportation is an area with a conditional distance of 20 miles. A ~~facility~~ project located in Wyoming, which is farther than 20 miles from the California border, could provide a simple explanation describing how its development and operation have no impact on California's LORS because its transportation activities do not involve California air ~~travel~~ or its highways travel. All LORS assessments and explanations should be submitted in a document to accompany the CEC-RPS-1A Form and ~~Out of State Supplemental Form~~ for a Facility With a First Point of Interconnection Outside California, along with documentation ~~that substantiates~~ ing the applicant's assessment as required above in 1.c.

Table 2: Environmental Area Thresholds for ~~Out-of-State Facilities~~ With a First Point of Interconnection Outside California

Environmental Area	Threshold or Minimum Distance From California Border
Discreet Thresholds	
Agricultural and Soil	2 miles
Cultural Resources	Project viewshed/ 20 miles
Geological Hazards	2 miles
Land Use/ Recreation	Project viewshed/ 20 miles
Noise	2 miles
Paleontological Resources	Project viewshed/ 1 mile
Socioeconomics	2 hour commute distance
Visual Resources	Project viewshed/ 20 miles
Conditional Thresholds	
Air Quality	10 miles, or greater if there is potential for transportation or other emissions to impact California air quality
Biological Resources	10 miles, unless the project has the potential to impact a California migratory bird or animal population
Public Health	10 miles-, or greater if there is potential for project-related wildfire risk
Traffic and Transportation	20 miles, or greater if the project could impact California air travel or traffic on California highways
Transmission System Safety and Nuisance	2 miles, although if the transmission line interconnection extends into California, the facility would be considered in state and an environmental review pursuant to the California Environmental Quality Act would be required
Waste Management / Hazardous Materials Handling	No distance limit if California disposal site is used or materials are transported through California.
Water Resources	2 miles, or fa further distance if project has the potential to impact a drainage flowing into California

Source: California Energy Commission

2. Additional Required Information for Existing Out-of-State Facilities With a First Point of Interconnection Outside California

As noted above, further reporting requirements apply to out-of-state facilities with a first point of interconnection outside California that commenced commercial operations before January 1, 2005. For such facilities, the applicant may qualify for RPS certification if either: 1) the electricity generated by the facility was part of procured by a retail seller's baseline or a POU as of January 1, 2010, or 2) the facility produces incremental generation due to project expansion or repowering on or after January 1, 2005. The additional required information needed for each case is described below. ~~Baseline: If an out-of-state facility commenced commercial operations before January 1, 2005, the applicant must identify the retail seller that procured electricity from the facility, the baseline year, and the amount sold to the retail seller.~~

- Procured by a retail seller or POU: The applicant must provide documentation that demonstrates the electricity from the facility was procured by a retail seller or POU as of January 1, 2010. The applicant must provide a procurement invoice or similar document on the letterhead of the retail seller or POU demonstrating that the facility meets this requirement.
- Incremental generation: The Energy Commission may certify incremental generation from the expansion or repowering of a out-of-state facilities with a first point of interconnection outside California as RPS-eligible if it finds that the incremental generation exceeds the project's facility's historical production. The method for quantifying incremental generation from out-of-state such facilities is described below. The applicant must provide the following information:
 - For small hydroelectric, or conduit hydroelectric facilities, or an existing hydroelectric generation unit operated as part of a water supply or conveyance system, the applicant must provide verifiable generation data for the 20 years preceding project facility expansion or repowering. If the project facility has not been operational for 20 years, then provide generation data on all previous years to date. The applicant must also provide the information described in "Additional Required Instructions for Small Hydroelectric or Conduit Hydroelectric Facilities."
 - For all RPS-eligible renewable energy resources, technologies except small hydroelectric, or conduit hydroelectric, or an existing hydroelectric generation unit operated as part of a water supply or conveyance system, the applicant must provide data on annual generation for the 36 months preceding the project facility expansion or repowering. (For example, if the project facility expansion comes on-line January 1, 2007, then generation data must be provided from January 1, 2004 through December 31, 2006.) If the project facility has not been operational for 36 months, then provide generation data for all previous months to date.
 - All applicants seeking certification of incremental generation must provide evidence that the incremental generation from the facility resulted (or will result if the applicant is seeking precertification) from a capital expenditure in the project facility. This

information is needed to verify that the incremental production is not a result of weather fluctuations or some other recurring or random event. The capital investment must exclude monies that would have been spent on operation and maintenance in the normal course of doing business. The applicant must provide a brief description of each capital investment made for ~~project-facility~~ expansion or repowering, including a discussion of the nature of the capital investments and how they resulted in the incremental generation. In substantiating an application to certify incremental production, the burden of proof will be on the applicant to submit compelling evidence to demonstrate the effect that capital expenditures had on production.

Quantifying Incremental Generation ~~From Out-of-State Facilities~~ With a First Point of Interconnection Outside California

To determine the amount of incremental generation from a facility that qualifies as eligible for the RPS, the Energy Commission will first determine the historical baseline of the facility. For hydroelectric facilities, the baseline is the annual average generation calculated from 20 years before ~~project-facility~~ expansion or repowering. For facilities that directly meter the ~~project-expansion~~ expanded portion of the facility separate from the existing portion of the facility, such as wind or solar photovoltaic expansions to facilities, the baseline is the capacity of the facility before the ~~project-facility~~ expansion. For all other ~~eligible renewable energy resource~~ technologies, the baseline is the average annual generation calculated from the 36 months before ~~project-facility~~ expansion or repowering. For ~~projects-facilities~~ that have not ~~been operational~~ operated for the specified period of time (for example, 20 years for hydroelectric facilities), the annual average generation for the ~~project's-facility's~~ operations to date must be provided.

The Energy Commission will certify the facility's annual production net of the baseline calculated for that facility. For example, if the facility produces 250 MWh in 2008 and its baseline is 150 MWh, then 100 MWh generated from the facility are RPS-eligible. For facilities directly measuring the project expansion's generation, any generation resulting from the capacity of the expansion will be considered eligible.

All data submitted are expected to be public. However, the Energy Commission is interested only in data with a direct bearing on the application. For example, although information on capital investments and the resulting production increases is expected to be submitted publicly, the Energy Commission has no interest in any proprietary underlying economic analyses that may have led to the decision to make such an investment.

3. Additional Required Information for Out-of-Country Facilities

~~2. Out of Country Facilities: In addition to the above information for out of state facilities, an applicant for a facility located outside the United States must provide all of the following: For facilities located outside the United States, but within the WECC, the applicant must analyze and document that the facility is developed and operated in a manner that is as protective of the~~

environment as a similar facility in California. To meet this requirement the analysis performed by the applicant must include all of the following:¹⁰²

- a) A comprehensive list and description of all California environmental quality LORS that would apply to a similar facility located within California at a site designated by the applicant.
- b) An assessment ~~as to~~of whether the facility's development or operation will cause or contribute to a violation of any of these LORS. The applicant may select any region in California to demonstrate whether the facility's development or operation will cause or contribute to a violation of any of the California LORS in California.
- c) An explanation ~~of as to~~ how the facility's developer and/or operator will protect the environment to the same extent as provided by these LORS for a similar facility located in California in developing or operating the facility, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are followed.
- d) Documentation ~~that substantiates~~ing the applicant's assessment as required in b) and c) above. For example, documentation could include environmental studies, permits, and similar materials ~~that demonstrate~~ing that the facility's development or operation will not cause or contribute to a violation of a California environmental standard or regulation and will protect the environment to the same extent as provided by these LORS for a similar facility located in California.

End of additional required information for out-of-state and out-of-country facilities.

FD. Energy Delivery Requirements

~~For RPS compliance, electricity is deemed delivered if it is either generated at a location within the state or is scheduled for consumption by California end-use retail customers as specified in Public Resources Code Section 25741, Subdivision (a). Consequently, electricity generated by facilities located in-state or having their first point of interconnection to the WECC transmission system in-state satisfies California RPS delivery requirements. Note that the energy delivery requirements described in this section do not apply to facilities whose generation is procured by multijurisdictional electric corporations that serve retail end-use customers outside California and have 60,000 or fewer customer accounts in California under Public Utilities Code Section 399.17. The applicant seeking such certification must indicate that it is applying under this rule and the subsequent RPS certification will indicate the special conditions of the certificate. This exception to the delivery requirements only applies to situations wherein these multijurisdictional utilities procure energy to meet their own RPS obligations. In the event that these facilities are located out of state and their generation is procured to meet the RPS~~

102 Depending on the location and interconnection of the facility, the applicant may also need to address the requirements for facilities with a first point of interconnection outside California.

obligations of another retail seller, the facility would be subject to all out of state eligibility requirements, including energy delivery requirements.

Senate Bill X1-2 eliminates electricity delivery as a requirement for RPS eligibility. To comply with the RPS procurement requirements under SB X1-2, "electricity products" from eligible renewable energy resources must be procured from one of three "portfolio content categories" as described in Section I B 2: 33 Percent RPS by 2020 Implementation in this guidebook. Because the first compliance period under SB X1-2 began January 1, 2011, the Energy Commission will no longer verify energy deliveries for purposes of the RPS beginning with deliveries on or after January 1, 2011. However, one of the portfolio content categories does provide for "firmed and shaped eligible renewable energy resource electricity products providing incremental electricity and scheduled into a California balancing authority." Although many of the details regarding evaluating and verifying conformance with the portfolio content categories have not yet been determined, the Energy Commission may rely in part on methods previously used to verify delivery. For example, WREGIS NERC e-Tag Summary Reports may be used to verify conformance with this and other elements of the portfolio content categories.

As discussed above, the Energy Commission plans to revise this guidebook to incorporate implementation details that are established after the adoption of the fifth edition of the *RPS Eligibility Guidebook*.¹⁰³

Electricity may be delivered into California at a different time than when the RPS-certified facility generated electricity, pursuant to Public Resources Code Section 25741, Subdivision (a). Further, the electricity delivered into California may be generated at a different location than that of the RPS-certified facility. In practical terms, out of state energy may be "firmed" or "shaped" within the calendar year. Firing and shaping refers to the process by which resources with variable delivery schedules may be backed up or supplemented with delivery from another source to meet customer load.^{104, 105} For contracts that require CPUC approval, the

¹⁰³ Many of the details regarding evaluating and the portfolio content categories will be determined by the CPUC and the Energy Commission for the retail sellers and the POUs respectively. For example, information from NERC e-Tags may be used to verify conformance with elements of the portfolio content categories.

¹⁰⁴ For further information refer to the CPUC staff white paper *Renewable Energy Certificates and the California Renewables Portfolio Standard Program*, April 20, 2006, [www.cpuc.ca.gov/word_pdf/REPORT/55606.doc]

¹⁰⁵ Below are examples of contracting structures that would meet the RPS delivery requirements; these examples are not exhaustive, and other contracting structures could also qualify. These examples do not constitute tradable RECs or authorize tradable RECs for RPS compliance.

1. The facility could provide firming and shaping services. For example, the retail seller could enter into a power purchase agreement (PPA) with an RPS-eligible facility and, as part of the PPA, the facility would provide firming and shaping to deliver a firm or non-firm product into California.
- 2.1. A third party could provide firming and shaping services. For example, a retail seller could buy energy and RECs from an RPS-eligible facility and execute a second PPA to resell the energy from

Energy Commission will provide written documentation addressing whether a proposed contract delivery structure would be eligible for the RPS. For details, see Section III, Certification Process, in this guidebook. To count generation from out-of-state facilities for RPS compliance, the RPS-certified facility must enter a power purchase agreement with a retail seller, procurement entity, or third party. The power purchase agreement must include both the RECs and electricity generated by the facility as a bundled commodity, and a matching quantity of electricity must be delivered to an in-state market hub (also referred to as “zone”) or in-state point of delivery (also referred to as “node”) located within California.¹⁰⁶ The retail seller or procurement entity and seller may negotiate which party is responsible for securing transmission, as necessary, at any point along the delivery path as long as the energy is delivered into California.

The retail seller or procurement entity may document delivery of electricity from any control area operator (also referred to as “balancing authority”) in the WECC transmission system outside California, and the delivered electricity may originate from a control area that is different from that in which the RPS-certified facility is located. The electricity delivery may occur through typical delivery arrangements, such as through wheeling across multiple control areas, and the delivery may occur at any delivery point into California.

The Energy Commission will compare the amount of RPS-eligible electricity generated by the RPS-eligible facility per calendar year with the amount of electricity delivered into California for the same calendar year and the lesser of the two amounts may be counted as RPS-eligible procurement. (For more discussion see the subsection on Verification of Energy Delivery.) The electricity generated and associated RECs from the RPS-certified facility must be procured through a power purchase agreement with the retail seller or procurement entity. After January 1, 2008, the electricity and associated RECs may be purchased from a third party, provided the third party and all parties to the transaction are registered as account holders of WREGIS and use WREGIS as required by the Energy Commission as part of RPS compliance. The delivery of electricity to an in-state market hub or in-state point of delivery located within California must

the RPS-eligible facility, but not the RECs, to a third party that provides firming and shaping services. Then, the third party could provide the retail seller with a firm schedule for delivery into California.

- 3.2. The retail seller could provide firming and shaping services. The retail seller could buy energy and RECs from an RPS-eligible facility, sell the energy back to the facility, and “match” the RECs with energy delivery into California from a second PPA and/or with imports under a pre-existing PPA.

¹⁰⁶ Beginning January 1, 2008, it will be acceptable for an RPS-certified facility to sell power to a retail seller, procurement entity, or third party, pursuant to a PPA, provided all such parties are registered as account holders with WREGIS as part of RPS compliance. A third party’s participation in out-of-state transactions is contingent upon all parties to that transaction (third party, generator, load serving entity, and California Independent System Operator—ISO or applicable QRE) participating in WREGIS to verify RPS compliance.

be made consistent with North American Electric Reliability Corporation (NERC) rules and documented with a NERC e-Tag as described below.

The following deliverability requirements were developed in consultation with the California ISO. These requirements must be satisfied for an out-of-state facility to qualify for the RPS (with the exception noted above for retail sellers subject to Public Utilities Code Section 399.17). More detailed instructions on using NERC e-Tags to verify energy delivery are provided in Appendix A. The delivery requirements do not apply to facilities located outside California whose first point of interconnection to the WECC transmission system is located in California.

The retail seller, procurement entity, facility representative, or third party must either (a) arrange for an interchange transaction with the California ISO to deliver the out-of-state facility's energy (or a matching amount of energy from another out-of-state source located within the WECC) to a point of delivery in California, or (b) arrange for an interchange transaction with another balancing authority outside California to deliver energy to the point of delivery in California. Under the policies of the NERC, the interchange transaction must be scheduled with what is commonly referred to as a "NERC e-Tag."

The Source identified on the NERC e-Tag may be a specific RPS-eligible facility registered as a unique source or may be any balancing authority located in the WECC outside California.

The RPS-certification number of the facility or facilities (or RPS-pre-certification number, in the case of local publicly owned electric utilities) is/are engaged in a power purchase agreement with a retail seller, procurement entity or third party (or for a local publicly owned electric utility implementing these delivery requirements as part of compliance with its RPS), must be shown on the Miscellaneous field of the NERC e-Tag.

The facility must provide the Energy Commission with its NERC identification (Source point name)¹⁰⁷ if it registers as a unique source, or the Source point name of the balancing authority in which it is located when it applies for RPS certification. (Providing this information does not restrict the eligibility of using other balancing authorities outside California to deliver energy into California.)

The facility representative, retail seller, procurement entity or third party (or local publicly owned electric utility implementing these delivery requirements as part of compliance with its RPS) must request and receive acceptance of a NERC e-Tag between a balancing authority in California and any balancing authority located in the WECC outside California.

On June 1 of each year (or the next business day), the retail seller, procurement entity or third party must submit an annual report to the Energy Commission documenting compliance with this NERC e-Tag requirement for the previous calendar year. The annual report to verify delivery from out-of-state must include the following NERC e-Tag information:

¹⁰⁷ The NERC identification is the Source point name, an alpha-numeric code the generator uses to identify itself when it registers with the Transmission Services Information Network (TSIN). Registration with TSIN is mandatory for participation in the NERC tagging system.

The "Source" or "Point of Receipt" located outside California and within the WECC.

The final "Point of Delivery" or load center in California known as the "sink."

The California RPS certification number of the facility or facilities with which the delivered energy is being "matched." The California RPS certification number must be shown on the Miscellaneous field of the NERC e-Tag.

The amount of electricity delivered per month.

Additionally, the applicable parties (the Generation Providing Entity and Load Serving Entities) must agree to make available upon request documentation of the NERC e-Tags to the Energy Commission.

The facility must submit verification of its generation to the Energy Commission annually. Please refer to the section on the "RPS Tracking, Reporting and Verification System."

G. Eligibility of Renewable Energy Credits for Distributed Generation Facilities and Onsite Load

Note: Some of the information in this section was moved from the "Outstanding Issues" and "Distributed Generation" sections of this guidebook.

With the adoption of the fifth edition of this guidebook, the Energy Commission has determined that all grid-connected renewable electric generation facilities may be certified as RPS-eligible, including generation serving onsite load, if all eligibility requirements are met for the specific renewable energy resource used by the facility to generate electricity.

Applicants for a renewable facility that serves onsite load must meet all RPS eligibility requirements in the fifth edition of this guidebook including, but not limited to, small facility aggregation,¹⁰⁸ participation in WREGIS, and reporting eligible generation based on a meter with an independently verified rating of 2 percent or higher accuracy.

Both the Energy Commission and the CPUC have roles in determining RPS implementation for renewable distributed generation (DG) facilities, and both have established that Renewable Energy Credits (RECs) created by a renewable DG facility belongs to the owner of the RPS-eligible facility. The CPUC issued a decision on January 11, 2007, allowing DG facility owners to retain 100 percent of the RECs associated with the electricity produced. Similarly, the Energy Commission does not require participants of its New Solar Homes Partnership program to relinquish their claims of RECs or to transfer ownership of any RECs to the Energy Commission or any other entity as a condition of receiving New Solar Homes Partnership program funding.

¹⁰⁸ An aggregated unit is a group of facilities having both similar characteristics and registered in WREGIS as an aggregated unit.

Facilities that are funded, or will be funded, entirely or in part, by the following programs may apply for certification or precertification as RPS-eligible, if all eligibility requirements are met for that resource type: New Solar Homes Partnership program, Emerging Renewables Program, or Pilot Performance-Based Incentive Program; the CPUC-approved Self-Generation Incentive Program or California Solar Initiative; or any similar ratepayer-funded program. Similarly, grid-connected facilities participating in net-metering tariffs or consuming some or all of the electricity produced by the renewable energy resource onsite and not exporting all of the electricity to the electricity grid may apply for certification to be RPS-eligible, if all eligibility requirements are met for that resource type.

On June 9, 2011, the CPUC adopted a decision establishing a rate for payment of excess generation from distributed wind and solar systems, as required by AB 920, and requiring electric utilities to compensate net energy metering customers for electricity they produce in excess of their onsite load at the end of a 12-month period (net surplus generation).¹⁰⁹ In all cases the meter used to report generation to WREGIS must have an independently verified accuracy rating of 2 percent or higher. It is the responsibility of the facility owner and the utility procuring the RECs associated with the net surplus compensation under an AB 920 program to ensure the RECs are transferred appropriately.

H. Tradable Renewable Energy Credits

~~Renewable Energy Credits (also termed “renewable energy certificates or RECs) represent renewable and environmental attributes associated with renewable energy production. Public Utilities Code Section 399.12, Subdivision (gh)(1), defines a REC for California RPS purposes to mean a certificate of proof, issued through the accounting system established by the Energy Commission under Public Utilities Code Section 399.13 399.25, that one unit of electricity was generated and delivered by an eligible renewable energy resource.~~

~~Public Utilities Code Section 399.12, Subdivision (g)(h)(3)(2), specifies that a REC includes all renewable and environmental attributes associated with the production of electricity from the eligible renewable energy resource, except for an emissions reduction credit issued under Section 40709 of the Health and Safety Code and any credits or payments associated with the reduction of solid waste and treatment benefits created by the use of biomass or biogas fuels.~~

~~In addition, PUC Section 399.12, Subdivision (g)(3)(A), specifies that no electricity generated by an eligible renewable energy resource attributable to the use of nonrenewable fuels, beyond a de minimis quantity as determined by the Energy Commission, shall result in the creation of a REC.~~

On August 21, 2008, the CPUC defined and specified the attributes of a REC for compliance with the RPS as one megawatt-hour of renewable energy generated and delivered by an eligible

¹⁰⁹ CPUC, Decision D.11-06-016, June 9, 2011.

renewable energy resource.¹¹⁰ The decision also clarified what attributes associated with renewable energy generation must be included with a REC for compliance with the RPS.

~~RECs and energy procured together as a “bundled” commodity are eligible for the California RPS. RECs sold separately from the underlying energy are termed “unbundled” and are not currently eligible toward California RPS procurement requirements. The term “tradable RECs” refers to a concept wherein the renewable attributes may be procured from the renewable generator as a separate commodity from the underlying energy and then can be subsequently sold to other buyers. In place of the term “REC,” the Energy Commission’s generation tracking system, the Western Renewable Energy Generation Information System (WREGIS), uses the term “WREGIS Certificate.”~~

~~Public Utilities Code Section 399.21, Subdivision (a), The law as amended by Senate Bill 107, however, authorizes the CPUC to rule that tradable RECs associated with energy produced from RPS-eligible resources qualify toward RPS procurement requirements, once certain conditions have been met. The law states that tradable RECs may be allowed for RPS compliance after the CPUC and Energy Commission conclude that the tracking system developed by the Energy Commission is operational, is capable of independently verifying that electricity is generated by an eligible renewable energy resource, and can assure that RECs are not double-counted by any seller within the ~~Western Electricity Coordinating Council (WECC)~~¹¹¹. To satisfy this requirement, The the CPUC and Energy Commission adopted such a conclusion in November 2008 and December 2008, respectively, in jointly developed and each adopted the Joint Commission Report on Tracking System Operational Determination.¹¹² The CPUC may limit the amount of TRECs that a retail seller may procure to satisfy its RPS requirements. The CPUC is addressing RECs and other RPS implementation issues in its Rulemaking 06-02-012 and Rulemaking 08-08-009 and subsequent RPS Rulemakings. Since October 2008, the CPUC has released three proposed decisions authorizing TRECs for purposes of the RPS, with the third proposed decision being adopted in March 2010. Following several petitions to modify the decision, however, the CPUC stayed its TRECs decision on May 6, 2010.~~

On March 11, 2010, the CPUC adopted Decision 10-03-021 authorizing the use of tradable RECs for compliance with the RPS. This decision, modified by Decision 11-01-025 on January 13, 2011, distinguishes between bundled REC transactions (wherein the energy and the RECs are procured together) and tradable (or REC-only) transactions for RPS compliance. REC-only transactions do not necessarily convey the energy associated with the REC to the buyer.

In its Decision Implementing Portfolio Content Categories for the RPS,¹¹³ the CPUC transitioned from the prior rules on unbundled RECs to the new portfolio content categories established by

¹¹⁰ CPUC Decision 08-08-028, August 21, 2008. See Ordering Paragraph 1.

¹¹¹ Public Utilities Code Section 399.21, Subdivision (a)(1).

¹¹² The CPUC issued Resolution E-4178 adopting the *Joint Commission Report on Tracking System Operational Determination* on November 21, 2008, and the Energy Commission adopted an identical report, Publication Number CEC-300-2008-001-CMF, on December 3, 2008.

¹¹³ CPUC Decision 11-12-052, December 15, 2011.

SB X1-2, noting that some of its previous rules for unbundled RECs are not affected by the new legislation and remain in effect.

SB X1-2 introduces the term “electricity products” consisting of eligible renewable energy resources that may be differentiated by their impacts on the operation of the electricity grid. The law requires a balanced portfolio of electricity products from eligible renewable energy resources consisting of portfolio content categories based on their interconnection to a California balancing authority. The CPUC has defined the product content categories for retail sellers in D.11-12-052, and the Energy Commission will define them for POUs in the regulations it will adopt in its 33 Percent RPS Rulemaking proceeding Docket Number 11-RPS-01.

~~The CPUC is addressing RECs and other RPS implementation issues in its Rulemaking 06-02-012 and Rulemaking 08-08-009 and subsequent RPS Rulemakings. As noted in the section on “Outstanding Issues,” RECs traded separately from energy (tradable RECs) do not qualify for the California RPS at this time.¹¹⁴ The law, however, authorizes the use of RECs for RPS procurement requirements once: 1) the CPUC establishes rules for REC procurement, and 2) the CPUC and Energy Commission conclude that the tracking system is operational, capable of independently verifying delivery of renewable energy to a retail seller and can assure that RECs are not double-counted by any seller within the WECC.~~

~~Tradable RECs that in the future may be counted toward California’s RPS requirements may be created for electricity delivered from RPS-eligible resources to local publicly owned utilities, the California Independent System Operator, or a retail seller. RECs associated with energy delivered to publicly owned utilities may be certified by the Energy Commission as RPS-eligible if the Energy Commission determines that the publicly owned utility has satisfied certain conditions. For more information, see the section on “Publicly Owned Utilities” in this guidebook.~~

~~No renewable energy credits shall be created for electricity generated pursuant to any electricity purchase contract with a retail seller or a publicly owned utility executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of those RECs. Deliveries under those contracts will be tracked through WREGIS and automatically retired as counting toward the retail seller’s baseline.¹¹⁵~~

~~Similarly, no renewable energy credits shall be created for contracts with QFs under the federal Public Utility Regulatory Policies Act executed after January 1, 2005. Deliveries of energy under these contracts will be tracked through WREGIS and will automatically be retired as counting~~

¹¹⁴ The CPUC is examining the issues surrounding authorizing tradable RECs for RPS compliance in its Rulemaking R.06-02-012.

¹¹⁵ Public Utilities Code 399.16(a)(5).

toward a retail seller's RPS procurement requirement.¹¹⁶ Please see Appendix A: WREGIS Reporting, for instructions on automatic retirement.¹¹⁷

The Energy Commission will not allow electricity beyond a de minimis quantity of fossil fuel to result in the creation of a tradable REC. The energy input of an RPS-eligible facility may use a de minimis amount of fossil fuel (on a BTU basis), and the Energy Commission's tracking system will issue RECs for the facility's entire energy output.

As described above, however, the de minimis provision will not apply to RPS-eligible generation from the following since tradable RECs will not be issued for:

- Facilities under contract with a retail seller or a local publicly owned utility if the contract was executed before January 1, 2005, unless the contract specifies the ownership or disposition of those RECs, and
- QFs under contracts executed on or after January 1, 2005.

A REC shall be counted only once for compliance with the California RPS and may not be also used to count toward the regulatory requirements of any other state or to satisfy any other retail product claims. RPS-eligible facilities, publicly owned utilities, and retail sellers who enter tradable REC transactions for RPS-compliance purposes must participate in the RPS tracking and verification system approved by the Energy Commission.

RECs will be certified for generation only from an RPS-certified facility that is also eligible to generate tradable RECs. If the facility loses its RPS certification status, any RECs produced will not be RPS-certified, effective upon the date the facility becomes ineligible for the RPS.

¹¹⁶ Public Utilities Code 399.16(a)(6).

¹¹⁷ Multi-jurisdictional utilities with procurement from facilities under contracts that fall under Public Utilities Code 399.16(a)(5) or (6) that is claimed for both California and another jurisdiction are not required to automatically retire the RECs procured under those contracts, but must retire the RECs allocated to California from these facilities for purposes of California's RPS as soon as possible.

III. Certification Process

This section ~~describes~~^{covers} the process for RPS precertification and certification of electrical generation facilities that use renewable energy resources to generate electricity. Applications will be evaluated under the edition of this guidebook that is in place at the time a complete application is received by the Energy Commission. Applications that are submitted using forms no longer in use by the Energy Commission will not be accepted.

~~facilities eligible for the RPS, including pre-approving contract delivery structures for both electricity and biogas, as RPS-eligible. This section also describes additional required information for renewable facilities using technologies that must meet special eligibility requirements. Although retail sellers are required to meet their annual procurement requirements with generation from RPS-certified facilities, the Energy Commission also certifies facilities as RPS-eligible if they serve a local publicly owned electric utility (POU), and encourages POU's to meet their RPS obligations with generation from certified facilities. Electricity generation from any facility cannot be counted toward meeting a retail seller's RPS procurement requirements unless the facility is first certified by until the Energy Commission certifies the facility as an eligible renewable energy resource for the RPS. This same requirement applies to RPS procurement for POU's subject to the grace period exception noted below. Any facility operator who owns a facility or is interested in entering into a contract to generate electricity that will count toward a retail seller's or POU's RPS obligation must certify the facility with the Energy Commission before the generation may be counted toward a retail seller's or POU's RPS obligations.¹¹⁸ The Energy Commission may count generation that occurred before January 1, 2008, toward a retail seller's RPS obligation if the generating facility was RPS-certified at the time of procurement or if the Energy Commission receives an application for certification before March 1, 2011, and the facility is RPS-certified based on that application.~~

~~For generation that occurs after January 1, 2008, p~~Procurement of RPS-eligible electricity procurement may count toward a retailer seller's or POU's retail sellerseller's RPS obligation if the electrical generationg facility uses an eligible renewable energy resource and was RPS-certified at the time of procurement or applied for RPS certification or precertification at the time of procurement.¹¹⁹

¹¹⁸ The Third Edition of the RPS Eligibility Guidebook allows generation to count only toward a retail seller's RPS procurement obligation if it occurs after the Energy Commission receives the precertification or certification application. Earlier editions of the RPS Eligibility Guidebook editions did not contain this restriction and counted all generation toward a retail seller's RPS obligation so long as the facility eventually became certified. The Fourth Edition of the RPS Eligibility Guidebook provided notice that, going forward, the Energy Commission will no longer count pre-2008 procurement toward a retail seller's RPS obligation unless the facility was certified at the time of the procurement or the Energy Commission received an application for certification before March 1, 2011.

¹¹⁹ The Third Edition of the RPS Eligibility Guidebook only allows generation to count toward a retail seller's RPS procurement obligation if it occurs after the Energy Commission receives the pre-certification

Upon receipt of the first application for precertification or certification of a facility not certifying as part of an aggregated unit, which is described in Section III A 2: Aggregated Facilities, the Energy Commission will assign an RPS-eligibility date for the facility. If the facility is subsequently certified as RPS-eligible, all generation beginning with the month of the eligibility date that is tracked in WREGIS will be considered RPS-eligible if the operations of the facility are consistent with the information provided in the certification application. If an application for certification is initially denied, and the Energy Commission subsequently approves a new application for certification, a new date of eligibility will be assigned to that facility based on the later date of application. Any generation that occurs before a facility is RPS-certified will be considered RPS-eligible only if the generation occurs during or after the month and year that the Energy Commission receives an application for certification (CEC RPS 1A) or (CEC RPS 1B), and with some exceptions, the generation has been tracked in WREGIS.¹²⁰

Upon the receipt of an application for an aggregated unit, all facilities included in the aggregated unit will be assigned an eligibility date as part of that aggregated unit, if one has not been previously assigned. Facilities that were previously part of another aggregated unit will receive a new eligibility date when applying into a different aggregated unit.¹²¹

Generation procured by a utility under an AB 920 net surplus compensation program prior to the electrical generation facility's eligibility date will be considered RPS-eligible once the facility has become RPS-certified. The generation produced and procured pursuant to an AB 920 net surplus compensation program prior to the facility applying for certification or October 1, 2012, whichever is earlier, may be reported to the Energy Commission using the ITS if the facility is registered in WREGIS when applying for RPS certification. It is the responsibility of the utility claiming the RECs procured under an AB 920 program to provide evidence that the quantity of claimed RECs does not exceed the quantity procured under AB 920.

In all cases, the electricity will not be considered eligible and will not be counted toward meeting an RPS obligation until the facility is actually certified by the Energy Commission as being eligible for the RPS, and the facility's operations are consistent with the information provided in the certification application. historical generation is not ultimately disapproved for

~~or certification application. Earlier *RPS Eligibility Guidebook* editions did not contain this restriction and counted all generation toward a retail seller's RPS obligation so long as the facility eventually became certified. This Fourth Edition provides notice that, going forward, the Energy Commission will no longer count pre-2008 procurement toward a retail seller's RPS obligation unless the facility was certified at the time of the procurement or the Energy Commission receives an application for certification before March 1, 2011.~~

~~120 The ITS may be used to report generation occurring through 2009 and in some cases in 2010; for more information see Section IV: RPS Tracking, Reporting and Verification System.~~

~~121 For example, if a facility is certified as part of aggregated "Unit A" in 2012, then removed from "Unit A" in 2013 and later certified as part of a newly formed aggregated "Unit B" in 2014, only generation occurring after "Unit B's" eligibility date may be counted for RPS as part of Unit B's generation. Generation from the facility occurring while the facility was part of "Unit A" will remain eligible as part of "Unit A's" generation.~~

~~RPS eligibility.~~ This applies to all facilities regardless of whether they previously registered with the Energy Commission's Renewable Energy Program.

