COMMISSION GUIDEBOOK

RENEWABLES PORTFOLIO STANDARD ELIGIBILITY

Eighth Edition

Commission Guidebook

CALIFORNIA
ENERGY COMMISSION

Edmund G. Brown Jr., Governor

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ABSTRACT

The *Renewables Portfolio Standard Eligibility Guidebook* (*RPS Guidebook* or guidebook) describes the eligibility requirements and process for certifying eligible renewable energy resources for California's Renewables Portfolio Standard (RPS) and describes the process used to verify compliance with the RPS. California's RPS has a target of obtaining 33 percent of the state's electricity from eligible renewable energy resources by 2020.

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What's New in This Guidebook?

Below are the major changes in this edition of the *Renewables Portfolio Standard Eligibility Guidebook* as compared with the previous version, *RPS Guidebook, Seventh Edition (*April 2013). In addition, the sections below were changed throughout the guidebook to improve clarity and reduce duplication. Below is a summary of major changes.

New Legislation

- Identifies Assembly Bill 1478 (Chapter 664, Statutes of 2014), which amends and clarifies the eligibility requirements for a hydroelectric generation unit not exceeding 40 megawatts that is operated as part of a water supply or conveyance system.

Energy Resource Eligibility Requirements

This section includes the following changes:

- Clarification in Section "II.B. Biomass"for facilities using fuel that qualifies as biomass conversion.
- Substantive changes in Section "II.C. Biomethane" that refine the definition of a dedicated pipeline to include a functionally dedicated pipeline.
- Substantive changes in Section "II.F. Hydroelectric" to implement the amended requirements under Assembly Bill 1478.

Facility Requirements

This section includes the following changes:

- Adding Sections "III.A.1.a. Creation of Retroactive Renewable Energy Credits in WREGIS" and "III.A.2. Extension of Deadline for POUs to Use the ITS," consistent with the requirements in Resolution No: 14-1007-10, which the Energy Commission adopted on October 7, 2014.
- Defining station service in Section "III.A.3. Station Service."
- Removing the allowance for grandfathered certified facilities to use up to 25 percent nonrenewable energy resources and still consider 100 percent of the generation to be RPS-eligible in Section "III.B.3. Other Nonrenewable Energy Resource Allowances." The allowance will end once the facility contract that was in place ends depending on the condition the facility was certified.

- Making the definition of prime generating equipment consistent across each renewable resource for repowered facilities in Section "III.D.1. Prime Generating Equipment."

- Allowing use of a pro-rata approach to measure incremental generation of a hydroelectric facility as approved by the Federal Energy Regulatory Commission (FERC) in Section "III.E.3. Rated Facility Improvement."

RPS Certification

This section includes the following changes:

- Allowing the use of electronic submittal in PDF (with signature) and Microsoft Excel® format in Section "IV. RPS Certification." Modification in Section "IV.A.2.a. Eligibility Date" to allow an earlier eligibility date if the facility meets certain conditions.

- Modification in Section "IV.A.2.a. Eligibility Date" to allow an earlier eligibility date if the facility meets certain conditions.

- New language in Section "IV.A.2.b: Special Cases" allowing POUs to claim electricity generation from POU-owned aggregated units beginning January 1, 2011, or when the generation was first available in WREGIS (whichever is later) if the aggregated units meet certain criteria.[1] Clarifying requirements for simple certification amendments in Section "IV.B: Amending an RPS Certification."

- Clarifying requirements for simple certification amendments in Section "IV.B: Amending an RPS Certification."

Annual Facility Reports

This section includes the following changes:

- Renaming the section, incorporating Section "V. RPS Tracking Systems, Reporting, and Verification" from the *RPS Guidebook, Seventh Edition.*

- Adding Section "V.C. Functionally Dedicated Pipeline for Biomethane," with new reporting requirements.

Annual Load-Serving Entity Reports

This section includes the following changes:

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1 In the fifth edition of the *RPS Eligibility Guidebook*, the Energy Commission determined that all grid-connected renewable electric generation facilities in the WECC, including generation serving onsite load, may be certified as RPS-eligible if the renewable energy resource used by the facility meets all eligibility requirements.

- Adds Section "VI.B.2: Sales from Existing Hydroelectric Generation Units Operated as Part of a Water Supply or Conveyance System" to implement the reporting requirements under Assembly Bill 1478.
- Clarifies the language on REC retirement data in Section "VI.C. RPS Procurement Verification" to reflect the existing verification procedure that allows RECs to be unretired or additional RECs to be reported consistent with WREGIS rules.
- Renaming the section, incorporating portions of Sections "V. RPS Tracking Systems, Reporting, and Verification" and "VI. RPS Procurement Requirements" from the *RPS Guidebook, Seventh Edition*.

Administration

This section includes the following changes:

- Adds Section "VII.A.5. Deadlines and Submission Dates" to clarify the definition and provide criteria.
- Extends the period in Section "VII.B.2. Record Retention" for keeping records reported pursuant to the *RPS Guidebook* from three years to five years to account for the three- and four-year compliance periods under the RPS.
- Adds Section "VII. D.3. Extensions of Certification Application Deadlines" to allow the Energy Commission's Executive Director to extend and waive application deadlines for RPS certification if certain criteria are met, consistent with the requirements of Resolution No: 14-0422-11, which the Energy Commission adopted on April 22, 2014.

Appendix A: RPS Certification Forms

- Allowing the use of electronic submittal in PDF (with signature) and Excel format in Section "IV. RPS Certification."
- Reorganizes all certification forms with the exception of the CEC-RPS-3 form and CEC-RPS-1.S3 form.
- Eliminates the CEC-RPS-1.S5 supplemental form and CEC-RPS-2196 form.
- Eliminates the CEC-RPS-1.S4 supplemental form formerly required for biomethane facilities.
- Adds new CEC-RPS-1.S4 supplemental form for incremental generation from large hydroelectric facilities. This form will be provided to WREGIS as part of the registration process after the facility is certified.

- Adds new CEC-RPS-De Minimis supplemental form for facilities under the category "other nonrenewable energy resource allowances." This form will be provided to the Energy Commission within **90 days** of the adoption of the eighth edition of the *RPS Guidebook,* who will collect contract end dates for these facilities and end the allowance with the end of their contract. Clarifies that additional information on the facility location may be requested for solar and wind applicants.

- Clarifies that additional information on the facility location may be requested for solar and wind applicants.

Appendix B: Annual Facility Reporting Forms

- Eliminates the CEC-RPS-Multi-Fuel form.

- Updates the CEC-RPS-GEN form.

- Renames and updates the CEC-RPS-Biomethane form to the CEC-RPS-CCP form.

- Adds new CEC-RPS-FDP form for functionally dedicated pipeline for biomethane facilities.

Appendix C: Annual LSE Reporting Forms

- Adds new appendix to separate the load-serving entity forms from the generating facility forms. Most of the forms identified in this section have not changed.

- Creates a new form, CEC-RPS-399, to be used by POUs that meet the criteria of Public Utilities Code section 399.30(j) related to hydroelectric generation units operated as part of a water supply or conveyance system.

- Eliminates the CEC-RPS-HCO form.

Appendix D: Statutory History

- Adds description of new legislation: Assembly Bill 1478.

Appendix E: Summary of Reporting Requirements and Deadlines

- Updates the summary of reporting requirements.

Glossary of Terms

The following terms related to the RPS program have been added, revised, or removed from the Glossary of Terms:

Added	Revised	Removed
Aggregated unit	Awardee	Aggregator
Beneficial use	Balancing authority	Biogas
Compliance period	Biomass	Central station facility
Compliance report	California balancing authority	Collaborative staff
Electricity product	Capacity	Community choice aggregator
e-Tag	Conduit hydroelectric facility	Competitive transition charge
Executive director	Dedicated pipeline	Control area
Grid electricity	Digester gas	Conventional Power Source
Historic carryover	Eligible renewable energy resource	Distributed generation facility
Load-serving entity	Fuel cell	Distribution network
Net energy metering	Hydroelectric	Electric service provider
Ownership agreement	IOU	Electrical corporations
Point of interconnection	Kilowatt (kW)	End-use customer (end user)
Portfolio balance requirement	Kilowatt-hour (kWh)	Existing long-term contract
POU	Megawatt (MW)	Fixed energy payments
Renewable electrical generation facility	Megawatt-hour (MWh)	Grid
Retail sales	Metered	Green attributes
RPS procurement requirements	Multijurisdictional utility	Marketer
RPS procurement target	Nameplate capacity	Municipal utility
Test energy	NERC e-Tag	Net Metering
Watt-hour (Wh)	Photovoltaic	On-site generation
WREGIS certificate	Portfolio content category	Power purchase contract
	Project	Procurement entity
	Renewable energy credit	Renewable energy public goods charge

Added	Revised	Removed
	Renewables Portfolio Standard	Self-generation
	Reporting year	Sewer gas
	Retail seller	Solid fuel biomass
	RPS certification	System operator
	Small hydroelectric facility	Transmission system
	Water supply or conveyance system	WECC interconnection
	Watt (W)	
	Western Electricity Coordinating Council (WECC)	
	Wind	
	Western Renewable Energy Generation Information system	

I. Introduction

The California Energy Commission developed this guidebook to implement and administer portions of California's Renewables Portfolio Standard (RPS) under Senate Bill 1038,[2] Senate Bill 1078,[3] Senate Bill 1250,[4] Senate Bill 107,[5] and Senate Bill X1-2.[6] These laws set a goal for retail sellers of electricity and local publicly owned electric utilities (POUs), collectively referred to as load-serving entities (LSEs), to increase the amount of renewable energy they procure until 33 percent of their retail sales are from renewable energy resources by December 31, 2020. Under these laws, the Energy Commission is required to certify electrical generation facilities (facilities) as eligible renewable energy resources that may be used by LSEs to satisfy their RPS procurement requirements, develop an accounting system to verify LSEs' compliance with the RPS, and adopt regulations specifying procedures for the enforcement of RPS procurement requirements of POUs.

This guidebook describes the requirements and process for certifying facilities as RPS-eligible and describes how the Energy Commission will track and verify compliance with the RPS. The enforcement procedures for POUs are addressed in a separate document in the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities (POU Regulations),* set forth in Title 20, California Code of Regulations, sections 1240 and 3200 – 3208.[7]

This guidebook continues the use of open public processes to encourage participation in California's RPS while assuring program credibility to benefit stakeholders and consumers, and help meet important state policy goals. Although this guidebook addresses part of 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 key RPS implementation and enforcement roles. The enabling legislation established specific roles for the Energy Commission, the CPUC, and the ARB and directs the agencies to

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2 Senate Bill 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).

3 Senate Bill 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.

4 Senate Bill 1250 (Chapter 512, Statutes of 2006) amends pertinent provisions in Public Resources Code sections 25740 through 25751.

5 Senate Bill 107 (Chapter 464, Statutes of 2006) amends pertinent provisions in Public Resources Code sections 25740 through 25751 and Public Utilities Code sections 399.11 through 399.16.

6 Senate Bill X1-2 (Chapter 1, Statutes of 2011, First Extraordinary Session) 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.

7 See http://www.energy.ca.gov/portfolio/pou_rulemaking/ for information about the Energy Commission's regulations for *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*.

work together to implement the RPS.[8] The CPUC is responsible for establishing compliance targets for the amount of eligible renewable energy resources retail sellers of electricity must procure and determining compliance with the RPS for retail sellers. Retail sellers include electrical corporations,[9] electric service providers (ESPs), and community choice aggregators (CCAs). The Energy Commission is authorized to issue a notice of violation and correction with respect to a POU and to refer a POU to the ARB for possible penalties imposed pursuant to the California Global Warming Solutions Act of 2006 (Assembly Bill 32, Chapter 488, Statutes of 2006) or other laws if that act is suspended or repealed.

While this guidebook reflects current requirements, the Energy Commission recognizes that it may need to be revised periodically to reflect market, regulatory, and legislative developments, as well as incorporate the lessons learned from experience implementing the RPS. The revision process is discussed in VII.A.4: Substantive Changes.

A. RPS Legislation

Various laws related to the RPS have been enacted since the original adoption of this guidebook. These laws triggered the need for guidebook revisions. This guidebook incorporates changes in law as a result of: Assembly Bill 1478 (Chapter 664, Statutes of 2014).

Prior editions of the guidebook incorporated changes in law under the following legislation:

- 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)
- Assembly Bill 1969 (Chapter 731, Statutes of 2006)
- Assembly Bill 3048 (Chapter 558, Statutes of 2008)
- Assembly Bill 1351 (Chapter 525, Statutes of 2009)
- Assembly Bill 920 (Chapter 376, Statutes of 2009)
- Senate Bill 32 (Chapter 328, Statutes of 2009)
- Senate Bill 1247 (Chapter 488, Statutes of 2010)
- Assembly Bill 1954 (Chapter 460, Statutes of 2010)
- Senate Bill X1-2 (Chapter 1, Statutes of 2011, First Extraordinary Session)
- Assembly Bill 2196 (Chapter 605, Statutes of 2012)
- Assembly Bill 2187 (Chapter 604, Statutes of 2012)

Additional information on RPS legislation is provided in Appendix D: Statutory History.

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8 SB X1-2 modifies the roles and responsibilities of each agency in implementing the 33 percent RPS requirement, now assigned to all California 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.

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

B. Guidebook Organization

This guidebook is organized as follows:

What's New in This Guidebook?

I. Introduction: Provides a brief introduction to the RPS, enabling legislation, and the guidebook.

II. Energy Resource Eligibility Requirements: Identifies eligibility requirements specific to each energy resource type used to generate electricity at facilities.

III. Facility Requirements: Contains eligibility requirements for facilities depending on their operation, interconnection, and location. These requirements are independent of the renewable energy resource used to generate electricity.

IV. RPS Certification: Provides information on applying for and maintaining an RPS certification, including information on the types of RPS certification offered, submission deadlines, and yearly reporting requirements.

V. Annual Facility Reports: Identifies annual reporting requirements for applicants of certain facilities that are required to maintain RPS certification.

VI. Annual Load-Serving Entity Reports: Identifies annual reporting requirements for LSEs and restrictions on the retirement of RECs for California's RPS.

VII. Administration: Describes the protocol used by the Energy Commission to administer the RPS program.

Glossary of Terms: Defines terms used in this guidebook.

List of Acronyms and Abbreviations: Identifies acronyms and abbreviations used in this guidebook.

Appendix A: Contains the forms used to apply for RPS certification of a facility.

Appendix A: Contains the forms used to report facility operation and energy resource procurement information to the Energy Commission.

Appendix C: Contains the Energy Commission forms and information on the WREGIS forms used by LSEs to report procurement information to the Energy Commission.

Appendix D: Provides a summary of enacted legislation that affects the RPS program.

Appendix E: Provides a table summarizing all RPS certification and reporting deadlines.

Index: Provides reference page numbers for various terms, forms, and concepts.

C. Outstanding Issue

The Energy Commission recognizes that there is renewable electricity being transferred between balancing authorities under the western Energy Imbalance Market (EIM) that began operating in November 2014. Currently, EIM transfers are not specifically contemplated by RPS statute or through the California Public Utilities Commission (CPUC) implementation of the Portfolio Content Category (PCC) classification Decision (D.11-12-052) or Compliance Decision (D.12-06-038), or through the Energy Commission's implementation of PCC classifications for local publicly owned electric utilities (POUs) in the Energy Commission's RPS POU Regulations (20 CCR sections 1240, 3200 – 3208). The California Independent System Operator, CPUC, and the Energy Commission have begun the discussion to address how RECs associated with electricity scheduled under EIM would be classified according to the portfolio content categories established in Public Utilities Code section 399.16, and how the EIM schedule would be reviewed. This and any additional issues will need to be addressed in a future guidebook revision, if deemed necessary.

II. Energy Resource Eligibility Requirements

The Energy Commission's RPS certification of a facility means the facility is capable of producing electrical generation that may be used by a retail seller or POU to satisfy its RPS procurement requirements. To qualify for RPS certification, a facility must use one or more eligible renewable energy resources identified in Table 1 below. Table 1 summarizes the resource-specific requirements for a facility to qualify for the RPS and provides information on required forms and information necessary to apply for RPS certification. Additional resource-specific requirements are also provided in Table 1 below.

Table 1: Summary of RPS Resource Eligibility Requirements

Note: A CEC-RPS-1 form must be submitted for each electrical generation facility seeking RPS certification or precertification. Applications for aggregated units must be made on a CEC-RPS-3 form. All forms can be found in Appendix A: RPS Certification Forms.

Resource Used by Facility	Supplemental Form	Additional Required Information, or Notes
Biodiesel	N/A	N/A. Refer to Section II.A.
Biomass	N/A	N/A. Refer to Section II.B.
Biomethane	CEC-RPS-1.S1	Yes, Refer to Section II.C.
Fuel Cell	N/A	Yes, submit material required for the feedstock or technology used for generation, if applicable. Refer to Section II.D.
Geothermal	N/A	N/A. Refer to Section II.E.
Small Hydroelectric	CEC-RPS-1.S2, for new facilities	Yes. Refer to Section II.F.1.
Conduit Hydroelectric	CEC-RPS-1.S2, for new facilities	Yes. Refer to Section II.F.2.
Water Supply or Conveyance System	CEC-RPS-1.S2	Yes, must demonstrate that the unit is operated as part of a water supply or conveyance system. Refer to Section II.F.3.
Incremental Hydroelectric	CEC-RPS-1.S2 and CEC-RPS-1.S4	Yes, must demonstrate that the generation is a result of efficiency improvements. Refer to Sections II.F.4 and II.F.4.a.
Municipal Solid Waste Combustion	N/A	Yes, dependent on the location and operations date. Refer to Section II.G.1.
Municipal Solid Waste Conversion	N/A	Yes, dependent on the technology. Refer to Section II.G.2.
Ocean Thermal	N/A	Yes, briefly describe the technology. Refer to Section II.H.
Ocean Wave	N/A	Yes, briefly describe the technology. Refer to Section II.I.
Solar	N/A	N/A. Refer to Section II.J.
Tidal Current	N/A	Yes, briefly describe the technology. Refer to Section II.K.
Wind	N/A	N/A. Refer to Section II.L.

Source: California Energy Commission

A. Biodiesel

A facility may qualify for RPS certification if it generates electricity using biodiesel derived from biomass feedstock or from an eligible solid waste conversion process using municipal solid waste. When applying for RPS certification, the applicant must submit information on the feedstock used to produce the biodiesel. For energy resource requirements, see Section II.B: Biomass, II.C: Biomethane, or II.G.2: MSW Conversion.

B. Biomass

A facility may qualify for RPS certification if it generates electricity using a biomass fuel. When applying for RPS certification of a facility using biomass, the applicant must submit information on the type and source of the biomass used, or planned to be used, at the facility.

If the facility is using fuel that results from "biomass conversion" as defined in Public Resources Code section 40106, documentation must be submitted to confirm the fuel was produced through a process that meets the definition of "biomass conversion" and satisfies the requirements of Public Resources Code section 44107.

C. Biomethane

A facility may qualify for RPS certification if it generates electricity using biomethane derived from digester gas and/or landfill gas. Biomethane may be used to generate electricity at a facility that receives the biomethane in one of three ways:

1) Onsite Generating Facility Using a Dedicated Pipeline – Biomethane is produced and captured at a landfill and/or digester that is located at the same site as the electrical generation facility using the biomethane to generate electricity, and the biomethane is delivered from the source to the generating facility via a dedicated pipeline as defined in this guidebook.

2) Offsite Generating Facility Using a Dedicated Pipeline – Biomethane is produced and captured at a landfill and/or digester that is not located at the site of the electrical generation facility using the biomethane to generate electricity, and the biomethane is delivered to the facility through a dedicated pipeline as defined in this guidebook.

3) Offsite Generating Facility Using a Common Carrier Pipeline –Biomethane is produced and captured at a landfill and/or digester that is not located at the site of the electrical generation facility using the biomethane to generate electricity, and the biomethane is delivered to the facility through a common carrier pipeline as defined in this guidebook.

When applying for RPS certification of a facility using biomethane, the applicant must submit a CEC-RPS-1.S1 supplemental form, which can be found in Appendix A: RPS Certification Forms.

1. Dedicated Pipeline Using Biomethane

There are two classifications of dedicated pipelines:

a) Pipelines that are capable of delivering gas from one or more biomethane sources to a single end user only, guaranteeing the gas can be consumed only at the designated generating facility. These pipelines deliver biomethane that may be located at the same site as the facility or at another site.

b) Pipelines that are functionally dedicated to a designated generating facility. Functionally dedicated pipelines are physically capable of delivering gas to one or more end users, but because of operational constraints or practices, only the designated facility will consume the gas. A functionally dedicated pipeline must demonstrate that:

   1) The generating facility operator, the biomethane producer, and the pipeline operator have entered into an agreement and have prepared an operations plan to control the operations of the facility, the biomethane source, and the pipeline in such a manner that delivery of the injected biomethane will be physically delivered to and combusted at the facility in all controllable circumstances.

   2) The generating facility is the only end user of any gas flowing in the pipeline between the biomethane injection point and the facility, based on the operational flow of the pipeline as described in the operations plan.

   3) Quantities of biomethane that were injected into the pipeline and not physically delivered to the facility due to any circumstance shall not be included in the quantity of biomethane consumed at the facility that is reported to the Energy Commission or associated with electricity generation attributable to that quantity of biomethane.

   4) An applicant or authorized representative of a certified facility using biomethane delivered in a functionally dedicated pipeline must demonstrate as part of the annual reporting that the operations of the facility, the biomethane source, and the pipeline were in compliance with the approved operations plan in the agreement. (See Section V.C: Functionally Dedicated Pipeline for Biomethane.)

2. Common Carrier Pipeline Using Biomethane

A facility using biomethane delivered through a common carrier pipeline may qualify for RPS certification if the facility uses biomethane delivered under a new or existing biomethane procurement contract. The biomethane procurement contract shall meet specific delivery requirements and, in the case of new or amended biomethane procurement contract as described in Section II.C.2.a(2): Adjustment to Existing Biomethane Procurement Contract or Section II.C.2.a(3): New Biomethane Procurement Contract, provide one of three specific environmental benefits to California as described in Section II.C.2.c: Environmental Benefits to California.

When applying for RPS certification of a facility using biomethane delivered via a common carrier pipeline, the applicant must attest that it has contracted for and schedules the delivery of

the biomethane through the pipelines. This will be verified during the Energy Commission's verification process using the CEC-RPS-CCP form, which can be found in Appendix A: Annual Facility Reporting Forms.

An applicant or authorized representative of a certified facility using common carrier pipeline biomethane must submit information to the Energy Commission annually on the common carrier pipeline delivery; see Section V.B: Common Carrier Pipeline for Biomethane.

a. Biomethane Procurement Contract

A facility using biomethane delivered through a common carrier pipeline is subject to different requirements based on the biomethane procurement contract. An applicant shall provide a copy of the executed biomethane procurement contract when applying for RPS certification.

(1) Existing Biomethane Procurement Contract

A facility using biomethane under an existing contract executed by a retail seller or POU[10] before March 29, 2012, is subject to the following requirements. The applicant must demonstrate that:

a) One of the following was reported to the Energy Commission before March 29, 2012:

   1) The biomethane procurement contract, identifying the specific biomethane source(s), was reported to the Energy Commission before March 29, 2012, in connection with the application for RPS certification of the generating facility.

   2) The specific biomethane source(s) and the amount of biomethane under the biomethane procurement contract were reported to the Energy Commission before March 29, 2012, in connection with an application for the generating facility.

   3) The specific biomethane source(s) as part of a preapproval request for adding a new fuel source to a specific facility that was already RPS certified. The applicant must submit the written acknowledgement provided by the Energy Commission of the facility owner's intent to procure biomethane from that fuel source for use at the facility.

b) The facility meets the requirements of the *RPS Guidebook* in place when the biomethane procurement contract was executed, including but not limited to the *Fourth Edition* of the *RPS Eligibility Guidebook*.

c) The biomethane source(s) under the biomethane procurement contract produced biomethane and injected it into a common carrier pipeline before April 1, 2014.

d) The biomethane is used by the designated electrical generation facility pursuant to the biomethane procurement contract that was executed by the retail seller or POU and

10 For purposes of this Existing Biomethane Procurement Contract section, a biomethane procurement contract executed by a retail seller or POU includes a biomethane procurement contract executed by an affiliate or subsidiary entity of a retail seller or POU for the purpose of the retail seller or POU.

reported to the Energy Commission before March 29, 2012. A different electric generating facility may not be substituted for the designated facility. Biomethane under an existing biomethane procurement contract may not be used for RPS purposes at a different electrical generation facility.