All generation from facilities certified as eligible for California's RPS must be tracked in WREGIS, with the limited exceptions for 2011-2012 generation noted in this guidebook for facilities serving POUs and generation procured under an AB 920 program prior to October 1, 2012. Applicants for certification must provide the WREGIS Generating Unit Identification number (GU ID) for each certified facility to the Energy Commission by October 1, 2012.¹²² As of the date of this guidebook, WREGIS will not create RECs for generation for periods preceding the generator registration and approval in WREGIS, beyond generation that is associated with the earliest active certificate issuance cycle at the time the facility is approved in the WREGIS system.¹²³

An RPS-certified facility must remain registered in the WREGIS system and comply with all WREGIS rules, and all generation from that facility must be tracked in the WREGIS system to be considered RPS-eligible, with the limited exceptions noted in this section. Failure to remain registered in the WREGIS system, or the inability to provide proof of registration in WREGIS upon request, may result in the facility's RPS certification being revoked.

~~Delivery from out-of-state facilities must meet specific delivery requirements, as previously noted, to qualify for the RPS. IOUs seeking pre-approval from the Energy Commission staff for delivery from out-of-state facilities may submit a schematic diagram with a narrative description of a proposed contract delivery structure to the CPUC as part of the retail seller's advice letter or application process for which contract approval is being requested. The CPUC staff will submit the documentation to the Energy Commission staff for review. POUs or retail sellers whose contracts are not subject to CPUC approval may contact the Energy Commission staff directly with requests for pre-approval of their contract delivery structures. If the staff determines that the proposed delivery structure meets the RPS delivery requirements, the staff will provide written documentation to the CPUC (for IOUs) or to the electricity provider (for POUs and other retail sellers).~~

~~In September 2009, the CPUC granted a petition to modify the Self-Generation Incentive Program (SGIP) to allow use of off-site renewable fuels that have been transported to the electric generating unit as allowed in the RPS program.¹²⁴ A party seeking pre-approval from the Energy Commission for delivery of biogas under the SGIP may submit the documentation described in the biogas section, Section II, B. 2, to the SGIP administrator as part of the party's~~

122 POUs may use the Interim Tracking System (ITS) to report generation occurring through June 2012 that is not tracked in WREGIS; for more information on the ITS, see Section IV: RPS Tracking, Reporting and Verification System. Applicants must register their facilities with and be approved by WREGIS to receive a WREGIS ID number.

123 A WREGIS Certificate Issuance Cycle begins the first day *after* the end of the current period generation month.

124 CPUC September 24, 2009.

SGIP application process. The SGIP administrator may submit the documentation to the Energy Commission staff for review and possible approval.

A party requesting pre approval for adding a new fuel source for use at an electric generating facility that is already RPS certified may submit the documentation directly to Energy Commission staff. Requests for approval of biogas sources or biogas delivery mechanisms must be submitted as part of an application packet for RPS certification or of a specific electric generating facility.

When applying for certification, the facility operator or agent applying on the operator's behalf agrees to participate in the Energy Commission's generation tracking and verification system. For more information about the tracking and verification system, please refer to the section of this guidebook titled "RPS Tracking, Reporting and Verification."

Grace Period Exception for Facilities Serving Local Publicly Owned Electric Utilities

For generation occurring on or after January 1, 2011, to count toward a POU's RPS procurement obligations from a facility that was not certified by the Energy Commission as RPS-eligible at the time of generation, the Energy Commission must receive an application for RPS certification before October 1, 2012, and subsequently certify the facility as RPS-eligible.¹²⁵ An applicant must include the facility's assigned WREGIS GU ID number on the application for RPS certification. As noted above, applicants must register facilities with and be approved by WREGIS to be assigned a WREGIS ID number. If the generation occurred before adoption of the *Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition*, the Energy Commission must determine that the facility met the eligibility requirements of the *Renewables Portfolio Standard Eligibility Guidebook, Fourth Edition*, at the time the generation occurred for the generation to count toward the POU's RPS. Generation meeting these requirements may only be counted toward the RPS procurement obligations of a POU. The eligibility date of this generation for any entity will be assigned as described above.

Certification Extension for Utility-Certified Facilities

Facilities that were certified by a utility on the CEC-RPS-2 form prior to the adoption of the *Renewables Portfolio Standard Eligibility Guidebook, Fourth Edition* were eligible for only the generation procured under the existing contract with that utility, and received an "E" suffix on the RPS ID number. Except for CPUC-ordered extensions to existing QF power purchase contracts, RPS certification becomes void in the event the facility's contract with the utility expires, is voluntarily extended, or is otherwise renegotiated by the utility and the facility operator. That utility may count only the amount of generation under contract with the facility identified in the utility certification that occurs after the termination date of the contract if the facility operator, or agent thereof, submits an application for certification to the Energy Commission using a CEC-RPS-1 form before October 1, 2012.

For more information on Utility-Certified Facilities, see Section III A 5 below.

125 Facilities under contract with or approved by a POU for its RPS before June 1, 2010, are encouraged to apply for certification by October 1, 2012, but are not required to do so.

A. Applying for RPS Certification Types

The Energy Commission approves RPS certification for electrical generation facilities that have commenced commercial operations and are generating renewable electricity, as described in this guidebook. Provisional or “precertification” as an eligible renewable resource is available for an applicant whose facilities are a facility has not commenced commercial operations or is not yet on-line or not yet using an eligible renewable resource. **The Energy Commission’s approval of a facility for precertification does not guarantee that a facility will be eligible for RPS certification in the future, and the precertification certificate will indicate this on its face.** Upon receipt of the application for certification or precertification, the Energy Commission will record the date of submission and assign each facility an RPS ID number and suffix, depending on the certification type. A facility given a RPS ID with five digits will retain this ID for the duration of the facility’s eligibility in the RPS program, though the suffix may change. A facility originally certified as part of an aggregated unit may be assigned a new RPS ID number as a result of an amended application or a certification application if its relationship to the original aggregated group is changed or if the facility becomes certified individually. No facility may have more than one active RPS ID at any given time. If it appears that a single facility has been assigned more than one active RPS ID number, Energy Commission staff will work with the applicant(s) to resolve the situation; failure to respond to staff inquires within 60 days may jeopardize RPS certification.

All eligible generation produced in the month of the eligibility date and properly tracked in the WREGIS system¹²⁶ will be considered RPS-eligible generation.

The Energy Commission provides different types of certification, depending on the facility operations, contractual obligations, and applicant preference. Each type of certification may require the use of a specific application form. Provided below are descriptions of the different types of certification and the necessary forms for each type.

1. Individual Facilities

Applicants seeking certification of an individual facility must apply using the CEC-RPS-1 form. Upon receipt of an application for a facility not previously certified with the Energy Commission’s RPS program, the facility will be assigned a unique RPS certification number with a suffix of “A” for certification applications, and a suffix of “C” for precertification applications. A previously certified or precertified facility will retain its RPS identification number, but the suffix will change to reflect the most recent application type.

2. Aggregated Facilities

To streamline the process for certifying and precertifying distributed generation facilities, the Energy Commission provides an aggregated application process for wind and solar photovoltaic facilities. An aggregated unit is a group of facilities having both similar characteristics and registered in WREGIS as an aggregated unit. The eligibility of an aggregated

126 Limited exceptions to this requirement exist. Please see Section IV: RPS Tracking, Reporting, and Verification.

unit depends on the eligibility of all facilities within the aggregated unit. An application for an aggregated unit will not be approved unless all facilities in the unit are eligible. If the Energy Commission determined that one facility in an approved unit is not RPS-eligible, the entire unit will lose its certification until an amended application is submitted that removes the ineligible facility from the list.

A facility may be part of an aggregated unit using the CEC-RPS-3 form if it meets any one of the following:

- a. Has received benefits from a ratepayer-funded incentive program.
- b. Participates in a net metering tariff.
- c. Primarily serves onsite load.

However, facilities that are less than 20 kW (AC) and that received benefits, or plans to receive benefits, from a ratepayer-funded incentive program or a net metering tariff must apply for certification as part of an aggregated unit to become RPS-eligible.

All facilities applying for certification as an aggregated unit on the CEC-RPS-3 application form must share a WREGIS Generating Unit ID number (GU ID).¹²⁷ The application form must also include all the facilities using that WREGIS GU ID, so that the RPS ID and the WREGIS GU ID numbers assigned to an aggregated unit will include an identical set of generating facilities. All facilities must also use the same generation technology (for example, wind or solar photovoltaic).

Aggregated units will receive an RPS ID with an "R" suffix, and each facility in the unit will be assigned a four-digit identifier with an additional suffix of "A" for certification, or "C" for precertification, so the extended RPS ID number for a facility in an aggregated unit will have the format #####R-#### A.

Facilities receiving compensation for excess RECs under an AB 920 program may also be certified in an aggregated unit. In all cases the meter used to report generation to WREGIS must have an independently verified accuracy rating of 2 percent or higher. It is the responsibility of the facility owner and the retail seller or POU procuring the excess RECs under an AB 920 program to ensure the RECs are transferred appropriately. To count RECs procured under an AB 920 program, the retail seller or POU must retire the RECs in WREGIS and may be required to submit documentation demonstrating that the RECs and the associated electricity were procured together as part of an AB 920 program.

3. Facilities Serving Multijurisdictional Utilities

Facilities certified pursuant to Public Utilities Code 399.17 using the CEC-RPS-1 form will be approved for certification, but only for the generation procured by the multijurisdictional utility or successor entity to all or a portion of the service territory specified in the application. If

127 See the WREGIS Operating Rules Appendix A, the WREGIS Interface Control Document, Addendum A, WREGIS Generation Classification.

another load-serving entity plans to procure electricity from a facility certified pursuant to Section 399.17, the facility operator, or agent thereof, must submit an amended application to certify the facility as an individual facility and must submit all applicable certification forms and information.

4. Facilities Serving POU's

To expedite the initial RPS certification of facilities selling electricity to POU's, the Energy Commission will accept new applications for commercially on-line facilities serving POU's submitted on the CEC-RPS-4 form until October 1, 2012. To certify a facility using the CEC-RPS-4 form, the facility must have been under contract with and delivering electricity to the POU submitting the form as of January 1, 2012. In addition the POU must be able to provide all necessary material for certification of the facility; the facility must not already be certified in the RPS program; the technology, fuel, or energy resource used by the facility must not require use of supplemental forms or additional reporting requirements; and no fewer than 5 facilities must be included in the application. A facility certified using a CEC-RPS-4 form will be assigned an RPS ID with an "A" suffix, and any utility may procure generation from the facility as RPS-eligible.

5. Utility-Certified Facilities

The Energy Commission will not accept an application on the facility operator's behalf using a CEC-RPS-2 form.¹²⁸ Instead, a retail seller must now use the CEC-RPS-1 form to apply for certification or precertification as a facility's agent; in this instance, the generation would be eligible for use by any retail seller or POU, subject to other applicable limitations.

Facilities ~~that were~~ certified by a retail seller using a CEC-RPS-2 form before the publication of the fourth edition of this guidebook were assigned RPS IDs with an "E" suffix and were granted certification for only the generation procured under contract by that retail seller. The facility operator must separately certify any facility capacity that is not subject to its procurement contract with the retail seller, but that is procured to satisfy the RPS targets of another retail seller or POU. If a facility operator, or agent thereof, seeks certification on its own behalf using the CEC-RPS-1 form, however, the facility operator need submit only one application for that facility regardless of whether its generation is sold to one or multiple retail sellers or POU's.

Except for CPUC-ordered extensions to existing QF power purchase contracts, retail seller certification on the operator's behalf using the CEC-RPS-2 form becomes void in the event ~~that~~ the facility's contract with the retail seller either expires, is voluntarily extended, or is otherwise renegotiated by the retail seller and the facility operator. Once the contract expires or is voluntarily renegotiated, the facility operator, or agent thereof, must apply for certification from the Energy Commission using a CEC-RPS-1A form, and the retail seller may not recertify the

¹²⁸ The Energy Commission developed the CEC-RPS-2 Form in 2004 to facilitate the initial application process for the RPS and to accommodate ~~the~~ retail sellers applying for a significant number of facilities on the facilities' behalf. The Energy Commission will no longer accept the RPS-2 Form for this purpose, or any other purpose.

facility on the operator's behalf using a CEC-RPS-2 form. For CPUC-ordered extensions, retail seller certification may continue until the extension expires.

6. Limited Certifications

A facility using renewable energy resources that was under contract with, or owned by, a retail seller or POU with the contract or ownership agreement having been originally executed prior to June 1, 2010, and not meeting the eligibility requirements of the current RPS guidebook, may receive a limited certification of the facility so that the electricity procured under that contract or ownership agreement may be counted for the RPS if all the following conditions are met:

- a. The facility was eligible for the RPS under the rules in the *RPS Guidebook* as of the date when the contract was executed.
- b. For an electrical corporation, the contract has been approved by the CPUC, even if that approval occurs after June 1, 2010.
- c. Any contract amendments or modifications occurring after June 1, 2010, do not increase the nameplate capacity or expected quantities of annual generation, or substitute a different renewable energy resource. The duration of the contract may be extended if the original contract specified a procurement commitment of 15 or more years.

A facility meeting the above requirements, but failing to meet the eligibility requirements of the current RPS guidebook, may apply for a limited certification on the CEC-RPS-1 form. A facility receiving a limited certification will be eligible for the RPS only for the duration of the contract or ownership agreement originally executed prior to June 1, 2010;¹²⁹ this provision applies to only the generation procured under the contract or ownership agreement. These facilities will be assigned a unique RPS certification number with an "L" suffix signifying limited certification applications.

7. Special Precertification for POU-Related Facilities

Facilities previously assigned a precertification RPS ID number with a "P" suffix are owned by or under contract with a POU rather than a retail seller. The "P" suffix indicates that these facilities met all RPS-eligibility requirements, except for previous limitations in the law precluding POU-owned or contracted facilities from being RPS-certified. Thus, the Energy Commission could have assigned only a precertification status to these facilities. A change in law has now removed this restriction, and precertified facilities with a "P" suffix may now apply for RPS certification. Applicants for such facilities must apply for RPS certification and must provide all supporting documentation required in this fifth edition of the guidebook. However, if the applicant previously provided such documentation and it remains accurate, the applicant may simply reference the documentation when submitting a new application for certification. If RPS certification is approved for a facility with a "P" suffix, all generation from the date the initial precertification application was received by the Energy Commission will be considered RPS-eligible. The Energy Commission will change the "P" suffix to an "A" suffix once a facility is again approved for certification.

¹²⁹ Public Utilities Code Section 399.16(d).

B. The RPS Application Process~~Applying for RPS Certification and Pre-Certification~~

The next section outlines the process of applying for precertification and certification, provides information on completing the application forms and submission requirements, and describes the application review and approval processes. Only facilities that have begun commercial operations may apply for RPS certification.

1. Completing Application Forms

Individual facility or aggregated unit applicants must submit a completed application (see Section III A: Certification Types) and all required supplemental information; for more information please review Section II: Eligibility Requirements. All information requested in the application forms must be provided unless otherwise specified. The additional required information described in this guidebook must be submitted along with any application for certification.

When a retail seller, POU, or agent applies on a facility operator's behalf, the retail seller or agent must furnish all additional required information. To the extent that the facility's agent or a retail seller applies for certification on a facility's behalf, the agent or retail seller must secure and have available for inspection records to verify the application for certification or precertification. In addition, the agent, POU, or retail seller must possess documents to verify a facility's compliance with the requirements of certification and precertification. These documents must be available to the Energy Commission upon request for auditing purposes.

Only the authorized officer or agent of the facility, the applicant, or the persons identified on the application form, as listed on the submitted application, may approve or request any changes to an application form during the review process. No changes may be made to an application once the review has been finalized; if the applicant wishes to make any changes, an amended certification (or precertification) application must be submitted. If persons identified on the application form are unavailable or no longer associated with the facility, an amended application must be immediately submitted. (See Subsection 5 below.)

Application forms can be found on the Energy Commission's website at:

<http://www.energy.ca.gov/renewables/documents/index.html#rps>

2. Submission Requirements

Before an application for RPS precertification or certification is considered received by the Energy Commission, the applicant must submit a hard copy of the completed application form, with an original signature (not a copy) of the authorized officer or agent of the facility, along with all supporting documentation (supplemental forms may be provided either in hard copy or electronically), to the Energy Commission at:

California Energy Commission
Attn: RPS Certification
1516 Ninth Street, MS-45

Sacramento, CA 95814

Additionally, an electronic version of the unsigned application form in Excel® format must be submitted to the Energy Commission via email to [RPSTrack@energy.ca.gov]. The subject line of the e-mail and the name of the Excel® file should include “Certification,” the facility name (or aggregated unit name), and the RPS ID number (if applicable) in the following format:

RPS Certification (or Precertification) of the [Facility Name], [RPS ID number if available]

Once the Energy Commission has received all of the above information from the applicant, including all required supplemental information, the application will proceed into the review process.¹³⁰ An application for certification for a facility that has not yet begun commercial operations using a renewable fuel will be returned to the applicant; only an application for precertification will be accepted for such facilities.

~~Facilities seeking certification as eligible for the RPS consistent with the eligibility requirements noted above must submit a completed application, along with any necessary supporting documentation, to the Energy Commission at the address shown on the form. Applicants must submit a hard copy of these materials with an original authorized signature (not a copy) on the appropriate application form. An electronic copy of the completed application in Excel® format must also be submitted to the Energy Commission via email to RPSTrack@energy.state.ca.us with the RPS ID, if applicable, and the name of the facility in the subject line.~~

3. Application Review Process

Upon receipt of the completed application, staff will date stamp the application as received and begin the review process. A valid RPS ID will be assigned to the facility or aggregated unit, as necessary. Complete applications are processed in the order they are received.

The Energy Commission may use any information or records submitted to the Energy Commission or obtained as part of the application review process or any audit to determine eligibility and compliance with the RPS. The information and records may include, but are not limited to, applications for RPS precertification and certification, supplemental documentation submitted with RPS applications, documents submitted to substantiate procurement or generation claims, and any other documentation submitted upon request of the Energy Commission, publicly available information and documents, and information submitted to other state, federal, or local agencies. This information and these records may be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.). If, as part of any audit, the Energy Commission requires the applicant to provide copies of records that the applicant believes contain proprietary information entitled to protection under the California Public Records Act or other law, the applicant may request that such records be

130 The electronic submission requirement may be waived if the facility owner, or agent thereof, does not have the required software or Internet access to complete an electronic submission and obtaining access to either would be unduly burdensome. Applicants meeting these conditions must include an explanation of the circumstances with the application submission.

designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.¹³¹

The Energy Commission will make every effort to notify applicants if their facility is eligible for the RPS as soon as possible. For facilities that are not required to submit additional information pursuant to this guidebook as described below, the Energy Commission expects to review and process applications for certification and ~~pre-certification~~ precertification within 30 business days of their receipt, unless questions or concerns arise regarding the applications. For applicants that must submit additional required information, such as for biopower, hydroelectric, repowered, ~~or out-of-state~~ facilities with a first point of interconnection outside California, or out-of-country facilities, the Energy Commission must conduct an extensive review of the additional data, which could take more than 60 days from the date a complete application is received by the Energy Commission and, if applicable, the Executive Director makes a determination on any related requests from the applicant for confidential designation.¹³²

If questions arise, the applicant will be contacted and may be asked to submit additional information. A request for additional information will place a hold on the review process for that facility until the Energy Commission receives the requested information. If the applicant does not respond within 60 days to a request for clarification or additional information regarding the application, the application will expire without approval and be returned. The applicant must submit a new application with complete information to reinstate the certification request.

4. Notification of the Final Determination

After completing its review, the Energy Commission will notify applicants in writing of its determination on the application for certification or ~~pre-certification~~ precertification. If the application for certification or ~~pre-certification~~ precertification is approved, the Energy Commission will issue a certificate stating that the facility, or aggregated unit, is certified or pre-certified as eligible for the RPS. ~~The certificate~~ An individual facility certificate will list the Energy Commission-issued certification number for the facility as well as the size, fuel type or types, annual percentage of nonrenewable energy resources (if any), name, location, owner/operator of the facility, applicant or certifying agent, date RPS eligibility begins, and other information relevant to the facility's eligibility. The certificate will also indicate whether the facility was certified by the facility owner/operator, an agent of the facility owner/operator, or a retail seller on the owner/operator's behalf. A copy of the certificate will also be sent to the owner/operator as indicated on the application form, if different than the applicant. An aggregated unit certificate will list the Energy Commission-issued certification number for the unit as well as the number of facilities in the unit, the total size, fuel type, annual percentage of

¹³¹ Please refer to the section on Use and Disclosure of Information and Records in the *Overall Program Guidebook* for more information.

¹³² Review times provided are estimates and are subject to change depending on the complexity of the application and the activity in the application queue.

nonrenewable energy resources (if any), fuel suppliers, name, aggregating entity, applicant or certifying agent, the applicable RPS eligibility dates, and other information relevant to the facilities' eligibility.

Previous approval of ~~pre-certification~~ precertification status does not guarantee that a facility will be eligible for RPS certification in the future, and the ~~pre-certification~~ precertification certificate will indicate this on its face. All facilities must meet the eligibility requirements set forth in the edition of the RPS Eligibility Guidebook in place at the time the Energy Commission receives an application for certification, regardless of whether the facility had previously been awarded precertification status.

In addition, the certificate will identify any limits on certification (or ~~pre-certification~~ precertification). For example, a certificate issued for a multijurisdictional facility ~~that has been certified pursuant to Public Utilities Code Section 399.17 will indicate that the generation of the facility is only eligible to be claimed for RPS compliance by the multijurisdictional utility identified in the application. RPS Eligibility Certificates issued will not include an expiration date and will remain in effect for the life of the facility.~~

~~Facilities that were assigned a pre-certification number with a "P" suffix are owned by or under contract with a local publicly owned electric utility (POU) rather than a retail seller. The "P" suffix indicates that these facilities met all RPS eligibility requirements, except for limitations in the law that precluded POU-owned or contracted facilities from being RPS-eligible. Thus, the Energy Commission could only assign a pre-certification status to these facilities. A change in law has now removed this restriction and facilities that have been previously assigned a "P" suffix may now apply for RPS certification. Applicants from such facilities must reapply for RPS certification, and must provide all supporting documentation required by this guidebook. However, if the applicant previously provided such documentation and it remains accurate, the applicant may simply reference the documentation when submitting a new application for certification. If certification is awarded to a facility that was previously awarded pre-certification with a "P" suffix, all generation from the date the pre-certification application was received will be considered RPS-eligible.~~

If the applicant disagrees with the Energy Commission's determination on a certification (or ~~pre-certification~~ precertification) application, the applicant may petition ~~the Renewables Committee and~~ the Energy Commission for reconsideration as described in the *Overall Program Guidebook*.

The Energy Commission will post information on its website listing those facilities that are certified (or ~~pre-certified~~ precertified) as eligible for the RPS. Any changes in a facility's certification status will also be posted on the Energy Commission's website.

Consistent with the *Overall Program Guidebook*, the Energy Commission may conduct periodic or random reviews to verify records submitted for certification (or ~~pre-certification~~ precertification) ~~as a renewable facility eligible~~ for the RPS. Further, the Energy Commission may conduct on-site audits and facility inspections to verify compliance with the requirements for certification (or ~~pre-certification~~ precertification). The Energy Commission may request additional

information it deems necessary to monitor compliance with the certification requirements specified in this guidebook.

An application for certification may be submitted for a facility by the facility operator or its agent on the facility's behalf using form CEC RPS 1A. Upon approval for certification, the Energy Commission will assign a certified facility a six digit RPS identification number with an "A" suffix.

~~Applicants seeking must submit a completed form CEC RPS 1B. If a is awarded to the facility, it will be assigned a six digit RPS identification number with a "C" suffix. A facility that was pre-certified will retain its RPS identification number, and only the suffix will change from a "C" to an "A" upon receiving certification status. The information submitted by these applicants for precertification will be subject to further verification once the pre-certified facility comes on-line. Applicants must indicate their desire to be pre-certified on their completed CEC RPS 1B form and must submit all required supplemental information, as described below, to the extent that information is available. If the additional required information is not available at the time of because of the facility's stage of development, then the applicant must explain this in its application and identify the missing information and the date(s) when the information is expected to be available. Applicants for precertified facilities that are pre-certified must submit a complete certification application (CEC-RPS-1A) with all additional required information and be certified as RPS-eligible before any of the facility's generation may be counted toward satisfying a retail seller's or POU's RPS procurement requirements. **An award of pre-certification status does not guarantee that a facility will be eligible for certification in the future, and the pre-certification certificate will indicate this on its face.**~~

B. Amending Certification and Pre-Certification

5. Amending Certification or Precertification

Representatives of certified and ~~pre-certified~~ precertified facilities must notify the Energy Commission promptly of any changes in information previously submitted in an application for certification or ~~pre-certification~~ precertification. A facility failing to do so within 90 days of the change risks losing its certification status. Any changes to a certification or ~~pre-certification~~ precertification application should be reported on an amended CEC-RPS-1 form (CEC RPS 1A to amend certification and CEC RPS 1B to amend pre-certification) or an amended CEC-RPS-3 form; certifications cannot be amended on the CEC-RPS-2 form or on the CEC-RPS-4 form. For example, if a facility's annual fossil fuel use changes from the percentage identified in its previous application for certification, the facility must submit an amended application. An amended application with any of the following significant changes will be reviewed under the edition of the guidebook in place at the time the Energy Commission receives a complete amended application for precertification or certification:

- Change in fuel, technology, or energy resource type
- Increase in nameplate capacity
- Change in QF status

- Change in fuel suppliers (except for biomass facilities)
- Repowering of the facility
- Increase in the amount of nonrenewable fuel used annually beyond the allowable amount, or a change that exceeds 10 percent of the total annual energy input.

If all persons listed on the application form are no longer associated with the facility described in the application, the new applicant must include a cover letter, signed by the new authorized officer or agent, indicating the legitimacy of the changes. The Energy Commission will review the amended application and notify the applicant of any modifications to its certification status.

Also, any changes to the status of a facility's certification will be posted on the Energy Commission's website, and any affected retail seller contracting with that facility will be promptly notified.

~~C. Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities~~

~~The following instructions apply to applications for hydroelectric, MSW conversion, out-of-state, and repowered facilities. The additional required information described below must be submitted as an attachment to the applicant's completed CEC-RPS-1A or CEC-RPS-1B form, along with the appropriate supplement form, if applicable.~~

~~1. Instructions for Additional Required Information for Hydroelectric and Conduit Hydroelectric Facilities~~

Note: This section has been removed from "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities," and information contained in this section is now located in Section II, B. 5: Hydroelectric Facilities.

~~An applicant must provide additional information to substantiate its application for RPS pre-certification or certification that a small hydroelectric facility, conduit hydroelectric facility, or incremental generation from efficiency improvements to hydroelectric facilities regardless of overall facility size if the facility:~~

- ~~Commenced commercial operations or was repowered on or after January 1, 2006, for small or conduit hydroelectric facilities.~~
- ~~Commenced commercial operations before January 1, 2007, for incremental generation from efficiency improvements regardless of facility size.~~
- ~~Was added to an existing water conduit on or after January 1, 2006, for conduit hydroelectric facilities.~~
- ~~Was an existing small hydro or conduit hydro facility and made efficiency improvements after January 1, 2008, that caused it to exceed 30 MW.~~

Additional required water use data and documentation described below must be attached to a completed CEC RPS 1A (for certification) or CEC RPS 1B (for pre-certification) form. These requirements apply to facilities located within California as well as those located out of state. Applicants possessing a permit or license from the State Water Resources Control Board (SWRCB)—or from another governing body, if located in another state—must submit a copy of the permit or license as well as the application for the permit or license.

1. Name of the Facility

2. Ownership of the Facility

3. Source Water Description

The application must identify the source of the water for the hydroelectric project. The source must be characterized as surface, groundwater, or other (for example, recycled water). For surface water sources, a map at a scale of 1:24,000 must be provided. The map should also identify the location of the diversion point and all other facilities. In addition, a written description of the location of the diversion should be provided (county and nearest city) as well as the name of the body of water at the point of diversion. For groundwater, the location of the well(s) and conveyance facilities shall be identified on a map of 1:24,000 scale. The applicant must also specify how much water is used for each of the identified beneficial uses.

4. Water Rights

Both in-state and out-of-state applicants must clearly establish their right to divert water by submitting all necessary information as well as all appropriate licenses or permits. Within California, this information must identify the permitted volume, rate, and timing of water diversions, the place of diversion, and beneficial uses. This may be achieved through submittal of the appropriate SWRCB appropriation permit or license, or the Statement of Water Diversion and Use filed with SWRCB. For diversions not subject to an appropriation permit or license, a copy of any Statement of Water Diversion and Use filed with SWRCB should be provided. Facilities located outside of California must provide similar documentation of an existing water right for the water diversion of the project.

5. Hydrologic Data

The applicant must submit appropriation and/or diversion data for the last five years or for the period of operation if the project has been operating less than five years. Information contained in any legally required reports may be used to meet this requirement if sufficient information is included in the report. For other projects, the hydrologic data submitted must be accompanied by a description of how the data is collected. Flow data shall be provided at the frequency set forth in the applicable water appropriation permit; for example, if the permit specifies minimum and maximum flows on a monthly basis that is the level of information necessary to be submitted.

6. Other Permits

The applicant must submit all other applicable permits, including those permits and exemptions issued by the Federal Energy Regulatory Commission (FERC).

7. Environmental Documentation

The applicant must submit copies of any permits, agreements, contracts, or other requirements affecting the operation of the facility, especially those that affect the volume, rate, timing, temperature, turbidity, and dissolved oxygen content of the stream water before and after the points of diversion.

8. Capacity

For small and conduit hydroelectric facilities, the applicant must demonstrate how the project will comply with the 30 MW size limitations under the RPS and not cause an adverse impact on instream beneficial uses or a change in the volume or timing of streamflow. For this purpose, a facility may have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

9. Efficiency Improvements

Applicants seeking certification of small or conduit hydroelectric facilities that exceed 30 MW due to efficiency improvements are required to provide the following:

- h. Documentation that shows when the existing small or conduit hydroelectric facility commenced commercial operations.
- i. Documentation that describes the efficiency improvements and when they were initiated and completed.
- j. Documentation that demonstrates that the efficiency improvements are not the result of routine maintenance.
- k. Documentation that demonstrates that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. For this purpose, an efficiency improvement could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

10. Incremental Hydroelectric Generation

Applicants seeking certification of incremental hydroelectric generation due to efficiency improvements regardless of facility output are required to provide the following:

- l. Documentation that shows when the existing hydroelectric facility commenced commercial operations.
- m. Documentation that describes the efficiency improvements and when they were initiated and completed.
- n. Documentation that demonstrates that the efficiency improvements are not the result of routine maintenance.

- ~~o. Documentation that demonstrates that the efficiency improvements were not included in any resource plan sponsored by the facility owner before January 1, 2008. An example of this documentation is submission of pertinent sections of such a resource plan.~~
- ~~p. A copy of certification from the State Water Resources Control Board (SWRCB) pursuant to Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341) or the certification from a regional board to which the SWRCB has delegated authority to issue certification, unless the facility is exempt from certification because there is no potential discharge into waters of the United States. The certification must have been received within the immediately preceding 15 years of when the improvements were initiated, or;~~

~~If the hydroelectric facility is located in a state in the United States other than California, the certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341) may be received from the applicable state board or agency or from a regional board to which the state board has delegated authority to issue the certification, or;~~

- ~~q. The facility meets the requirements of the Public Utilities Code 399.12.5(b)(2)(C). Documentation that demonstrates that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow¹³³. For this purpose, an efficiency improvement would have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.~~
- ~~r. Documentation that demonstrates evidence that the efficiency improvements to the facility resulted from a long-term financial commitment by the retail seller.¹³⁴~~
- ~~s. A calculation of the historical average annual production of the existing hydroelectric facility, including verifiable generation data for the 20 years preceding the efficiency improvements, including supporting water flow data. If the facility has not been operating 20 years, then provide data for the years it has been operational.~~
- ~~t. The actual or expected efficiency improvement and increase in production in MWh resulting from the efficiency improvement and a discussion of the method used to estimate increased energy production. The actual or expected efficiency improvement should be based on the same data that is used to calculate the historical average annual production of the existing hydroelectric facility. If production data are available for years following the efficiency improvement, please provide those data.~~

2. Instructions for Additional Required Information for Municipal Solid Waste Conversion Facilities

¹³³ The eligibility of a hydroelectric generation facility, certified as of January 1, 2010, shall lose its eligibility if the facility causes a change in the volume or timing of streamflow required by license conditions approved pursuant to the Federal Power Act (Chapter 12 (commencing with Section 791a) of Title 16 of the United States Code) on or after January 1, 2010.