(2) Adjustments to Existing Biomethane Procurement Contract

Amendments to, or portions of, existing biomethane procurement contracts finalized or exercised on or after March 29, 2012, must meet the requirements of new biomethane procurement contracts if any of the following is true for the contract amendment or specific portions of the contract:

a) The term of the existing biomethane procurement contract was extended.

b) Quantities of biomethane specified in the existing biomethane procurement contract were increased.

c) Quantities of biomethane specified as optional to the buyer in the existing biomethane procurement contract, as determined by the Energy Commission, are procured. Quantities will be deemed optional if the buyer, through his or her initiation or election, can decide whether to accept additional quantities of biomethane.

d) Biomethane sources are added to the existing biomethane procurement contract that were not identified in the existing contract or RPS certification application submitted before March 29, 2012.

e) Biomethane is procured from biomethane source(s) not producing biomethane and injecting it into a common carrier pipeline on or before April 1, 2014.

Only the biomethane associated with the above amendment(s) or portion(s) of the contract will be subject to the additional requirements placed on new biomethane procurement contracts.

(3) New Biomethane Procurement Contract

A facility using biomethane delivered through a common carrier pipeline under a new biomethane procurement contract[11] that was executed on or after March 29, 2012, is subject to the following requirements. The applicant must demonstrate that each biomethane source meets one of the following criteria:

a) Did not inject biomethane into a common carrier pipeline before March 29, 2012, pursuant to a contract with a retail seller or POU.

b) Commenced injection of sufficient incremental quantities of biomethane on or after March 29, 2012, to satisfy the contract requirements. The Energy Commission will determine the

11 A "new biomethane procurement contract" includes a biomethane procurement contract executed on or after March 29, 2012, an amendment executed on or after March 29, 2012, to an existing biomethane procurement contract, or a biomethane procurement contract or contract amendment executed before March 29, 2012, but reported to the Energy Commission on or after March 29, 2012.

eligible quantity of incremental biomethane injections from an individual biomethane source based on the historical injection of biomethane from the source over the three-year period prior to the increase in biomethane injections.

b. Biomethane Delivery Requirements

The applicant must demonstrate that the delivery of biomethane through a common carrier pipeline meets the following requirements:

1) The biomethane must be injected into a common carrier pipeline system that is either within the Western Electricity Coordinating Council (WECC) region or interconnected to a common carrier pipeline system located within the WECC region.

2) The applicant, or authorized party, of the facility must enter into contracts for the delivery (firm or interruptible) or storage of the gas with every pipeline or gas storage site operator transporting or storing the gas from the injection point to the final delivery point.

    a) For New Biomethane Procurement Contracts: The pipeline(s) along the delivery path must physically flow from the initial injection point toward the receipt point at the facility, as determined by the Energy Commission. To meet this requirement, the applicant must demonstrate that each segment of the pipeline on the delivery path from the point of injection to the point of receipt physically flows toward the generation facility at least 50 percent of the time on an annual basis. If storage is used, then the pipeline must flow in the direction of the facility from the injection point to the storage point and from the storage point to the receipt point at the facility at least 50 percent of the time on an annual basis.

    b) For Existing Biomethane Procurement Contracts: Delivery contracts with the pipeline operators may be for delivery with or against the physical flow of the gas in the pipeline.

3) The final delivery point of the biomethane must be the generation facility with the following exceptions:

    a) New Biomethane Procurement Contracts: The delivery requirements are satisfied if the facility is located within California and receives biomethane from a biomethane production site that injects the biomethane into a common carrier pipeline that physically flows within California.

    b) Existing Biomethane Procurement Contracts: The final delivery point may be at the California border, or any other point in California, if the facility is physically located in California.

4) Any nonrenewable energy resource mixed with the biomethane gas at the biomethane production site before injection into the common carrier pipeline system for conditioning must be delivered with the biomethane as a mixed gas. This mixed gas must meet all the above delivery requirements, though only the electricity attributable to the biomethane portion will be considered RPS-eligible.

Any change in pipeline injection or receipt points for biomethane procured as part of a new biomethane procurement contract that was identified in the initial application must be reported to the Energy Commission as part of an amended application within **90 days** of the change. (See Section IV.B: Amending an RPS Certification.)

c. Environmental Benefits to California

For new biomethane procurement contracts, the applicant must demonstrate that for each biomethane source, the capture and injection of biomethane into a common carrier pipeline directly result in at least one of the following environmental benefits in California:

1) Reduction or avoidance of the emission of any criteria air pollutants (or related precursors) emissions in California, as defined by the ARB. A criteria air pollutant is an air pollutant for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. Examples include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter (including PM_{10} and $PM_{2.5}$).[12] This requirement may be satisfied by one of the following:

    a) A demonstration that actions planned or taken to capture and inject biomethane into a common carrier pipeline will likely lead to such an emission reduction or avoidance in California based on standard methods used in the field. After-the-fact studies of the emission reduction or avoidance will not be required.

    b) A demonstration that the capture and injection of biomethane from the source into a common carrier pipeline results in a reduction or avoidance of emissions of at least one criteria air pollutant (or precursor thereof) in California compared to the baseline emissions.

2) Reduction or avoidance of pollutants that could have an adverse impact on any surface water or groundwater, including saline waters, within the boundaries of California, as defined by the State Water Resources Control Board, whether public or private, including waters in both natural and artificial channels. This requirement may be satisfied by one of the following:

    a) Referencing at least one peer-reviewed published document that established a direct and quantifiable relationship between the capture and injection of biomethane from the source into a common carrier pipeline and the reduction or avoidance of pollutants that could have an adverse impact on waters of the state.

    b) Empirical evidence to demonstrate that this requirement is met.

12 $PM_{2.5}$ refers to particulate matter that is 2.5 micrometers in diameter, and PM_{10} is larger particulate matter that is 10 micrometers in diameter.

3) Mitigating a local nuisance in California associated with the emission of odors.[13] This requirement is satisfied by meeting both of the following, if applicable:

   a) The applicant may provide documentation showing a direct relationship between the capture and injection of biomethane into the common carrier pipeline and the minimization of a local nuisance in California associated with the emission of odors, as defined by the local jurisdiction. The local jurisdiction may be a city, county, air pollution control district or other local jurisdiction in California that establishes rules or standards for nuisances of odors. A local nuisance does not need to be established under the rules or standards of the local jurisdiction to meet this provision

   b) If the operation of the biomethane production has created a local nuisance associated with the emission of odors, the applicant must provide documentation of the nuisance and demonstrate that the capture of biomethane from the source and injection of biomethane into a common carrier pipeline directly results in the reduction of the odor nuisance in California.

Existing biomethane procurement contracts are subject to this requirement only for the biomethane procured as part of an amendment to, or portions of, existing biomethane procurement contracts finalized or executed on or after March 29, 2012. See Section II.C.2.a(2): Adjustments to Existing Biomethane Procurement Contract.

See Section VI.D: Special Consideration of Biomethane Procurement Contracts for relevant information regarding biomethane procurement contracts.

3. Biomethane Environmental Attributes

Special requirements exist for the environmental attributes associated with biomethane used to generate electricity for California's RPS. Furthermore, only appropriate marketing, regulatory, or retail claims from the reductions of greenhouse gases (GHGs) due to methane destruction may be made in connection with the biomethane procurement contract.

a. Renewable and Environmental Attributes

No party may sell, trade, give away, claim, or otherwise dispose of any of the attributes associated with the biomethane that are necessary for the resulting electricity to be compliant with the definition of a REC as defined in the Glossary of Terms in this guidebook. These attributes must be conveyed along with the biomethane for use at the designated generation facility and must include sufficient renewable and environmental attributes of biomethane

13 A "nuisance" is generally defined in Civil Code section 3479 as "Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway…"

production and capture to ensure that there are zero net emissions associated with the production of electricity from the generating facility using biomethane.[14]

b. Claiming GHG Reductions From Methane Destruction

A POU or intermediary party, to a biomethane procurement contract, including the electrical generator, shall not make a marketing, regulatory, or retail claim that asserts that the biomethane procurement contract resulted, or will result, in GHG reductions related to the destruction of methane if the capture and destruction of methane are required by law.[15] If the biomethane source is required by law to capture and destroy the methane produced by the biomethane source, the applicant for the designated generation facility must convey this information to the Energy Commission as part of the application for RPS certification.

If the biomethane source is not required by law to capture and destroy the methane produced by the biomethane source, a POU or intermediary party to a biomethane procurement contract, including the electrical generator may make marketing, regulatory, or retail claim of GHG reduction related to the destruction of methane associated with the biomethane procurement contract only if one of the following applies:

1) The environmental attributes associated with the capture and destruction of the biomethane are transferred to the POU and retired on behalf of its customers consuming the electricity associated with the use of biomethane and not resold.

2) The biomethane procurement contract does not allow the biomethane source to market separately the environmental attributes associated with the capture and destruction of the biomethane sold under the contract, and the attributes are retired by the POU on behalf of its customers, or by the intermediary party, and not resold.

If the POU or intermediary party to a biomethane procurement contract, including the electrical generator, makes a regulatory, marketing, or retail claim of GHG reductions related to the destruction of methane, the POU must demonstrate that the attributes associated with methane destruction are retired and not resold by demonstrating *both* of the following to the Energy Commission:

1) The biomethane source is registered with a GHG project verification program and registry.

2) Carbon credits or offsets have been retired in a voluntary offset program on behalf of the POU's customers consuming the electricity associated with the use of biomethane.

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14 This provision shall be applied in a manner consistent with Public Utilities Code section 399.12.6(c) and the CPUC's Standard Term and Condition 2, which applies to bioenergy transactions as specified in CPUC Decision 13-11-024. Decision 13-11-024 deleted and replaced the definition of "green attributes" specified in CPUC Decision 08-08-028.

15 The CPUC will implement this provision for retail sellers.

D. Fuel Cell Using Renewable Fuel

A facility that uses a fuel cell conversion technology may qualify for RPS certification if the facility uses either an RPS-eligible renewable energy resource, qualifying hydrogen gas, or both, as described below.

1. Fuel Cells Using an RPS-Eligible Renewable Energy Resource

A facility converting gas to electricity in a fuel cell may qualify for RPS certification if the gas is an RPS-eligible renewable energy resource as described in this guidebook.

2. Fuel Cells Using Qualifying Hydrogen Gas

A facility converting hydrogen gas to electricity in a fuel cell may qualify for RPS certification if the hydrogen was derived from a non-fossil-based fuel or feedstock through a process powered using an eligible renewable energy resource. The electricity generated by a facility using this type of hydrogen gas is eligible for the RPS only if the electricity (that was used to derive the hydrogen) is not also counted toward an RPS compliance obligation, or claimed for any other program as renewable generation. The applicant must submit information on the hydrogen production process as part of the application.

E. Geothermal

A facility may qualify for RPS certification if it generates electricity using a geothermal resource. Only natural heat from within the earth that is captured for production of electric power may be used to create RPS-eligible geothermal generation.

F. Hydroelectric

The following types of hydroelectric facilities may be RPS-eligible:

1) Small hydroelectric facilities 30 MW or less.
2) Conduit hydroelectric facilities 30 MW or less.
3) Hydroelectric generation units 40 MW or less and operated as part of a water supply or conveyance system.
4) Incremental hydroelectric facilities.

A hydroelectric facility must meet the applicable conditions of a "project" as defined in the Glossary of Terms in this guidebook. When assessing the size of a hydroelectric facility, the Energy Commission will consider the capacity of all hydroelectric units located within a one-mile radius of the facility consistent with the definition of "project." The RPS eligibility requirements for each of these types of hydroelectric facilities are addressed separately in Section II.F.1 through II.F.4 below. See Section II.F.5 below for additional eligibility requirements that apply to a hydroelectric facility that commences commercial operations on or after January 1, 2006, undergoes efficiency improvements after January 1, 2008, or increases its nameplate capacity. Nameplate capacity is the maximum rated electrical power output of a generator under specific conditions designated by the manufacturer.

When applying for RPS certification, an applicant for a hydroelectric facility must complete the hydroelectric supplemental form, CEC-RPS-1.S2, for new small or conduit hydroelectric facilities or incremental hydroelectric facilities, found in Appendix A: RPS Certification Forms, and provide additional required information described later in this section.

1. Small Hydroelectric Facilities

To qualify for RPS certification, the applicant for a small hydroelectric facility must demonstrate that the facility:

a) Has a nameplate capacity of 30 MW or less.

b) Satisfies one of the following:

1) Commenced commercial operations on or before December 31, 2005, and a retail seller or POU procured the electricity from the facility as of December 31, 2005.

2) Commenced commercial operations after December 31, 2005, and the facility meets the additional requirements specified in Section II.F.5: Additional Information and Requirements for Select Hydroelectric Facilities.

2. Conduit Hydroelectric Facilities

To qualify for RPS certification, the applicant for a conduit hydroelectric facility must demonstrate that the facility:

a) Has a nameplate capacity of 30 MW or less.

b) Satisfies one of the following:

1) Commenced commercial operations on or before December 31, 2005.

2) Commenced commercial operations after December 31, 2005, and the facility meets the additional requirements specified in Section II.F.5: Additional Information and Requirements for Select Hydroelectric Facilities.

A conduit hydroelectric facility must use the hydroelectric potential of an existing pipe, ditch, flume, siphon, tunnel, canal, or other man-made conduit that is operated to distribute water for a beneficial use and was built before January 1, 2008.

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

The generation from an existing hydroelectric generation unit operated as part of a water supply or conveyance system[16] is eligible for the RPS, subject to the limitations specified below, if the following criteria are satisfied:

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16 Senate Bill X1-2 revised Public Utilities Code section 399.12, subdivision (e)(1), 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. Section 399.12,

a) The generation unit has a nameplate capacity not exceeding 40 MW, subject to the definition of a "project" as defined in this guidebook.

b) A retail seller or local publicly owned electric utility (POU) procured electricity from the generation unit as of December 31, 2005.

c) The generation unit commenced commercial operations on or before December 31, 2005.

d) The generation unit is operated as part of a "water supply or conveyance system," as defined in this guidebook.

e) The electricity generated by the generation unit is metered separately from any other generating units located at or within the same hydroelectric generation facility.[17]

f) An application to certify the generation unit for the RPS was submitted to the Energy Commission before January 1, 2013.

Limitations on RPS Eligibility:

1) Generation units certified for the RPS pursuant to Section II.F.3 are eligible for the RPS starting on January 1, 2011, consistent with Public Utilities Code section 399.12 (e)(1), as amended by Senate Bill X1-2 and subsequently clarified and amended by Assembly Bill 1478.

2) Electricity from the generating unit certified for the RPS pursuant to Section II.F.3 may only be used to satisfy the RPS procurement requirements of the retail seller or POU that procured electricity from the generation unit as of December 31, 2005. If multiple retail sellers or POUs procured electricity from the generation unit as of December 31, 2005, only the retail seller or POU that owned the generation unit as of December 31, 2005, may use electricity from the generation unit to meet its RPS procurement requirements, except as provided in paragraph (3).

3) A POU that meets the criteria of Public Utilities Code section 399.30 (j) may sell to another POU up to 100,000 megawatt-hours of electricity from all generation units certified for the RPS pursuant to Section II.F.3, and that electricity may be used by the POU that purchased the electricity to meet its RPS procurement requirements. Electricity from the certified generation units may be sold as bundled electricity (electricity bundled with the associated RECs) or as just the RECs, and may be sold to multiple POUs, but the total of all such sales of bundled electricity and RECs shall not exceed 100,000 megawatt-hours.

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subdivision (e)(1), was subsequently clarified and amended by Assembly Bill 1478 (Statutes of 2014, Chapter 664).

17 For example, if a powerhouse located on a water supply or conveyance system includes three separate hydroelectric generating units, each unit for which RPS certification is sought must be separately metered.

4) A POU that meets the criteria of Public Utilities Code section 399.30 (j) shall report to the Energy Commission all sales of electricity from generation units certified for the RPS pursuant to Section II.F.3 to ensure compliance with the 100,000 megawatt-hour limit of paragraph (3). The electricity sales shall be reported to the Energy Commission using the CEC-RPS-399 form as specified in Section VI.B.2. of this guidebook.

The applicant shall provide the additional documentation described below with a complete application for RPS certification to substantiate that the hydroelectric generation unit is operated as part of a water supply or conveyance system:

a) The current water supply permit issued by the State Water Resources Control Board (SWRCB), if applicable, or the equivalent from another state or local government agency.

b) The current hydroelectric project license, permits, or exemption from licensing from the Federal Energy Regulatory Commission (FERC), if applicable, or the equivalent from another federal, state, or local government agency. If no FERC hydroelectric project licenses, permits, or exemptions were issued for the facility, the applicant must submit documentation explaining why the FERC project licenses, permits, or exemptions are not applicable to the facility.

c) Documentation showing the water supply or conveyance system was built for the distribution of water for agricultural, municipal, or industrial consumption and operated primarily for this purpose.

4. Incremental Hydroelectric Facilities

For the incremental generation from a hydroelectric facility that underwent eligible efficiency improvements to qualify for RPS certification, the applicant shall demonstrate that the following criteria are satisfied:

a) Either:

1) The hydroelectric facility was RPS-eligible as a small or conduit hydroelectric facility before the efficiency improvements were undertaken, and the efficiency improvements were undertaken after January 1, 2008. If the efficiency improvements cause an RPS-certified facility to exceed the 30 MW nameplate capacity, the facility shall not lose its RPS eligibility.

2) The nameplate capacity of the hydroelectric facility before completion of the efficiency improvements exceeded 30 MW. The incremental generation resulting from eligible efficiency improvements may qualify for the RPS if the additional requirements of paragraph (e) below are satisfied.

b) The efficiency improvements to the hydroelectric facility are limited to improvements that make more efficient use of the existing water resource and improve the efficiency of equipment, rather than increase the storage capacity or head of an existing water reservoir. Efficiency improvements do not include regular or routine maintenance.

Efficiency improvements may include, but are not limited to, rewinding or replacing the existing turbine generator, replacing the turbines, and computerizing control of the turbines and generators to improve operations.

c) The efficiency improvements do not result in an adverse impact on instream beneficial uses[18] or cause a change in the volume or timing of streamflow.

d) The operation of the portions of the facility that include the efficiency improvements meet the additional requirements specified in Section II.F.5: Additional Information and Requirements for Select Hydroelectric Facilities.

e) For the incremental generation from a large hydroelectric facility that underwent efficiency improvements to qualify for RPS certification, the applicant shall meet the following additional requirements and provide documentation, if requested:

1) The facility is owned by a retail seller or a POU.

2) The facility was operational before January 1, 2007.

3) The efficiency improvements were initiated on or after January 1, 2008, 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:

i) The facility is located in California and has, within the immediately preceding 15 years from the date the efficiency improvements are initiated, received certification from the 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 a certification for such purposes, unless the facility is exempt from this certification because there is no potential discharge into waters of the United States.

ii) For a facility not located in California, it may receive the certification pursuant to section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341) 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.

iii) The facility is the Rock Creek Powerhouse, FERC Project Number 1962, and has received any necessary incremental certification from the SWRCB as specified in Public Utilities Code section 399.12.5, subdivision (b)(2)(C).

5) All of the incremental increase in electricity generation resulting from the efficiency improvements is the result of a long-term financial commitment by the retail seller or

18 *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.

POU, either as a new ownership investment in the facility by the retail seller or POU, or a new or renewed contract with a term of 10 or more years, which includes procurement of the incremental generation.

6) The incremental generation can be accurately determined consistent with the requirements in Section III.E: Incremental Generation.

When applying for RPS certification, an applicant must complete and submit the CEC-RPS-1.S4 incremental supplemental form, which can be found in Appendix A: RPS Certification Forms. This form will be provided to WREGIS as part of the registration process if the facility is certified.

5. Additional Information and Requirements for Select Hydroelectric Facilities

An applicant must provide additional information to substantiate its application for a hydroelectric facility if the facility either:

a) Commenced commercial operations or was repowered on or after January 1, 2006, for small or conduit hydroelectric facilities.

b) Commenced commercial operations before January 1, 2007, for incremental generation from efficiency improvements, regardless of facility size.

c) Was added to an existing water conduit on or after January 1, 2006, for conduit hydroelectric facilities.

d) Underwent efficiency improvements after January 1, 2008, incrementally increasing the generation of the facility, or the nameplate capacity.

An applicant for these facilities must demonstrate that the facility does not cause an adverse impact on the instream beneficial uses. 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. In accordance with Public Utilities Code section 399.12.5 (d), a hydroelectric facility that is certified as RPS-eligible 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.

In addition to demonstrating the facility does not have an adverse impact on the instream beneficial uses, the applicant shall submit the water-use data and documentation described below as part of an application for RPS certification.

a. Name of the Facility

The applicant shall identify any and all names used for the facility in any documentation submitted to the Energy Commission and in any other public proceeding.

b. Ownership of the Facility

In addition to the current facility owner, the applicant shall identify any previous facility owners listed in any of the documents submitted to the Energy Commission or relevant to the information listed below.

c. Source water description

The applicant shall:

1) Identify the source of the water for the hydroelectric facility, characterizing the source as surface, groundwater, or other (for example, recycled water).
2) Provide a map and written description identifying the location of the diversion, well, conveyance system, beneficial uses of the water, and any other hydroelectric facilities or generation units within one mile of the generating equipment of the facility.
3) Specify the volumes of water supplied by each source and how much water is used for each of the identified beneficial uses.

d. Water Rights

Applicants shall clearly establish their right to divert water by submitting all appropriate licenses or permits. This information shall identify the permitted volume, rate and timing of water diversions, the place of diversion, and beneficial uses.

e. Hydrologic Data

The applicant shall submit appropriation and/or diversion data for the last five years or for the period of operation if the facility has been operating less than five years, including a description of how the data are collected. Flow data shall be provided at the frequency set forth in the applicable water appropriation permit.

f. Other Permits

The applicant shall submit all other applicable permits, including those project licenses, permits, and exemptions issued by FERC, if applicable, or the equivalent from another federal, state, or local government agency. If no FERC project licenses, permits, or exemptions were issued, the applicant shall submit documentation explaining why the FERC project licenses, permits, or exemptions are not applicable to the facility. Applicants possessing a permit or license from the SWRCB or from another governing body, if located in another state, shall submit a copy of the permit or license, as well as the application for the permit or license.

g. Environmental Documentation

The applicant shall 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.

h. Efficiency Improvements

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

1) Documentation showing when the existing small or conduit hydroelectric facility commenced commercial operations.

2) Documentation describing the efficiency improvements and when they were initiated and completed.

3) Documentation demonstrating that the efficiency improvements are not the result of routine maintenance.

4) 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.

G. Municipal Solid Waste

A facility may qualify for RPS certification if it generates electricity using municipal solid waste (MSW) in either combustion or conversion process.

1. MSW Combustion

A facility directly combusting MSW to produce electricity may qualify for RPS certification only if it is located in Stanislaus County, California, and was operational before September 26, 1996, as specified in Public Utilities Code section 399.12, subdivision (e)(2). An applicant for a combustion facility shall submit documentation to the Energy Commission demonstrating that the facility meets these requirements.

2. MSW Conversion

A facility may qualify for RPS certification if it uses a two-step process to generate electricity from MSW. In the first step, the facility uses a noncombustion thermal process to convert MSW into a clean-burning gaseous or liquid fuel. In the second step, the facility uses this clean-burning fuel to generate electricity. The facility and conversion technology shall meet all of the following criteria:

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/or composting.

In addition to the application for RPS certification, applicants for MSW conversion facilities shall submit supplemental documentation demonstrating the facility and technology meet the above requirements. The supplemental documentation shall include copies of any solid waste facility permits issued by the appropriate enforcement agency (EA) with jurisdiction over the facility. If a solid waste facility permit is unavailable for precertification, a copy of the permit application should be included. In the event that the EA determines that no solid waste permit is required, then the applicant must submit to the Energy Commission the information provided to the EA and the EA's official determination of the facility's regulatory status. The Energy Commission may consult with the California Department of Resources Recycling and Recovery (CalRecycle) in determining if the above requirements are satisfied.[19]

H. Ocean Thermal

A facility may qualify for RPS certification if it generates electricity using an ocean thermal resource, such as the temperature differences between deep and surface ocean water. As part of the application for RPS certification of an ocean thermal facility, the applicant shall include a description of the technology used to generate electricity.

I. Ocean Wave

A facility may qualify for RPS certification if it generates electricity using an ocean wave. As part of the application for RPS certification of an ocean wave facility, the applicant shall include a description of the technology used to generate electricity.

J. Solar

A solar facility may qualify RPS certification if it generates electricity using either a photovoltaic or solar thermal process to produce electricity.

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19 CalRecycle is charged with implementing provisions for facilities using "gasification" technology as defined in Public Resources Code section 40117. The criteria for "gasification" under Public Resources Code section 40117 essentially mirror the requirements above for MSW conversion as specified in Public Resources Code section 25741, subdivision (b).

K. Tidal Current

A facility may qualify for RPS certification if it generates electricity using a tidal current. As part of the application for RPS certification of a tidal current facility, the applicant shall include a description of the technology used to generate electricity.

L. Wind

A facility may qualify for RPS certification if it generates electricity using a wind resource. Facilities using wind resources can use any method to capture the naturally occurring wind, convert it to mechanical energy, and then generate electricity.