¹³⁴ "Long-term financial commitment" means either new ownership investment in the facility by the retail seller or local publicly owned electric utility or a new or renewed contract with a term of 10 or more, which includes procurement of the incremental generation.

Note: This section has been removed from "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities," and information contained in this section is now located in Section II, B. 6: Municipal Solid Waste.

The requirements for Municipal Solid Waste Conversion facilities described below are for facilities located in California; the requirements for MSW conversion facilities physically located outside California are provided at the end of this subsection.

MSW Conversion Facilities Located in California

Applicants for RPS certification of solid waste conversion facilities must provide copies of any solid waste facilities permits issued by the appropriate Enforcement Agency¹³⁵ pursuant to regulations promulgated by the California Department of Resources Recycling and Recovery (CalRecycle). These permits must be attached to the completed CEC RPS 1A or CEC RPS 1B form to verify compliance with the requirements specified above. Applicants seeking RPS pre-certification must attach copies of their Solid Waste Facilities Permit Application, as submitted to the Enforcement Agency. The Energy Commission will verify compliance in consultation with CalRecycle based on the adopted regulations as set forth in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0, commencing with Section 17400.

To become certified as a renewable energy resource eligible for RPS, an applicant for a solid waste conversion facility must submit to the Energy Commission a copy of any applicable permits issued pursuant to the requirements of Title 14, CCR, Division 7, Chapter 3 Article 6.0, commencing with Section 17400. The Energy Commission will confirm that the permit is approved, active, and applicable to the facility seeking RPS certification. These permits must demonstrate the following:

1. The facility is using only a "gasification" conversion technology, as defined in Public Resources Code Section 40117.
2. The facility accepts and processes "solid waste" as defined in Public Resources Code Section 40191 and is not limited to receiving and processing "source separated" waste as defined in Title 14, California Code of Regulations, Section 17402.5(b)(4).
3. The facility processes solid waste from which, to the maximum extent feasible, all recyclable materials and marketable green waste compostable materials have been removed before the solid waste conversion process.

In addition, an applicant for solid waste conversion facility must certify to the Energy Commission the following:

¹³⁵ Enforcement Agency as defined in Public Resources Code section 40130. A List of Enforcement Agencies can be found at <http://www.calrecycle.ca.gov/LES/Directory/>.

- ~~1. All recyclable materials and marketable green waste compostable materials that have been removed from solid waste prior to the conversion process are recycled or composted.~~
- ~~2. Any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting. For purposes of this certification, "local agency" means any city, county, or special district, or subdivision thereof that is authorized to provide solid waste handling services.~~

~~To become pre-certified as RPS-eligible, the applicant must submit to the Energy Commission copies of its Solid Waste Facilities Permit Application, as submitted to the Enforcement Agency (EA) or a letter from CalRecycle stating that the facility, if built and operated as proposed, is using a "gasification" conversion technology, as defined in Public Resources Code Section 40117. In the event that the Enforcement Agency determines that no permit is required, then the applicant must submit to the Energy Commission the information provided to the Enforcement Agency and the Enforcement Agency's official determination of the facility's regulatory status. The Energy Commission will review this information and consult with CalRecycle to determine if the information is complete and satisfies the requirements specified in Public Resources Code Section 25741(a)(3). The Energy Commission will confer with CalRecycle to determine that the information included on any final approved solid waste facility permit is consistent with the requirements of the RPS eligibility criteria.~~

~~If a pre-certified applicant does not obtain an applicable solid waste facility permit, if such a permit is deemed necessary, by the time the project commences commercial operation, or if it is denied approval for a required permit, the Energy Commission will revoke the applicant's pre-certification.~~

MSW Conversion Facilities Located Outside California

~~In the case of an MSW Conversion facility not physically located within California and thus not under the jurisdiction of CalRecycle or an EA, the facility must meet the same requirements for in-state facilities, except that the Energy Commission will accept similar permits (as described above) from the corresponding local agency or agencies with the authority to award such permits. For RPS certification, the applicant must submit copies of the permit applications and all documentation required to receive the local equivalent of the required EA permits as well as any additional information that would be required to receive these permits from the EA.~~

~~For RPS pre-certification, the applicant must submit all available documentation required to receive the local equivalent of the EA permits, as well as the permits required by the local authority. If a pre-certified applicant does not obtain all required permits from the local authority or meet all standards placed on similar facilities located in California by the EA to receive the required permits by the time the project commences commercial operation, or if it is denied approval for a permit, the Energy Commission will revoke the applicant's pre-certification status.~~

3. Instructions for Additional Required Information for Out-of-State Facilities

Note: This section has been removed from "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities," and information contained in this section is now located in Section II, E: Facilities with a First Point of Interconnection Outside California

All out-of-state facilities must provide additional required information when applying for certification as RPS-eligible. Further requirements apply to facilities that commenced commercial operations before January 1, 2005, as described below. However, the additional reporting requirements for out-of-state facilities do not apply, to a facility that is either:

- Exclusively serving retail sellers subject to Public Utilities Code Section 399.17, or
- Seeking pre-certification and is not yet on-line.

1. Out-of-State Facilities: Representatives of all other out-of-state facilities seeking certification as RPS-eligible must submit the following additional information with a completed CEC RPS-1A form.

Impact on California Environmental Quality Standards: The law requires a facility located out-of-state to demonstrate that it will not cause or contribute to a violation of a California environmental quality standard or requirement.¹³⁶ To meet these criteria, the applicant must provide:

- d. A comprehensive list and description of all California environmental quality laws, ordinances, regulations, and standards (collectively referred to as "LORS") that may be directly or indirectly violated by the facility's development or operation, and
- e. An assessment as to whether the facility's development or operation will cause or contribute to a violation of any of these LORS in the region of California most likely to be affected by the facility's development or operation.
- f. Documentation that substantiates the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials that demonstrate that the facility's development or operation will not cause or contribute to a violation of a California environmental quality standard or requirement in California.

At a minimum, the LORS described shall address the following environmental areas consistent with Appendix B, Section (g), of the Energy Commission's regulations for power plant certification, Title 20, California Code of Regulations, Sections 1701, et seq, to the extent that application of the Environmental Area Thresholds for Out-of-State Facilities set forth in Table 2 shows that the project has the potential to impact resources within California:

- Cultural Resources
- Land Use
- Traffic and Transportation
- Visual Resources
- Socioeconomics
- Air Quality
- Public Health
- Hazardous Materials Handling
- Workers' Safety

¹³⁶ Public Resources Code Section 25741(b)(2)(B)(iv).

- Waste Management
- Biological Resources
- Water Resources
- Agriculture and Soil
- Paleontological Resources
- Geological Hazards and Resources
- Transmission System Safety and Nuisance
- Noise

The assessment of the potential for an out-of-state facility to cause or contribute to any violation of a California environmental quality standard or requirement depends on the environmental resource area and the project's distance from the region in California most likely to be impacted by the facility's development or operation. The likelihood that a facility located outside California will affect California's environmental quality is primarily related to distance. For example, a project located in a state not adjacent to California is unlikely to contribute to a violation of a California Visual Resources LORS. The Out of State Supplemental Form, CEC-RPS 1A:S3, requires an applicant to identify the project's distance from California, as well as the location in California most likely to be impacted by the project.

The applicable LORS for a given facility will vary depending on the facility's location, since the LORS across California vary. For example, the air quality standards in Southern California may differ from the air quality standards in Northern California. Accordingly, for demonstrating whether the out-of-state facility will cause or contribute to a violation of any of these LORS in California, the applicant should select the region in California that would most likely be affected by the facility's development or operation.

The Energy Commission will first consider the facility's technology and distance from the California region most likely to be impacted to assess the applicant's LORS documentation. Table 2 describes the thresholds the Energy Commission will apply when evaluating the likelihood of a project to cause or contribute to a violation of a California LORS, with projects located beyond those thresholds being unlikely to violate a California LORS. As shown in Table 2, some environmental areas have discrete distance limits beyond which the project is unlikely to impact California's environmental quality. Other environmental areas have conditional thresholds for which the potential impact depends on the nature of the facility and its location.

Table 2: Environmental Area Thresholds for Out-of-State Facilities

Environmental Area	Threshold or Minimum Distance from California Border
Discreet Thresholds	
Agricultural and Soil	2 miles
Cultural Resources	Project viewshed/ 20 miles
Geological Hazards	2 miles
Land Use/ Recreation	Project viewshed/ 20 miles
Noise	2 miles
Paleontological Resources	Project viewshed/ 1 mile
Socioeconomics	2 hour commute distance
Visual Resources	Project viewshed/ 20 miles
Conditional Thresholds	
Air Quality	10 miles, or greater if there is potential for transportation or other emissions to impact California air quality
Biological Resources	10 miles, unless the project has the potential to impact a California migratory bird or animal population
Public Health	10 miles, or greater if there is potential for project-related wildfire risk
Traffic and Transportation	20 miles, or greater if the project could impact California air travel or traffic on California highways
Transmission System Safety and Nuisance	2 miles, although if the transmission line interconnection extends into California, the facility would be considered in state and an environmental review pursuant to the California Environmental Quality Act would be required
Waste Management / Hazardous Materials Handling	No distance limit if California disposal site is used or materials are transported through California.
Water Resources	2 miles, or further distance if project has the potential to impact a drainage flowing into California

All applicants must submit a written explanation substantiating the claim that the project does not violate California LORS. For projects that are beyond the discrete thresholds, submission of a simple explanation documenting how the project's development and operation do not

contribute to a violation of a California LORS is sufficient. For projects that are closer than the discreet threshold for an environmental area, a detailed explanation documenting how the project's development and operation do not contribute to a violation of a California LORS for the environmental area is required. An applicant may submit a simple explanation for each environmental area with a conditional threshold if there is no potential for a violation of a California LORS. If, however, there is potential for such a violation for an area with a conditional threshold, a detailed explanation is required. For example, Traffic and Transportation is an area with a conditional distance of 20 miles. A project located in Wyoming, which is farther than 20 miles from the California border, could provide a simple explanation describing how its development and operation have no impact on California's LORS because its transportation activities do not involve California air travel or its highways. All LORS assessments and explanations should be submitted in a document to accompany the CEC RPS-1A Form and Out of State Supplemental Form, along with documentation that substantiates the applicant's assessment as required above in 1.c.

As noted above, further reporting requirements apply to out-of-state facilities that commenced commercial operations before January 1, 2005. For such facilities, the applicant may qualify for RPS certification if either: 1) the facility was part of a retail seller's baseline, or 2) the facility produces incremental generation due to project expansion or repowering on or after January 1, 2005. The additional required information needed for each case is described below.

- ~~Baseline: If an out of state facility commenced commercial operations before January 1, 2005, the applicant must identify the retail seller that procured electricity from the facility, the baseline year, and the amount sold to the retail seller.~~
- ~~Incremental generation: The Energy Commission may certify incremental generation from out of state facilities as RPS eligible if it finds that the incremental generation exceeds the project's historical production. The method for quantifying incremental generation from out of state facilities is described below. The applicant must provide the following information:~~
 - ~~For small hydroelectric or conduit hydroelectric facilities, the applicant must provide verifiable generation data for the 20 years preceding project expansion or repowering. If the project has not been operational for 20 years, then provide generation data on all previous years to date. The applicant must also provide the information described in "Additional Required Instructions for Small Hydroelectric or Conduit Hydroelectric Facilities."~~
 - ~~For all RPS eligible technologies except small hydroelectric or conduit hydroelectric, the applicant must provide data on annual generation for the 36 months preceding the project expansion or repowering (for example, if the project expansion comes on line January 1, 2007, then generation data must be provided from January 1, 2004 through 2006). If the project has not been operational for 36 months, then provide generation data for all previous months to date.~~
 - ~~All applicants seeking certification of incremental generation must provide evidence that the incremental generation from the facility resulted (or will result if~~

the applicant is seeking pre-certification) from a capital expenditure in the project. This information is needed to verify that the incremental production is not a result of weather fluctuations or some other recurring or random event. The capital investment must exclude monies that would have been spent on operation and maintenance in the normal course of doing business. The applicant must provide a brief description of each capital investment made for project expansion or repowering, including a discussion of the nature of the capital investments and how they resulted in the incremental generation. In substantiating an application to certify incremental production, the burden of proof will be on the applicant to submit compelling evidence to demonstrate the effect that capital expenditures had on production.

Quantifying Incremental Generation from Out-of-State Facilities

To determine the amount of incremental generation from a facility that qualifies as eligible for the RPS, the Energy Commission will first determine the historical baseline of the facility. For hydroelectric facilities, the baseline is the annual average generation calculated from 20 years before project expansion or repowering. For facilities that directly meter the project expansion of the facility separate from the existing portion of the facility, such as wind or solar photovoltaic expansions to facilities, the baseline is the capacity of the facility before the project expansion. For all other technologies, the baseline is the average annual generation calculated from the 36 months before project expansion or repowering. For projects that have not been operational for the specified period of time (for example, 20 years for hydroelectric facilities), the annual average generation for the project's operations to date must be provided.

The Energy Commission will certify the facility's annual production net of the baseline calculated for that facility. For example, if the facility produces 250 MWh in 2008 and its baseline is 150 MWh, then 100 MWh generated from the facility are RPS-eligible. For facilities directly measuring the project expansion's generation, any generation resulting from the capacity of the expansion will be considered eligible.

All data submitted are expected to be public. However, the Energy Commission is interested only in data with a direct bearing on the application. For example, although information on capital investments and the resulting production increases is expected to be submitted publicly, the Energy Commission has no interest in any proprietary underlying economic analyses that may have led to the decision to make such an investment.

2. **Out-of-Country Facilities:** In addition to the above information for out-of-state facilities, an applicant for a facility located outside the United States must provide all of the following:

- e) A comprehensive list and description of all California environmental quality LORS that would apply to a similar facility located within California at a site designated by the applicant.
- f) An assessment as to whether the facility's development or operation will cause or contribute to a violation of any of these LORS. The applicant may select any region in California to

demonstrate whether the facility's development or operation will cause or contribute to a violation of any of the LORS in California.

- g) An explanation as to how the facility's developer and/or operator will protect the environment to the same extent as provided by these LORS for a similar facility located in California in developing or operating the facility, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are followed.
- h) Documentation that substantiates the applicant's assessment as required in b) and c) above. For example, documentation could include environmental studies, permits, and similar materials that demonstrate that the facility's development or operation will not cause or contribute to a violation of a California environmental standard or regulation and will protect the environment to the same extent as provided by these LORS for a similar facility located in California.

4. Instructions for Additional Required Information for Repowered Facilities

Note: This section has been removed from "Additional Required Information for Hydroelectric, Municipal Solid Waste Conversion, Out-of-State, and Repowered Facilities," and information contained in this section is now located in Section II, D: Repowered Facilities.

To apply for certification or pre-certification as a repowered facility, an applicant must submit a completed CEC RPS 1A or CEC RPS 1B form, along with documentation confirming the replacement of the facility's prime generating equipment and the capital investments made to repower the facility as well as the value of those investments.

1. Prime Generating Equipment: The applicant must document that the facility's prime generating equipment is new and that the repowered facility re-entered commercial operations on or after January 1, 2005. Applicants for repowered small hydroelectric facilities and conduit hydroelectric facilities must document the facilities re-entered commercial operations on or after January 1, 2006.

a. The "prime generating equipment" for each renewable resource is defined as follows:

- Wind: the entire wind turbine, including the generator, gearbox (if any), nacelle, and blades.
- Biomass: the entire boiler. Stoker boilers may be replaced with boilers using improved stoker technology or fluidized bed technology.
- Geothermal: the entire steam generator, including the turbine rotors, shaft, stationary blades, and any gear assemblies.
- Small and conduit hydroelectric: the entire turbine and structures supporting the turbine.
- Solid waste conversion: the entire gasifier (gasifying equipment) and combustion turbine.
- Landfill gas: the entire internal combustion engine or combustion turbine as applicable.

- ~~Digester gas: the entire digester unit and internal combustion engine or combustion turbine as applicable.~~
- ~~Solar thermal: the entire steam turbine.~~

b. ~~All prime generating equipment at the facility must be replaced with new equipment for the facility to qualify as a repowered facility. For example, a 25 MW wind facility consisting of 50 separate wind turbines must at a minimum replace each of the 50 wind turbines with new turbines of like or greater capacity for the entire 25 MW facility to qualify as a repowered facility. The Energy Commission recognizes that a wind facility owner may want or need to repower only a portion of the turbines owned at a site and does not exclude that option. In the event that a generator is interested in repowering a portion of a site, then it will need to re-certify the remaining portion of the site that is not being repowered.~~

2. ~~Capital Investments: The applicant must document that the value of the capital investment made to repower the facility equals at least 80 percent of the total value of the repowered facility. In addition, the applicant must document that capital investments were made not more than two years before the date that the facility re-entered commercial operations. Capital investments may only be considered for meeting the 80 percent threshold if they were made for that portion of the facility that contributes directly to the production of electricity. This includes the prime generating equipment as well as the electricity generators and related equipment, fuel processing, enhancing, and delivery equipment, control equipment, and structures used to structurally support the aforementioned equipment. As discussed below, the electrical generators, fuel processing, enhancing and delivery equipment, control equipment, and related structures do not need to be replaced for the facility to qualify as a repower. However, if this equipment is replaced, the capital investment to do so may be considered for toward meeting the 80 percent threshold.~~

a. ~~Electrical Generators and/or Fuel Processing, Enhancing, and Delivery Equipment: It is generally not necessary for a facility to replace its existing electrical generators or fuel processing, enhancing, and delivery equipment because replacing this equipment may produce little or no improvement to the facility's efficiency and, therefore, does not warrant the additional expense. Exceptions are cases in which the electrical generator is an integral part of the prime generating equipment, such as for wind facilities, or where the fuel processing, enhancing, and delivery equipment is an integral part of the prime generating equipment via the fuel conversion process, such as for solid waste conversion facilities and digester gas facilities. The facility's environmental control equipment, such as air pollution control equipment, would not be considered toward meeting the 80 percent threshold, because such equipment does not contribute directly to electricity production.~~

b. ~~Any associated process control equipment and structures used for structural support of the prime generating equipment, electrical generators, fuel processing, enhancing, and delivery equipment, and associated process control equipment, as appropriate, would also fall into this category and are generally not necessary to replace.~~

The applicant must provide documentation, such as invoice receipts, verifying the replacement of the old equipment, as well as other components of the technology relevant to the repowering application. The Energy Commission will confirm that the equipment listed is appropriate for certification as a repowered facility.

The applicant must document the value of the capital investments made to the facility and the total value of the repowered facility. The value of the capital investments must equal at least 80 percent of the total value of the repowered facility.

The “repowered facility” is defined as all of the new and/or existing prime generating equipment, electrical generators, fuel processing, enhancing, and delivery equipment, and any associated process control equipment and structures at the facility. The land on which the facility sits will not be considered part of the repowered facility for purposes of determining the 80 percent threshold. Similarly, intangibles such as the value of a facility’s power purchase contract or its goodwill will not be considered part of the repowered facility.

The applicant may show that it has met the 80 percent threshold by submitting either tax records or an assessment of the “replacement value” of the facility along with documentation of the cost of the new equipment. The applicant must notify the Energy Commission which methodology it is using and provide the appropriate information as described below.

a. Tax Records Methodology:

The applicant must submit to the Energy Commission all relevant tax records needed to demonstrate that the capital investments made to repower the facility are equal to at least 80 percent of the value of the repowered facility.

- The applicant must document the value of the capital investments and the year the investments were made. In this case, the value of capital investments is the original tax “basis” declared to the Internal Revenue Service to calculate depreciation. The tax basis should reflect the value of the equipment the applicant has attested to purchasing. The tax basis is generally what a business pays for an item to be depreciated.
- The applicant must document the value of the repowered facility. In this case, the value of the repowered facility is based on the sum of the tax basis declared for all of the equipment and structures in the repowered facility as of the year the facility is repowered. For new equipment and structures, the value of the repowered facility is the original tax basis; for existing equipment and structures, the value of the repowered facility is the tax basis as adjusted for depreciation. For facilities financed using a sale/lease back or similar structure, the original tax basis of the equipment and structures for both the lessor and lessee will be considered.
- The applicant must divide the total value of capital investments by the total value of the repowered facility. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.

b. Replacement Value Methodology:

This alternative approach may make it more difficult for a facility to meet the 80 percent repowering threshold, but it is a reasonable alternative for parties who are unable or unwilling to secure the necessary tax records to use the adjusted tax basis approach.

- The applicant must document the value of the equipment replaced in the facility. The replacement cost of new equipment is based on the equipment's purchase price and, consequently, is the same value when compared to the adjusted tax basis approach.
- The applicant must submit an independent evaluation of the replacement cost of existing, unreplaced equipment ("retained equipment"). The evaluation should be an estimate of the capital costs that would have to be incurred to replace the retained equipment. This estimate must be provided by an accountant in good standing with the American Institute of Certified Public Accountants or a member in good standing and certified as an internal auditor with the Institute of Internal Audits.
- The applicant must divide the total value of capital investments by the sum of the replacement cost of the new equipment and the independent estimate of the replacement cost of the retained equipment. This calculation must show that the investment is equal to or greater than 80 percent of the total value of the facility for it to qualify as repowered.

IV. RPS Tracking, Reporting, and Verification

The California Energy Commission is responsible for developing a tracking system to verify compliance with the RPS. The Energy Commission is required to:

Design and implement an accounting system to verify compliance with the renewables portfolio standard by retail sellers and POUs to ensure that electricity generated by an eligible renewable energy resource is counted only once for the purpose of meeting the renewables portfolio standard of this state or any other state, to certify renewable energy certificates produced by eligible renewable energy resources, and to verify retail product claims in this state or any other state. In establishing the guidelines governing this accounting system, the Energy Commission shall collect data from electricity market participants that it deems necessary to verify compliance of retail sellers and POUs in accordance with the requirements of this article and the California Public Records Act (Chapter 3.5 [commencing with Section 6250] of Division 7 of Title 1 of the Government Code). In seeking data from electrical corporations, the Energy Commission shall request data from the [California Public Utilities] commission.¹³⁷

Additionally, the Energy Commission must:

Establish a system for tracking and verifying renewable energy credits that, through the use of independently audited data, verifies the generation ~~and delivery~~ of electricity associated with each ~~renewable energy credit~~ REC and protects against multiple counting of the same renewable energy credit. The Energy Commission shall consult with other western states and with the ~~Western Electricity Coordinating Council~~ WECC in the development of this system.¹³⁸

The Energy Commission developed WREGIS, an electronic tracking system that covers the WECC service area ~~territory~~, to meet its RPS tracking requirements, including the tracking of RECs. WREGIS, launched in June 2007, issues a REC, termed a WREGIS Certificate, for each reported megawatt-hour of eligible generation. WREGIS Certificates document the amount of energy generated by facilities acknowledged as renewable by regulatory and voluntary programs in the WECC ~~certified as RPS-eligible by the Energy Commission~~, and that must ~~can~~ be retired to claim procurement for RPS compliance.

The Energy Commission used ~~an interim generation tracking system~~ the ITS to verify all RPS procurement and deliveries until the use of WREGIS. The ~~Interim Tracking System~~ (ITS) is based on self-reported data and data collected from various other sources to verify procurement claims and energy deliveries.

The *RPS Eligibility Guidebook, Third Edition*, ~~states~~ stated that effective January 1, 2008, the Energy Commission ~~requires~~ required RPS-certified facilities, retail sellers, procurement entities and

¹³⁷ Public Utilities Code, Section ,399.2513, Subdivision (b).

¹³⁸ Public Utilities Code, Section ,399.2513, Subdivision (c).

third parties to participate in WREGIS as part of RPS compliance. In addition, it ~~states~~ stated that Qualified Reporting Entities (QREs)¹³⁹ must register with WREGIS before they can report generation data on the facilities' behalf. Under SB X1-2, the Energy Commission will begin tracking and reporting the procurement of POUs, which must now meet the same RPS targets as retail sellers. However, unforeseen issues faced by many of these companies delayed their registration with WREGIS until the fall of 2008 or later. To accommodate these delays, beginning with the 2008 compliance year and through the 2010 compliance year, the Energy Commission will allow limited use of the ITS to report RPS procurement claims, with the intention of phasing out the ITS by the 2011 compliance year.

~~As of this writing, the WREGIS system does not create RECs for energy generation that occurs during and after the month of a generating facility's commercial online date COD, which currently prevents RECs from being created for a facility's test energy that is produced before the month of COD. This limitation is expected to be addressed in WREGIS by early 2011. For reporting test energy for years prior to 2011 that is unavailable in WREGIS, retail sellers may use the ITS, but only for generation that occurs on or after the date of RPS eligibility.~~

~~For the 2009 and 2010 compliance years, with the exception of reporting test energy, retail sellers planning to report to the Energy Commission using the ITS must receive pre-approval from Energy Commission staff to do so. Such pre-approval will be contingent on retail sellers providing written documentation from WREGIS staff that WREGIS cannot accommodate the tracking or reporting of specific monthly generation. Beginning in with the 2011 compliance year, the Energy Commission will accept only retail sellers' procurement claims for generation that is tracked in WREGIS and reported to the Energy Commission using WREGIS State/Provincial/Voluntary Compliance Reports (WREGIS Compliance Reports). Beginning with generation in October 2012, the Energy Commission will accept only WREGIS Compliance Reports from POUs. POU procurement claims for generation before October 2012 may be reported using the ITS for data that are not available in WREGIS. only the use of WREGIS will be allowed for reporting generation and procurement to the Energy Commission.~~

~~As discussed below, the generation data for a given compliance year will be reported annually to the Energy Commission on June 1 of the following year. For generation occurring on or after January 1, 2009, the Energy Commission will accept reports using the ITS only to report procurement of test energy, as discussed above. Beginning January 1, 2011, the Energy Commission will only accept procurement claims for generation that is tracked in WREGIS and reported to the Energy Commission using WREGIS State/Provincial/Voluntary Compliance Reports (Compliance Reports), with the exceptions noted above for test energy as determined by Energy Commission staff.~~

~~WREGIS also provides information to verify delivery of energy into California from out of state facilities. This service, which uses data from NERC e-Tags to report out of state delivery information, became available in WREGIS early 2009. However, WREGIS stakeholders~~

139 A Qualified Reporting Entity (QRE) is an individual or an organization providing renewable generation data to WREGIS on a unit-specific basis for the purpose of creating WREGIS Certificates.

identified a technical issue that precludes retail sellers from accessing the NERC e-Tag data in WREGIS if third party importers schedule delivery into California.

For 2009 and 2010, WREGIS must be used for reporting out of state facilities' delivery data; however, where that service was not utilized or was not available to third party importers, Energy Commission staff may allow submission of NERC e-Tag information using the ITS and the new CEC RPS DELIVERY form. Beginning with generation that occurs on or after January 1, 2011, the Energy Commission will no longer verify deliveries from out-of-state facilities for generation occurring after December 31, 2010 for purposes of verifying energy delivery. However, as the Energy Commission and the CPUC continue to implement SB X1-2, data from NERC e-Tags¹⁴⁰ may be required to verify renewable energy product categories in the future. For example, WREGIS NERC e-Tag Summary Reports may be used to verify conformance with elements of the portfolio content categories. As noted above, this guidebook will be revised as appropriate to incorporate new RPS requirements once they are established in the CPUC and Energy Commission's RPS proceedings for implementing SB X1-2. Beginning with the 2011 compliance year, retail sellers must use WREGIS for reporting energy deliveries into California from out of state facilities, with the exception noted above, until WREGIS is capable of verifying delivery scheduled into California by third parties.

As of this writing, the Energy Commission intends to conduct a verification process for each retail seller and POU for each intervening year during the compliance periods established by SB X1-2. This process will begin with an Energy Commission staff analysis of annual procurement data as submitted by retail sellers and POUs for the preceding year, as described in the following section, "Reporting to the Energy Commission." Staff will work with each retail seller and POU to verify its procurement claims, then a public workshop will be held to present the Energy Commission's findings and discuss outstanding issues. The Energy Commission plans to post its findings on its website. Following each compliance period, the Energy Commission will combine the verification results for the intervening years with the final year of the compliance period.

After each compliance period, the Energy Commission plans to conduct further analyses to determine each POU's compliance with RPS requirements. This process will be more fully developed as the Energy Commission continues to draft regulations for the enforcement of the RPS for POUs. If the Energy Commission determines that a POU has violated the provisions set forth in the regulations, a notice of violation will be submitted to the California Air Resources Board for possible penalties.

¹⁴⁰ The North American Electric Reliability Council (NERC) transferred its Electronic Tagging (e-Tag) Specifications and Schema to the North American Energy Standards Board (NAESB) effective October 27, 2009. NERC e-Tags are used to schedule the transmission of electric power transactions in wholesale markets. E-Tags (or Requests for Interchange) are used to schedule interchange transactions in wholesale markets. An interchange transaction is an agreement to transfer energy from a seller to a buyer that crosses one or more Balancing Authority Area boundaries, and sometimes to schedule transactions internal to a single Balancing Authority Area.

Special Restrictions

By law, no RECs shall be created for electricity generated pursuant to any electricity purchase contract with a retail seller or a POU executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of those RECs. The law requires procurement under those contracts be tracked through WREGIS and automatically retired as counting toward the retail seller's or POU's RPS procurement requirement.¹⁴¹

Similarly, the law states that no RECs shall be created for contracts with QFs under the federal Public Utility Regulatory Policies Act¹⁴² executed after January 1, 2005. The law requires procurement under these contracts be tracked through WREGIS and automatically be retired as counting toward a retail seller's RPS procurement requirement.¹⁴³

A REC shall be counted only once for compliance with the California RPS and may not be used to count toward the regulatory requirements of any other state or to satisfy any other retail product claims. RPS-eligible facilities, POUs, and retail sellers who enter into REC transactions for RPS compliance purposes must participate in WREGIS.

Pursuant to SB X1-2, all RECs must be tracked in WREGIS and retired within 36 months of the month of generation of the associated RPS-eligible electricity to be RPS-compliant.¹⁴⁴

A. Reportings to the Energy Commission

Retail sellers and POUs must report annually to the Energy Commission on the amount of RPS-eligible electricity they procure per month per facility. Although SB X1-2 established multiyear compliance periods, the Energy Commission requires retail sellers and POUs to report monthly procurement that was retired or claimed in the previous calendar year, as described below. Reports are due to the Energy Commission on June 1 (or the next business day if the first falls on a weekend) of each year for reporting data for the previous year. However, retail sellers and POUs should postpone reporting of 2011 RPS procurement until finalization of the sixth edition of the *RPS Eligibility Guidebook*, by when detailed reporting instructions related to SBX 1-2 procurement requirements will have been established.

To be RPS-compliant, all RECs must be retired within 36 months of the month of generation of the associated RPS-eligible electricity.¹⁴⁵ This includes generation both tracked in WREGIS and reported using the ITS.

By June 1, 2014, June 1, 2017, June 1, 2021, and on June 1st of each year thereafter, each retail seller and POU, except those explicitly exempted by SB X1-2, must submit to the Energy

¹⁴¹ Public Utilities Code Section 399.21, Subdivision (a)(4).

¹⁴² Section 1253 of the Energy Policy Act of 2005 ("EPAct") added Section 210(m) to Public Utility Regulatory Policies Act of 1978 ("PURPA").

¹⁴³ Public Utilities Code Section 399.21, Subdivision (a)(5).

¹⁴⁴ Public Utilities Code Section 399.21, Subdivision (a)(6).

¹⁴⁵ Public Utilities Code 399.21, Subdivision (a) (6).

Commission its compliance period report information. Details of this compliance period reporting will be included in the next edition of the *RPS Eligibility Guidebook*.

PG&E, SCE, and SDG&E began reporting their procurement to the Energy Commission in 2005. ESPs, CCAs, and multijurisdictional utilities subject to Public Utilities Code Section 399.17 were initially required to submit their procurement data for years 2005 and 2006 by May 1, 2007.¹⁴⁶ However, the CPUC adopted a decision on July 26, 2007, that modified the formula for calculating the baseline amounts of renewable energy for ESPs¹⁴⁷ to be consistent with the formula for IOUs. Consequently, ESPs, CCAs, and multijurisdictional utilities subject to Public Utilities Code Section 399.17 were required to submit procurement data for years 2001 through 2004.¹⁴⁸ In subsequent years, all retail sellers and multijurisdictional utilities subject to Public Utilities Code Section 399.17 will report their procurement to the Energy Commission in the following year; for example, 2010 procurement will be reported in 2011, 2011 procurement in 2012, and so on. Load-serving entities may not retire WREGIS Certificates for non-eligible generation for California's RPS. As described in Section III.A, generation that is produced before the month in which the Energy Commission receives an application for the facility's certification or pre-certification would not be eligible for the RPS. However, such Certificates may be transferred to another party for other purposes.