III. Facility Requirements

Facilities are subject to eligibility requirements governing the operations, location, or other characteristics of the facility. Table 2 summarizes facility characteristics that may require the submission of a supplemental form or additional information to receive RPS certification.

Table 2: Summary of RPS Facility Characteristics Eligibility Requirements

Characteristics	Supplemental Form	Additional Required Information, or Notes
All Facilities	Depens on Characteristics	Generation tracking and accounting requirements for certified facilities. Refer to Section III.A.
Facilities Serving Onsite Loads	N/A	Additional metering requirements may exist. Refer to Section III.A.5.
Energy Storage	Depends on Technology	Yes, refer to Section III.F.
Incremental Generation	CEC-RPS-1.S4	Yes, report historical generation information and improvement or expansion. Refer to Section III.E.
Interconnected to a non-CBA Outside CA	CEC-RPS-1.S3	Yes, refer to Section III.C.
Multifuel Facility	N/A	Yes, report fuel use information. Refer to Section III.B.
Out-of-Country	CEC-RPS-1-S3	Yes, refer to Section III.C.2.
Repowered	N/A	Yes, describe repowering and financial investment. Refer to Section III.D.

Source: California Energy Commission

A. Generation Tracking and Accounting

The following generation tracking and accounting requirements apply to all facilities that are RPS-certified by the Energy Commission or represented in an application for certification. A facility may be precertified prior to meeting these requirements if the planned operations of the facility comply with these requirements. For more information on the Energy Commission's process for verifying RPS procurement and generation data, see Section VI: Annual Load-Serving Entity Reports.

1. WREGIS

A facility shall be registered in WREGIS before the Energy Commission will accept an application for certification. As part of the application process, the applicant shall provide the Energy Commission with the WREGIS generating unit identification number(s) (GU ID), for the facility. If any of the information about the facility that was provided to WREGIS differs from the information provided to the Energy Commission, the applicant must identify and explain the reasons for the discrepancies.

A certified facility must remain registered in WREGIS and comply with all WREGIS rules, and all generation must be tracked in WREGIS to be considered RPS-eligible, with the limited

exceptions noted in Section III.A.1.a: Creation of Retroactive Renewable Energy Credits in WREGIS. Failure to remain registered in WREGIS, or the inability to provide proof of registration in WREGIS upon request, may jeopardize the RPS certification of the facility. The applicant for the certified facility shall notify the Energy Commission in writing within **90 days** of a change in its status in WREGIS.

Any information about the certification of a facility for California's RPS that is provided to WREGIS or represented in a WREGIS Certificate is for informational purposes only; the actual certification status of a facility is defined by Energy Commission records and not by information that is or is not included in a WREGIS Certificate.

a. Creation of Retroactive Renewable Energy Credits in WREGIS

An authorized representative of a generating facility or generating unit, if certified on a unit basis, may request the Energy Commission's Executive Director to authorize the creation of retroactive renewable energy credits (RECs) consistent with WREGIS Operating Rule Section 12.9.[20] At the time of the request, the generating facility or unit shall be RPS-certified by the Energy Commission and registered and approved by WREGIS as a generating unit consistent with WREGIS Operating Rules.

Retroactive RECs shall not be permitted for any generation that precedes the date of the request by more than 24 months or the RPS eligibility date assigned to the generating facility or unit by the Energy Commission, whichever is earlier.

The following is the process for requesting creation of retroactive RECs:

1) A request for creation of retroactive RECs shall be made by an authorized representative of the generating facility or unit as reflected in the RPS certificate issued by the Energy Commission or by authorized individuals identified in the approved certification application. A request for creation of retroactive RECs shall be made only once for a generating facility or unit. Multiple requests for the same generating facility or unit are not permitted.

2) A request for creation of retroactive RECs shall be submitted in writing to the Executive Director at the following address:

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

3) A request for creation of retroactive RECs shall include the following information:

20 The process for creating retroactive WREGIS certificates was adopted by the Energy Commission on October 7, 2014, as part of Resolution No. 14-1007-10.

a. The name and address of the authorized representative submitting the request and the name, location, and other identifying information of the generation facility or unit for which the creation of retroactive RECs is being requested.

b. The generating facility or unit RPS identification number issued by the Energy Commission.

c. The generating facility or unit WREGIS GU ID.

d. The vintage month(s) and year(s) of the generating facility or unit generation for which the creation of retroactive RECs is being requested.

e. The reason(s) why retroactive RECs are needed.

f. Documentation, if available, to support the information provided in items (a) through (e).

g. An attestation by the authorized representative of the generating facility or unit declaring the following:

    1) That the RECs, as defined in Public Utilities Code section 399.12 and this guidebook, associated with the generation for the vintage month and year specified in Item 3.d, have not been sold, traded, or otherwise transferred to any other individual or entity or used to satisfy any state regulatory or voluntary program.

    2) That the representative will submit an audit report as specified below within **90 days** after the request is approved.

    3) That the applicant or owner of the generation facility or unit will pay for all costs and expenses incurred by WREGIS staff to create the retroactive RECs, if the request is approved.

    4) That the information contained in the request and any supporting documentation is true, correct, and complete to the best of the representative's knowledge.

If a request for creation of retroactive RECs is incomplete, the Executive Director may either request additional information or return the request unprocessed.

If the request for creation of retroactive RECs is approved, the Executive Director shall notify the authorized representative of the generating facility or unit that the request for creation of retroactive RECs has been approved by the Energy Commission, subject to any specified conditions, and will be forwarded to WREGIS staff for its consideration and approval. The Energy Commission shall request WREGIS staff to create retroactive RECs consistent with the Executive Director's approval and in accordance with WREGIS Operating Rule Section 12.9, and request WREGIS staff to invoice the authorized representative of the generation facility or unit for all costs and expenses incurred by WREGIS staff to create the retroactive RECs.

Furthermore, if the request is approved by the Executive Director, the authorized representative of the generating facility or unit shall submit an audit report to the Executive Director within **90 days** after the request is approved by the Executive Director. The audit report shall meet the following criteria:

1) The audit report shall be prepared by an independent accountant or certified internal auditor in accordance with standards of the American Institute of Certified Public Accountants. The audit report shall summarize the auditor's findings.

2) The auditor shall verify that the RECs, as defined in Public Utilities Code section 399.12 and this guidebook, associated with the generation for the vintage month(s) and year(s) specified in Item 3.d have not been sold, traded, or otherwise transferred to any other individual or entity or used to satisfy any state regulatory or voluntary program. This verification shall be satisfied as follows:
    a. The auditor shall determine whether the RECs in question would have been eligible to satisfy any state regulatory or voluntary program. If so, the auditor must obtain either of the following:

        1. A letter from the administrator of each state regulatory or voluntary program, or the administrator of the tracking system used to track renewable energy credits for state regulatory or voluntary program, documenting that the RECs in question were not used to satisfy that program.
        2. A letter from the administrator of each state regulatory or voluntary program, or the administrator of the tracking system used to track renewable energy credits for the state regulatory or voluntary program, documenting that the RECs in question were tracked for that program, but have been retired without having been claimed to satisfy the requirements of that program.

    b. The auditor shall confirm that the RECs in question were not sold, traded, or otherwise transferred to any other individual or entity. The auditor shall satisfy this criterion by reviewing contracts, invoices, and other accounting documents prepared for, by, or on behalf of the generating facility or unit, and confirming that the RECs in question were not sold, traded, or otherwise transferred to any other individual or entity, or used to satisfy any state regulatory or voluntary program.

    c. If the RECs in question have already been sold, traded, or otherwise transferred to other individuals or entities, the auditor shall identify the name and address of these other individuals and entities and the corresponding amounts, vintages, and transaction dates of the transferred RECs.

Retroactive RECs, if created by WREGIS, shall not be used to satisfy an RPS procurement requirement if the authorized representative of the generating facility or unit fails to submit an audit report as specified above.

If the audit report verifies that the RECs associated with the facility or unit generation (for which the creation of retroactive RECs is requested) have **not** been sold, traded, or otherwise transferred to another entity or used to satisfy a state regulatory or voluntary program, then the retroactive RECs created by WREGIS may be used to satisfy an RPS procurement requirement. If the audit report verifies that **only some** of the RECs associated with the facility or unit generation (for which the creation of retroactive RECs is requested) have **not** been sold, traded, or otherwise transferred to another entity or used to satisfy a state regulatory or voluntary program, then the retroactive RECs created by WREGIS for that portion of the generation may be used to satisfy an RPS procurement requirement.

If retroactive RECs are created by WREGIS and an audit report was submitted as specified above, a POU may submit a revised compliance report to include the retroactive RECs.

2. Extension of Deadline for POUs to Use the Interim Tracking System

This subsection is being provided for information purposes only. The deadline for POUs to use the interim tracking system (ITS) to report procurement of generation for the RPS is extended from October 1, 2012, to December 31, 2013, subject to the following requirements:

1) A POU shall report procurement data not tracked in WREGIS by submitting a completed CEC-RPS-Track form to the Energy Commission no later than November 6, 2014 – **30 calendar days** after the Energy Commission adopted Resolution No. 14-1007-10 extending the ITS deadline[21] pursuant to Section III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System.

2) To report e-Tag data not available in WREGIS, a POU reporting through the ITS shall submit a completed CEC-RPS-eTag Summary Report with the CEC-RPS-Track form as part of the annual reporting requirement described in Section VI: Annual Load-Serving Entity Reports.

3) When the ITS is used for reporting procurement, the generating facility (or POU, if the generating facility is owned by the POU) shall report monthly generation data to the Energy Commission on the CEC-RPS-GEN form for the entire previous calendar year for which any WREGIS data are unavailable as part of the annual reporting requirement described in Section V: Annual Facility Reports.

4) WREGIS shall be used to track generation for the entire month for which reporting is available in WREGIS; reporting is available during the earliest active certificate creation cycle at the time the generating facility is registered and approved in WREGIS, as described in WREGIS Operating Rules Section 5. WREGIS shall be used to track all months of generation thereafter.

21 Resolution No. 14-1007-10 was adopted by the Energy Commission on October 7, 2014.

5) The ITS shall not be used to report generation or procurement data from aggregated generating facilities. Generation and procurement data for aggregated generating facilities shall be reported using WREGIS.
6) A generating facility (or POU) that reports generation using the ITS shall comply with all other requirements set forth in this guidebook.
7) All POU generation and procurement data must be tracked and reported using WREGIS beginning January 1, 2014.

3. Metering Requirements

Generation from an RPS-certified facility shall be measured using a meter or meters with an independently verified accuracy rating of ±2 percent or better to be counted for the RPS. Any electricity considered for the RPS, including electricity from any additions or enhancements to a facility, must be measured by the same meter or meters used to report generation to WREGIS. An applicant must ensure that the facility is using appropriate metering as required by this guidebook and WREGIS before applying for RPS certification. Additional metering at the facility may be required if the existing metering system does not conform to the requirements of this guidebook and WREGIS.

4. Station Service

Electricity used for station service, or parasitic load, is not eligible for California's RPS. Station service loads include all energy consumption necessary for the generation of electricity that can be supplied by the facility itself while it is generating electricity, and any loads not separately metered from any station service load. These include, but are not limited to, pumps, condensers, pollution controls, monitoring and control equipment, and any energy demand used in the operations of a facility that occur only in response to the operations or changes in operation of the facility itself.[22] This does not include any energy used at the facility that is needed when the facility itself is not generating, maintenance, vehicle transportation, cleaning, or other similar energy uses, unless these energy uses are not separately metered from a station service load.

According to the WREGIS Operating Rules Section 9.6, WREGIS Certificates will not be created for generation supplying station service. Generation supplying station service must be netted from total generation, regardless of whether the Generating Unit provides its own station

22 For example, for a geothermal facility, the energy demand to transport the brine from the geothermal well to the expansion chamber or heat transfer equipment (or the like) is considered *station service*. For a biomass facility, the energy demand to transport the biomass material that has undergone all processing necessary for consumption in the biomass boiler into the boiler, using stationary equipment (or at least stationary while operating) is considered station service. For a biomethane facility, the energy demand to transport the biomethane from the purchase point to the combustor (which could be the same point), and only if additional energy must be expended to move or compress the fuel beyond what is done to transport the fuel to the facility is considered station service. Any similar energy demands at facilities using other resource types will be considered station service.

service or purchases it from another entity. (See the WREGIS Operating Rules[23] for information about the netting process.)

5. Onsite Load

Generation from a certified facility serving onsite load may be claimed for use in the RPS if all eligibility requirements are met and the generation serving onsite load is metered independently from any station service loads using a meter with a verified accuracy rating of 2 percent or higher.

B. Renewable Facilities Using Multiple Energy Resources

Renewable facilities must use one or more RPS-eligible renewable energy resources and may use one or more nonrenewable energy resources to generate electricity. Electricity from the grid is considered to be a nonrenewable energy resource for this purpose. An applicant for certified facilities using multiple energy resources shall accurately measure the annual contribution of each energy resource used at the facility and maintain and report this information to the Energy Commission annually to retain the certification of the facility. (See Section V.A: Generator Information.)

1. Measuring Renewable Generation

All applications must include a measurement method to determine the contribution of each energy resource and a list of all energy resources used at the facility. The facility operator shall maintain adequate documentation to substantiate the reported energy resource use at the facility. The Energy Commission will use the annual energy resource use and annual generation data to evaluate what portion of the facility output is from a renewable energy resource(s).

a. Thermal Conversion and Fuel Cell Technologies

All energy resources contributing thermal energy to the system that generates electricity, and any inputs not separately metered, must be accounted for in the measurement method for all thermal conversion technologies. These include, but are not limited to, energy resource use for startup, freeze protection, flame stabilization, supplemental firing, and any input of thermal energy used to maintain, increase, or control the thermal energy within the generation system. Similarly, all energy resources entering a fuel cell must be considered. These energy resource uses must be considered whether the facility is generating electricity at the time the energy resource is consumed. The contribution of each energy resource can be determined in one of the following methods:

1) Direct Energy Resource Measurement: The energy content of each energy resource is measured, and the electric generation attributable to the RPS-eligible source shall be determined by the ratio of the eligible renewable energy input (million British thermal units [MMBtu]) to the total energy input (MMBtu) contributing thermal energy to the system, given by the following equation:

23 https://www.wecc.biz

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

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

$(MMBtu)_{RPS}$ $= RPS\ eligible\ energy\ resource(s)\ (MMBtu)$

$(MMBtu)_{non-RPS}$ $= Non-renewable\ energy\ resource(s)\ (MMBtu)$

2) Net Renewable Energy Resources Contribution: This option is available only to facilities using a noncombustion renewable energy resource. The energy content of the nonrenewable energy resource(s) is measured, and the ratio of the total nonrenewable energy (grid electricity and nonrenewable energy inputs) contributing thermal energy to the system is compared to the total generation of the facility and subtracted from one to determine the percentage of the output that is renewable. The contribution of the nonrenewable energy resource will be measured by the generation that an equivalent amount of MMBtu of natural gas would produce at a similar natural gas facility. The result of the equation, provided below, is the contribution attributable to the non-combustion renewable technology.

$$\mathrm{Percent\ Renewable} = 1 - \frac{\left[(\mathrm{MMBtu})_{\mathrm{non-RPS}} \cdot \frac{1\ \mathrm{MWh}}{3.413\ \mathrm{MMBtu}} \cdot (\mathrm{eff})_{\mathrm{plant}} + (\mathrm{MWh})_{\mathrm{grid}}\right]}{(\mathrm{MWh})_{\mathrm{Total}}}$$

$(\mathrm{MWh})_{\mathrm{Total}}$ $= \mathrm{Gross\ electricial\ generation\ of\ all\ generators\ at\ the\ facility\ (MWh)}$

$(\mathrm{MWh})\mathrm{grid}$ $= \mathrm{Grid\ electricity\ adding\ heat\ to\ the\ system(MWh)}$

$(\mathrm{MMBtu})_{\mathrm{non-RPS}}$ $= \mathrm{Non-renewable\ energy\ resource(s)\ (MMBtu)}$

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

3) Direct Measurement of the Thermal Contribution: The change in the heat content of the medium[24] is measured. This is done by measuring the heat content of the medium before and after thermal energy is added to the system. 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 media are used, the heat added to the system shall be measured using the medium that turns the generation turbine, where possible.

24 The medium includes working fluids, heat transfer fluids, and any material used to transfer heat from one part of the system to the other.

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

Where the noncombustion, thermal renewable contribution is defined by:

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

$(MMBtu)_{RPS} \quad = The\ heat\ contribution\ of\ the\ RPS\ eligible\ technology\ (MMBtu)$

$(MMBtu)_{medium_{out}}$

$= The\ heat\ content\ of\ the\ heated\ \ exiting\ the$ renewable $boiler\ (MMBtu)$

$(MMBtu)_{medium_{in}}$

$= The\ heat\ content\ of\ the\ heated\ medium\ entering\ the\ renewable\ boiler\ (MMBtu)$

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

$(\text{MMBtu})_{\text{non-RPS}} = \text{Non} - \text{renewable energy resource(s) (MMBtu)}$

b. Direct Measurement of the Generator Output

The electricity output of some renewable technologies, such as solar photovoltaic and wind, can be directly measured. Therefore, a facility incorporating one or more of these technologies must have internal metering to measure the electrical generation directly associated with that specific technology. Only the metered output of the renewable portion of the facility will be eligible for the RPS.

c. Alternative Measurement Methods

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 above and is the most appropriate method for the specific facility. The method shall be based on the total annual energy input of each energy resource to the generating system, and any inputs not separately metered. The Energy Commission will evaluate and consider the proposed measurement method as part of the facility application.

(1) Special Alternative Measurement Methods for Solar Thermal Facilities

An applicant for a solar thermal facility that uses direct steam generation systems with no thermal storage capacity may propose an alternative measurement method that does not consider the use of a nonrenewable energy resource if the nonrenewable energy resource is used to increase or maintain the thermal energy of the generation system, and not generating electricity. This alternative measurement method is available only if the use of the nonrenewable energy resource satisfies all the following limitations:

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

b) The maintenance or increase in thermal energy may not exceed 25 percent of the hourly thermal capacity of the receiver system.

c) The use of a nonrenewable energy resource for maintenance or increase in thermal energy is limited to the period between the final daily termination of generation and daily initial commencement of generation for the facility the next morning.

Use of nonrenewable energy resources falling within these limitations need not be considered as contributing to electricity generation in the alternative measurement method. The alternative measurement method shall include separate metering of the nonrenewable energy resources used while electricity is generated and used between shutdown and commencement of generation the next morning for reporting the energy resource usage to the Energy Commission.

(2) Facilities With Directly Connected Energy Storage Devices

An applicant for a facility with a directly connected energy storage device may propose to treat only the electricity leaving the facility in excess of the imported grid electricity as RPS-eligible, if it can be shown that this approach will underestimate the renewable portion of the stored and exported electricity in all possible cases.

2. De Minimis Quantity of Nonrenewable Energy Resources

All of the generation from multifuel facilities using a de minimis quantity of nonrenewable energy resources in the same generation process as the renewable energy resource, as calculated by the approved method, may be counted as RPS-eligible.[25] The de minimis quantity is 2 percent of the annual energy input to the facility, except as specified below in Section III.B.2.a: Adjusted De Minimis Quantity.

Facilities using nonrenewable energy resources in excess of the de minimis quantity may continue to claim a de minimis quantity of the facility output attributable to nonrenewable energy resources as RPS-eligible if the total contribution of the nonrenewable energy resource does not exceed 10 percent of the total energy inputs.[26]

a. Adjusted De Minimis Quantity

The de minimis quantity for a facility may be adjusted up to a maximum level of 5 percent of the total annual contribution of nonrenewable energy resources to the facility's annual electricity output, if the applicant can demonstrate that all of the following conditions are met by the facility use of the increased amount of nonrenewable energy resource.

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25 As used in this guidebook, "de minimis" means an insignificant amount of nonrewable energy resources allowed to be counted as RPS-eligible.

26 For example, a facility with a nonrenewable energy resource contribution of 10 percent may claim 92 percent of the output as RPS-eligible, 90 percent from the renewable fuel and 2 percent from a de minimis quantity of nonrenewable energy resource. Alternatively, a facility with a nonrenewable energy resource contribution of 11 percent may claim only 89 percent of the facility output as RPS-eligible.

1) The higher quantity of nonrenewable energy resource used at the facility will lead to an increase in overall generation from the facility that is greater than twice the potential generation of the increased quantity of nonrenewable energy resource alone. This is calculated by applying the heat rate of the facility to the increased quantity of the nonrenewable energy resource.

2) The increased use of nonrenewable energy resource reduces the electrical output variability of the facility in a manner that results in net environmental benefits to the state.

3) The higher quantity of nonrenewable energy resource, specifically the energy resources used above the 2 percent limit, but not exceeding 5 percent, is limited to either natural gas or hydrogen derived by the reformation of a fossil fuel.

If the Energy Commission determines that the adjusted nonrenewable energy resource use of a facility 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 it qualifies for the 5 percent de minimis limit. If the Energy Commission readjusts the annual de minimis quantity of nonrenewable energy resources to 5 percent for that facility, it will be applied to generation that occurs subsequent to the Energy Commission's determination.

3. Other Nonrenewable Energy Resource Allowances

Historically, the Energy Commission has allowed the generation from facilities using greater amounts of nonrenewable energy resources 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 are currently certified under these conditions and continue to meet these conditions may receive RPS credit for the entire output of the facility.

a) Facilities that were eligible for and participated in the Existing Renewable Facility Program (ERFP) as of December 31, 2011: If the facility met all the conditions for 100 percent of its generation to be eligible for ERFP funding under the January 2009 edition of the *Existing Renewables Facilities Program Guidebook, Sixth Edition,* on December 31, 2011, the following limitations apply. In addition, these facilities will need to submit a CEC-RPS-De Minimis supplemental form within **90 days** of the adoption of this eighth edition of the *RPS Guidebook* to provide information on the contract, and acknowledge that they will be subject to the de minimis quantity rules in place after the contract ends.

    1) Biomass facilities that participated in the ERFP may use up to 5 percent nonrenewable energy resources and count the entire output of the facility as RPS-eligible through the end of the electricity procurement contract between the facility and the LSE that was in place at the time the ERFP program ended on December 31, 2011. Once that contract ends under the term in place as of December 31, 2011 (or December 31, 2013, if the contract ended before this date), these facilities will be subject to the de minimis quantity rules in the *RPS Guidebook* in place at that time.

For purposes of this limitation, the term of the contract shall not be deemed extended by virtue of any contract amendment that adds time to the term.

2) Solar thermal facilities may use up to 25 percent nonrenewable energy resources and count the entire output of the facility as RPS-eligible through the end of the electricity procurement contract between the facility and the LSE that was in place as of December 31, 2011. Once that contract ends under the term in place as of December 31, 2011, these facilities will be subject to the de minimis quantity rules in the *RPS Guidebook* in place at that time. For purposes of this limitation, the term of the contract shall not be deemed extended by virtue of any contract amendment that adds time to the term.

b) Facilities that did not participate in the ERFP and that commenced commercial operations before January 1, 2002, were certified and operational as a renewable qualifying small power production facility (QF) eligible for certification pursuant to section 292.207 of Title 18 of the Code of Federal Regulations before January 1, 2002, and are certified as a renewable QF pursuant to section 292.207: The facility may use up to 25 percent nonrenewable energy resources, and the entire electrical generation output of the facility will be considered RPS-eligible through the end of the electricity procurement contract between the facility and the LSE that is in place on the day this eighth edition of *RPS Guidebook* is adopted, these facilities will be subject to the de minimis quantity rules in place at the time the contract ends. These facilities will need to submit a CEC-RPS-De Minimis supplemental form within **90 days** of the adoption of this eighth edition of the *RPS Guidebook* to provide contract information and acknowledge that they will be subject to the de minimis quantity rules in the *RPS Guidebook* in place at the time the contract ends. For purposes of this limitation, the term of the contract shall not be deemed extended by virtue of any contract amendment that adds time to the term.

C. Location Requirements

An applicant for facilities located outside California must demonstrate that the facility either has its first point of interconnection to a California Balancing Authority (CBA) or demonstrate that the facility satisfies all of the following criteria.

1) One of the following is true:

   a) The facility commences initial commercial operations on or after January 1, 2005.

   b) Electricity generated by the facility was procured by a retail seller or POU as of January 1, 2010.

   c) The facility underwent an expansion or repowering on or after January 1, 2005, and only RPS certification of the resulting incremental generation is being sought. (See Section III.E: Incremental Generation.)

   d) The facility qualifies as a repowered facility under Section III.D: Repowered Facilities and recommenced commercial operations on or after January 1, 2005.

2) The facility does not cause or contribute to any violation of a California environmental quality laws, ordinances, regulations, or standards (LORS) within California. (See Section III.C.1: LORS **Requirement**.)

3) The facility has its first point of interconnection to the WECC service area.

For facilities located outside the United States, regardless of facility interconnection, the applicant must demonstrate that the facility is, or will be, developed and operated in a manner that is as protective of the environment as a similar facility would be if it were located in California. (See Section III.C.2: Out-of-Country Requirements.)