The following pages describe the timing requirements and processes for reporting RPS generation, procurement, and delivery, where applicable, to the Energy Commission using the ITS and WREGIS. Table 3 summarizes these requirements by reporting years.

Table 3. RPS Reporting Using the Interim Tracking System and/or WREGIS

Reporting Year	Generation Tracking and Procurement Reporting	Out-of-State Delivery Information
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146 SB 107 revised Public Utilities Code Section 399.12, Subdivision (h)(3) to establish January 1, 2006 as the first year of RPS obligations for ESPs. CPUC Decision 06-10-019, Rulemaking 06-02-012 sets 2005 as the baseline year and 2006 as the first year with an IPT for ESPs. For CCAs, the IPT and APT shall be determined based on the CCA's retail sales in its first year of operation and shall apply to the CCA's second year of operation.

147 CPUC Decision 07-07-025 (Rulemaking 06-02-012).

148 Multi-jurisdictional utilities must report 2001 total system retail sales and total system RPS-eligible procurement on the CEC RPS TRACK form. California's proportion of an MJU's 2001 system RPS-eligible procurement is calculated by multiplying (2001 total CA retail sales / 2001 total system sales) by their 2001 system RPS-eligible procurement. Note that the CPUC staff has determined that the 2001 system RPS-eligible procurement should include facilities that are not currently RPS-certified, but that the MJU believes utilize potentially RPS-eligible technologies. CPUC staff has determined that this does not include facilities that are renewable but for which the MJU does not have a contractual right to the associated RECs.

2007 and earlier	Interim Tracking System ¹⁴⁹	Interim Tracking System
2008	WREGIS and/or Interim Tracking System	Interim Tracking System
2009 and 2010	WREGIS ¹⁵⁰	WREGIS and/or Interim Tracking System
2011 and subsequent years	WREGIS	WREGIS ¹⁵¹

Source: California Energy Commission

1. Reportings Using the Interim Tracking System

a. Procurement Data

~~RPS Procurement for 2011 should not be retired or reported until the sixth version of the RPS Eligibility Guidebook is finalized, which will provide instructions on reporting 2011 and later data. Beginning with the verification process for 2011, the 2008 compliance year, WREGIS must be used to report all available data that are the Energy Commission will accept only retail sellers' procurement claims for generation that is tracked in WREGIS and reported to the Energy Commission using WREGIS State/Provincial/Voluntary Compliance Reports (Compliance Reports). POU's may use the ITS to report generation that occurs before October 1, 2012, unless it is tracked in WREGIS. Beginning on October 1, 2012, all load-serving entities must track and report their procurement using WREGIS. Procurement for generation in any month during the compliance year that is not tracked in WREGIS may be reported using the ITS, subject to the limitations set forth in this guidebook. Under the ITS, retail sellers submit to the Energy~~

~~149 RPS procurement for 2007 and earlier should have been reported to the Energy Commission using the ITS; such procurement should not also be reported to and tracked in WREGIS. Procurement that was reported using the ITS and that is also tracked in WREGIS would lead to double counting. WREGIS Certificates that represent procurement already reported using the ITS should be retired. Please see Appendix A for details on how to retire WREGIS Certificates for 2007 and earlier or any procurement that has been reported using another tracking system for any other regulatory or voluntary program.~~

~~149 The Energy Commission will accept test energy procurement reported using the Interim Tracking System until WREGIS tracks test energy. Beginning with the 2009 compliance year, all other RPS procurement must be reported using WREGIS; any exceptions will only be considered on an individual basis as described in this section.~~

~~149 Beginning in 2011, WREGIS must be used for reporting all energy deliveries into California from out-of-state facilities, except in cases of third party schedulers. This exception only applies until WREGIS is capable of verifying delivery into California scheduled from out-of-state facilities by third party entities.~~

~~Commission the CEC RPS TRACK form for reporting procurement data on the amount of energy they procured per month and annually from each RPS eligible facility.~~

~~In some cases, the amount generated by the facility (instead of the procurement amount) is reported if the retail seller owns the facility and intends to apply all of the facility's generation toward its RPS obligations. The CEC RPS TRACK form also provides various identification numbers for each facility, which allows staff to identify generation data as reported to various other programs within the Energy Commission and to outside agencies, such as the U.S. Energy Information Administration. The CEC RPS TRACK form must be executed by an authorized agent of the retail seller who can attest that the procurement reported on the form was sold only once to retail consumers.~~

~~Beginning with reports for the 2009 compliance year, the procurement reporting requirement is expected to be satisfied with Compliance Reports generated through WREGIS,, unless data are unavailable in WREGIS. For months in which WREGIS data are unavailable, the ITS may be used with advance Energy Commission staff approval. The CEC RPS TRACK forms (and/or WREGIS Compliance Reports) are due to the Energy Commission on June 1 (or the next business day) of each year for reporting data for the previous calendar year. For the 2008 compliance year, these reports are due February 1, 2011 and for the 2009 compliance year, the reports are due May 1, 2011. The CEC RPS TRACK form and instructions are provided in Appendix B. POUs will need to submit RPS procurement information reflecting SB X1-2 portfolio content categories with the update of the sixth edition of the RPS Eligibility Guidebook. See below for a discussion of using WREGIS to report procurement data; detailed instructions for reporting using WREGIS are found in Appendix A.~~

b. Generation Data

~~Using the ITS, As with procurement data, beginning January 1, 2011, WREGIS must be used to track and report all RPS generation data. With the exceptions noted for test energy and POUs, the ITS is being phased out. Using the ITS In cases when the ITS is used for reporting procurement, generators (or retail sellers POUs, if facilities are owned by the retail seller POU) must report monthly and annual generation data to the Energy Commission on the CEC-RPS-GEN form by June 1 (or the next business day) for the entire previous calendar year for which any WREGIS data are unavailable. The CEC-RPS-GEN form and instructions are provided in Appendix B. The Energy Commission staff may request that the facility additionally submit monthly payment statements from the retail seller POU, procurement entity, or third party, showing the amount of energy procured from the facility, as an attachment to the CEC-RPS-GEN form. If the facility is serving an entity that does not qualify as a retail seller under Public Utilities Code Section 399.12, Subdivision (g), and is participating in the Energy Commission's RPS tracking system, then the verification may be from that entity. If the facility uses the retail seller's POU's payment statement to serve as the verification, the facility should strike out any price or other data on the statement that it does not want to make publicly available.~~

For cases in which the ~~retail seller~~ POU certifies a facility for the RPS on the facility's behalf, the ~~retail seller~~ POU is responsible for reporting the generation data for the facilities it certifies. This reporting requirement will be satisfied through the CEC-RPS-TRACK form for generation, and POUs through 2008. ~~Using the ITS System, retail sellers do not need to file separate CEC-RPS-GEN forms to report generation for the facilities they certify. Also, since the retail seller POU is providing the data, the retail seller POU does not need to separately provide third-party verification of the generation.~~

Generation for ~~2009~~ 2011 and thereafter must be tracked and reported in WREGIS, for retail sellers and POUs, as applicable. ~~Beginning in 2009, retail sellers will submit WREGIS Compliance Reports to the Energy Commission, which will provide facilities' generation data to the Energy Commission as well. For generation not tracked in WREGIS, however, the Energy Commission will require monthly and annual generation data to complete its procurement verification analyses, as noted above. Regardless of whether generation is reported to the Energy Commission using the ITS or WREGIS, the Energy Commission may conduct audits or request additional information, including CEC-RPS-GEN forms in addition to WREGIS Compliance Reports, as needed to verify RPS compliance, with the RPS.~~

c. Energy Delivery Data

~~Any RPS procurement from out of state facilities requires proof of compliance with the Energy Commission's energy delivery requirements. A facility, or a retail seller on the facility's behalf, must submit documentation verifying compliance with the delivery requirements outlined in Section III D: "Delivery Requirements." This documentation is required annually and is due to the Energy Commission by June 1 (or the next business day) each year to verify eligible deliveries for the previous year.¹⁵² Beginning with the 2008 compliance year, delivery documentation must be reported to the Energy Commission using the new CEC RPS Delivery form (see Appendix B, unless delivery is reported using WREGIS). Beginning with the 200909 compliance year, most retail sellers must use WREGIS to report delivery of energy into California (see Appendix A for detailed instructions). As noted above, WREGIS data for energy deliveries may not be available to retail sellers using third party energy importers. In such cases, the Energy Commission will accept delivery information using the ITS until delivery data are available in WREGIS.~~

2. Reportings Using WREGIS

a. Generation and Procurement Data

Qualified Reporting Entities (QREs) report generation data to WREGIS. When one megawatt-hour of reported generation is accumulated, WREGIS creates one WREGIS Certificate (also termed a REC). For purposes of RPS compliance, retail sellers and POUs must retire WREGIS Certificates to demonstrate procurement of the generation represented in the WREGIS

¹⁵² ~~The delivery data for the 2008 Compliance Year are due February 1, 2011, and for the 2009 compliance year the data are due April 1, 2011.~~

Certificate. In practical terms, WREGIS Certificates that are retired represent procurement data. As such, WREGIS Certificates represent both generation and procurement when they are retired for purposes of the RPS, and generation reports on the CEC-RPS-GEN form are not required ~~for~~ since generation data the months in a compliance year for which retail sellers submit are reported in a WREGIS Compliance Report. However, with implementation of SBX 1-2, additional generation data may be required to verify compliance and the Energy Commission may conduct audits or request additional information, including CEC-RPS-GEN forms in addition to WREGIS Compliance Reports, as needed to verify RPS compliance. As illustrated in Table 3, WREGIS Compliance Reports must be submitted to the Energy Commission for information that is available in WREGIS beginning with the 2008 reporting year. The use of the ITS will be allowed only for 2008 procurement not tracked in WREGIS. Beginning with the 2009 compliance year, with the exception of test energy as explained above, only procurement reported using WREGIS Compliance Reports will count toward a retail seller's RPS targets.

At the time of this writing, the WREGIS system will create RECs only for generation associated with the earliest active certificate issuance cycle at the time the facility is approved in the WREGIS system.¹⁵³ For new facilities with a recent commercial on-line date, this could include "test energy."¹⁵⁴ This limitation for test energy will be addressed in WREGIS in mid-2012 to address creation of RECs for test energy generated during periods that precede the generator's registration and approval in WREGIS. Until WREGIS has been modified, test energy not tracked in WREGIS may be reported using the ITS and counted toward the retail seller's or POU's RPS procurement obligations.

The CPUC's TREC decision established rules for how TRECs may be used for RPS compliance, including the requirement that they be tracked in WREGIS and certified by the Energy Commission as RPS-eligible, for which the RPS-eligible electricity associated with the TREC was generated on or after January 1, 2008, to be procured, traded and used for RPS compliance.¹⁵⁵ However, TRECs cannot be used for RPS before the 2010 compliance year. With the adoption of the fifth edition of this *RPS Eligibility Guidebook*, retail sellers may submit supplemental WREGIS reports for 2010 procurement, as appropriate, to report TRECs from RPS-certified facilities tracked in WREGIS for 2010. Updated 2010 procurement reporting should be submitted to the Energy Commission within 30 days of this fifth edition of the guidebook.

SB X1-2 states that a REC shall not be eligible for RPS compliance unless it is retired in the tracking system established pursuant to subdivision (c) of Section 399.25 by the retail seller or POU within 36 months from the initial date of generation of the associated electricity. As of this writing, the Energy Commission and the CPUC are determining the compliance requirements for POUs and retail sellers, respectively. Until such requirements are finalized and the Energy

153 The WREGIS Certificate Issuance Cycle begins on the first day *after* the end of the Current Period Generation Month.

154 Test energy in this guidebook refers to pre-production electricity generation that occurs during the testing period of a facility before it commences commercial operations.

155 CPUC Decision 11-01-025, January 13, 2011. Rulemaking 06-02-012, Order E, updating D.10-03-021 Section 4.11.

Commission incorporates the details in the sixth edition of the *RPS Eligibility Guidebook*, the Energy Commission will not require retail sellers and POUs to report their procurement data for generation on or after 2011. The Energy Commission plans to provide detailed instructions about using WREGIS and submitting documentation to verify the procurement requirements under SB X1-2 in the sixth edition of the *RPS Eligibility Guidebook*, and until then retail sellers and POUs should not retire or report procurement for 2011 or 2012 unless necessary. Retail sellers should contact Energy Commission staff for assistance with 2011-2012 procurement that must be retired before the adoption of the sixth edition of the *RPS Eligibility Guidebook*.

b. Energy Delivery Data

~~Because WREGIS did not provide an energy delivery tracking service in 2008, retail sellers reporting procurement from out-of-state facilities must use the ITS to report energy delivery information to the Energy Commission for 2008 and earlier compliance years. The WREGIS delivery service, which uses delivery information from NERC e-Tags, became available in WREGIS in early 2009. For 2009 and 2010, WREGIS must be used for reporting out-of-state facilities' energy delivery data; however, where that service was not utilized or was not available for those years, the Energy Commission will allow submission of out-of-state energy delivery data using the ITS. Beginning with the 2011 compliance year, WREGIS must be used for reporting all energy deliveries into California from out-of-state facilities, except in the cases of third party schedulers as described above, until WREGIS is capable of verifying third party deliveries.~~

~~Retail sellers must submit to the Energy Commission a hard copy and an electronic copy of the WREGIS report for RPS compliance, titled State/Provincial/Voluntary Compliance Report, which can be downloaded from the WREGIS website and printed. The hard copy State/Provincial/Voluntary Compliance Report must be submitted to the Energy Commission with an attestation containing an original authorized signature. The attestation form can be found in Appendix B of this guidebook and on the Energy Commission's website. See Appendix A for instructions on how to submit State/Provincial/Voluntary Compliance Reports and NERC e-Tag Summary Reports Using WREGIS from WREGIS to the Energy Commission.~~

~~[The text in this subsection has been moved and combined with the text from the subsection titled *Instructions for Additional Required Information for Out-of-State Facilities in the Certification Process* section.]~~

B. RPS Procurement Verification Reports

The Energy Commission will account for procurement consistent with the requirements of this guidebook, and applicable CPUC decisions, and Energy Commission regulations for POUs, and prepare *RPS Procurement Verification Reports* after each compliance period, as described earlier in this guidebook. The Energy Commission expects to adopt two *Verification Reports*, one for retail sellers and one for POUs. After it adopts the *Verification Report* for retail sellers, the Energy Commission transmits it to the CPUC for its use in determining RPS compliance for the retail sellers. Details of the Energy Commission's process for reporting POU procurement will be

incorporated into a later edition of this guidebook, after the Energy Commission adopts regulations specifying the enforcement procedures for POU.

~~The RPS Procurement Verification Reports will be based on the results analysis of the ITS for procurement through 2007 and for procurement and deliveries in 2008 and 2009 for which no WREGIS data are available. WREGIS data, with exceptions noted above for POU, will replace the ITS for reporting RPS-eligible procurement and deliveries, with the exception of test energy, as explained above. Thus, 2009 is the first compliance year that the Energy Commission intends to publish an RPS Procurement Verification Report based primarily on data from WREGIS.~~

1. Verification of Energy Delivery

~~As part of its RPS procurement verification process, the Energy Commission will also annually verify compliance with energy delivery requirements for out-of-state facilities for the previous calendar year. Verification of delivery using either the ITS or WREGIS relies on data from NERC e-Tags. Beginning in early 2009, service became available in WREGIS to verify energy delivery.¹⁵⁶ For parties unable to use this service due to restrictions in the WREGIS system, the Energy Commission will accept the NERC e-Tag data using the ITS for deliveries through 2010. These restrictions are being addressed by WREGIS and Energy Commission staff and other interested parties. Once this service in WREGIS is available to retail sellers using third-party importers, WREGIS reports will be required for all parties to verify the Energy Commission's delivery requirements from out-of-state facilities.~~

a. Verification of Delivery Using the Interim Tracking System

~~To verify energy deliveries from out-of-state facilities using the ITS, the Energy Commission will compare the annual generation procured from an RPS-eligible facility with the annual NERC e-Tag data. Generation of RPS-certified facilities under power purchase agreements with a retail seller and NERC e-Tag documentation of delivery must be reported annually, and the report must show generation and delivery data per month for the entire calendar year. The NERC e-Tag must reference the RPS certification number of the facility for which deliveries are being matched with generation. The Energy Commission will compare the total amount generated in the previous calendar year with the total amount delivered in the previous calendar year, and the lesser of the two may be accounted for as RPS-eligible. For example, if the annual energy delivery shown on the NERC e-Tag exceeds the annual amount of energy generated, then the Energy Commission will count the amount generated as RPS-eligible. Conversely, if the amount generated exceeds the annual amount that was delivered as demonstrated by the NERC e-Tag, the Energy Commission will assume some of the generation was delivered elsewhere and will count as RPS-eligible only the amount of procurement supported by the NERC e-Tag data.~~

¹⁵⁶ At the time of this writing, WREGIS does not provide delivery tracking service for third-party importers. For verification of delivery using third-party importers, the Energy Commission will accept NERC e-Tag data using the Interim Tracking System until WREGIS is capable of verifying deliveries scheduled into California by third parties.

On June 1 of each year (or the next business day), the retail seller or procurement entity must submit an annual report documenting compliance with this NERC e-Tag requirement for the previous calendar year to the Energy Commission. Beginning with the 2008 compliance year, delivery must be reported using the reporting form CEC RPS Delivery, which is provided in Appendix B. The report should include all of the following:

1. The NERC e-Tag data as follows:
 - a. The "Source" or "Point of Receipt" located outside California and within the WECC;
 - b. The final "Point of Delivery" or load center in California known as the "sink," and the LSE responsible for the consumption of electricity delivered;
 - c. The California RPS certification number of the facility or facilities with which the delivered energy is being "matched," if relevant. The California RPS certification number must be shown on the Miscellaneous field of the NERC e-Tag; and
 - d. The amount of energy delivered per month and per year.
2. The corresponding generation (or WREGIS certificate numbers for generation in 2008 and thereafter) for the facility or facilities identified by California RPS certification number in the Miscellaneous field of the NERC e-Tag for the corresponding months of the previous calendar year.

b. Verification of Delivery Using WREGIS

Beginning with the 2009 compliance year, WREGIS is designed to allow retail sellers to report energy delivery as part of their WREGIS Compliance Reports. Detailed instructions on using WREGIS to report energy delivery are found in Appendix A. Beginning with the 2011 compliance year, WREGIS must be used for reporting all deliveries into California from out-of-state facilities.¹⁵⁷

The Energy Commission will sum the monthly information on NERC e-Tag data for each facility for the calendar year and compare the total annual deliveries to the summed monthly generation data for the same calendar year procured from an RPS-eligible facility per retail seller, with the lesser of the two sums considered to be eligible California RPS procurement, unless acceptable supporting documentation can be provided.

1. 2. Verification Methodology Using the Interim Tracking System

As discussed above, the Energy Commission developed an interim accounting system ITS for use until WREGIS became operational. Under the interim system ITS, the Energy Commission first verifies that the RPS procurement reported to the Energy Commission in the CEC RPS-TRACK form is from a facility certified as RPS-eligible. Also, to the extent possible, the Energy Commission ensures that RPS-eligible energy procured by retail sellers the utilities is counted only once in California or any other state. Until January 1, 2009, when the use of WREGIS is required for tracking renewable generation as part of RPS compliance, the Energy

¹⁵⁷ For verification of delivery using third party importers, the Energy Commission will accept NERC e-Tag data using the ITS until WREGIS is capable of verifying delivery for retail sellers using third parties to schedule delivery into California.

Commission will conduct this verification by cross-checking RPS procurement with retail claims reported under the Energy Commission's Power Source Disclosure Program and other similar data sources. For facilities in which available generation data indicates that procurement exceeded generation by 5 percent or greater, the procuring utility must submit supporting documentation to verify procurement from those facilities.

The Energy Commission will apply statutory provisions, ~~and~~ CPUC rules, and Energy Commission regulations for POUs to report on when verifying the amount of RPS-eligible procurement. The Energy Commission will verify the energy generation to the extent possible and will verify that the amount of RPS eligible procurement as reported to the Energy Commission did not exceed the facility's total generation. The Energy Commission will check that if two or more ~~retail sellers~~ utilities procured energy from the same facility, the cumulative amount of energy procured does not exceed the facility's total generation. If procurement exceeds generation, the Energy Commission will report the discrepancies.

The Energy Commission will collaborate with other state agencies to determine if generation from each facility is claimed in more than one of the states' regulatory programs. Additionally, the Energy Commission will monitor renewable energy claims on the voluntary market, where possible. For example, Green-e Energy¹⁵⁸ and the Energy Commission are collaborating to help ensure against double-counting of the same renewable energy claims.

2.3-Verification Methodology Using WREGIS

Beginning with the 2008 compliance year, the Energy Commission ~~will conduct~~ started conducting its RPS procurement verification process by analyzing available WREGIS data, and will use WREGIS data to compile RPS Procurement Verification reports, except for POUs using the ITS. As with the ITS, the Energy Commission will compare the reported energy generation with other available generation data and will verify that the amount of RPS-eligible procurement as reported to the Energy Commission did not exceed each facility's total generation. Additionally, the Energy Commission will work with other western states and the voluntary market to help ensure against double-counting of RECs.

In the case of a multi-jurisdictional utility that has retired RECs in a tracking system other than WREGIS (such as NVTREC¹⁵⁹), the utility may be required to provide a compliance report to the Energy Commission from such a system to assist staff in verifying against double-counting.

As noted in Section C 4: Counting Nonrenewable Fuel Use as RPS-Eligible, additional information is needed to verify the fossil fuel RECs are eligible for California's RPS. This information as described above must be submitted to the Energy Commission no later than March 31 of the year following the generation year so staff may review the material before the submission of WREGIS data.

¹⁵⁸ Green-e Energy is a voluntary certification program for renewable energy.

¹⁵⁹ NVTREC is the REC tracking and verification system for Nevada's RPS.

[The information in this subsection has been moved to the subsection titled, Renewable Energy Credits or Certificates (RECs) Trading in the section titled, "Outstanding Issues."]

V. Publicly Owned Electric Utilities

Local publicly owned utilities serve over 25 percent of the state's electricity load¹⁶⁰, and as such they have an important role in California's efforts to meet its statewide RPS goals.

Public Utilities Code Section 387, Subdivision (a) states:

Each governing body of a local publicly owned electric utility (POU) shall be responsible for implementing and enforcing a renewables portfolio standard that recognizes the intent of the Legislature to encourage renewable resources, while taking into consideration the effect of the standard on rates, reliability, and financial resources and the goal of environmental improvement.

As noted in a previous section of this guidebook, the Energy Commission encourages POU's to meet their RPS obligations through procurement from RPS-certified facilities and may certify facilities as RPS-eligible if they serve a POU. Please see the section "Applying for Certification and Pre-Certification" for additional discussion on the certification process for these utilities.

The law as amended by SB 107 requires POU's to report the following information to their customers and to the Energy Commission:

1. Expenditures of public goods funds for eligible renewable energy resource development (program descriptions, expenditures, and expected or actual results).
2. Resource mix used to serve customers by fuel type, including the contribution of each type of renewable energy resource, with separate categories for those fuels that are eligible renewable energy resources as defined in Public Utilities Code Section 399.12 and those fuels that would be eligible renewable energy resources as defined in Section 399.12, except that the electricity is delivered to the POU and not a retail seller.
3. Its status in implementing a renewables portfolio standard.

The Energy Commission encourages POU's to send this information by June 1 of each year (or the following business day). Receipt of the data by this date will allow for a full accounting of the publicly owned electric utilities' contributions toward meeting the statewide RPS goals and overall state progress. The Energy Commission requests that POU's use the POU reporting spreadsheet (CEC REO POU) form provided in Appendix B. The law also establishes new provisions for POU's that take effect if:

1. Tradable REC sales are approved for retail sellers to use toward their RPS compliance; and
2. A POU seeks to sell RECs for a retail seller to use toward RPS compliance.

The law requires the Energy Commission to certify, for compliance with the RPS by a retail seller, the eligibility of tradable RECs that are created from electricity delivered to a publicly

owned utility. The Energy Commission may certify as RPS-eligible tradable RECs associated with electricity delivered to a POU only if the Energy Commission determines that the POU:

- Complies with the requirements of Section 387 of the Public Utilities Code.
- Has established annual procurement targets comparable to an electric corporation, is procuring sufficient RPS-eligible resources to satisfy the targets, and will not fail to meet its targets in the event that the RECs are sold to another retail seller.
- Seeks certification of RECs associated with energy produced from facilities the Energy Commission has certified as eligible for the California RPS.

In making its determination to certify RECs from electricity delivered to a publicly owned utility, the Energy Commission will:

1. Verify that the POU complies with its RPS program and satisfies its RPS targets as reported to the Energy Commission.
2. Verify that energy generation associated with the RECs is from an RPS-eligible facility.
3. Require that RECs be tracked through WREGIS. Any RECs procured by retail sellers must be RPS-eligible, tracked through WREGIS, and retired for RPS compliance. Consequently, any RECs sold by a POU to retail sellers must also satisfy these criteria.
4. The quantity of RECs certified will not impede the publicly owned utility from meeting its RPS targets.

If a POU anticipates seeking RPS certification of tradable RECs, the utility must provide data to inform the Energy Commission's determination. The Energy Commission requests that such data be provided using the template provided in Appendix A. The Energy Commission will evaluate the quantity of tradable RECs associated with RPS-eligible delivery to the POU that it does NOT need to maintain compliance with its own RPS target. The Energy Commission will certify tradable RECs only for a quantity above any amount that may be needed to satisfy the POU's RPS targets.

Note that RECs will be certified only for generation from an RPS-certified facility that is also eligible to produce tradable RECs as described in the section "Eligibility of Tradable RECs." If the facility loses its RPS certification status, any RECs produced after the facility becomes ineligible will not be RPS-certified. After evaluating the application to certify RECs, the Energy Commission may proceed to certify RECs under the process discussed in this guidebook

Appendix A – WREGIS Reporting Instructions

Introduction

Retail sellers must use the Western Renewable Energy Generation Information System (WREGIS) to track and report their Renewables Portfolio Standard (RPS) procurement ~~and delivery, as applicable,~~ as part of California's RPS compliance. Publicly owned electric utilities (POUs) must be registered with and use WREGIS for RPS compliance by October 1, 2012.

Information about registering with WREGIS can be found on the WREGIS website at www.wregis.org by selecting "Joining WREGIS." Training slides are available on the WREGIS website at: <http://www.wregis.org/training.php>. Contact the WREGIS Help Desk at 888-225-4213 for additional assistance.

Supplemental Reporting of RECs in WREGIS for the 2010 Compliance Year

The CPUC's TREC decision allows TRECs tracked in WREGIS and certified by the Energy Commission as RPS eligible, for which the RPS-eligible electricity associated with the TREC was generated on or after January 1, 2008 to be procured, traded and used for RPS compliance.¹ However, TRECs cannot be retired for the RPS before the 2010 compliance year. With the adoption of this fifth edition of the *RPS Eligibility Guidebook*, retail sellers may submit revised or supplemental WREGIS reports for 2010 procurement, as appropriate, to report procurement of TRECs for 2010. Updated 2010 procurement reporting should be completed using the reporting instructions in the *RPS Eligibility Guidebook, Fourth Edition*, and submitted to the Energy Commission within 30 days of the posting of this fifth edition of the *RPS Eligibility Guidebook*.

Reporting WREGIS Certificates for 2011 and Thereafter

As noted in the *RPS Eligibility Guidebook*, SB X1-2 requires RECs to be retired within 36 months from the initial date of generation of the associated electricity. The CPUC allows retail sellers to retire RECs associated with generation from 2008, 2009, or 2010 for compliance year 2010, in accordance with the rules governing compliance for all RPS compliance years prior to 2011.² The Energy Commission is developing requirements for tracking, reporting and verifying RECs for generation beginning on January 1, 2011, pursuant to SB X1-2. Although the Energy Commission requires retail sellers and POUs to submit annual reports for the RPS, the Energy Commission is delaying the annual reporting requirement for 2011 (which would have been required to have been submitted by June 1, 2012) until new tracking and verification processes are established to implement SB X1-2, and reporting instructions can be provided in the next *RPS Eligibility Guidebook*. The Energy Commission advises load-serving entities not to retire RPS procurement for 2011 or thereafter unless necessary to meet RPS retirement timing

1 CPUC Decision 11-01-025, January 13, 2011. Rulemaking 06-02-012, Order E, updating D.10-03-021 Section 4.11.

2 CPUC Decision 11-12-052, December 15, 2011.

requirements. If such retirement is necessary, load serving entities should contact Energy Commission staff before proceeding.

Pre 2008 RPS procurement was reported to the Energy Commission using the Interim Tracking System (ITS). Procurement that was reported using the ITS and that is also tracked in WREGIS would lead to double counting; consequently, WREGIS Certificates that represent procurement already reported using the ITS may not be retired for the RPS, but nevertheless must be retired in WREGIS to prevent double counting. This appendix provides details on how to retire WREGIS Certificates for 2007 or any procurement that has been reported using the ITS. For the 2008 reporting year, WREGIS reporting is required where that information is available, and the ITS will be allowed only for 2008 procurement not tracked in WREGIS. For the 2009 and later compliance years, only procurement reportable through WREGIS will be allowed except in the case of test energy data not available in WREGIS, which may be reported using the ITS until WREGIS tracks test energy. See Table A-1 for a summary of reporting requirements.

Any RPS procurement from facilities located out of state or having their first point of interconnection to the WECC transmission system outside the state requires proof of compliance with the Energy Commission's delivery requirements. The Energy Commission requires information from NERC e-Tags to verify eligibility of delivery into California from out of state facilities. Because WREGIS did not provide its energy delivery tracking service using NERC e-Tags until 2009, retail sellers reporting procurement from out of state facilities should use the ITS to report delivery information for compliance years through 2008. A new form, CEC RPS DELIVERY, must be submitted to the Energy Commission for reporting delivery information that is not tracked in WREGIS.

For 2009 and 2010, WREGIS should be used to verify delivery from out of state facilities; the Energy Commission may also request submission of the CEC RPS DELIVERY form in some cases. If WREGIS' delivery verification service was not used or available for those years, Energy Commission staff may accept delivery reports from out of state facilities using the CEC RPS DELIVERY form for delivery verification through 2010. Beginning with the 2011 compliance year, WREGIS must be used for reporting all deliveries into California from out of state facilities, with the following exception. In cases where third parties provide scheduling services for delivery into California on behalf of a retail seller, the retail sellers' ability to report delivery using WREGIS may not be available. Until this issue is resolved, staff will accept delivery information using the ITS with supporting documentation.

Table A-1. RPS Reporting Using the Interim Tracking System and/or WREGIS Reporting

Year	Generation and Procurement Tracking and Reporting	Out-of-State Delivery Information
2007 and earlier	Interim Tracking System ³	Interim Tracking System

³ In cases when WREGIS certificates represent generation that has already been reported to the Energy Commission using the ITS, the WREGIS certificates may not be retired for RPS compliance, but must be retired in WREGIS to prevent double counting.

2008	WREGIS and/or Interim Tracking System	Interim Tracking System
2009 and 2010	WREGIS Only ⁴	WREGIS and/or Interim Tracking System
2011 and subsequent years	WREGIS Only	WREGIS ⁵

Initial Steps for Using WREGIS

Retail sellers and POU's must report annually to the Energy Commission on the amount of RPS eligible electricity they procure from each facility per month, and deliver from out of state facilities, by compliance year. To prepare for reporting this information to the Energy Commission using WREGIS, each retail seller and POU should ensure that it has have taken the following steps:

1. Create one CA RPS retirement subaccount for each compliance year.
2. Complete and submit a release form authorizing WREGIS to release your company's RPS compliance information to the Energy Commission. The WREGIS authorization form can be downloaded from the WREGIS website.
3. Coordinate with generators to ensure that all appropriate California RPS-eligible WREGIS Certificates are transferred to your WREGIS account for each compliance year.
4. If you are retiring WREGIS Certificates for out-of-state generation, you must demonstrate to the Energy Commission that energy was delivered to California.⁶ Beginning in 2009 and in subsequent years, you must use WREGIS to document delivery from out of state facilities, unless that service was not used or available (for 2009 and 2010 only). You may be directed by Energy Commission staff to also submit energy delivery information using the ITS if certain information is determined necessary and is not available on the WREGIS NERC e-Tag documentation.

Because WREGIS cannot access NERC e-Tags for past periods, you must sign up for this service as soon as you know it will be needed. You must apply with the WREGIS Administrator to begin using this service, which imports e-Tag data from North American Electric Reliability Corporation (NERC) using Open Access Technology International. To apply, send an email to the WREGIS Administrator (wregisadmin@wecc.biz) requesting to be added to the participant list for this service. You must provide a list of Purchasing Selling Entity codes belonging to your company that you will be using to show energy delivery.