When applying for RPS certification, an applicant for a facility located outside California must complete the location supplemental application form, CEC-RPS-1.S3, which can be found in Appendix A: RPS Certification Forms, and provide additional required information described later in this section.

1. LORS Requirement

An applicant for a facility located outside California with a first point of interconnection to a non-CBA shall demonstrate that the facility will not cause or contribute to a violation of any California's LORS within California. For this analysis, the Energy Commission has divided the relevant California LORS into two categories:

a) Discrete Thresholds: The potential impact depends largely on the distance of the facility to the California border and the project viewshed or the natural environment visible from the project.

b) Conditional Thresholds: The potential impact depends on the nature of the facility and its location.

The relevant environmental areas,[27] along with the thresholds, are identified in Table 3.

27 These environmental areas are consistent with Appendix B, section (g), of the Energy Commission's regulations for power plant certification, as set forth in Title 20, California Code of Regulations, sections 1701, et seq.

Table 3: Environmental Area Thresholds

Environmental Area	Threshold or Minimum Distance From the California Border
Discrete 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
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 farther distance if project has the potential to impact a drainage flowing into California

Source: California Energy Commission

For facilities meeting or exceeding all minimum thresholds for each environmental area, the submission of a simple explanation documenting how development and operation of the facility do not cause or contribute to a violation of California LORS is sufficient. If the facility does not meet all the minimum thresholds for a particular environmental area, the applicant must provide the following for that environmental area:

1) A comprehensive list and description of all California LORS relating to the environmental area that may be directly or indirectly violated by the development or operation of the facility.

2) An assessment of whether the development or operation of a facility will cause or contribute to a violation of any California LORS in the region of California most likely to be affected by the development or operation of the facility.

3) Documentation substantiating the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials demonstrating that the development or operation of the facility will not cause or contribute to a violation of California LORS in California.

2. Out-of-Country Requirements

An applicant for a facility located outside the United States shall 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:

a) A comprehensive list and description of all California LORS that would apply to a similar facility located within California at a location designated by the applicant.

b) An explanation of how the facility will be developed and operated in a manner that is as protective of the environment as a similar facility located in California, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are followed.

c) Documentation substantiating the applicant's assessment as required in b) above. For example, documentation could include environmental studies, permits, and similar materials demonstrating that the development and operation of the facility will protect the environment to the same extent as provided by these LORS for a similar facility located in California.

D. Repowered Facilities

An applicant wishing to revise the commercial operations date of a facility may do so by repowering the facility as described in this section. The date the facility recommences commercial operations may be used as the new commercial operations date. Only an applicant seeking to revise the commercial operations date of a facility needs to apply for RPS certification as a repowered facility. Applicants seeking to certify a facility as a repowered facility shall document the following:

1) The prime generating equipment of the facility is replaced with new equipment.

2) The capital investments made to repower the facility have a value equal to at least 80 percent of the repowered facility.

Facilities consisting of multiple electrical generation units may be partially repowered if the repowered generating unit can be RPS-certified as an individual facility, separate from the generating units that were not repowered.

1. Prime Generating Equipment

All prime generating equipment at the facility shall be replaced with new equipment for the facility. The prime generating equipment for each renewable resource is defined as follows:

a) Wind: the wind turbine, including the electricity generator, gearbox (if any), nacelle, and blades.

b) Biomass: the boiler, electricity generator, and the steam turbine.

c) Geothermal: the electricity generator and the turbine, including the turbine rotors, shaft, stationary blades, and any gear assemblies.

d) Small and conduit hydroelectric: the electricity generator, turbine, and structures directly supporting the turbine.

e) Solid waste conversion: the gasifier (gasifying equipment), the electricity generator, and either the internal combustion engine or combustion turbine, as applicable.

f) Biomethane: the electricity generator and either the internal combustion engine or combustion turbine, as applicable.

g) Solar:

    1) Solar thermal: the electricity generator, steam turbine, and solar boiler.

    2) Solar Photovoltaic: the photovoltaic panel(s).

A facility that does not use any of the prime generating equipment listed above shall replace the equivalent equipment or the appropriate prime generating equipment for that technology type.

2. Capital Investments

The applicant must document that the capital investments to the portions of the facility directly contributing to electricity production have a value equal to at least 80 percent of the value of the repowered facility. The portion of the facility that directly contributes to electricity production includes the prime generating equipment; fuel processing, enhancing, and delivery equipment located at the facility; and any associated process control equipment and structures at the facility.

The capital investments shall be made not more than two years before the facility reenters commercial operations, unless it can demonstrate that the procurement or construction associated with repowering began more than two years before the date the facility re-enters commercial operations.

Capital investments in the following equipment may be used to meet the 80 percent threshold: electricity generators and related equipment, fuel processing, enhancing, and delivery

equipment, control equipment, associated process control equipment, and structures used to support the aforementioned equipment. Expenditures for environmental control equipment, air pollution control equipment, land, or in tangibles, such as goodwill or the value of the power purchase contract of a facility, may not be used to meet the 80 percent threshold, because these expenditures do not directly contribute to the production of electricity. The applicant must provide documentation, such as invoice receipts, verifying the replacement of the old equipment, as well as other relevant components of the facility. Only documented capital investments to the portions of the facility directly contributing to the production of electricity are eligible to contribute to the 80 percent threshold.

An applicant shall demonstrate compliance with the 80 percent threshold by one of two methods:

a) Tax records method

b) Replacement value method

An applicant for precertification must provide documentation available to support the future compliance with these requirements, including any documentation available demonstrating preliminary compliance with these requirements.

a. Tax Records Method

The applicant shall document and provide all of the following to the Energy Commission:

1) All relevant tax records.

2) A list of all eligible capital investments made to the facility.

3) The year and month in which the investments were made.

4) The value of capital investments, which 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.

5) The value of the repowered facility, which 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.

b. Replacement Value Method

The applicant must document and provide all of the following to the Energy Commission:

1) All relevant financial records.

2) A list of all eligible capital investments made to the facility.

3) The year and month in which the investments were made.

4) The value of the equipment replaced in the facility, based on the purchase price of the equipment.

5) An independent evaluation of the replacement cost of existing equipment. The evaluation should be an estimate of the capital costs that would have to be incurred to replace the existing 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.

E. Incremental Generation

An applicant may seek RPS certification for only the incremental output of a facility. To do so, the applicant shall document and provide all of the following:

1) A brief description of each capital investment made to the facility and how the capital investment resulted in incremental generation at the facility. These capital investments cannot include any investment that would have been made on operation and maintenance in the normal course of business.

2) Evidence that the incremental generation is not the result of weather fluctuations, a recurring or random event, economic events including decreased energy resource costs or increased electricity demand, some similar event that is not associated with a capital investment made to the facility, or an increased use of the water resource for hydroelectric facilities.

3) Information necessary to comply with one of the following methods to determine the incremental generation at the facility:

    a) Direct Measurement

    b) Calculated Measurement

    c) Rated Facility Improvement, hydroelectric facilities only

An applicant for the certification of incremental generation must submit the CEC-RPS-1.S4 incremental supplemental form, which can be found in Appendix A: RPS Certification Forms, and provide additional required information described later in this section. This form will be provided to WREGIS as part of the registration process if the facility is certified.

1. Direct Measurement Method

Directly measuring the incremental generation of the facility requires that the portion of the facility producing the incremental generation be metered separately from the remainder of the facility. Facilities capable of separately measuring the incremental portion of the facility are strongly encouraged to account for the incremental portion of the facility in this manner.

2. Calculated Measurement Method

In cases where the incremental portion of the facility output is not separately metered, the historical and renewable baselines for the facility must be established as described below.

a) Historical baseline: the average monthly generation from the 36 month period (for hydroelectric facilities, 240 months), immediately preceding the initiation of construction to which the incremental generation is attributed, or any generation decreases in anticipation of construction. If a major maintenance or economic event results in a reduction of more than 25 percent from the average monthly generation for one or more months during this period, generation month(s) must be added to replace the month(s) with a significant decrease in generation.

b) Renewable baseline: the average monthly generation attributable to only the renewable portion of the generation over the same period as the historical baseline. (See Section III.B: Renewable Facilities Using Multiple Energy Resources.) If no nonrenewable energy resources were used at the facility to generate electricity during the historical baseline period, the renewable baseline will be equal to the historical baseline.

The incremental generation is defined as the electricity generated by the facility in excess of the historical baseline. The generation attributed to the baseline generation, which cannot be counted as RPS-eligible, shall include renewable generation equal to the renewable baseline and include additional generation, renewable or nonrenewable, equal to the remainder of the historical baseline. Facilities not producing renewable generation in excess of the renewable baseline, or any generation in excess of the historical baseline, in a particular month will not produce any incremental generation that month.

Electricity generation attributable to the use of nonrenewable energy resources may be used as RPS-eligible incremental generation only if the nonrenewable energy resource contribution to both the entire output of the facility and the incremental generation complies with the requirements in Section III.B: Renewable Facilities Using Multiple Energy Resources.

3. Rated Facility Improvement

If preferred, an applicant for hydroelectric facilities may use a pro rata approach to determine the incremental generation of a facility. The approach will be based on a percentage calculation of the additional generation due to a facility improvement. To do so, the applicant must demonstrate that all of the following are true, and provide supporting documentation as necessary:

a) The facility has collected water flow information over a sufficient period to demonstrate a historical average annual hydropower production baseline and has documented the anticipated improvement in annual generation for the facility based on the same water flow information and conditions used to support the calculation of historical average annual hydropower production baseline. The water flow information and conditions, and all associated documentation shall be provided to the Energy Commission.

b) The proposed pro rata approach has been approved by FERC under the FERC Renewable Energy Production Tax Credit, pursuant to the Energy Policy Act (2005) as evidenced by an application complying with FERC's published guidance document and a FERC Order Certifying Incremental Hydropower Generation.

F. Energy Storage

An energy storage device may be considered an addition or enhancement to a facility if the device is either:

a) Integrated into the facility, such that the energy storage device is capable of storing only energy produced by the facility, either as an intermediary form of energy during the generation cycle or after electricity has been generated.

b) Directly connected to the facility, such that electricity is delivered from the renewable generator to the energy storage device behind the meter used for RPS purposes and any electricity from a source other than the renewable generator is included as an energy input to the facility. The energy storage device must be operated as part of the facility represented in the application and not in conjunction with any other facility, renewable or otherwise.

All applicable energy resource eligibility requirements and facility requirements must be met by the facility as a whole, including the energy storage device. Energy storage devices or facilities not falling into one of these two classifications are not eligible for the RPS as part of a facility and may not receive RPS certification.

IV. RPS Certification

The Energy Commission offers two types of RPS certification:

1) Certification: the facility has commenced commercial operations using an eligible renewable energy resource and complies with all applicable requirements of the *RPS Guidebook* in place when the application is submitted.

2) Precertification: the facility has not commenced commercial operations or is not yet using an eligible renewable energy resource in compliance with this guidebook. The applicant is seeking an initial assessment on whether planned operations of the facility could comply with applicable requirements of the *RPS Guidebook* in place when the application is submitted. **The Energy Commission's approval of a facility for precertification does not and cannot guarantee that a facility will be eligible for certification when the facility commences commercial operations.**

All applications will be evaluated under the *RPS Guidebook* in place at the time a completed application is submitted to the Energy Commission. Electricity generation from a facility cannot be counted toward meeting an LSE's RPS procurement requirements unless the facility is first certified by the Energy Commission.

All applications and supplemental forms may be submitted either by mail, in person, or e-mail in accordance with Section VII.A.5: Deadlines and Submission Dates. If by mail or in person, a a signed application shall be submitted in hard copy to the Energy Commission at:

California Energy Commission
Attn: RPS Certification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

If by e-mail, a signed application shall be submitted in Adobe PDF format. An additional unsigned copy of the application shall be submitted electronically in Microsoft Excel format. The electronic version shall be sent by e-mail to the Energy Commission at **RPSTrack@energy.ca.gov**. The application shall be complete when submitted in accordance with Section VII.A.5: Deadlines and Submission Dates. For additional information on the submission and complete versions of the required forms, see Appendix A: RPS Certification Forms. Table 4 summarizes the types of certification and the necessary forms for each type including due dates.

Any information submitted to the Energy Commission in addition to the required forms shall be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the applicant lists all submitted documents, summarizes the purpose of each document, identifies what requirement each document is being submitted to fulfill, and indicates where in each document the necessary information is contained. An applicant needing to submit sensitive or confidential information to fulfill these requirements may request confidential designation of

the record. (For additional information on confidential designation, see Section VII.B.3: Use and Disclosure of Information and Records.) It is the responsibility of the applicant to demonstrate that the facility represented in the application complies with all applicable requirements of the *RPS Guidebook*.