⁴ The Energy Commission will accept test energy procurement reported using the Interim Tracking System until WREGIS tracks test energy, as determined by Energy Commission staff.

⁵ In cases where third parties provide scheduling services for delivery into California on behalf of the retail seller, the retail sellers' ability to report using WREGIS may not be available. Until this issue is resolved, staff will accept delivery information using the ITS. CEC RPS Delivery form.

⁶ Delivery requirements do not apply to multi-jurisdictional facilities that fall under the provisions of Public Utilities Code Section 399.17.

Below are detailed instructions for using WREGIS to track and report eligible procurement and energy delivery from out of state facilities for California RPS compliance. WREGIS Compliance Reports identify WREGIS Certificates that have been retired for RPS compliance. The Energy Commission considers retired WREGIS Certificates to represent RPS procurement claims.

As noted above, NERC e-Tag information to demonstrate deliveries may not be available to all retail sellers in WREGIS. In those cases, Energy Commission staff will accept delivery information using the ITS, but out of state *procurement* must still be reported using WREGIS.

The following instructions are provided for using WREGIS for RPS compliance:

- Instructions for creating designated “CA ITS” retirement subaccounts—for procurement already reported using the ITS that must be retired but not for California’s RPS
- Instructions for creating designated “CA RPS” retirement subaccounts
- Instructions for retiring WREGIS Certificates into retirement subaccounts
- Instructions for importing NERC e-Tags into your account—*Beginning in 2009 for users who must demonstrate energy delivery into California from out of state facilities as part of RPS compliance*
- Instructions for filing a State/Provincial/Voluntary Compliance Report using WREGIS
- Instructions for Filing a NERC e-Tag Summary Report Using WREGIS

Instructions for creating a designated “CA ITS” retirement subaccount

The following instructions apply to certain WREGIS Certificates that must be retired, but not reported to the Energy Commission. to any ITS reported also in alert Energy Commission staff when WREGIS certificates are known to be in WREGIS, but the POU is reporting RPS procurement to the Energy Commission using the ITS. RPS procurement may only be claimed once using only one reporting system. Although WREGIS was launched in mid 2007, it was not required for purposes of RPS compliance until 2008. RPS procurement for years 2007 and earlier should have been reported to the Energy Commission using the ITS. WREGIS certificates representing pre 2008 generation that has been claimed for RPS using the ITS must be retired in WREGIS and should not be reported to the Energy Commission for RPS purposes. Instructions follow for creating a subaccount specific for WREGIS Certificates that were reported to the Energy Commission using the ITS.

1. Go to <https://portal1.wregis.org/> and log in to your account.
2. Select “Create Sub Account” link from the “Open Sub Accounts module.” Instructions for adding new subaccounts can be found at <http://www.wregis.org/training.php> beginning on page 43⁷ of [WREGIS Training Slides 20090819.pdf](#)
3. Select Sub Account type “Retirement.” Enter required information. When naming your new retirement subaccount, please use the following naming format with one space

⁷In the case this page number changes in the future, please contact the WREGIS Administrator for more information.

between the year, CA and ITS as follows: ~~YYYY CA ITS~~. Using the 2007 compliance year as an example, the retirement subaccount name should be: ~~2007 CA ITS~~. Make sure that the button "Yes" is selected in the Open field.

- ~~4. Select "Create."~~
- ~~5. The new retirement subaccount will be added to the "Sub Account Summary" and "Open Sub Accounts" modules. Reminder: For WREGIS Certificates created for generation that occurs before the facility's effective RPS eligibility date, retail sellers may NOT retire such Certificates for California's RPS. However, they may be transferred to the retail seller's retirement subaccount for another regulatory or voluntary compliance obligation or to another party for other purposes. WREGIS certificates created before the effective date of RPS eligibility will not be counted toward RPS compliance.~~

Instructions for creating a designated "CA RPS" retirement subaccount:

- ~~1. Go to <https://portal1.wregis.org/> and log in to your account.~~
- ~~2. Select "Create Sub Account" link from the "Open Sub Accounts module." Instructions for adding new subaccounts can be found at <http://www.wregis.org/training.php> beginning on page 43⁸ of [WREGIS Training Slides 20090819.pdf](#)~~
- ~~3. Select Sub Account type "Retirement." Enter required information. When naming your new retirement subaccount, please use the following naming format with one space between the year, CA and RPS as follows: ~~YYYY CA RPS~~. Using the 2008 compliance year as an example, the retirement subaccount name should be: ~~2008 CA RPS~~. Make sure that the button "Yes" is selected in the Open field.~~
- ~~4. Select "Create."~~
- ~~5. The new retirement subaccount will be added to the "Sub Account Summary" and "Open Sub Accounts" modules.~~

Instructions for retiring WREGIS Certificates into retirement subaccounts:

- ~~1. Go to <https://portal1.wregis.org/> and log in to your account~~
- ~~2. To retire a WREGIS Certificate for RPS compliance, you must retire the Certificate(s) by transferring them from your Active Subaccount to the Retirement Subaccount for that compliance year. Follow the instructions for a certificate transfer⁹ in the WREGIS training~~

~~8 In the case this page number changes in the future, please contact the WREGIS Administrator for more information.~~

~~9 There are two (2) types of Certificate Transfers: One Time Transfers and Recurring Transfers.~~

~~–One Time Transfers allow the Account Holder to set up and execute a specific transfer transaction only once per certificate or per batch of certificates. One Time transfers occur between two Sub Accounts of~~

slides <http://www.wregis.org/training.php>. You must select Forward Certificate Transfer,¹⁰ Standing Order Transfer,¹¹ or One Time Transfer, as appropriate.

WREGIS Certificate trading is prohibited from two sorts of contracts (described below) and procurement from these two types of contracts must be counted toward the procuring retail sellers' RPS obligations.

Public Utilities Code 399.16 (a)(5) prohibits RECs from being created for electricity generated pursuant to any electricity purchase contract with a retail seller or a local publicly owned electric utility executed before January 1, 2005, unless the contract contains explicit terms and conditions specifying the ownership or disposition of those credits.

Similarly, Public Utilities Code 399.16 (a)(6) prohibits RECs from being created for electricity generated under any electricity purchase contract executed after January 1, 2005, pursuant to the federal Public Utility Regulatory Policies Act of 1978.

Therefore, WREGIS Certificates from these types of contracts must be retired immediately via a Forward Certificate Transfer if the facility is registered to your account.

If the facility is registered to a different account, that account holder must transfer all associated certificates to you via a Forward Certificate Transfer.

In the latter case (the facility is registered to a different account), retail sellers must then set up a Standing Order Transfer to transfer these certificates into their retirement subaccount(s).

Forward Certificate Transfers and the Standing Order Transfers can ensure that procurement from these contracts is not traded and is counted toward the retail seller's RPS

the same Account Holder, or between two Account Holders. If between two Account Holders, the transfer may be executed immediately or the transfer can occur at an assigned future date. The WREGIS Administrator recommends the use of One Time Transfers for retiring certificates because retirements are permanent and cannot be reversed.

–Recurring Transfers include Forward Transfers and Standing Orders, which both allow an Account Holder to execute transfers over a specified period of time. There is no limit as to the number of Recurring Transfers an Account Holder can execute at any one time. Recurring Transfer transactions can be set up to begin immediately, with the next certificate creation period or at an assigned future date. The end date for the recurring transfer is also chosen at set up. Recurring transfers can occur between two Sub-Accounts belonging to the same Account Holder or between two Account Holders.

10 A Forward Certificate Transfer is a recurring transaction that requires the Transferor to be an Account Holder who has one or more Generating Units associated with the Account. The certificates are deposited into the desired account or subaccount immediately upon creation.

11 A Standing Order Transfer is a recurring transfer that does not require the Transferor to be an Account Holder representing one or more Generating Units, but can be any Account Holder that has certificates in at least one (1) open Active Sub Account.

obligations. The Energy Commission may conduct audits to verify that these contracts comply with the law. Corrections to the generation amounts are still possible with these transfer arrangements and will likely result in future batch transfers into the retirement subaccounts be either higher or lower amounts to correct for any discrepancies.

For MJUs, certain facilities may use a "system resource" allocation approach, which has been defined under a multi state protocol to determine how the costs, revenues, and generation associated with facilities are allocated to each state the MJU serves. This means that for many MJU facilities a certain percentage of procurement is allocated to each of the states, representing a state's share of the resource from the MJU's "total system resource" level (all of the MJU's resources from every state it serves). Because the portion of that facility's output that will serve California's load may not be known at the time the REC is created, RECs from these system resource facilities do not need to be automatically retired; however, the RECs allocated for California's RPS must be retired in the MJU's retirement sub account as soon as possible month.

For contracts that fall under PUC Sections 399.16(a)(5) and 399.16(b)(6) between retail sellers and out of state facilities, the generation must be matched with the associated NERC e-Tag to demonstrate delivery before it can be retired. For that reason, certificates from out of state facilities must be retired through a One-Time Transfer as soon as the associated NERC e-Tags are available in the obligated utility's account.¹²

3. For a One-Time Transfer, go to the list of the certificates in your Open Active Sub-Accounts as the source of the transfer. Click on the hyperlink in the "Certificates" quantity column and this will bring you to the "Certificates in Subaccount" screen. Identify the desired Generating Unit and Generation Month representing the certificates you wish to retire by checking the box next to it. Enter the certificate quantity (number of certificates—fixed amount only) from the batch(es) that you wish to transfer to your CA RPS retirement subaccount. Select the "Batch Transfer" at the top of the screen.
4. Click the "Retirement" radio button.
5. In the drop-down box of retirement subaccounts in the retirement section, select the retirement subaccount you created for a specific compliance year.
6. Under "Retirement Type," select the box next to "Used by the Account Holder for a State-Regulated Utility Renewable Portfolio Standard/Provincial Utility Portfolio Standard."
7. Under "Retirement Details," select "California" for "State/Province" and enter the specific compliance year for "RPS Compliance Period."

¹² Information on retirement using NERC E tags can be found at:
<http://www.wregis.org/uploads/files/324/WREGIS%20NERC%20Tag%20Training%20FINAL.pdf>

8. Under "Reason," select "In State Power/Province Purchase" or "Out of State/Province Power Purchase," as appropriate. As noted below, and per the Energy Commission's *RPS Eligibility Guidebook*, delivery of energy into California under an out of state power purchase must be verified with NERC e-Tags for energy deliveries into California within the same calendar year as the generation. In the case of an "Out of State/Province Power Purchase" you will need to retire the associated NERC e-Tags by selecting the "Get Tags" button. However, as explained in the Introduction above, the NERC e-Tag service is not always available in WREGIS for some parties. For the 2008 through 2010 compliance years and going forward, you must use WREGIS to verify delivery for any month during which you participated in that service.
9. Although in some cases the applicable deliveries are not available in WREGIS, retail sellers must report any Out of State/Province Power Purchases using WREGIS, but in those cases you should select "NERC e-Tags not required for compliance." Under Additional Details—please indicate that "Associated NERC e-Tags not available in WREGIS." In the future, there should be an additional option: "NERC e-Tags not available in WREGIS." When this feature is available, you should select it *instead of* "NERC e-Tags not required for compliance" and then providing the additional details of "Associated NERC e-Tags not available in WREGIS." If you are experiencing problems, please work with the WREGIS Administrator as soon as possible.
10. Select "Submit."
11. A pop-up box will appear informing you that a transfer to a retirement subaccount is final and asking if you would like to continue. After you have reviewed the information and are satisfied that it is correct, click "OK."

**** File your WREGIS RPS Compliance Report by following the Instructions provided below after the Instructions for Importing NERC e-Tags into your Account.**

Instructions for importing NERC e-Tags into your account—only for users who must demonstrate energy delivery into California as part of their RPS compliance. For the NERC e-Tags to be imported into WREGIS, the e-Tags must contain both the appropriate Purchasing-Selling Entity (PSE) code for the Load-Serving Entity to which the energy is scheduled, and the generator's RPS identification (ID) number. The RPS ID number must be contained in the miscellaneous field associated with the final line in the Physical Path section of the NERC e-Tag, with "RPS_ID" written (it must be in ALL CAPS and include the underscore, but do not include the quotation marks) in the "Token" column and the actual RPS ID number written in the "Value" column. An example follows:

_____ Misc (Token/Value)

RPS_ID	Actual RPS ID number and letter suffix
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Because this information is checked using computer software, your NERC e Tags will not be imported into the WREGIS system if all of the information is not entered accurately and in the proper fields.

The WREGIS Administrator added Purchasing Selling Entity (PSE) Codes to your WREGIS account if you sent a request in writing (either mail or email) to the WREGIS Administrator *by close of business on March 27, 2009*. Codes provided to the WREGIS Administrator after March 27, 2009, will be accepted, but WREGIS will only pull NERC e Tag data from the date the PSE codes were provided and subsequently added to your account by WREGIS staff on a going forward basis. You must include accurate PSE Codes in your request to demonstrate energy delivery in California as part of your RPS compliance. These codes can be obtained from your scheduler.

Your scheduler must enter your RPS eligible facilities' RPS identification number when scheduling energy delivery into California that you plan to match with WREGIS Certificates for retirement for RPS compliance. The RPS ID number is provided by the Energy Commission and is located on your facilities' certificate for eligibility and its cover letter. The RPS ID number can also be found on the Energy Commission's website at http://www.energy.ca.gov/portfolio/documents/list_RPS_certified.html. Open Access Technology International will not pull tags without both a PSE code matching the WREGIS provided list and an RPS ID. WREGIS pulls NERC e Tag on or about the 7th of each month for the previous month; consequently, your request must have been received and approved no later than close of business on the last business day of the month for which tags are to be pulled. For example, for November tags to be pulled, the WREGIS Administrator must have received and approved the request by close of business on the last business day in November. These tags will be pulled on or about December 7th.

A monthly fee (currently \$200 and subject to change) is required for a company's NERC e Tag data to be imported into WREGIS. WREGIS will add this charge to your monthly invoice after you have requested and been approved to use the WREGIS service for NERC e Tags.

You must follow the WREGIS NERC e Tag Training guidelines located on the WREGIS website at: <http://www.wregis.org/training.php>. If you do not see a PSE code on your account profile, WREGIS WILL NOT pull your NERC e Tags. If your NERC e Tags are not properly filled out by your schedulers, WREGIS WILL NOT pull your NERC e Tags and these energy deliveries will not be included in your WREGIS RPS Compliance Report. The NERC e Tags available in your account may be viewed in the "NERC e Tag Summary Report" under "Account Holder Reports." If you have requested the service but do not see

any tags in your account, please check with your schedulers to ensure that the tagging guidelines have been followed. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

Please contact with your scheduler to ensure that all information is entered correctly on your NREC e-Tags. If you have any questions, contact the WREGIS staff at: wregisadmin@wecc.biz or 888-225-4213.

On an as requested basis you may be required to submit to the Energy Commission your "NERC e-Tag Summary Report along with your State/Provincial/Voluntary Compliance Report. Please see the following instructions on Filing a State/Provincial/Voluntary Compliance Report and a NERC e-Tag Summary Report below for more detailed instructions on how to submit your NERC e-Tag Summary Report. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

Instructions for Filing a State/Provincial/Voluntary Compliance Report Using WREGIS:

State/Provincial/Voluntary Compliance Reports are due to the Energy Commission June 1 following the compliance year. For example, RPS compliance year 2010 shall be filed June 1, 2011. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

1. Go to <https://portal1.wregis.org/> and log in to your account.
2. Select the "State/Provincial/Voluntary Compliance Report" from the "Account Holder Reports" module on the left side of your screen.
3. Specify the retirement month and year. Use the drop-down boxes to select "From Month/Year" "To Month/Year." The month/year selected should mirror the month/year during which the certificates were retired, NOT the compliance month/year. This report filter pulls data from the date you retired the certificates, not the vintage dates on the certificates. For example, if it is March 2010 and you are retiring certificates created in 2008 you would select From March 2010 to March 2010.
4. Under "Retirement Subaccounts," select the retirement subaccount that contains the WREGIS Certificates that you have retired to demonstrate compliance with the California RPS program for the compliance year in question. To minimize confusion, for all other California retail sellers, you should only have one CA RPS retirement subaccount per year and you should only be submitting one State/Provincial/Voluntary Compliance Report per year.
5. Under "Retirement Type," select "State/Provincial Portfolio Standards."
6. Double check your report to ensure that all information is correct and complete.

7. Click the icon  on the upper far right of your State/Provincial/Voluntary Compliance Report to “Export.” This will open a pop-up screen titled “Report Export Request.”
8. You will export this report twice, once in hard copy form and once in email form. The electronic copy must be submitted to the Energy Commission by June 1 for reports on the previous calendar year.
 - a. Hard Copy form: Select “Hard Copy Mail” at the top of the pop-up window and “.PDF” at the bottom under “Report Format.” Enter the following contact information:

CA RPS Program
1516 9th St., MS 45
Sacramento, CA 95814

—Select “Request” to submit.

- b. Email form: Select “Email at the top of the pop-up window and “.CSV” at the bottom under “Report Format.” Enter the following contact information:

RPSTrack@energy.state.ca.us

—Select “Request” to submit.

Along with your hard copy of the State/Provincial/Voluntary Compliance Report, you must also submit a signed RPS Procurement Attestation Form for Retail Sellers. The template for the attestation is located on the Energy Commission’s website and in Appendix B of this guidebook.

Instructions for Filing a NERC e-Tag Summary Report Using WREGIS:

On an as requested basis you may be required to submit to the Energy Commission your “NERC e-Tag Summary Report along with your State/Provincial/Voluntary Compliance Report. Please confirm that your NERC e-Tags are in your account before filing your State/Provincial/Voluntary Compliance Report.

1. Go to <https://portal1.wregis.org/> and log in to your account.
2. Select the “NERC e-Tag Summary Report” from the “Account Holder Reports” module on the left side of your screen.
3. Double check your report to ensure that all information is correct and complete.

4. Click the icon  on the upper far right of your NERC e-Tag Summary Report to "Export." This will open a pop-up screen titled "Report Export Request."

5. You will export this report twice, once in hard copy form and once in email form.

a. Hard Copy form: Select "Hard Copy Mail" at the top of the pop-up window and ".PDF" at the bottom under "Report Format." Enter the following contact information:

CA RPS Program
1516 9th St., MS 45
Sacramento, CA 95814

—Select "Request" to submit.

b. Email form: Select "Email" at the top of the pop-up window and ".CSV" at the bottom under "Report Format." Enter the following contact information:

RPSTrack@energy.state.ca.us

—Select "Request" to submit.

Appendix B – Forms

Note: Current versions of these forms (downloadable) are available on-line at:
[\[http://www.energy.ca.gov/renewables/documents/index.html#rps\]](http://www.energy.ca.gov/renewables/documents/index.html#rps)

Interim Tracking System

- CEC-RPS-GEN, RPS Generation and Attestation Form for RPS-eligible facilities

Certification

- CEC-RPS-1, Application for RPS Certification or Precertification
- CEC-RPS-1-S1, Certification or Precertification Supplement 1 – Biopower
- CEC-RPS-1-S2, Certification or Precertification Supplement 2 – Hydroelectric
- CEC-RPS-1-S3, Certification or Precertification Supplement 3 – Facilities With a First Point of Interconnection Outside California
- CEC-RPS-3, Application for the Certification of Aggregated Units
- CEC-RPS-4, Application for the Mass Certification of Facilities for POU's

Other Forms

Reporting of 2011 and future RPS procurement by retail sellers and POU's has been postponed until finalization of the sixth edition of the *RPS Eligibility Guidebook*; therefore, reporting forms related to SBX1-2 procurement are not included at this time. The following RPS reporting forms, or forms meant to collect similar information, will be updated and included in the Sixth Edition of the *RPS Eligibility Guidebook*:

- CEC-RPS-TRACK, RPS Procurement and Attestation Form for Retail Sellers
- CEC-RPS-DELIVERY, Delivery Verification and Attestation Form for Retail Sellers
- WREGIS State/Provincial/Voluntary Compliance Report Attestation Form

(TO BE COMPLETED BY GENERATORS)
REPORT to the CALIFORNIA ENERGY COMMISSION
Report of Generation for California RPS Certified Facilities

GENERAL INSTRUCTIONS

Please enter the following information:

Name of Company Preparing Form	
Name of Individual Completing Form	
Calendar Year Covered in this Report	

PLEASE ENABLE MACROS IN ORDER FOR THE FORMS TO WORK PROPERLY. Generating facilities that were certified by an Investor-Owned Utility on their behalf are not required to complete Schedules 3 and 4. However generators that certified on their own behalf are required to complete Schedules 3 and 4. This form may be used to enter information for any number of generating facilities. Complete Schedules 3 and 4 and e-mail the completed file to the address shown below. Then print out the file, sign the attestation as appropriate, and mail the package to the address shown below:

California Energy Commission
e-mail: RPSTrack@energy.ca.gov
Renewable Energy Program
Attn: Interim Tracking
California Energy Commission
1516 9th Street, MS-45
Sacramento, CA 95814-5512

Responses to this request are due on June 1st of Each Year.

PLEASE NOTE: The Energy Commission reserves the right to ask for supplemental documentation to this filing including utility statements provided to the individual generators.

(TO BE COMPLETED BY GENERATORS)
REPORT to the CALIFORNIA ENERGY COMMISSION
Report of Generation for California RPS Certified Facilities
ATTESTATION FORM

I (print name and title) _____ declare under penalty of perjury that the following is true and correct to the best of my knowledge:

- 1) I am an authorize agent of (print name of company) _____ and have authority to submit this report on the company's behalf;
- 2) The information and data provided in this report, including information provided in Schedules 3 and 4, is correct and is submitted for use to verify generation and procurement requirements pursuant to the California Renewables Portfolio Standard;
- 3) The kilowatt-hours of electricity generation in Schedule 4 of this report have been sold once and only once by the generator signing this attestation;
- 4) To the best of my knowledge, none of the renewable electricity identified in Schedules 3 or 4 of this report, nor any of the Renewable Energy Certificates associated with this renewable electricity, has been or will be used, sold, retired, claimed, or represented as part of electrical energy output or sales to satisfy renewable procurement obligations in jurisdictions other than California;
- 5) To count generation from out-of-state facilities for purposes of RPS compliance, the facility must enter a power purchase agreement with the retail seller or procurement entity and electricity must be delivered to an in-state market hub (also referred to as "zone") or in-state point of delivery (also referred to as "node") located within California. The requirements of the foregoing sentence does not apply to retail sellers subject to Public Utilities Code Section 399.17.

Signed: _____

Dated: _____

Executed at: _____

CONTACT INFORMATION
(FOR PREPARER OF THIS REPORT)

Name

Title

Company Name

Address

City, State, Zip

Phone

Fax

E-mail

(TO BE COMPLETED BY GENERATORS)

REPORT to the CALIFORNIA ENERGY COMMISSION

Report of Generation for California RPS Certified Facilities
ATTESTATION FORM

I (print name and title) _____ declare under penalty of perjury that the following is true and correct to the best of my knowledge:

- 1) I am an authorize agent of (print name of company) _____ and have authority to submit this report on the company's behalf;
- 2) The information and data provided in this report, including information provided in Schedules 3 and 4, is correct and is submitted for use to verify generation and procurement requirements pursuant to the California Renewables Portfolio Standard;
- 3) The kilowatt-hours of electricity generation in Schedule 4 of this report have been sold once and only once by the generator signing this attestation;
- 4) To the best of my knowledge, none of the renewable electricity identified in Schedules 3 or 4 of this report, nor any of the Renewable Energy Certificates associated with this renewable electricity, has been or will be used, sold, retired, claimed, or represented as part of electrical energy output or sales to satisfy renewable procurement obligations or voluntary contributions for more than one purpose per certificate;
- 5) To count generation from out-of-state facilities for purposes of RPS compliance, the facility must enter into an agreement (power purchase) with the retail seller or procurement entity and electricity must be delivered to an in-state market hub (also referred to as "zone") or in-state point of delivery (also referred to as "node") located within California. The requirements of the foregoing sentence does not apply to retail sellers subject to Public Utilities Code Section 399.17.

Signed: _____

Dated: _____

Executed at: _____



CEC-RPS-1 Instructions

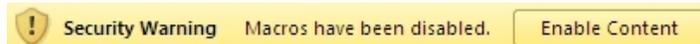
Certification or Pre-Certification of Individual Facilities

California Renewables Portfolio Standard Program

Please refer to the RPS Eligibility Guidebook and the Overall Program Guidebook for additional information for completing this form.

–All information on this form and on any attachments is subject to public disclosure–

THIS EXCEL FORM REQUIRES THE USE OF MACROS AND ACTIVEX.
To enable macros, look for a security warning below the ribbon that looks like this:



Click the "Enable Content" button and confirm. Once you have enabled macros, you will be able to check the box below and the main form will appear. The appropriate supplemental forms will appear as you fill in information. If you cannot select the check box, you have not enabled macros.

I have enabled macros and ActiveX and am ready to complete this form.

Submit the completed and signed CEC-RPS-1 form to:

California Energy Commission
Attn: RPS Certification
1516 Ninth Street, MS-45
Sacramento, CA 95814

And submit the electronic, unsigned Excel file via email to: RPSTrack@energy.ca.gov

Excel File name should be of the format:

RPS-1 [Certification or Precertification] of the [Facility Name], [RPS ID number if available]

Email subject line should be of the format:

RPS-1 [Certification or Precertification] of the [Facility Name], [RPS ID number if available]

Section I: Type of Certification Requested

1. Indicate whether the application is for:

Certification (Cert.) - applies to renewable facilities that are on-line who wish to establish eligibility for the RPS.

Amended Certification - applies to facilities already certified as eligible for the RPS that have undergone material changes since being certified (for example, change of ownership, size of facility, etc.). Facilities that do not notify the Energy Commission in a timely manner of material changes face disqualification.

Certification of a Pre-Certified Facility - Applies to facilities that have been precertified in the past and are now commercially online and applying for certification.

Precertification (Precert)* - applies to renewable facilities that are not yet online and wish to receive an initial evaluation as to the potential eligibility for the RPS.

*Amended Precertification** - applies to facilities already precertified as eligible for the RPS that have undergone material changes since being precertified (for example, change of ownership, size of facility, etc.). Facilities that do not notify the Energy Commission in a timely manner of material changes face disqualification.

Limited Certification - applies to renewable facilities that was under contract with, or owned by, a retail seller or POU with the contract or ownership agreement having been originally executed prior to June 1, 2010, and not meeting the eligibility requirements of the current RPS guidebook. See section III of the guidebook for more information.

**When completing this form for the precertification or a facility, complete the form as if the facility has commenced operations and is operating as currently planned.*

Specify the RPS ID previously assigned to the facility, if any. If no RPS ID has been assigned to the facility by Energy Commission staff please leave this blank.

Section II: Facility Name

Specify the name of the facility that you wish displayed on the RPS certificate. Also include all other names used by the facility, including names used in the past, used in the Power Purchase Agreement for the facility output, used in WREGIS, or any other name.

Section III: Application Contact Information

2. Application Information

Provide the name and contact information for the applicant. The applicant, along with the authorized officer/ agent signing the attestation, is responsible for the accuracy of all information presented in this application and all other supporting documentation submitted with the application. The applicant has the authority to make revisions to the application and supplemental documentation without the express consent of the authorized officer/ agent. The applicant is also responsible for ensuring the continued compliance of the facility with the RPS requirements including the verification process.

3. Additional Authorized Persons

Specify the person completing the form is different from the applicant. This person will have authority to make changes to the application during the review process without the express consent of the applicant or the authorized office/ agent.
List all additional persons authorized to make changes to this application, these persons have authority to make changes to the application during the review process without the express consent of the applicant or the authorized office/ agent.

Section IV: Facility Ownership and Location

4. Facility Owner

Indicate the facility owner and related contact information

5. Facility Location

Provide the physical location of the facility. The description may take the form of an address, RPS coordinates, legal description, or any other physical description that would allow Energy Commission Staff to locate the facility if desired.

6. Facility Contact Information

Indicate the mailing address for the facility, if different from the facility location, or if no address was provided in the facility location section above, along with other contact information for the facility.

Section V: Facility Interconnection

7. Indicate the location classification of the facility for the certification application:

In-state facility. Facility meets the requirements to be considered an in-state facility for purposes of RPS eligibility. If the facility is physically located outside California provide any necessary supporting documentation.

Facilities With a First Point of Interconnection Outside California. The facility does not meet the requirements to be considered an in-state facility and is either not subject to California Public Utilities Code Section 399.17, or the facility is is subject to PUC Section 399.17 but its generation is intended to be counted toward another retail seller's California RPS obligations.

- ▶ Complete CEC-RPS-1.S3 and submit additional required information for Facilities With a First Point of Interconnection Outside California.

Other. Facility has a first point of interconnection outside of California, but the generation is exclusively used by a multi-jurisdictional retail seller with 60,000 or fewer customer accounts in California under PUC Section 399.17. (*Delivery requirements for Facilities With a First Point of Interconnection Outside California do not apply to these facilities.*)

- ▶ The applicant must indicate the multi-jurisdictional retail seller procuring the generation. Only this utility may claim RECs from this facility as California RPS eligible.

8. Indicate if the facility is physically located outside the political boundaries of the United States of America. Facilities located outside the United States must be developed and operated in a manner that is as protective of the environment as a similar facility located in California. Applicants for these facilities must submit evidence with the application to prove compliance with this requirement.

9. Specify if the balancing authority for the facility and provide the resource ID for the facility assigned to it by the balancing authority. If the balancing authority is not the CA ISO, specify the balancing authority. If the balancing authority is the CA ISO via a dynamic transfer specify the balancing authority that would otherwise be the balancing authority and specify the resource ID assigned to the facility by both balancing authorities.

10. Specify the WECC interconnection substation that the facility uses to interconnect to the WECC, both the name of the substation and its physical location. If the facility directly connects to a distribution grid, specify the distribution grid location.

Section VI: Facility Operations

11. Specify the nameplate capacity of the electricity generating equipment. Theoretical limitations on maximum generation capacity based on the energy resource quality or availability, or any restrictions placed on the facility by government regulations or planned facility operations should not be considered or reflected in the name plate capacity. Facilities, such as solar photovoltaic, that generate electricity in direct current must report the equivalent nameplate capacity after conversion to alternating current.

12. Indicate the commercial operations date of the facility, see the definition of commercial operations in the Renewable Energy Program Overall Program Guidebook, Fourth Edition; the date the facility first used renewable fuel; and the date the facility began operations as described by this application.

Commercial Operations - The date, as determined by the system operator, on which a renewable energy generation facility ceases to generate electricity for testing purposes and first generates electricity solely for the purpose of consumption by the facility or any customer or for sale to any procuring retail seller. In the event power is sold to a retail seller, this definition shall be consistent with the facility's commercial operation date as defined in the initial power purchase contract with a retailer seller, or other Load Serving Entity.

13. Identify operations type of the facility as described in the RPS guidebook.

Prior operating facility. Facility commenced commercial operations before January 1, 2005, for hydroelectric facilities this date becomes January 1, 2006.

New facility. Facility commenced commercial operations on or after January 1, 2005, for hydroelectric facilities this date becomes January 1, 2006.

Repowered facility. Facility was repowered or re-entered commercial operations after January 1, 2005, for hydroelectric facilities this date becomes January 1, 2006. See the "Repowered Facilities" section of the RPS guidebook for additional information on repowered facilities.

Incremental generation resulting from a project expansion or repowering after January 1, 2005, for hydroelectric facilities this date becomes January 1, 2006. See the "Facilities With a First Point of Interconnection Outside California" in the RPS guidebook for more information certifying incremental generation from a project expansion or repowering.

14. Indicate whether the facility is a central station facility or a distributed generation facility as defined in the Renewable Energy Program Overall Program Guidebook, Fourth Edition.

Central station facility — an electric generation facility that interconnects to the electric transmission system.

Distributed generation facility — a small-scale electricity generation facilities that is interconnected to a distribution network and is generally 20 MW or smaller. Distributed generation facilities may serve on-site load or off-site load or both.

Section VII: Facility Resource Type

15. Indicate all energy source(s) used by the facility including all renewable and nonrenewable energy sources and complete the supplemental form indicated. For multi-fuel facilities, indicate all energy sources used. For facilities using biodiesel, fuel cell, or RPS-eligible gas injected into a natural gas pipeline, please select only the fuel type used for electrical generation, complete the specified form, and provide the additional required information as applicable.

16. Specify the fuel measurement methodology used to determine the contribution of each fuel used by the facility. See Section II B 7: Renewable Facilities Using Multiple Energy Resources.

Section VIII: Other Facility Information

17. Indicate all programs from which funding was, or continues to be received, for the construction or operation of the facility.

18. Indicate information on the facility's participation, or lack of participation, in a net metering program.

19. Indicate if the facility has/is participated/ing an net surplus generation program created pursuant to AB 920 for both the net surplus generation and the Renewable Energy Credits.

20. Indicate if the facility was developed and awarded a power purchase contract under a 2002-2003 Interim RPS Procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062. If the response is yes provide evidence of the power purchase contract awarded under a 2002-2003 Interim RPS Procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062.

21. Specify whether the facility is currently certified as a renewable Qualifying Small Power Production Facility (QF) under the Federal Public Utilities Regulatory Policies Act of 1978 (PURPA).

22. Indicate the EIA information for the facility if any is known.

23. Provide information on all WREGIS Generating Unit(s) (GU) associated with the facility

WREGIS GU ID - Specify the identification assigned to a generating unit or facility by the WREGIS system of the format W####. The amount of numbers preceding the prefix "W" may vary.

Unit Nameplate Capacity (MW AC) - Specify the nameplate capacity of the generating unit(s) represented by the WREGIS GU ID.

Type of GU ID - Identify if the GU ID provided measures electricity exported to the electricity grid, electricity used onsite, or electricity in another classification (attach a document explaining what is measured).

Multifuel GU ID - Indicate whether or not the GU ID is associated with more than one fuel type in the WREGIS system.

Activation Month - Specify the month the generator was approved in the WREGIS system and began reporting generation to WREGIS.

24. List all program identification numbers associated with the facility, along with the program name, not requested above.

Section IX: Information for Limited Certification Applicants

25. If the contract for electricity from the facility was executed prior to June 1, 2010, answer 'Yes' and enter the contract's information into the table. This includes: the name of the utility the contract is with, the execution date of the original contract, the date delivery first began, and the date all contracted deliveries were, or will be, finished. If the contract was not executed prior to June 1, 2010, answer 'No' and skip the rest of this section.

Utility - The name of the utility the contract is with.

Execution Date of Original Contract - The date the contract for electricity from the facility was executed.

Contracted Deliveries - The amount of deliveries contracted in MWh per year.

Date of First Deliveries - The date delivery began.

Contractual Date of Final Delivery - The date that deliveries will end, according to the contract.

26. If the contract for electricity from the facility was approved by the CPUC, answer 'Yes' and specify the advice letter, advice letter filing date, as well as the CPUC resolution number and date.

27. If the contract for electricity from the facility was amended or modified after June 1, 2010, answer 'Yes' and attach to the application a description of those amendments and modifications.

Section X: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of a certified facility does not respond to the Energy Commission's request for an information update in a timely manner, the facility is at risk of losing its certification or precertification status.

The Energy Commission's Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification or precertification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant's applications, invoices, and reports.

Representatives of certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so may result in revocation of certification status. Any changes affecting the facility's certification status must be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website.

Section XI: Certification Attestation

The attestation must be signed by an authorized officer or agent of the facility owner, who has the authority to attest to the accuracy of the information provided and has read and understands the requirements specified in the *Overall Program Guidebook for the Renewable Energy Program* and the *Renewables Portfolio Standard Eligibility Guidebook*.

Applications for certification must include a signed Certification Attestation, while applications for precertification must include a signed Precertification Attestation. Failure to supply an original of the proper signed attestation will prevent Energy Commission staff from reviewing the application and may result in denial of the application. Similarly, submission of an application with both attestations signed will also prevent Energy Commission staff from reviewing the application and may result in denial of the application if not corrected.

REMINDER: Some facilities have further submission requirements outlined below; refer to the RPS Eligibility Guidebook for details.

Technology/Characteristic	Additional Required Information	Supplemental Form
Biodiesel, Biogas, Biomass, Digester Gas, Fuel Cells Using Renewable Fuel, Landfill Gas, MSW Combustion, MSW Conversion, and Pipeline Biomethane	Yes	CEC-RPS-1.S1
Hydroelectric	Yes	CEC-RPS-1.S2
First Point of Interconnection Outside CA	Yes	CEC-RPS-1.S3
Repowered, incremental generation and Out-of-Country	Yes	N/A

Indicate any attached documents in addition to supplemental forms.



CEC-RPS-1.S1 Instructions

Certification Supplement 1 - Biopower

California Renewables Portfolio Standard Program

–All information on this form and on any attachments is subject to public disclosure–

Section I: Applicant Information

Fields are automatically populated from information provided in CEC-RPS-1.

Section II: Facility Information

Fields are automatically populated from information provided in CEC-RPS-1.

Section III: Specific Fuel Type

1. Indicate all fuel types used by the facility to generate electricity and complete specified sections.

Section IV: Supplemental Questions for Hydrogen Fuels

2. List the origin of all hydrogen used at the facility, the producer of each hydrogen source, the production method of that source, and an estimate of the quantity of hydrogen provided from each source.
3. Applicant certifies that all hydrogen used at the facility is produced in a manner consistent with the RPS eligibility guidebook. If the hydrogen is produced from a biogas source, the biogas is procured in an eligible manner.

Section X must be completed by all producers of hydrogen

Section V: Supplemental Questions for Biogas Fuels

4. List all types of biogas used at the facility; the source of that biogas; an estimate of the BTUs provided monthly by the source, measured in MMBTU averaged over a calendar year; and if the gas is delivered to the generation facility through a dedicated pipeline, fuel container, or natural gas pipeline system.
5. The applicant must certify that the facility's fuel sources, identified above, qualify as biogas as specified in the definition of biogas in the *Overall Program Guidebook*.

Section X must be completed by every producer of biogas.

Section VI: Supplemental Questions for Biomass Fuels

6. List all types of biomass used at the facility, or in the production of the fuel used at the facility; the source of that biomass; and an estimate of the monthly BTU content of the fuel, measured in MMBTUs averaged over a calendar year.
7. Applicant certifies that the facility's fuel sources, identified above, qualify as biomass as specified in the definition of biomass in the *Overall Program Guidebook*.

Section VII: Supplemental Questions for Municipal Solid Waste Combustion Fuels

8. MSW Combustion facilities must be located in Stanislaus County California, and have commenced commercial operations before September 26, 1996 to be considered eligible for California's RPS. Documentation must be submitted to substantiate this claim.

Section VIII: Supplemental Questions for Municipal Solid Waste Conversion Fuels

9. The applicant must indicate that the facility meets all the requirements listed in the Public Resources Code Section 25741, Subdivision (b)(3), and the Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition. Documentation must be submitted to substantiate this claim.

Section IX: Supplemental Facility Operator Attestations

The attestation must be signed by an authorized officer or agent of the facility owner, who has the authority to attest to the accuracy of the information provided and has read and understands the requirements specified in the Overall Program Guidebook for the Renewable Energy Program and the Renewables Portfolio Standard Eligibility Guidebook.

Applications for certification must include a signed Certification Attestation, while applications for precertification must include a signed Precertification Attestation. Failure to supply an original of the proper signed attestation will prevent Energy Commission staff from reviewing the application and may result in denial of the application. Similarly, submission of an application with both attestations signed will also prevent Energy Commission staff from reviewing the application and may result in denial of the application if not corrected.

Section X: Supplemental Attestations for Fuel Production Facilities

10. Fuel Production Facility Information

Specify the following requested information:

Name of Facility Applying for RPS Certification

Start Date of Fuel Supply Contract

End Date of Fuel Supply Contract

Date of First Delivery of Gas

Fuel Production Facility Name

Quantity of fuel under this contract (average MMBTU per month)

Fuel Production Facility Location

Fuel Production Facility Owner

Delivery Point to the Natural Gas Pipeline System

Fuel Production Facility Information Attestation

The attestation must be signed by an authorized officer or agent of the fuel production facility owner, who has the authority to attest to the accuracy of the information provided and has read and understands the requirements specified in the Overall Program Guidebook for the Renewable Energy Program and the Renewables Portfolio Standard Eligibility Guidebook.

Applications for certification must include a signed Certification Attestation, while applications for precertification must include a signed Precertification Attestation. Failure to supply an original of the proper signed attestation will prevent Energy Commission staff from reviewing the application and may result in denial of the application. Similarly, submission of an application with both attestations signed will also prevent Energy Commission staff from reviewing the application and may result in denial of the application if not corrected.

Section XI: Supplemental Attestations For Biomethane Delivery Entities

11. Pipeline Biomethane Delivery Information

Specify the following requested information:

Name of Facility Applying for RPS Certification

Start Date of Fuel Supply Contract

End Date of Fuel Supply Contract

Date of First Delivery of Gas

Fuel Production Facility Name

Fuel Production Facility Location

Production Facility Owner/Operator

Pipeline Biomethane Delivering Entity

Authorized Officer/Agent of the Fuel Delivery Entity
Receipt Point
Entity Delivering the Gas to the Receipt Point
Delivery Point
Receiving Entity at the Delivery Point
<i>Pipeline Biomethane Delivery Attestations</i>
<p>The attestation must be signed by an authorized officer or agent of the entity delivering the biomethane between the points described, who has the authority to attest to the accuracy of the information provided and has read and understands the requirements specified in the Overall Program Guidebook for the Renewable Energy Program and the Renewables Portfolio Standard Eligibility Guidebook.</p> <p>Applications for certification must include a signed Certification Attestation, while applications for precertification must include a signed Precertification Attestation. Failure to supply an original of the proper signed attestation will prevent Energy Commission staff from reviewing the application and may result in denial of the application. Similarly, submission of an application with both attestations signed will also prevent Energy Commission staff from reviewing the application and may result in denial of the application if not corrected.</p>



CEC-RPS-1.S2 Instructions

Certification Supplement 2 - Hydroelectric

California Renewables Portfolio Standard Program

–All information on this form and on any attachments is subject to public disclosure–

Section I: Applicant Information

Fields are automatically populated from information provided in CEC-RPS-1.

Section II: Facility Information

Fields are automatically populated from information provided in CEC-RPS-1.

Section III: Hydroelectric Resource

1. Indicate the type hydroelectric facility that will be used to generate electricity and complete specified sections. Complete only the section(s) applicable to this facility as specified in this table.
2. Indicate if the facility, as described in the CEC-RPS-1 application and all supplemental applications, complies with the definition of a project as defined in the Overall Program Guidebook for the Renewable Energy Office. All electricity generating equipment that could be considered part of this facility per the definition of a project in the Overall Program Guidebook is represented in this application as part of the facility.

Section IV: Conduit Hydroelectric Facilities

3. Indicate if the conduit hydroelectric facility uses only the hydroelectric potential from an existing conduit that was built before January 1, 2008?

Section V: New Hydroelectric Facilities

4. Applicant must certify that the facility meets all the following requirements:
 - ▶ The facility commenced commercial operations or was repowered on or after January 1, 2006.
 - ▶ Capacity is 30 MW or less, with an exception for eligible energy efficiency improvements made after January 1, 2008.
 - ▶ Located in-state or satisfies the Facility With a First Point of Interconnection Outside California requirements.
 - ▶ The facility does not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.

Section VI: Existing Hydroelectric Facilities

5. Applicant Certify that the facility meets all the following requirements:
 - ▶ The facility commenced commercial operations before January 1, 2006.
 - ▶ Capacity is 30 MW or less, with an exception for eligible energy efficiency improvements made after January 1, 2008.
 - ▶ Located in-state or satisfies the Facility With a First Point of Interconnection Outside California requirements.
6. If the facility is a small hydroelectric facility that was under contract to, or owned by, a retail seller or local publicly owned utility as of December 31, 2005. Specify the retail seller of local publicly owned electric utility and attach documentation on the contract with, or ownership by, that utility.
If the facility is a conduit hydroelectric facility no additional information is needed.

Section VII: Water Supply or Conveyance System Facilities

7. Applicant must certify that the facility meets all the following requirements:

- ▶ The facility commenced commercial operations before January 1, 2006.
- ▶ Capacity is 30 MW or less, with an exception for eligible energy efficiency improvements made after January 1, 2008.
- ▶ Located in-state or satisfies the Facility With a First Point of Interconnection Outside California requirements.
- ▶ The Facility is a small hydroelectric facility that was under contract to, or owned by, a retail seller or local publicly owned utility as of December 31, 2005.

Specify the retail seller or local publicly owned utility and attach documentation on the contract with, or ownership by, the specified utility.

Section VIII: Pumped Storage Hydroelectric Facilities

8. Applicant must certify that the facility meets **all** the following requirements:

- ▶ The facility meets the RPS eligibility requirements for conduit hydroelectric, small hydroelectric, or incremental hydroelectric facilities as more fully described in the *Renewables Portfolio Standard Eligibility Guidebook*, **and**
- ▶ The electricity, or energy resource, used to pump the water qualifies as RPS-eligible. (The amount of energy that may qualify for the RPS is the amount of electricity dispatched from the pumped storage facility.)

A facility certified as RPS-eligible may include an electricity storage device if it does not conflict with other RPS-eligibility criteria, but the storage unit itself will not be separately certified.

Section IX: Incremental Hydroelectric Facilities

9. The applicant certified that the following is correct and the facility complies with all the requirements more fully described in the *Renewables Portfolio Standard Eligibility Guidebook*. RPS certification of the incremental increase in generation that results from efficiency improvements to a hydroelectric facility, regardless of the electrical output of the facility, is eligible for the RPS if **all** of the following conditions are met:

- ▶ The facility is owned by a retail seller or a local publicly owned electric utility. Identify the specific utility.
- ▶ The facility was operational before January 1, 2007.
- ▶ The efficiency improvements are initiated on or after January 1, 2008, are not the result of routine maintenance activities and were not included in any resource plan sponsored by the facility owner before January 1, 2008.
- ▶ The facility has, within the immediately preceding 15 years from the date the efficiency improvements are initiated, received certification from the State Water Resources Control Board (SWRCB) pursuant to Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341), or has received certification from a regional board to which the SWRCB has delegated authority to issue certification, unless the facility is exempt from certification because there is no potential discharge into waters of the United States.
- ▶ The incremental increase is the result of efficiency improvements from a retrofit, and the efficiency improvements do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.
- ▶ All of the incremental increase in electricity generation resulting from the efficiency improvements must be demonstrated to result from a long-term financial commitment by the retail seller.

Section X: Supplemental Information

All applicants for hydroelectric facilities commencing, or planning to commence, commercial operations, repowered operations, or operations with efficiency improvements on or after January 1, 2006, must submit supporting documentation for the following points. Documents with relevant information for each point should be listed below including sections or pages of importance.

If any of the additional required information is unavailable at the time the pre-certification application is submitted, due to the facility's stage in development, the Energy Commission may accept a list of all information that will be available and submitted with the certification application, the date the documents or other information will be finalized, and a summary of the expected results, where applicable.

More information on the following sections can be found in the instructions section or in the RPS guidebook.

10. Source Water Description:

The application must identify the source of the water for the hydroelectric project. The source must be characterized as surface, groundwater, or other (for example, recycled water). For surface water sources, a map at a scale of 1:24,000 must be provided. The map should also identify the location of the diversion point and all other facilities. In addition, a written description of the location of the diversion should be provided (county and nearest city) as well as the name of the body of water at the point of diversion. For groundwater, the location of the well(s) and conveyance facilities shall be identified on a map of 1:24,000 scale. The applicant must also specify how much water is used for each of the identified beneficial uses.

11. Water Rights:

All applicants must clearly establish their right to divert water by submitting all necessary information as well as all appropriate licenses or permits. Within California, this information must identify the permitted volume, rate, and timing of water diversions, the place of diversion, and beneficial uses. This may be achieved through submittal of the appropriate SWRCB appropriation permit or license, or the Statement of Water Diversion and Use filed with SWRCB. For diversions not subject to an appropriation permit or license, a copy of any Statement of Water Diversion and Use filed with SWRCB should be provided. Facilities located outside California must provide similar documentation of an existing water right for water diversion.

12. Hydrologic Data:

The applicant must submit appropriation and/or diversion data for the last five years or for the period of operation if the project has been operating less than five years. Information contained in any legally required reports may be used to meet this requirement if sufficient information is included in the report. For other projects, the hydrologic data submitted must be accompanied by a description of how the data is collected. Flow data shall be provided at the frequency set forth in the applicable water appropriation permit; for example, if the permit specifies minimum and maximum flows on a monthly basis, that is the level of information necessary to be submitted.

13. Other Permits:

The applicant must submit all other applicable permits, including those permits and exemptions issued by the Federal Energy Regulatory Commission (FERC).

14. Environmental Documentation:

The applicant must submit copies of any permits, agreements, contracts, or other requirements affecting the operation of the facility, especially those that affect the volume, rate, timing, temperature, turbidity, and dissolved oxygen content of the stream water before and after the points of diversion.

15. Capacity:

For small and conduit hydroelectric facilities, the applicant must demonstrate how the project will comply with the 30 MW nameplate capacity size limitations under the RPS and not cause an adverse impact on instream beneficial uses or a change in the volume or timing of streamflow. For this purpose, a facility may have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

16. Efficiency Improvements:

Applicants seeking certification of small or conduit hydroelectric facilities that exceed 30 MW due to efficiency improvements must provide the following:

- ▶ Documentation showing when the existing small or conduit hydroelectric facility commenced commercial operations.
- ▶ Documentation describing the efficiency improvements and when they were initiated and completed.
- ▶ Documentation demonstrating that the efficiency improvements are not the result of routine maintenance.
- ▶ Documentation demonstrating that the efficiency improvements did not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow. For this purpose, an efficiency improvement could have an adverse impact on the instream beneficial uses if it causes an adverse change in the chemical, physical, or biological characteristics of water.

17. Incremental Hydroelectric Generation:

Applicants seeking certification of incremental hydroelectric generation due to efficiency improvements regardless of facility output are required to provide several additional items that are explained in detail in the RPS Guidebook under additional required information in Section II B 5: Hydroelectric Facilities.

Applicant's signed attestation on Form CEC-RPS-1 applies to the information provided herein.



CEC-RPS-1.S3 Instructions

Certification Supplement 3 - Facilities With a First Point of Interconnection Outside California

California Renewables Portfolio Standard Program

–All information on this form and on any attachments is subject to public disclosure–

Section I: Applicant Information

Fields are automatically populated from information provided in CEC-RPS-1.

Section II: Facility Information

Fields are automatically populated from information provided in CEC-RPS-1.

Section III: Supplemental Questions for Facilities With a First Point of Interconnection Outside California Applications

1. Choose One	<p>The Applicant must certify that all the facility commenced commercial operations on or after January 1, 2005, and meets the RPS eligibility requirements as outlined in the <i>RPS Eligibility Guidebook</i>:</p> <ul style="list-style-type: none"> ▶ Connected to the WECC transmission system. ▶ Does not cause or contribute to any violation of a California environmental quality standard or requirement within California, and meets all conditions in Item # 5 below (or has provided the necessary supplemental information). ▶ If located outside the United States, facility is developed and operated in a manner that is as protective of the environment as a similar facility located in California. ▶ Participates in WREGIS. <p>Or, for RPS eligibility for facilities that meet the requirements above, with the exception that commercial operations commenced before January 1, 2005, applicant certifies that the facility meets at least one of the following requirements:</p> <p style="padding-left: 20px;">The electricity is from incremental generation resulting from project expansion or repowering of the facility after January 1, 2005</p> <p style="padding-left: 20px;">A retail seller or local publicly owned electric utility procured electricity generated by the facility as of January 1, 2010.</p> <p style="padding-left: 20px;">Identify the utility and attach documentation proving the identified retail seller or local publicly owned electric utility procured electricity generated by this facility as of January 1, 2010.</p>
2.	Provide the straight line distance from the facility to California in miles, rounded down to the nearest tenth of mile.
3.	What is the shortest driving time from the facility to California in hours rounded down to the nearest tenth of an hour.
4.	<p>Select the environmental areas in which the facility meets or exceeds the minimum requirements, select all that apply. Please attach a written explanation substantiating the claim that the project does not violate California LORS as required in the Renewables Portfolio Standard Eligibility Guidebook, including any documentation that is necessary to substantiate the applicant's assessment as required in the Renewables Portfolio Standard Eligibility Guidebook.</p> <p>For any environmental areas where the minimum requirement is not meet, provided a detailed explanation showing how the facility will not cause or contribute to a violation of the area.</p>

Attach the documentation specified in the section entitled "Additional Required Information for Facilities With a First Point of Interconnection Outside California" in the *Renewables Portfolio Standard Eligibility Guidebook*.

Applicant's signed attestation on Form CEC-RPS-1 applies to the information provided herein.



CEC-RPS-1

Certification or Pre-Certification of Individual Facilities California Renewables Portfolio Standard Program

Please refer to the RPS Eligibility Guidebook and the Overall Program Guidebook for additional information for completing this form.

–All information on this form and on any attachments is subject to public disclosure–

Section I: Type of Certification Requested

- Certification Amendment to a Certification Certification of a Pre-Certified Facility
 1. Choose One Precertification* Amendment to Precertification*
 Limited Certification Previously Assigned RPS ID, if any: _____

*When applying for the precertification of a facility complete the CEC-RPS-1 as if the facility has commenced operations and is operating as currently planned.

Section II: Facility Name

Name of Facility: _____

Specify any additional names this facility is or has been known by,

a) _____

b) _____

Section III: Application Contact Information

2. Application Information

Name of Applicant: _____

Title: _____

Company Name: _____

Applicant Phone: _____

Fax: _____

Email (for all correspondence): _____

Address: _____

City: _____

State/Province: _____

Zip: _____

Country: _____

3. Additional Authorized Persons

Person completing the form if different from the applicant:

Phone: _____ Email: _____

List all additional persons authorized to make changes to this application:

Name: _____	Phone: _____	Email: _____
Name: _____	Phone: _____	Email: _____
Name: _____	Phone: _____	Email: _____

Section IV: Facility Ownership and Location

4. Facility Owner

Name of Owner:

Owner Address:

City:

State/Province:

Zip:

Country:

Phone:

Fax:

Email:

State or Province in which facility owner/company is incorporated:

5. Facility Location

Address:

GPS Coordinates:

Other Location Information:

City:

County:

State:

Zip:

Country:

6. Facility Contact Information

Can mail be delivered to the facility address? Yes No*

*If no Specify the Facility Mailing Address:

Address:

City:

County:

State:

Zip:

Country:

Onsite Facility Contact:

Facility Phone:

Fax:

Email:

Section V: Facility Interconnection

7. The applicant is seeking certification of this facility as an:

- In-state facility. Facility meets the requirements to be considered an in-state facility for purposes of RPS eligibility. If the facility is physically located outside California provide any necessary supporting documentation.
- Facilities With a First Point of Interconnection Outside California. The facility does not meet the requirements to be considered an in-state facility and is either not subject to California Public Utilities Code Section 399.17, or the facility is subject to PUC Section 399.17, but its generation is intended to be counted toward another retail seller's California RPS obligations.
 - ▶ Complete CEC-RPS-1.S3 and submit additional required information for Facilities With a First Point of Interconnection Outside California.
- Other. Facility has a first point of interconnection outside of California, but the generation is exclusively used by a multi-jurisdictional retail seller with 60,000 or fewer customer accounts in California under PUC Section 399.17. (*Delivery requirements for Facilities With a First Point of Interconnection Outside California do not apply to these*)
 - ▶ Specify the multi-jurisdictional retail seller procuring the generation: _____

8. Is the facility physically located outside the United States? Yes No

▶ Facilities located outside the United States must be developed and operated in a manner that is as protective of the environment as a similar facility located in California. Applicants for these facilities must submit evidence with the application to prove compliance with this requirement.

9. The Balancing Authority operator for the facility is:

- CA ISO CA ISO Resource ID: _____
- Other (*specify*): _____ Resource ID, if any: _____
- CA ISO Via Dynamic Transfer CA ISO Resource ID: _____
 - ▶ Specify local Balancing Authority: _____ Resource ID, if any: _____

10. The facility interconnects to the WECC at the:

- Transmission Level
 - ▶ Specify the interconnection substation name: _____
 - ▶ Specify the interconnection substation location: _____
- Distribution Level
 - ▶ Specify the city and state of the distribution grid: _____

Section VI: Facility Operations

11. Provide the total nameplate capacity of the facility (in megawatts, AC):

12. Facility Operations Date(s):

Commercial operations date: _____
 Date renewable fuel was first used: _____
 Date operations as described by this application began: _____

13. Choose **One**

- Prior operating facility. Facility commenced commercial operations before January 1, 2005*
- New facility. Facility commenced commercial operations on or after January 1, 2005.*
- Repowered facility. Facility was repowered or re-entered commercial operations after January 1, 2005.*
 - ▶ Specify date repowering work began on the facility: _____
 - ▶ Specify date the repowering process was completed: _____
 - ▶ Repowered facilities must provide documentation confirming the replacement of the facility's prime generating equipment and the capital investments made to repower the facility as well as the value of those investments as described in the RPS Guidebook.
 - ▶ Select method used to demonstrate compliance with the 80 percent threshold:
 - Tax Records Methodology Replacement Value Methodology
- Incremental generation from resulting from a project expansion or repowering after January 1, 2005.*
 - ▶ Specify date work began: _____
 - ▶ Specify date when work was completed: _____

** Exceptions for these online dates are small hydroelectric and small conduit hydroelectric facilities that began commercial operations or were repowered on or after January 1, 2006.*

14. Choose **One**

- Facility is a central station facility.
- Facility is a distributed generation facility.

Section VII: Facility Resource Type

15. Indicate energy source(s) used by the facility. For multi-fuel facilities, indicate all energy sources used. For facilities using biodiesel, fuel cell, or RPS-eligible gas injected into a natural gas pipeline, please select only the fuel type used for electrical generation, complete the specified form, and provide the additional required information as applicable.

Resource	Annual Percent	Resource	Annual Percent
Use of one or more of the following resources requires the submission of the CEC-RPS-1.S1:		No additional submission requirement is necessary for the use of one or more of the following resources:	
<input type="checkbox"/> Biodiesel		<input type="checkbox"/> Geothermal	
<input type="checkbox"/> Biogas		<input type="checkbox"/> Ocean Wave	
<input type="checkbox"/> Digester Gas		<input type="checkbox"/> Ocean Thermal	
<input type="checkbox"/> Landfill Gas		<input type="checkbox"/> Photovoltaic	
<input type="checkbox"/> Other Biomass Source		<input type="checkbox"/> Solar Thermal Electric	
<input type="checkbox"/> Biomass		<input type="checkbox"/> Tidal Current	
<input type="checkbox"/> Fuel Cell Using Renewable Fuel		<input type="checkbox"/> Wind	
<input type="checkbox"/> Biogas		Other Resources not Listed, Specify:	
<input type="checkbox"/> Hydrogen produced renewably		<input type="checkbox"/>	
<input type="checkbox"/> Municipal Solid Waste, Combustion		<input type="checkbox"/>	
<input type="checkbox"/> Municipal Solid Waste, Conversion		<input type="checkbox"/>	
Use of one or more of the following resources requires the submission of the CEC-RPS-1.S2:		<input type="checkbox"/>	
<input type="checkbox"/> Conduit Hydroelectric		<input type="checkbox"/>	
<input type="checkbox"/> Small Hydroelectric		<input type="checkbox"/>	
<input type="checkbox"/> Incremental Hydroelectric		<input type="checkbox"/>	
<input type="checkbox"/> Pumped Storage Hydroelectric		<input type="checkbox"/>	
<input type="checkbox"/> Water Supply or Conveyance System		<input type="checkbox"/>	

16. Please indicate which of the measurement methodologies described in the RPS guidebook will be implemented by the facility to account for the contribution of each energy input or fuels to the generation:

- Combustion technologies and fuel cell technologies
- Non-combustion, thermal technologies, option 1*
 - *What efficiency will be used in the calculation?
 - 42.5% efficiency
 - Actual plant efficiency, specify: _____
 - ▶ Attach documentation on the plant efficiency.
- Non-combustion, thermal technologies, option 2
 - ▶ Attach documentation describing the thermal energy measurement process.
- Non-thermal electric generating technologies (except fuel cell technologies)
- Alternative measurement methodology has been attached along with an explanation as to why the method is superior to the methods provided in the *RPS Eligibility Guidebook*, including why it is the most appropriate method for this facility.
- None, the facility does not use, and is unable to use, more than one energy resource in the generation process.

Section VIII: Other Facility Information

17. Have benefits been received, are being received, or are planned to be received for the facility from the following ratepayer funded programs: (Check all that apply)

- Pilot Performance-Based Initiative Program
- Existing Renewables Program under SB 90
- California Solar Initiative
- Emerging Renewables Program
- Self Generation Incentive Program
- New Solar Homes Partnership
- Other SB1 program. Specify POU: _____
- Other. Please specify: _____
- None

18. Has/Is the facility participated/ing in a net metering program or benefited/ing from net metering tariffs?

Yes

▶ Specify the start date of the net metering program: _____

▶ Specify the termination date of the net metering program, if any: _____

No

19. Has/Is the facility participated/ing an net surplus generation program created pursuant to AB 920 for both the net surplus generation and the Renewable Energy Credits?

Yes

▶ Specify the start date of the net metering program: _____

▶ Specify the termination date of the net metering program, if any: _____

No

20. Was the facility developed and awarded a power purchase contract under a 2002-2003 Interim RPS Procurement solicitation approved by the CPUC under Decision 02-08-071 and Decision 02-10-062?

Yes No

21. Is the facility currently certified as a renewable Qualifying Small Power Production Facility (QF) under the federal Public Utilities Regulatory Policies Act of 1978 (PURPA)?

Yes

▶ Original certification date: _____

▶ QF ID or Self Certification Docket number: _____

No

22. Is the facility currently registered with the federal Energy Information Administration?

Yes

▶ Plant code: _____

▶ Utility code, if applicable: _____

No

23. Provide information on all WREGIS Generating Unit(s) (GU) associated with the facility

WREGIS GU ID	Unit Nameplate Capacity (MW AC)	Type of GU ID			Multifuel GU ID		Activation Month
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Export	<input type="checkbox"/> Onsite Use	<input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

If the facility uses more GU IDs please attach the required information on those GU IDs.

Please explain if the nameplate capacity in WREGIS does not match the total nameplate capacity specified above.

24. Other programs or identification numbers (Please explain):

a) _____

b) _____

c) _____

Section IX: Information for Limited Certification Applicants

Facilities seeking a limited certification must meet all the following requirements and provide substantiating documentation supporting the claims made below.

25. The contract for electricity from the facility was executed prior to June 1, 2010, and the facility meet the eligilbty reules in place as of the date when the contract was executed.

- Yes, complete the following table No

Utility	Execution Date of Original Contract	Contracted Deliveries (MWh/year)	Date of First Deliveries	Contractual Date of Final Delivery

26. For applicable utilities, was the contract approved by the CPUC?

- Yes, provide the information requested below. No

- ▶ Specify advice letter: _____
- ▶ Specify advice letter filing date: _____
- ▶ Specify CPUC resolution number: _____
- ▶ Specify CPUC resolution date: _____

27. Was the contract amended or modified after June 1, 2010?

- Yes, attach a description of the amendments or modifications to the contract.
 No

Section X: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of a certified facility does not respond to the Energy Commission’s request for an information update in a timely manner, the facility is at risk of losing its certification or precertification status.

The Energy Commission’s Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification or precertification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee’s applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant’s applications, invoices, and reports.

Representatives of certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so may result in revocation of certification status. Any changes affecting the facility’s certification status must be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility’s certification, the new information will be posted on the Energy Commission’s website.

REMINDER: Some facilities have further submission requirements outlined below; refer to the RPS Eligibility Guidebook for details.

Technology/Characteristic	Additional Required Information	Supplemental Form
Biodiesel, Biogas, Biomass, Digester Gas, Fuel Cells Using Renewable Fuel, Landfill Gas, MSW Combustion, MSW Conversion, and Pipeline Biomethane	Yes	CEC-RPS-1.S1
Hydroelectric	Yes	CEC-RPS-1.S2
First Point of Interconnection Outside CA	Yes	CEC-RPS-1.S3
Repowered, incremental generation and Out-of-Country	Yes	N/A

- The Following are Attached: a) _____
b) _____

Section XI: Attestation

Applications for certification must include a signed Certification Attestation, while applications for precertification must include a signed Precertification Attestation. Failure to supply an original of the proper signed attestation will prevent Energy Commission staff from reviewing the application and may result in denial of the application. Similarly, submission of an application with both attestations signed will also prevent Energy Commission staff from reviewing the application and may result in denial of the application if not corrected.

Certification Attestation

I am an authorized officer or agent of the above-noted facility owner or a retail seller contracting with the above noted facility owner and with authority to submit this application on the facility owner's behalf, and hereby submit this application on behalf of said facility owner for certification of the facility as a renewable facility eligible for California's RPS. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*, and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the Energy Commission is conditioned on the facility owner's acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*. I declare under penalty of perjury that the information provided in this application and any supplemental forms and attachments is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Name of Facility: _____
Authorized Officer/Agent: _____
Officer Title: _____
Signature: _____ Date Signed: _____

Precertification Attestation

I am an authorized officer or agent of the above-noted proposed facility owner or a retail seller contracting with the above noted facility owner and with authority to submit this application on the facility owner's behalf, and hereby submit this application on behalf of said facility owner for precertification of the facility as a renewable facility eligible for California's RPS. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*, and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any precertification approval from the Energy Commission is conditioned on the facility owner's acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*, and does not guarantee the facility will be eligible for certification once it becomes operational. I declare under penalty of perjury that the information provided in this application and any supplemental forms and attachments is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Name of Facility: _____
Authorized Officer/Agent: _____
Officer Title: _____
Signature: _____ Date Signed: _____

SUBMIT: 1. Completed and signed CEC-RPS-1 form
2. Applicable supplemental forms
3. Applicable additional required information
4. Other, please specify:
TO: California Energy Commission
Attn: RPS Certification
1516 Ninth Street, MS-45
Sacramento, CA 95814

And submit the electronic, unsigned Excel file via email to: RPSTrack@energy.ca.gov

Excel File name should be of the format:

RPS-1 [Certification or Precertification] of the [Facility Name], [RPS ID number if available]

Email subject line should be of the format:

RPS-1 [Certification or Precertification] of the [Facility Name], [RPS ID number if available]

For Energy Commission use ONLY:

Analyst Review:
LORS Analysis:
RPS Program Lead:
Supplemental Review (if necessary):
Office Manager:



CEC-RPS-1.S1

Certification Supplement 1 - Biopower California Renewables Portfolio Standard Program

-All information on this form and on any attachments is subject to public disclosure-

Section I: Applicant Information

Name of Applicant:

Company Name:

Person completing the form if different from Applicant:

Section II: Facility Information

Name of Facility:

Location (street address, legal description, or GPS coordinates):

City:

County:

State:

Zip:

Country:

Section III: Specific Fuel Type

1. Indicate all fuel types used by the facility to generate electricity and complete specified sections.

Resource	Complete Sections	
	All Applicants	If fuel is Produced Offsite
<input type="checkbox"/> Biodiesel Derived from:		
<input type="checkbox"/> Biomass	Section VI, Section IX	
<input type="checkbox"/> MSW Conversion	Section VIII, Section IX	Section X
<input type="checkbox"/> Biomass	Section VI, Section IX	
<input type="checkbox"/> Biogas Derived from:		
<input type="checkbox"/> Digester Gas	Section V, Section IX	Section X (Section XI)
<input type="checkbox"/> Landfill Gas	Section V, Section IX	Section X (Section XI)
<input type="checkbox"/> Other Biomass Source	Section V, Section VI, Section IX	Section X (Section XI)
▶ Specify:		
<input type="checkbox"/> Hydrogen Derived from:		
<input type="checkbox"/> Biogas	Section IV, Section V, Section IX	Section X (Section XI)
<input type="checkbox"/> Water	Section IV, Section IX	Section X
<input type="checkbox"/> Other Source.	Section IV, Section IX	Section X (Section XI)
▶ Specify:		
<input type="checkbox"/> MSW Combustion	Section VII, Section IX	
<input type="checkbox"/> MSW Conversion	Section VIII, Section IX	

Section IV: Supplemental Questions for Hydrogen Fuels

2. List the origin of all hydrogen used at the facility, the producer of each hydrogen source, the production method of that source, and an estimate of the quantity of hydrogen provided from each source.

#	Hydrogen Origin	Hydrogen Producer	Production Method	Quantity
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

3. Applicant certifies that all hydrogen used at the facility is produced in a manner consistent with the RPS eligibility guidebook. If the hydrogen is produced from a biogas source the biogas is procured in an eligible manner.

Section X must be completed by all producers of hydrogen

Section V: Supplemental Questions for Biogas Fuels

4. List all types of biogas used at the facility, the source of that biogas, an estimate of the BTUs provided monthly by the source (measured in MMBTU averaged over a calendar year), and if the gas is delivered to the generation facility through a dedicated pipeline, fuel container, or natural gas pipeline system.

#	Type of Biogas	Producer of the Biogas	MMBTU	Delivery Method
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

5. Applicant certifies that the facility's fuel sources, identified above, qualify as biogas as specified in the definition of biogas in the *Overall Program Guidebook*.

Section X must be completed by every producer of biogas.

Section VI: Supplemental Questions for Biomass Fuels

6. List all types of biomass used at the facility, or in the production of the fuel used at the facility, the source of that biomass, and an estimate of the monthly BTU content of the fuel, measured in MMBTUs averaged over a calendar year.

#	Type of Biomass	Source of the Biomass	MMBTU
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

7. Applicant certifies that the facility's fuel sources, identified above, qualify as biomass as specified in the definition of biomass in the *Overall Program Guidebook*.

Section X must be completed by all producers of hydrogen

Section VII: Supplemental Questions for Municipal Solid Waste Combustion Fuels

8. Applicant certifies that the MSW Combustion facility meets **all** of the following criteria:
- ▶ Facility is located in Stanislaus County.
 - ▶ Facility commenced commercial operations before to September 26, 1996.

Applicant must attach documentation to this application demonstrating that the facility meets both of these requirements.

Section VIII: Supplemental Questions for Municipal Solid Waste Conversion Fuels

9. Applicant certifies that the facility is eligible for the RPS and that: 1) it uses a two-step process to create energy whereby in the first step (gasification conversion) a non-combustion thermal process that consumes no excess oxygen is used to convert MSW into a clean burning gaseous or liquid fuel and then in the second step this clean-burning fuel is used to generate electricity, 2) it is located in-state or satisfies the Facilities With a First Point of Interconnection Outside California requirements, and 3) the facility and conversion technology meet all of the following applicable criteria in accordance with Public Resources Code Section 25741, Subdivision (b)(3):
- a. The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.
 - b. The technology produces no discharges of air contaminants or emissions, including greenhouse gases as defined in Section 42801.1 of the Health and Safety Code.
 - c. The technology produces no discharges to surface or groundwaters of the state.
 - d. The technology produces no hazardous wastes.
 - e. To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream before the conversion process, and the owner or operator of the facility certifies that those materials will be recycled or composted.
 - f. The facility at which the technology is used complies with all applicable laws, regulations, and ordinances.
 - g. The technology meets any other conditions established by the Energy Commission.
 - h. The facility certifies that any local agency sending solid waste to the facility diverted at least 30 percent of all solid waste it collects through solid waste reduction, recycling, and composting.

Applicant must attach documentation to this application demonstrating that the facility meets all of these requirements.

Section IX: Supplemental Facility Operator Attestations

Certification Attestation

I am an authorized officer or agent of the above-noted electricity generating facility (the facility applying for the RPS certification) owner, and hereby attest on behalf of the above-noted facility owner that the fuel described above is being procured and the facility owner intends to continue to procure that fuel from the above fuel producer, that the named fuel meets the RPS eligibility criteria for the generation of electricity from the fuel and the above facility owner has not sold, traded, given away, claimed, or otherwise disposed of any of the attributes that would prevent the resulting electricity from being compliant with the definition of "green attributes" as defined in the Overall Program Guidebook for the Renewable Energy Program, nor will they do so for any fuel used to generate RPS eligible electricity. I have read the above information as well as the Renewables Portfolio Standard Eligibility Guidebook and the Overall Program Guidebook for the Renewable Energy Program and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the Energy Commission for the above facility applying for RPS certification is conditioned on the facility owner's acceptance and satisfaction of all program requirements as set forth in the Renewables Portfolio Standard Eligibility Guidebook and the Overall Program Guidebook for the Renewable Energy Program. I declare under penalty of perjury that the information provided is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Authorized Officer/Agent: _____
Officer Title: _____
Signature: _____
Date Signed: _____

Precertification Attestation

I am an authorized officer or agent of the above-noted electricity generating facility (the facility applying for the RPS precertification) owner, and hereby attest on behalf of the above-noted facility owner that the fuel described above is planned to be procured and the facility owner intends to continue to procurement of that fuel from the above fuel producer, that the named fuel meets, or will meet at the time of delivery, the RPS eligibility criteria for the generation of electricity from the fuel and the above facility owner has not sold, traded, given away, claimed, or otherwise disposed of any of the attributes that would prevent the resulting electricity from being compliant with the definition of "green attributes" as defined in the *Overall Program Guidebook for the Renewable Energy Program*, nor will they do so for any fuel that will be used to generate RPS eligible electricity. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program* and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any precertification approval from the Energy Commission for the above facility applying for RPS precertification is conditioned on the facility owner's acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, and does not guarantee the facility will be eligible for certification once it becomes operational. I declare under penalty of perjury that the information provided is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Authorized Officer/Agent: _____
Officer Title: _____
Signature: _____
Date Signed: _____

Section X: Supplemental Attestations for Fuel Production Facilities

10. Fuel Production Facility Information

Name of Facility Applying for RPS Certification:

Start Date of Fuel Supply Contract:

End Date of Fuel Supply Contract:

Date of First Delivery of Gas:

Fuel Production Facility Name:

Quantity of fuel under this contract (average MMBTU per month):

Fuel Production Facility Location:

Fuel Production Facility Owner:

Delivery Point to the Natural Gas Pipeline System:

Fuel Production Facility Information Attestation For Certification Applications

I am an authorized officer or agent of the above-noted fuel production facility owner, and hereby attest on behalf of the above-noted fuel production facility owner that the fuel indicated consists solely of a RPS eligible fuel as defined in the California Energy Commission's *Overall Program Guidebook* for the *Renewable Energy Program* and constitutes an RPS eligible renewable fuel pursuant to the *Renewables Portfolio Standard Eligibility Guidebook*. The produced fuel has been sold for use in the facility applying for RPS certification and the above fuel producer has not sold, traded, given away, claimed, or otherwise disposed of any of the attributes separate from the fuel that would prevent the resulting electricity from being compliant with the definition of "green attributes" as defined in the *Overall Program Guidebook* for the *Renewable Energy Program*, nor will they do so for any fuel used to generate RPS eligible electricity. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program* and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the Energy Commission for the above facility applying for RPS certification is conditioned on the fuel production facility owner's acceptance and satisfaction of all applicable program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*. I declare under penalty of perjury that the information provided is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Authorized Officer/Agent: _____

Officer Title: _____

Signature: _____

Date Signed: _____

Fuel Production Facility Information Attestation for Precertification Applications

I am an authorized officer or agent of the above-noted fuel production facility owner, and hereby attest on behalf of the above-noted fuel production facility owner that the fuel indicated consists, or will consist, solely of a RPS eligible fuel as defined in the California Energy Commission's *Overall Program Guidebook* for the *Renewable Energy Program* and constitutes an RPS eligible renewable fuel pursuant to the *Renewables Portfolio Standard Eligibility Guidebook*. The produced fuel has been sold, or is planned to be sold, for use in the facility applying for RPS precertification and the above fuel producer has not sold, traded, given away, claimed, or otherwise disposed of any of the attributes separate from the fuel that would prevent the resulting electricity from being compliant with the definition of "green attributes" as defined in the *Overall Program Guidebook* for the *Renewable Energy Program*, nor will they do so for any fuel that will be used to generate RPS eligible electricity. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program* and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any precertification approval from the Energy Commission for the above facility applying for RPS precertification is conditioned on the fuel production facility owner's acceptance and satisfaction of all applicable program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*, and does not guarantee the facility will be eligible for certification once it becomes operational. I declare under penalty of perjury that the information provided is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Authorized Officer/Agent: _____
Officer Title: _____
Signature: _____
Date Signed: _____

Section XI: Supplemental Attestations For Biomethane Delivery Entities

11. Pipeline Biomethane Delivery Information

Name of Facility Applying for RPS Certification:
Start Date of Fuel Supply Contract:
End Date of Fuel Supply Contract:
Date of First Delivery of Gas:
Fuel Production Facility Name:
Fuel Production Facility Location:
Production Facility Owner/Operator:
Pipeline Biomethane Delivering Entity:
Authorized Officer/Agent of the Fuel Delivery Entity:
Receipt Point:
Entity Delivering the Gas to the Receipt Point:
Delivery Point:
Receiving Entity at the Delivery Point:

Pipeline Biomethane Delivery Attestation for Certification Applications

I am an authorized officer or agent of the above-noted pipeline biomethane delivering entity, and hereby attest on behalf of the above-noted entity that renewable pipeline biomethane, as defined in the California Energy Commission's *Overall Program Guidebook* for the *Renewable Energy Program*, from the named fuel production facility, has been delivered, and will continue to be delivered, for the term of the delivery contract, from the named entity at the above receipt point to the named receiving entity at the above delivery point, in an eligible manner as described by the *Renewables Portfolio Standard Eligibility Guidebook*. I also attest that the above delivery entity has not sold, traded, given away, claimed, or otherwise disposed of any of the attributes separate from the pipeline biomethane that would prevent the resulting electricity from being compliant with the definition of 'green attributes' as defined in the *Overall Program Guidebook* for the *Renewable Energy Program*, nor will they do so for any pipeline biomethane used to generate RPS eligible electricity. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program* and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that receipt of any certification approval from the Energy Commission for the above facility applying for RPS certification is conditioned on the owner of the delivering entity's acceptance and satisfaction of all applicable program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*. I declare under penalty of perjury that the information provided is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Authorized Officer/Agent: _____

Officer Title: _____

Signature: _____

Date Signed: _____

Pipeline Biomethane Delivery Attestation for Precertification Applications

I am an authorized officer or agent of the above-noted pipeline biomethane delivering entity, and hereby attest on behalf of the above-noted entity that renewable pipeline biomethane, as defined in the California Energy Commission's *Overall Program Guidebook* for the *Renewable Energy Program*, from the named fuel production facility, is planned to be delivered, and to continue to deliver, for the term of the delivery contract, from the named entity at the above receipt point to the named receiving entity at the above delivery point, in an eligible manner as described by the *Renewables Portfolio Standard Eligibility Guidebook*. I also attest that the above delivery entity has not sold, traded, given away, claimed, or otherwise disposed of any of the attributes separate from the pipeline biomethane that would prevent the resulting electricity from being compliant with the definition of 'green attributes' as defined in the *Overall Program Guidebook* for the *Renewable Energy Program*, nor will they do so for any pipeline biomethane used to generate RPS eligible electricity. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program* and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that receipt of any certification approval from the Energy Commission for the above facility applying for RPS certification is conditioned on the owner of the delivering entity's acceptance and satisfaction of all applicable program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook* for the *Renewable Energy Program*, and does not guarantee the facility will be eligible for certification once it becomes operational. I declare under penalty of perjury that the information provided is true and correct to the best of my knowledge and that I am authorized to submit this application on the facility owner's behalf.

Authorized Officer/Agent: _____

Officer Title: _____

Signature: _____

Date Signed: _____

Applicant's signed attestation on Form CEC-RPS-1 applies to the information provided herein.



CEC-RPS-1.S2

Certification Supplement 2 - Hydroelectric California Renewables Portfolio Standard Program

-All information on this form and on any attachments is subject to public disclosure-

Section I: Applicant Information

Name of Applicant:

Company Name:

Person Completing the Form if Different from Applicant:

Section II: Facility Information

Name of Facility:

Location (street address, legal description, or GPS coordinates):

City:

County:

State:

Zip:

Country:

Section III: Hydroelectric Resource

1. Indicate the type hydroelectric facility that will be used by the facility to generate electricity and complete specified sections.

Resource	Complete Sections
<input type="checkbox"/> Conduit Hydroelectric	Section IV
<input type="checkbox"/> New, commenced commercial operations on or after January 1, 2006	Section V, Section X
<input type="checkbox"/> Existing, commenced commercial operations before January 1, 2006	Section VI
<input type="checkbox"/> Small Hydroelectric	
<input type="checkbox"/> New, commenced commercial operations on or after January 1, 2006	Section V, Section X
<input type="checkbox"/> Existing, commenced commercial operations before January 1, 2006	Section VI
<input type="checkbox"/> Incremental Hydroelectric Generation	Section IX, Section X
<input type="checkbox"/> Pumped Storage Hydroelectric	Section VIII
<input type="checkbox"/> New, commenced commercial operations on or after January 1, 2006	Section V, Section X
<input type="checkbox"/> Existing, commenced commercial operations before January 1, 2006	Section VI
<input type="checkbox"/> Water Supply or Conveyance System	Section VII, Section X

2. The facility, as described in the CEC-RPS-1 application and all supplemental applications, complies with the definition of a project as defined in the Overall Program Guidebook for the Renewable Energy Office. All electricity generating equipment that could be considered part of this facility per the definition of a project in the Overall Program Guidebook is represented in this application as part of the facility.

Yes

No

Section IV: Conduit Hydroelectric Facilities

3. Applicant certifies that the conduit hydroelectric facility uses only the hydroelectric potential from an existing conduit that was built before January 1, 2008?

Section V: New Hydroelectric Facilities

4. Applicant Certifies that the facility meets all the following requirements:
- ▶ The facility commenced commercial operations or was repowered on or after January 1, 2006.
 - ▶ Capacity is 30 MW or less, with an exception for eligible energy efficiency improvements made after January 1, 2008.
 - ▶ Located in-state or satisfies the Facility With a First Point of Interconnection Outside California requirements.
 - ▶ The facility does not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.

Section VI: Existing Hydroelectric Facilities

5. Applicant Certifies that the facility meets all the following requirements:
- ▶ The facility commenced commercial operations before January 1, 2006.
 - ▶ Capacity is 30 MW or less, with an exception for eligible energy efficiency improvements made after January 1, 2008.
 - ▶ Located in-state or satisfies the Facility With a First Point of Interconnection Outside California requirements.

6. The Facility is a small hydroelectric facility that was under contract to, or owned by, a retail seller or local publicly owned utility as of December 31, 2005.

- ▶ Specify the retail seller or local publicly owned electric utility: _____
- ▶ Attach documentation on the contract with, or ownership by, the above utility.

Or

- The facility is a conduit hydroelectric facility.

Section VII: Water Supply or Conveyance System Facilities

7. Applicant Certifies that the facility meets all the following requirements:
- ▶ The facility commenced commercial operations before January 1, 2006.
 - ▶ The unit has a nameplate capacity of 40 MW or less.
 - ▶ Located in-state or satisfies the Facilities With a First Point of Interconnection Outside California requirements.
 - ▶ The Facility is a small hydroelectric facility that was under contract to, or owned by, a retail seller or local publicly electric owned utility as of December 31, 2005.

Specify the retail seller or local publicly owned utility: _____

Attach documentation on the contract with, or ownership by, the above utility.

Section VIII: Pumped Storage Hydroelectric Facilities

8. Applicant certifies that the facility meets **all** of the following requirements:
- ▶ The facility meets the RPS eligibility requirements for conduit hydroelectric, small hydroelectric, or incremental hydroelectric facilities as more fully described in the *Renewables Portfolio Standard Eligibility Guidebook*, **and**
 - ▶ The electricity used to pump the water qualifies as RPS-eligible. (The amount of energy that may qualify for the RPS is the amount of electricity dispatched from the pumped storage facility.)

A facility certified as RPS-eligible may include an electricity storage device if it does not conflict with other RPS-eligibility criteria, but the storage unit itself will not be separately certified.

Section IX: Incremental Hydroelectric Facilities

9. RPS certification of the incremental increase in generation that results from efficiency improvements to a hydroelectric facility, regardless of the electrical output of the facility, is eligible for the RPS if **all** of the following conditions are met:
- ▶ The facility is owned by a retail seller or a local publicly owned electric utility.
Specify Utility: _____
 - ▶ The facility was operational before January 1, 2007.
 - ▶ The efficiency improvements are initiated on or after January 1, 2008, are not the result of routine maintenance activities and were not included in any resource plan sponsored by the facility owner before January 1, 2008.
 - ▶ The facility has, within the immediately preceding 15 years from the date the efficiency improvements are initiated, received certification from the State Water Resources Control Board (SWRCB) pursuant to Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341), or has received certification from a regional board to which the SWRCB has delegated authority to issue certification, unless the facility is exempt from certification because there is no potential discharge into waters of the United States.
 - ▶ The incremental increase is the result of efficiency improvements from a retrofit, and the efficiency improvements do not result in an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.
 - ▶ All of the incremental increase in electricity generation resulting from the efficiency improvements must be demonstrated to result from a long-term financial commitment by the retail seller.
- Applicant certifies that that the incremental generation and facility comply with the above requirements as more fully described in the *Renewables Portfolio Standard Eligibility Guidebook*.

Section X: Supplemental Information

All applicants for hydroelectric facilities commencing, or planning to commence, commercial operations, repowered operations, or operations with efficiency improvements on or after January 1, 2006, must submit supporting documentation for the following points. Documents with relevant information for each point should be listed below including sections or pages of importance.

If any of the additional required information is unavailable at the time the pre-certification application is submitted, due to the facility's stage in development, the Energy Commission may accept a list of all information that will be available and submitted with the certification application, the date the documents or other information will be finalized, and a summary of the expected results, where applicable.

More information on the following sections can be found in the instructions section or in the RPS guidebook.

10. Source Water Description:

11. Water Rights:

12. Hydrologic Data:

13. Other Permits:

14. Environmental Documentation:

15. Capacity:

16. Efficiency Improvements:

17. Incremental Hydroelectric Generation:

Applicant's signed attestation on Form CEC-RPS-1 applies to the information provided herein.



CEC-RPS-1.S3

Certification Supplement 3 - Facilities With a First Point of Interconnection Outside California California Renewables Portfolio Standard Program

-All information on this form and on any attachments is subject to public disclosure-

Section I: Applicant Information

Name of Applicant: _____

Company Name: _____

Person Completing the Form if Different from Applicant: _____

Section II: Facility Information

Name of Facility: _____

Location (street address, legal description, or GPS coordinates): _____

City: _____ County: _____

State: _____ Zip: _____ Country: _____

Section III: Supplemental Questions for Facilities With a First Point of Interconnection Outside California Applications

1. Choose One	<input type="checkbox"/> For RPS eligibility, applicant certifies that the facility commenced commercial operations on or after January 1, 2005, and meets the RPS eligibility requirements as outlined in the <i>RPS Eligibility Guidebook</i> : <ul style="list-style-type: none"> ▶ Connected to the WECC transmission system. ▶ Does not cause or contribute to any violation of a California environmental quality standard or requirement within California, and meets all conditions in Item # 5 below (or has provided the necessary supplemental information). ▶ If located outside the United States, facility is developed and operated in a manner that is as protective of the environment as a similar facility located in California. ▶ Participates in WREGIS.
	<input type="checkbox"/> For RPS eligibility for facilities that meet the requirements above, with the exception that commercial operations commenced <u>before</u> January 1, 2005, applicant certifies that the facility meets at least one of the following requirements: (<i>check all that apply</i>) <ul style="list-style-type: none"> <input type="checkbox"/> The electricity is from incremental generation resulting from project expansion or repowering of the facility after January 1, 2005 <input type="checkbox"/> A retail seller or local publicly owned electric utility procured electricity generated by the facility as of January 1, 2010. <p style="margin-left: 20px;">Specify utility: _____</p> <ul style="list-style-type: none"> ▶ Attach documentation proving the identified retail seller or local publicly owned electric utility procured electricity generated by this facility as of January 1, 2010.

2. Provide the straight line distance from the facility to California (in miles): _____

3. What is the shortest driving time from the facility to California (in hours): _____

4. Select the environmental areas in which the facility meets or exceeds the minimum requirements, select all that apply:

Environmental Area	Threshold or Minimum Distance from California Border
Discreet Thresholds	
<input type="checkbox"/> Agricultural and Soil	2 miles
<input type="checkbox"/> Cultural Resources	Project viewshed/ 20 miles
<input type="checkbox"/> Geological Hazards	2 miles
<input type="checkbox"/> Land Use/ Recreation	Project viewshed/ 20 miles
<input type="checkbox"/> Noise	2 miles
<input type="checkbox"/> Paleontological Resources	Project viewshed/ 1 mile
<input type="checkbox"/> Socioeconomics	2 hour commute distance
<input type="checkbox"/> Visual Resources	Project viewshed/ 20 miles
Conditional Thresholds	
<input type="checkbox"/> Air Quality	10 miles, or greater if there is potential for transportation or other emissions to impact California air quality.
<input type="checkbox"/> Biological Resources	10 miles, unless the project has the potential to impact a California migratory bird or animal population.
<input type="checkbox"/> Public Health	10 miles, or greater if there is potential for project-related wildfire risk.
<input type="checkbox"/> Traffic and Transportation	20 miles, or greater if the project could impact California air travel or traffic on California highways.
<input type="checkbox"/> Transmission System Safety and Nuisance	2 miles, although if the transmission line interconnection extends into California, the facility would be considered in state and an environmental review pursuant to the California Environmental Quality Act would be required.
<input type="checkbox"/> Waste Management / Hazardous Materials Handling	No distance limit if California disposal site is used or materials are transported through California..
<input type="checkbox"/> Water Resources	2 miles, or further distance if project has the potential to impact a drainage flowing into California.

► Please attach a written explanation substantiating the claim that the project does not violate California LORS as required in the *Renewables Portfolio Standard Eligibility Guidebook*.

► Please included any documentation that is necessary to substantiate the applicant's assessment as required in the *Renewables Portfolio Standard Eligibility Guidebook*.

Attach the documentation specified in the section entitled “Additional Required Information for Facilities With a First Point of Interconnection Outside California” in the *Renewables Portfolio Standard Eligibility Guidebook*.

Applicant’s signed attestation on Form CEC-RPS-1 applies to the information provided herein.



CEC-RPS-3 Instructions

Certification of Aggregated Units

California Renewables Portfolio Standard Program

Please refer to the RPS Eligibility Guidebook and the Overall Program Guidebook for additional information for completing this form.

TAB 1

—All information on this form and on any attachments is subject to public disclosure—

Submit the completed and signed CEC-RPS-3 form to:

California Energy Commission
Attn: RPS Certification
1516 Ninth Street, MS-45
Sacramento, CA 95814

And submit the electronic, unsigned Excel file via email to: RPSTrack@energy.ca.gov

Excel File name should be of the format:

RPS-3 Aggregated Application of the [Aggregated Unit Name], [RPS ID number if available]

Email subject line should be of the format:

RPS-3 Aggregated Application of the [Aggregated Unit Name], [RPS ID number if available]

Tab 2 Aggregator Information

Section I: Type of Certification Requested

1. Indicate whether the application is for:

First Time Application for Aggregation - Applies to aggregated units that are on-line, wish to establish eligibility for the RPS, and have not previously applied.

Amendment to Application for Aggregation - Applies to aggregated units already certified as eligible for the RPS that have undergone material changes since being certified (for example, addition of facilities to the aggregated unit, change of ownership or size of any facility in the unit, etc.). Aggregated units that do not notify the Energy Commission in a timely manner of material changes face disqualification.

Specify the Certification Number (or RPS ID) previously assigned to the aggregated unit if any. If no certification number has been assigned to the aggregated unit by Energy Commission staff please leave this blank.

Section II: Applicant Information

2. Application Information

Provide the name and contact information for the applicant. The applicant, along with the authorized officer/agent signing the attestation, is responsible for the accuracy of all information presented in this application and all other supporting documentation submitted with the application. The applicant has the authority to make revisions to the application and supplemental documentation without the express consent of the authorized officer/agent. The applicant is also responsible for ensuring the continued compliance of the facility with the RPS requirements including the verification process.

3. Additional Authorized Persons

Specify the person completing the form if different from the applicant. This person will have authority to make changes to the application during the review process without the express consent of the applicant or the authorized office/agent.

List all additional persons authorized to make changes to this application, these persons have authority to make changes to the application during the review process without the express consent of the applicant or the authorized office/agent.

For more information see Section III in the RPS guidebook.

Section III: Aggregated Unit Information

4. Provide the name of the aggregated unit and specify any other names used by the aggregated unit, presently and in the past. If the aggregated unit is registered in WREGIS under a different name, no matter how similar, the name used in the WREGIS system must be provided.
5. Specify the year the individual facilities were first aggregated into a single aggregated unit for use in the California RPS.
6. Specify the current total nameplate capacity of the aggregated unit in kilowatts of alternating current and the number of facilities in the aggregated unit at the time of application.
7. Specify the WREGIS Unit Identification Number (WREGIS GU ID) used by the aggregated unit and the date the unit registration was approved by WREGIS staff. No aggregated unit can be represented by more than a single WREGIS GU ID.
8. Indicate whether the facilities in the aggregated unit will be using a solar photovoltaic or wind resource. Only facilities using solar photovoltaic or wind resources are eligible to participate in the California RPS as part of an aggregated unit. All facilities in an aggregated unit must use the same resource.

For more information see Section III in the RPS guidebook.

Section IV: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of an aggregated unit does not respond to the Energy Commission's request for an information update within 60 days, the aggregated unit is at risk of losing its certification status, or having the application denied.

The Energy Commission's Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification or pre-certification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant's applications, invoices, and reports.

Representatives of certified aggregated units must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so within 90 days of the change may result in the revocation of certification status for the entire aggregated unit. Any changes affecting the facility's certification status must be reported on an amended CEC-RPS-3 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website.

Section V: Aggregated unit Attestation

The attestation must be signed by an authorized officer or agent of the facility owner, who has the authority to attest to the accuracy of the information provided and has read and understands the requirements specified in the *Overall Program Guidebook for the Renewable Energy Program* and the *Renewables Portfolio Standard Eligibility Guidebook*.

Tab 3 Individual Facility Information

All facilities ever listed as part of the aggregated unit must be included in this application associated with the correct RPS ID suffix, even if the facility is no longer a part of the aggregated unit.

Section VI: Facility Identification and Aggregate Status

A. Assigned RPS ID

This column lists the RPS ID assigned to the aggregated unit with the suffix assigned to each facility. This field is automatically populated, be sure to match facilities with their existing RPS ID. For amended certification applications this column will take the form of "#####R-####A."

First time applications for aggregated units should be submitted without an assigned RPS ID for the aggregated unit, only the facility specific suffix will be automatically populated. Energy Commission staff will assign an RPS ID to the aggregated unit upon receipt of a completed application for the certification of the aggregated unit. For first time applications this column will be of the form "-####A."

B. Facility Name

Specify the name under which the facility will be certified.

C. Facility Status in Aggregated Unit

Specify whether the facility is an active member of the aggregated unit or an inactive member.

Active - Generation from this facility is being tracked as part of the aggregated unit, the certification will include this facility.

Inactive - Generation from this facility is not being tracked as part of the aggregated unit, the certification will not include this facility.

D. Type of Evaluation Requested

Certification (Cert.) - Applies to renewable facilities that are on-line who wish to establish eligibility for the RPS.

Amended Certification - Applies to facilities already certified as eligible for the RPS that have undergone material changes since being certified (for example, change of ownership, size of facility, etc.). Facilities that do not notify the Energy Commission in a timely manner of material changes face disqualification.

Certification of a Precertified Facility - Applies to facilities that have been precertified in the past and are now commercially online and applying for certification.

Precertification (Precert.)* - Applies to renewable facilities that are not yet online and wish to receive an initial evaluation as to the potential eligibility for the RPS.

*Amended Precertification** - Applies to facilities already precertified as eligible for the RPS that have undergone material changes since being precertified (for example, change of ownership, size of facility, etc.). Facilities that do not notify the Energy Commission in a timely manner of material changes face disqualification.

**When completing this form for the precertification or a facility, complete the form as if the facility has commenced operations and is operating as currently planned.*

E. Eligibility Date as Part of this Aggregated Unit

Specify the eligibility date as part of this aggregated unit, if unknown leave blank. For first time aggregated unit applications or facilities being added to the aggregated unit application this field should be left blank, Energy Commission Staff will assign this information.

F. Identification Numbers Used by the Facility

List any previously used RPS ID if any (list only if the RPS ID is different than the assigned RPS ID, if the facility was previously assigned an RPS ID as part of this aggregated unit the facility should be listed in the same line of the application as it was previously listed).

Internal ID, Assigned By Aggregator

Other (Please attach documentation explaining this identification number if any is provided.)

Section VII: Facility Operations

G. Operations Date (mm-dd-yyyy)

Enter the date the facility was interconnected to the electricity grid and began serving all or part of the onsite needs of the host. If these dates are different provide the later of the two dates.

H. Date of Entry into Aggregated Unit (mm-dd-yyyy)

Please specify date the facility's generation was first tracked as part of the aggregated unit.

I. Nameplate Capacity

Indicate the nameplate capacity of the facility in kilowatts (kW) of alternating current.

Section VIII: Other Facility Information

J. Ratepayer Funded Programs

Indicate whether the facility ever received benefits from a rate-payer funded incentive program or plans to receive funds from a rate-payer funded incentive program. Yes or no.

Identify the program from which the facility received funding, NSGP, ERP, SGIP, CSI, Other SB 1 Program, or other. If funding was received from more than one program indicate this program in an attachment.

If funding was received from an other SB 1 program or other ratepayer funded program not listed, specify the program in the provided "Other" field and attach additional information as necessary.

K. Is This Facility Participating in a Net Metering Tariff?

Indicate whether the facility is participating in a net metering tariff. Yes or no.

L. Does This Facility Satisfy All Metering Requirements?

Participation in the Renewables Portfolio Standard requires each facility report eligible generation based on a meter with an independently verified accuracy rating of 2 percent or higher accuracy. Indicate whether or not the facility meets this requirement. Yes or no.

Section IX: Facility Location and Contact Information

M. Facility Address (or specific physical location)

Indicate the street address or other physical address for the facility, including the city, state, and complete nine digit zipcode. If no physical address exists, attach the legal description of the facility location.

N. Facility Contact Information

The facility contact is the contact person for any questions about the technical information about the facility submitted in the application for certification. Please include name, title, company name, address, phone number, and e-mail address.



CEC-RPS-3

Certification of Aggregated Units California Renewables Portfolio Standard Program

Please refer to the RPS Eligibility Guidebook and the Overall Program Guidebook for additional information for completing this form.

TAB 2

–All information on this form and on any attachments is subject to public disclosure–

Section I: Type of Certification Requested

1. Choose One First Time Application for Aggregation Amendment to Application for Aggregation
Previously Assigned Certification Number, if any: _____

Section II: Applicant Information

2. Application Information

Name of Applicant: _____

Title: _____

Company Name: _____

Applicant Phone: _____

Fax: _____

E-Mail (for all correspondence): _____

Address: _____

City: _____

State/Province: _____

Zip: _____

Country: _____

3. Additional Authorized Persons

List all additional persons authorized to make changes to this application:

Name: _____ Phone: _____ Email: _____

Name: _____ Phone: _____ Email: _____

Name: _____ Phone: _____ Email: _____

Section III: Aggregated Unit Information

4. Name of Aggregated Generation Unit: _____

▶ Specify any additional names or previously used names: _____

5. Year the aggregated unit was created: _____

6. Total nameplate capacity of facilities currently operating in the aggregated unit (in kilowatts AC): _____

▶ Total capacity of all active facilities in aggregated unit: _____

▶ Number of facilities currently operating in the unit: _____

▶ Number of all active facilities in aggregated unit: _____

7. WREGIS Information: WREGIS GU ID: _____ Date registered in WREGIS: _____

8. Indicate the energy resource used by all facilities in the aggregated unit: Photovoltaic Wind

Section IV: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of a aggregated unit does not respond to the Energy Commission's request for an information update within 60 days, the aggregated unit is at risk of losing its certification status, or having the application denied.

The Energy Commission's Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification or pre-certification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant's applications, invoices, and reports.

Representatives of certified aggregated units must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so within 90 days of the change may result in the revocation of certification status for the entire aggregated unit. Any changes affecting the facility's certification status must be reported on an amended CEC-RPS-3 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website.

Section VI: Aggregated Unit Attestation

I am an authorized officer or agent of the above-noted aggregated unit, consisting of the facilities listed in Tab 3, with authority to submit this application on the behalf of the individual facility owners, and hereby submit this application on behalf of said facility owners for certification or precertification, as specified in Tab 3, of these facilities as a renewable facility eligible for California's RPS. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the Energy Commission is conditioned on the acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program* by each facility owner. I declare under penalty of perjury that the information provided in this application and any supplemental forms and attachments is true and correct to the best of my knowledge and that I am authorized to submit this application on behalf of the facility owners.

Name of Aggregated Unit: _____

Authorized Officer/Agent: _____

Officer Title: _____

Signature: _____ Date Signed: _____

The Following are Attached: a) _____
b) _____

Submit the completed and signed CEC-RPS-3 form to:

**California Energy Commission
Attn: RPS Certification
1516 Ninth Street, MS-45
Sacramento, CA 95814**

And submit the electronic, unsigned Excel file via email to: RPSTrack@energy.ca.gov

Email subject line should be of the format:

RPS [Aggregated Application] of the [Aggregated Unit Name], [RPS ID number if available]

For Energy Commission use ONLY:

Analyst Review:

LORS Analysis:

RPS Program Lead:

Supplemental Review (if necessary):

Office Manager:



Tab 3, Page 1

For Energy Commission use ONLY
Analyst Review:
LORS Analysis:
RPS Program Lead:
Supplemental Review (if necessary):
Office Manager:

CEC-RPS-3
 Certification of Aggregated Units
 California Renewables Portfolio Standard Program

Aggregated RPS ID: _____

Applicant Contact Information (to be used for all correspondence)

Name: _____
 Title: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Email: _____

–All information on this form and on any attachments is subject to public disclosure–

Please print and submit only the pages with completed information.

NOTE: Form may only be used to certify aggregated unit

Line	Section VI: Facility Identification and Aggregate Status							Section VII: Facility Operations			Section VIII: Other Facility Information			
	A	B	C	D	E	F		G	H	I	J			
	Assigned RPS ID	Facility Name	Facility Status in Aggregated unit	Original or Amended Certification or Precertification	Eligibility Date as Part of this Aggregated Unit (mm/dd/yyyy)	Previously used RPS ID if any (List only if the ID is different than the assigned RPS ID)	Internal ID, Assigned By Aggregator	Other ID Numbers (Please explain)	Operation Date	Date of Entry to Aggregated Unit	Nameplate Capacity in Alternating Current (kW)	Has the facility received benefits from a rate-payer funded incentive program?		If Other, Identify Utility or Program, as applicable
											Yes/No	Specify Program		
1			Choose One	Choose One								Choose One	Choose One	
2			Choose One	Choose One								Choose One	Choose One	
3			Choose One	Choose One								Choose One	Choose One	
4			Choose One	Choose One								Choose One	Choose One	
5			Choose One	Choose One								Choose One	Choose One	
6			Choose One	Choose One								Choose One	Choose One	
7			Choose One	Choose One								Choose One	Choose One	
8			Choose One	Choose One								Choose One	Choose One	
9			Choose One	Choose One								Choose One	Choose One	
10			Choose One	Choose One								Choose One	Choose One	
11			Choose One	Choose One								Choose One	Choose One	
12			Choose One	Choose One								Choose One	Choose One	
13			Choose One	Choose One								Choose One	Choose One	
14			Choose One	Choose One								Choose One	Choose One	
15			Choose One	Choose One								Choose One	Choose One	
16			Choose One	Choose One								Choose One	Choose One	
17			Choose One	Choose One								Choose One	Choose One	
18			Choose One	Choose One								Choose One	Choose One	
19			Choose One	Choose One								Choose One	Choose One	
20			Choose One	Choose One								Choose One	Choose One	
21			Choose One	Choose One								Choose One	Choose One	
22			Choose One	Choose One								Choose One	Choose One	
23			Choose One	Choose One								Choose One	Choose One	
24			Choose One	Choose One								Choose One	Choose One	
25			Choose One	Choose One								Choose One	Choose One	
26			Choose One	Choose One								Choose One	Choose One	
27			Choose One	Choose One								Choose One	Choose One	
28			Choose One	Choose One								Choose One	Choose One	
29			Choose One	Choose One								Choose One	Choose One	
30			Choose One	Choose One								Choose One	Choose One	
31			Choose One	Choose One								Choose One	Choose One	
32			Choose One	Choose One								Choose One	Choose One	
33			Choose One	Choose One								Choose One	Choose One	
34			Choose One	Choose One								Choose One	Choose One	
35			Choose One	Choose One								Choose One	Choose One	



Tab 3, Page 1

For Energy Commission use ONLY
Analyst Review:
LORS Analysis:
RPS Program Lead:
Supplemental Review (if necessary):
Office Manager:

CEC-RPS-3
 Certification of Aggregated Units
 California Renewables Portfolio Standard Program

Aggregated RPS ID:

Applicant Contact Information (to be used for all correspondence)

Name: _____
 Title: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Email: _____

–All information on this form and on any attachments is subject to public disclosure–

Please print and submit only the pages with completed information.

NOTE: Form may only be used to certify aggregated unit

Line	Section VI: Facility Identification and Aggregate Status							Section VII: Facility Operations			Section VIII: Other Facility Information			
	A	B	C	D	E	F		G	H	I	J			
	Assigned RPS ID	Facility Name	Facility Status in Aggregated unit	Original or Amended Certification or Precertification	Eligibility Date as Part of this Aggregated Unit (mm/dd/yyyy)	Previously used RPS ID if any (List only if the ID is different than the assigned RPS ID)	Internal ID, Assigned By Aggregator	Other ID Numbers (Please explain)	Operation Date	Date of Entry to Aggregated Unit	Nameplate Capacity in Alternating Current (kW)	Has the facility received benefits from a rate-payer funded incentive program?		If Other, Identify Utility or Program, as applicable
36			Choose One	Choose One								Choose One	Choose One	
37			Choose One	Choose One								Choose One	Choose One	
38			Choose One	Choose One								Choose One	Choose One	
39			Choose One	Choose One								Choose One	Choose One	
40			Choose One	Choose One								Choose One	Choose One	
41			Choose One	Choose One								Choose One	Choose One	
42			Choose One	Choose One								Choose One	Choose One	
43			Choose One	Choose One								Choose One	Choose One	
44			Choose One	Choose One								Choose One	Choose One	
45			Choose One	Choose One								Choose One	Choose One	
46			Choose One	Choose One								Choose One	Choose One	
47			Choose One	Choose One								Choose One	Choose One	
48			Choose One	Choose One								Choose One	Choose One	
49			Choose One	Choose One								Choose One	Choose One	
50			Choose One	Choose One								Choose One	Choose One	
51			Choose One	Choose One								Choose One	Choose One	
52			Choose One	Choose One								Choose One	Choose One	
53			Choose One	Choose One								Choose One	Choose One	
54			Choose One	Choose One								Choose One	Choose One	
55			Choose One	Choose One								Choose One	Choose One	
56			Choose One	Choose One								Choose One	Choose One	
57			Choose One	Choose One								Choose One	Choose One	
58			Choose One	Choose One								Choose One	Choose One	
59			Choose One	Choose One								Choose One	Choose One	
60			Choose One	Choose One								Choose One	Choose One	
61			Choose One	Choose One								Choose One	Choose One	
62			Choose One	Choose One								Choose One	Choose One	
63			Choose One	Choose One								Choose One	Choose One	
64			Choose One	Choose One								Choose One	Choose One	
65			Choose One	Choose One								Choose One	Choose One	
66			Choose One	Choose One								Choose One	Choose One	
67			Choose One	Choose One								Choose One	Choose One	
68			Choose One	Choose One								Choose One	Choose One	
69			Choose One	Choose One								Choose One	Choose One	
70			Choose One	Choose One								Choose One	Choose One	



CEC-RPS-4 Instructions

Mass Certification of Facilities for POUs

California Renewables Portfolio Standard Program

Please refer to the RPS Eligibility Guidebook and the Overall Program Guidebook for additional information for completing this form.

TAB 1

—All information on this form and on any attachments is subject to public disclosure—

This form is solely for use by Publicly Owned Utilities (POUs) submitting certification applications for facilities not previously RPS certified or precertified that are selling electricity to the POU submitting the application. Submission of this application form by any other entity will not be accepted. Submission of the application form requires the inclusion of no fewer than 5 facilities. POUs wishing to precertify facilities must do so on a CEC-RPS-1 form. For more information see section III of the Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition.

Submit the completed and signed CEC-RPS-4 form to:

California Energy Commission

Attn: RPS Certification

1516 Ninth Street, MS-45

Sacramento, CA 95814

AND submit the electronic, unsigned Excel file via email to: RPSTrack@energy.ca.gov

Excel File name should be of the format:

RPS-4 Certification for [POU Name], [Number of Facilities on the Form]

Email subject line should be of the format:

RPS-4 Certification for [POU Name], [Number of Facilities on the Form]

Tab 2 Applicant Information and Form Requirements

Section I: Application Contact Information

1. Application Information

Provide the name and contact information for the applicant. The applicant, along with the authorized officer/ agent signing the attestation, is responsible for the accuracy of all information presented in this application and all other supporting documentation submitted with the application. The applicant has the authority to make revisions to the application and supplemental documentation without the express consent of the authorized officer/agent. The applicant is also responsible for ensuring the continued compliance of the facility with the RPS requirements including the verification process.

2. Additional Authorized Persons

Specify the person completing the form is different from the applicant. This person will have authority to make changes to the application during the review process without the express consent of the applicant or the authorized office/ agent.

List all additional persons authorized to make changes to this application, these persons have authority to make changes to the application during the review process without the express consent of the applicant or the authorized office/ agent.

Section II: Requirements for Use of the CEC-RPS-4 Form

3. Facility Interconnection

Only in-state facilities can be certified using the CEC-RPS-4 form. By checking this box the applicant is verifying that all facilities listed in Tab 3 are in-state facilities. All these facilities meet the requirements to be considered an in-state facility for purposes of RPS eligibility, and the information provided in the application form supports this claim.

Only single fuel facilities, using specific energy resources, can be certified using the CEC-RPS-4 form. By checking this box the applicant is verifying that all facilities listed in this application are single fuel facilities using geothermal, ocean thermal, ocean wave, photovoltaic, solar thermal, tidal current, or wind.

Only individual facilities can be certified using the CEC-RPS-4 form. By checking this box the applicant is verifying that all facilities listed in this application meet the requirements to be certified as an individual facility and are registered in WREGIS separately from any other facility.

Section III: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of a certified facility does not respond to the Energy Commission's request for an information update in a timely manner, the facility is at risk of losing its certification status.

The Energy Commission's Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant's applications, invoices, and reports.

Representatives of certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so may result in revocation of certification status. Any changes affecting the facility's certification status must be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website.

Section IV: Certification Attestation

The attestation must be signed by an authorized officer or agent of the facility owner, who has the authority to attest to the accuracy of the information provided and has read and understands the requirements specified in the *Overall Program Guidebook for the Renewable Energy Program* and the *Renewables Portfolio Standard Eligibility Guidebook*.

Indicate any attached documents.

REMINDER: Some facilities have further submission requirements outlined below; refer to the RPS Eligibility Guidebook for details.

Technology/Characteristic	Additional Required Information	Supplemental Form
Biodiesel, Biogas, Biomass, Digester Gas, Fuel Cells Using Renewable Fuel, Landfill Gas, MSW Combustion, MSW Conversion, and Pipeline Biomethane	Yes	CEC-RPS-1.S1
Hydroelectric	Yes	CEC-RPS-1.S2
First Point of Interconnection Outside CA	Yes	CEC-RPS-1.S3
Repowered, incremental generation and Out-of-Country	Yes	N/A

Tab 3 Individual Facility Information

Section V: Facility RPS ID and Name

A. Assigned RPS ID

This item should be left blank, CEC staff will assign a RPS ID to the facility. This form should not be used for a facility that already has an RPS ID. Such facilities should submit a separate amended CEC-RPS-1 form.

B. Facility Names

Specify the name of the facility that you wish to be displayed on the RPS certificate. Also include all other names used by the facility, including names used in the past, used in the Power Purchase Agreement for the facility output, used in WREGIS, or any other name.

Section VI: Facility Ownership and Location

C. Facility Owner

Indicate the facility owner and related contact information

D. Facility Contact Information

Indicate the mailing address for the facility, if different from the facility location, or if no address was provided in the facility location section above, along with other contact information for the facility.

E. Facility Location

Provide the physical location of the facility. The description may take the form of an address, RPS coordinates, legal description, or any other physical description that would allow Energy Commission Staff to locate the facility if desired.

Section VII: Facility Interconnection

F. Balancing Authority

Specify if the balancing authority for the facility and provide the resource ID for the facility assigned to it by the balancing authority. If the balancing authority is not the CA ISO, specify the balancing authority. If the balancing authority is the CA ISO via a dynamic transfer specify the balancing authority that would otherwise be the balancing authority and specify the resource ID assigned to the facility by both balancing authorities.

G. Interconnection Level

Specify the WECC interconnection substation that the facility uses to interconnect to the WECC, both the name of the substation and its physical location. If the facility directly connects to a distribution grid, specify the distribution grid location.

Section VIII: Facility Operations

H. Facility Nameplate Capacity

Specify the nameplate capacity of the electricity generating equipment. Theoretical limitations on maximum generation capacity based on the energy resource quality or availability, or any restrictions placed on the facility by government regulations or planned facility operations should not be considered or reflected in the name plate capacity. Facilities, such as solar photovoltaic, that generate electricity in direct current must report the equivalent nameplate capacity after conversion to alternating current.

I. Operations Date(s)

Indicate the commercial operations date of the facility, see the definition of commercial operations in the Renewable Energy Program Overall Program Guidebook, Fourth Edition; the date the facility first used renewable fuel; and the date the facility began operations as described by this application.

Commercial operation — the date, as determined by the system operator, on which a renewable energy generation facility ceases to generate electricity for testing purposes and first generates electricity solely for the purpose of consumption by the facility or any customer or for sale to any procuring retail seller. In the event power is sold to a retail seller, this definition shall be consistent with the facility's commercial operation date as defined in the initial power purchase contract with a retailer seller, or other Load Serving Entity.

J. Operations Type

Identify operations type of the facility as described in the RPS guidebook

Prior operating facility. Facility commenced commercial operations before January 1, 2005, for hydroelectric facilities this date becomes January 1, 2006.

New facility. Facility commenced commercial operations on or after January 1, 2005, for hydroelectric facilities this date becomes January 1, 2006.

K. Central Station or Distributed Generation?

Indicate whether the facility is a central station facility or a distributed generation facility as defined in the Renewable Energy Program Overall Program Guidebook, Fourth Edition.

Central station facility — an electric generation facility that interconnects to the electric transmission system.

Distributed generation facility — a small-scale electricity generation facility that is interconnected to a distribution network and is generally 20 MW or smaller. Distributed generation facilities may serve on-site load or off-site load or both.

Section IX: Facility Resource Type

L. Resource Type

Indicate the renewable energy resource used by the facility.

Section X: Other Facility Information

M. Ratepayer Funded Programs

Indicate all programs from which funding was, or continues to be received, for the construction or operation of the facility.

N. Net Metering Programs

Indicate information on the facility's participation, or lack of participation, in a net metering program.

O. Net Surplus Generation Programs

Indicate if the facility has/is participated/ing an net surplus generation program created pursuant to AB 920 for both the net surplus generation and the Renewable Energy Credits.

P. Certified PURPA QFs

Specify whether the facility is currently certified as a renewable Qualifying Small Power Production Facility (QF) under the Federal Public Utilities Regulatory Policies Act of 1978 (PURPA).

Q. Facilities Registered with the Federal Energy Information Administration

Indicate the EIA information for the facility if any is known.

R. WREGIS Generating Unit

Provide information on all WREGIS Generating Unit(s) (GU) associated with the faci

WREGIS GU ID - Specify the identification assigned to a generating unit or facility by the WREGIS system of the format W####. The amount of numbers may vary

Unit Nameplate Capacity (MW AC) - Specify the nameplate capacity of the generating unit(s) represented by the WREGIS GU

Type of GU ID - Identify if the GU ID provided measures electricity exported to the electricity grid, electricity used onsite, or electricity in another classification (attach a document explaining what is measured).

Activation Month - Specify the month the generator was approved in the WREGIS system and began reporting generation to WREGIS.

S. Other Programs or ID Numbers

List all program identification numbers associated with the facility, along with the program name, not requested above.



CEC-RPS-4

Mass Certification of Facilities for POUs California Renewables Portfolio Standard Program

Please refer to the RPS Eligibility Guidebook and the Overall Program Guidebook for additional information for completing this form.

TAB 2

—All information on this form and on any attachments is subject to public disclosure—

Section I: Applicant Contact Information

1. Applicant Information

Name of Applicant:

Title:

Company Name:

Applicant Phone:

Fax:

Email (for all correspondence):

Address:

City:

State/Province:

Zip:

Country:

2. Additional Authorized Persons

Person completing the form if different from the applicant:

Phone:

Email:

List all additional persons authorized to make changes to this application:

Name:

Phone:

Email:

Name:

Phone:

Email:

Name:

Phone:

Email:

Section II: Requirements for Use of the CEC-RPS-4 Form

3. Information on the Facilities in the Application

- The applicant is seeking certification of the facilities listed in Tab 3 as in-state facilities. All these facilities meet the requirements to be considered an in-state facility for purposes of RPS eligibility, and the information provided in the application form supports this claim.
- All facilities listed in this application are single fuel facilities using geothermal, ocean thermal, ocean wave, photovoltaic, solar thermal, tidal current, or wind.
- All facilities listed in this application meet the requirements to be certified as an individual facility and are registered in WREGIS separately from any other facility.

If the applicant is incapable of marking all three of the above items please remove any facility from the list that prevents the statements from being true.

Section III: General Information

The Energy Commission reserves the right to request additional information to confirm or clarify information provided in this application including any attachments. If a representative of a certified facility does not respond to the Energy Commission's request for an information update in a timely manner, the facility is at risk of losing its certification status.

The Energy Commission's Accounting Office or its authorized agents, along with Energy Commission technical staff, may audit any applicant to verify the accuracy of any information included as part of an application for RPS certification, under the *Overall Program Guidebook for the Renewable Energy Program*. As part of an audit, an applicant may be required to provide the Accounting Office or its authorized agents with any and all information and records necessary to verify the accuracy of any information included in the awardee's applications, invoices, or reports. An applicant may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the applicant's applications, invoices, and reports.

Representatives of certified facilities must notify the Energy Commission promptly of any changes in information previously submitted to the Energy Commission. Failure to do so may result in revocation of certification status. Any changes affecting the facility's certification status must be reported on an amended CEC-RPS-1 form. If there are any changes to the status of a facility's certification, the new information will be posted on the Energy Commission's website.

Section IV: Certification Attestation

I am an authorized officer or agent of the above-noted Publicly Owned Utility contracting with the facility owners specified in Tab 3 and with authority to submit this application on the behalf of those facility owners, and hereby submit this application on behalf of said facility owners for certification of the facilities as a renewable facility eligible for California's RPS. I have read the above information as well as the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, and understand the provisions, eligibility criteria, and requirements of these guidebooks and my responsibilities. I acknowledge that the receipt of any certification approval from the Energy Commission for these facilities is conditioned on each facility owner's acceptance and satisfaction of all program requirements as set forth in the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*. I declare under penalty of perjury that the information provided in this application and any supplemental forms and attachments is true and correct to the best of my knowledge and that I am authorized to submit this application on the behalf of the facility owners identified.

Name of Facility: _____

Authorized Officer/Agent: _____

Officer Title: _____

Signature: _____

Date Signed: _____

- The Following are Attached:
- a) _____
 - b) _____
 - c) _____
 - d) _____
 - e) _____
 - f) _____

<p>SUBMIT:</p> <ol style="list-style-type: none"> 1. Completed and signed CEC-RPS-1 form 2. Applicable supplemental forms 3. Applicable additional required information 4. Other, please specify: 	<p>TO: California Energy Commission Attn: RPS Certification 1516 Ninth Street, MS-45 Sacramento, CA 95814</p>
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AND submit the electronic, unsigned Excel file via email to: RPSTrack@energy.ca.gov

Excel File name should be of the format:

RPS-4 Certification for [POU Name], [Number of Facilities on the Form]

Email subject line should be of the format:

RPS-4 Certification for [POU Name], [Number of Facilities on the Form]

For Energy Commission use ONLY:

Analyst Review: _____

LORS Analysis: _____

RPS Program Lead: _____

Supplemental Review (if necessary): _____

Office Manager: _____



For Energy Commission use ONLY
Analyst Review:
LORS Analysis:
RPS Program Lead:
Supplemental Review (if necessary):
Office Manager:

CEC-RPS-4
 Mass Certification of Facilities for POU's
 California Renewables Portfolio Standard Program

Applicant Contact Information (to be used for all correspondence)

Applicant Name: _____

Publicly Owned Utility: _____

Title: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

~~All information on this form and on any attachments is subject to public disclosure~~

Please print and submit only the pages with completed information.

NOTE: Form may only be used to certify aggregated units.

Section V: Facility RPS ID and Name					Section VI: Facility Ownership and Location											
Line	A		B		C	D						E				
	Assigned RPS ID (to be assigned by CEC)	Facility Name	Specify any Additional Names			Facility Contact Information						Facility Location				
					Facility Owner	Facility Contact	Mailing Address	City	State	Zip	Phone	Email	Physical Address	City	State	Zip
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Appendix C – Statutory History of the RPS

Below is a list of bills enacted into law that made changes to RPS statute or impacted the RPS to some degree.

- 1 SB 1038 (Chapter 515, Statutes of 2002). The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code Sections 383.5 and 445, but are now codified in Public Resources Code Sections 25740 through 25751 as a result of Senate Bill 183 (Chapter 666, Statutes of 2003).
- 1 SB 1078 (Chapter 516, Statutes of 2002). The pertinent provisions of SB 1078 are codified in Public Utilities Code Section 399.11 through 399.15. This law was subsequently amended to add Sections 399.16, 399.17, and 399.12.5 under Senate Bill 67 (Chapter 731, Statutes of 2003), Assembly Bill 200 (Chapter 5, Statutes of 2005), and Assembly Bill 2189 (Chapter 747, Statutes of 2006), respectively.
- 1 SB 1250 (Chapter 512, Statutes of 2006). SB 1250 amends pertinent provisions in Public Resources Code Sections 25740 through 25751.
- 1 SB 107 (Chapter 464, Statutes of 2006). SB 107 amends pertinent provisions in Public Resources Code Sections 25740 through 25751 and Public Utilities Code Sections 399.11 through 399.16.
- Senate Bill 1036,¹ passed in October 2007, repeals the provisions for awarding SEPs and requires the Energy Commission to terminate production incentives awarded as of January 1, 2002, unless the facility began generating electricity by January 1, 2007.
- Assembly Bill 1969² added Public Utilities Code (PUC) Section 399.20, authorizing tariffs and standard contracts for the purchase of eligible renewable generation from public water and wastewater customers. In July 2007, the CPUC implemented AB 1969, creating a feed-in tariff (FIT) up to 1.5 megawatt (MW), and expanded the FIT to cover nonwater and wastewater customers in the Pacific Gas & Electric (PG&E) and Southern California Edison (SCE) territories.³ All generation procured under this program counts towards the RPS target.
- Assembly Bill 3048⁴ and Senate Bill 380⁵ were passed into law in 2008. AB 3048 addresses the RPS eligibility of existing renewable generation owned by or under contract with a local publicly owned electric utility (POU), and SB 380 expands feed-in tariffs for small renewable

1 SB 1036, Chapter 685, Statutes of 2007. SB 1036 amends pertinent provisions in Public Resources Code Sections 25740 through 25751.

2 Assembly Bill 1969 (Chapter 731, Statutes of 2006).

3 CPUC Decision 07-07-027.

4 AB 3048, Chapter 558, Statutes of 2008. AB 3048 amends pertinent provisions in Public Resources Code 25741 and 25742 and Public Utilities Code Sections 399.12 and 399.12.5.

5 SB 380, Chapter 544, Statutes of 2008. SB 380 amends Section 399.20 of the Public Utilities Code.

generators in the service territories of the large IOUs and raised the program cap from 250 MW to 500 MW.

- Assembly Bill 1351⁶ was signed into law in 2009. AB 1351 requires that hydroelectric facilities must be owned by a retail seller or publicly owned electric utility for their incremental generation due to eligible efficiency improvements to count as eligible for the RPS. AB 1351 also expands eligibility for such facilities located outside California.
- Assembly Bill 920,⁷ signed into law in 2009, requires electric utilities to develop a tariff to compensate wind and solar net energy metering customers for electricity they produce in excess of their on-site load at the end of a 12-month period (net surplus generation). An eligible customer-generator with a facility no more than 1 megawatt in capacity that elects to participate in the tariff will be compensated by the utility for the facility's net surplus generation at a rate to be determined by the CPUC. The utility may count this surplus generation toward its RPS obligation.
- Senate Bill 32,⁸ signed into law in 2009, further modifies Public Utilities Code 399.20. It expands the eligible project size of the feed-in tariff from 1.5 MW to 3 MW in size, raises the program cap from 500 MW to 750 MW, and requires the municipal utilities to comply with this statute. SB 32 must be implemented through a CPUC proceeding before projects can utilize the new tariff.
- Senate Bill 1247,⁹ signed into law on September 29, 2010, as an urgency bill, modifies Public Utilities Code Section 399.12.5. SB 1247 ensures that for a hydroelectric generation facility certified as of January 1, 2010, its RPS eligibility will not be revoked if the facility causes a change in the volume or timing of streamflow that is required by license conditions approved pursuant to the Federal Power Act (Chapter 12 (commencing with Section 791a) of Title 16 of the United States Code) on or after January 1, 2010.
- Assembly Bill 1954,¹⁰ Signed into law on September 29, 2010, directs the Energy Commission to set the de minimis quantity of nonrenewable fuels that may be used for each renewable technology at no more than 2 percent, but permits the Energy Commission to adjust this de minimis quantity to a maximum of 5 percent for individual facilities if certain conditions are satisfied as specified in AB 1954.

6 AB 1351, Chapter 525, Statutes of 2009. AB 1351 amends Section 399.12.5 of the Public Utilities Code.

7 AB 920, Chapter 376, Statutes of 2009. AB 920 amends Section 2827 of the Public Utilities Code. The CPUC must adopt a net surplus electricity compensation rate before this law can be further implemented.

8 SB 32, Chapter 328, Statutes of 2009. SB 32 amends section 399.20 of, and adds section 387.6 to the Public Utilities Code.

9 SB 1247, Chapter 488, Statutes of 2010. SB 1247 amends Section 399.12.5 of the Public Utilities Code.

10 AB 1954, Chapter 460, Statutes of 2010. AB 1954 amends Section 399.2.5 and 399.12 of the Public Utilities Code.

- Senate Bill X1-2,¹¹ signed into law on April 12, 2011, as part of the First Extraordinary Session, establishes the California Renewable Energy Resources Act and modifies provisions in Public Resources Code 25740 through 25751 and Public Utilities Code Sections 399.11 through 399.20 to advance the state's RPS goal to at least 33 percent of total retail sales of electricity in California by December 31, 2020, and to expand the same RPS goals to the publicly owned electric utilities as to the retail sellers. SB X1-2 makes other changes to the RPS, including replacing the annual procurement targets with compliance periods, replacing the market price referent (MPR) with new cost containment provisions, and creating renewable energy product categories with specific procurement requirements for each compliance period.

11 SB X1-2, Chapter 1, Statutes of 2011. SB X1-2 adds Section 705 to the Fish and Game Code, amends Sections 25740, 25740.5, 25741, 25742, 25746, 25747, and 25751 of, adds Section 25519.5 to, and adds and repeals Section 25741.5 of, the Public Resources Code, and amends Sections 399.11, 399.12, 399.20, and 454.5 of, amends, renumbers, and adds Sections 399.13 and 399.16 of, adds Sections 399.18, 399.19, 399.26, 399.30, 399.31, and 1005.1 to, adds Article 11 (commencing with Section 910) to Chapter 4 of Part 1 of Division 1 of, repeals Section 387 of, and repeals and adds Sections 399.14, 399.15, and 399.17 of, the Public Utilities Code.

Appendix D: List of Acronyms

EA	Enforcement Agency
ERFP	Exist Renewable Facilities Program
ESP	Electric Service Provider
e-Tag	Electronic tag created under the policies of the North American Reliability Corporation to document an energy interchange transaction
FERC	Federal Energy Regulatory Commission
GUID	Generating Unit Identification Number
IID	Imperial Irrigation District
IOU	Investor-Owned Utility
IPT	Interim procurement target
ITS	Interim Tracking System
kWh	Kilowatt-hour
LADWP	Los Angeles Department of Water and Power
LFG	Landfill gas
LORS	Laws, ordinances, regulations, and standards
LSE	Load-serving Entity
MMBTU	1 million British thermal units
MPR	Market Price Referent
MSW	Municipal Solid Waste
MW	Megawatt
MWh	Megawatt-hour
NERC	North American Electric Reliability Corporation

OIR	Order Instituting Rulemaking
PG&E	Pacific Gas and Electric Company
POU	Local Publicly Owned Electric Utility
PUC	Public Utilities Code
PURPA	Public Utilities Regulatory Policies Act of 1978
PV	Photovoltaic
QF	Qualifying Small Power Production Facility
QRE	Qualified Reporting Entity
REC	Renewable Energy Credit/Certificate
REP	Renewable Energy Program
RPS	Renewables Portfolio Standard
SB	Senate Bill
SCE	Southern California Edison Company
SDG&E	San Diego Gas and Electric Company
SGIP	Self Generation Incentive Program
SMJU	Small or Multijurisdictional Utility
SWRCB	State Water Resources Control Board
TID	Turlock Irrigation District
TREC	Tradeable Renewable Energy Credits/Certificates
WECC	Western Electricity Coordinating Council
WREGIS	Western Renewable Energy Generation Information System