Table 4: Types of RPS Certification

Characterization	Form	Due Dates and Notes
Precertification	CEC-RPS-1	Prior to the commercial operations date (COD). See Section IV.
Amendment to a Precertification	CEC-RPS-1	Within 90 days after the change requiring an amendment and prior to COD. See Section IV.B.
Certification of a Precertified Facility	CEC-RPS-1	No later than 90 days after COD to receive an early eligibility date. See Section IV.A.2.
Certification	CEC-RPS-1	Within 90 after COD. See Section IV.
Amendment to a Certification	CEC-RPS-1	Within 90 days after the change requiring an amendment. See Section IV.B.
Precertification of Aggregated Unit	CEC-RPS-3	Prior to the commercial operations date (COD). See Sections IV and IV.C.2.
Amendment to a Precertified Aggregated Unit	CEC-RPS-3	90 days after the change requiring an amendment, and prior to COD. See Section IV.B.
Certification of Aggregated Unit	CEC-RPS-3	After the creation of the unit, consistent with the appropriate requirements for certification and precertification. See Sections IV and IV.C.2.
Amendment to a Certified Aggregated Unit	CEC-RPS-3	90 days after the change requiring an amendment. See Section IV.B.

Source: California Energy Commission

Staff will not review the application for a facility until after the applicant has submitted, and staff has received, the necessary information to perform the review. Any discrepancies in the reported information shall be explained in detail and appropriately supported. Staff may request additional documentation to determine whether the facility meets the eligibility criteria to be RPS-certified.

A. Applications

Upon receiving a properly submitted application, the Energy Commission will send the applicant an e-mail confirming the receipt of the application. The e-mail will include the RPS identification number (ID) for the facility and the date the application is deemed submitted. Facilities that have already been assigned an RPS ID will retain that ID for the life of the facility; however, the suffix may change. (See Section IV.C: RPS Certification Types for additional information.)

When processing applications, the Energy Commission may determine RPS eligibility and compliance using any information or records submitted by the applicant or obtained as part of

the application review or any audit, as described in Section VII.B.3: Use and Disclosure of Information and Records.

The applicant may be required to submit additional information or clarify information submitted in or with the application. Any requested information shall be submitted by an authorized individual as identified on the application form, and with the consent of the authorized officer or agent that attested to the accuracy of the information submitted. If staff requests the submission of additional information, the applicant will have **60 days** to provide the information requested. If the information is not submitted within 60 days, the application will be returned to the applicant as incomplete.

After completing its review, the Energy Commission will notify the applicant and the facility owner, if different, in writing of its determination on the application. If the application is approved, the Energy Commission will issue a certificate stating that the facility, or aggregated unit, is certified or precertified for the RPS. A certificate will list the Energy Commission-issued certification number for the facility (or aggregated unit with the number of facilities in the unit) as well as the total facility or unit size, fuel or resource type(s), annual percentage of nonrenewable energy resources (if any), name and/or aggregating entity, location, owner/operator of the facility, applicant or certifying agent, RPS eligibility date, and other information relevant to the eligibility of the facility or aggregated unit. The certificate will also indicate whether the facility or unit was certified by the facility owner/operator, an agent of the facility owner/operator, or a LSE on the owner's/operator's behalf. In addition, the certificate will indicate whether the facility or unit was certified as part of a larger facility, is associated with other generating units,[28] or is subject to any limits on certification. Applications for facilities may be approved only for the generation that meets the requirements of this guidebook; additional energy resources used at the facility, or used in an ineligible manner, may not be included in the approval. Moreover, applications for facilities clearly in violation of any requirements will be denied for that reason without further review.

If the applicant disagrees with the Energy Commission's determination on an application, the applicant may submit an amended application with additional information supporting the claim that the facility meets the RPS-eligibility requirements. If the applicant believes the information provided clearly demonstrates that the facility is eligible for certification based on the criteria in the *RPS Guidebook,* the applicant may petition the Energy Commission for reconsideration as described in Section VII.C: Reconsideration of RPS Certification.

As specified in Section VII.B.1: Audits, the Energy Commission may conduct periodic or random reviews to verify records submitted for RPS certification.

28 For example, in the case of a hydroelectric facility composed of multiple hydroelectric units.

1. Facility Status

The Energy Commission will periodically post on its website a list of all facilities and aggregated units that have been represented in an application and the status of the RPS certification for each facility.[29] Table 5 identifies the statuses used by the Energy Commission.

Table 5: Facility Statuses and RPS Eligibility

Facility Status	RPS Eligibility	Notes
Approved	Yes, if Certified	The application is approved and either certification or precertification has been awarded, the certificate and accompanying letter have been sent.
Disapproved	No	The facility is not eligible for California's RPS, and no generation from the facility may be used to meet RPS procurement obligations. If the facility had been certified, generation before disapproval, or the event resulting in disapproval, may be eligible for the RPS depending on the circumstances of disapproval.
Withdrawn	No	The applicant for the facility has voluntarily withdrawn the application before completion of the application review process, or the applicant has requested an end to the RPS certification.
Decommissioned	No	The facility has ceased to operate, as confirmed by the applicant, the facility owner, or an appropriate authority.
Received	Potentially	The application has been received but has not yet been deemed complete or reviewed.
Corrections Sent	Potentially	The staff analyst has submitted a request for more information or clarification to the applicant; the review is on hold until the requested information is provided in writing. The applicant will have 60 days to respond before the application is classified incomplete.
Pending	Potentially	The application has passed initial review and is in the queue for final review; staff may make further inquiries as needed.
Incomplete	No	The application is incomplete or the review cannot be completed as submitted, and the application has been returned to the applicant.
Suspended	No, unless resolved	The eligibility of an approved facility is in question and the applicant, as listed on the application, has been contacted for clarification. Once the issues are resolved, the suspension will be lifted and generation from that facility, including generation occurring during the period of suspension, may be used to meet RPS obligations. Failure to resolve the suspension within a year may result in the disapproval of the facility.

Source: California Energy Commission

29 Posted online at http://www.energy.ca.gov/portfolio/documents/rps_certification.html.

Facilities that are RPS-certified at the time of submission of an amended application will retain that RPS certification throughout the review of the amended application, unless the eligibility of the facility ended because the facility no longer satisfies the applicable requirements.

Generation from facilities with a suspended status may not be used to meet the RPS obligations of any entity until the issues are resolved, which may require the submission of an amended application. If the issues are resolved and the suspension is lifted, generation from that facility, including generation occurring during the period of the suspension, may be used to meet RPS obligations.

Generation from facilities that have had the RPS certification revoked or voided may not be used to meet RPS procurement obligations. Certification that is revoked or voided is similar to disapproved certification.

2. Facility Eligibility

All generation meeting the requirements of this guidebook from certified facilities and produced in the month of the eligibility date or later may be procured by an LSE to meet its RPS obligations, except as identified in Section IV.A.2.b: Special Cases.

a. Eligibility Date

The eligibility date for a facility represented in a certification application that is submitted within **90 days** of commencing commercial operation is the first date upon which the applicant can demonstrate that all the following are true:

1) Operations of the facility are consistent with those described in the certification application. Operations for testing purposes may comply with this requirement.
2) The facility met the requirements of the *RPS Guidebook* in place at the time electricity was generated.
3) Generation from the facility is tracked in WREGIS, or retroactive WREGIS Certificates can be created for the generation. (See Section III.A.1.a: Creation or Retroactive Renewable Energy Credits in WREGIS.)

Facilities represented in a certification application submitted after 90 days of commencing commercial operations will receive an eligibility date that coincides with the date the certification application is submitted to the Energy Commission. For more information, see Section VII.A.5: Deadline and Submission Dates. Furthermore, facilities represented in a certification application submitted after 90 days of commencing commercial applications may request an extension of time or a waiver of the original certification deadline as described in Section VII.D.3: Extensions of Certification Application Deadlines.

(1) Revisions to the Eligibility Date

The eligibility date for a facility may be revised for several reasons. If the eligibility date is revised, the applicant will be notified of the new eligibility date. The eligibility date will be revised if any of the following occurs:

1) Denial of an application or the revocation of an existing RPS certification.

2) Substantial changes in the operations of the facility from the planned operations or actual operations as indicated in a previous application. (See Section IV.B.1: Substantial Amendments.)

3) Withdrawing the RPS certification of a facility or removing a facility from an aggregated unit, affecting only the removed facility.

4) Failure to submit an amended RPS certification within **90 days** of a change requiring an amendment. (See Section IV.B: Amending an RPS Certification.)

The revised eligibility date will coincide with the date the first certification application that is submitted to the Energy Commission after the above event.

Generation from a facility that was certified before the revision to the eligibility date may still be used for California's RPS if the original certification was appropriately approved and occurred before the event causing the denial or withdrawal of an application or occurred before the change in operations that required the submission of an amended application.

b. Special Cases

There are several special cases where the generation from a specific certified facility or an aggregated unit may count for California's RPS prior to the eligibility date:

1) Net Surplus Generation: Generation procured by a utility as part of an AB 920 net surplus compensation program before November 2012.

2) Hydroelectric generation unit operated as part of a water supply or conveyance system: Electricity generation from these units that are certified pursuant to Section II.F.3 in this guidebook may be claimed by a retail seller or POU beginning with January 1, 2011.

3) Facilities serving a POU: Electricity generation from a facility may be claimed by a POU beginning January 1, 2011, if the facility met the requirements of the *RPS Guidebook* in place at the time the generation occurred, a complete certification application for the facility was received on or before December 31, 2013, and the facility is subsequently certified based on that application.

4) Aggregate units owned by a POU: Electricity generation tracked in WREGIS from an aggregated unit that is registered and approved in WREGIS may be claimed by a POU beginning January 1, 2011, or when the generation is first available in WREGIS, whichever is later, if each of the facilities within the aggregated unit are owned by the POU, a complete certification application for the aggregated unit was received on or before December 31, 2013, and the aggregated unit is subsequently certified based on that application.

Generation that may count for California's RPS prior to the eligibility date must still comply with the requirements in Section III.A: Generation Tracking and Accounting.

B. Amending an RPS Certification

An authorized individual of an RPS-certified or precertified facility must notify the Energy Commission promptly of any changes in information previously submitted in an application for the facility. Failure to do so within **90 days** of the change may result in the facility losing its RPS certification status. Any changes shall be reported on an amended CEC-RPS-1 form or an amended CEC-RPS-3 form. These forms shall be submitted and reviewed as described in Section IV.A: Applications.

The amendments should be submitted by one of the "authorized individuals" listed on the original application.[30] If none of the authorized individuals listed on the original application are available, the individual submitting the amendment (that is, the new applicant) shall include a cover letter, signed by an authorized officer or agent of the facility owner, verifying the legitimacy of the changes. The Energy Commission will review the amended application and notify the applicant, as identified in the amended application, of any modifications to its RPS certification.

1. Substantial Amendments

An amended application with any of the following substantial changes will be reviewed under the edition of the *RPS Guidebook* in place at the time the Energy Commission receives the amended application:

a) Change in fuel, technology, or energy resource type

b) Increase in nameplate capacity

c) Change in QF status

d) For biomethane facilities, change in fuel suppliers or contract affecting the eligibility of a facility.

e) Changes in the common carrier pipeline biomethane delivery path for biomethane procured as part of a new biomethane procurement contract.

f) Repowering of the facility pursuant to provisions in this guidebook to revise the commercial operations date (COD) for the facility.

g) Increase in the amount of nonrenewable energy resource used annually beyond the allowable amount, or a change that exceeds 10 percent of the total annual energy input.

h) The addition or removal of any facility within an aggregated unit.

2. Simple Amendments

Changes to applicant information, facility owner, or facility contact information may be reported to the Energy Commission without subjecting the facility to a full review, provided

30 The section of the CEC-RPS-1 form titled *Application Contact Information* includes an area to list additional persons authorized to make changes to the application.

that none of these changes affects the eligibility of the facility. In these limited cases, the applicant must submit a CEC-RPS-1 form with only the following sections completed:

a) Section I: Type of Certification Requested

b) Section II: Facility Name and Location

c) Section VI: Application Contact Information

d) Section VII: Facility Ownership and Contact Information

e) Section XVI: Attestation

For biomethane facilities with simple amendments associated with only contract termination or completion, the applicant may submit a signed cover letter verifying the change(s) with supporting documentation. An amended CEC-RPS-1 form is not required with this change.

Revisions to the authorized individuals, or authorized officer or agent, for any certified facility may be made by sending a signed letter on company letterhead, verifying the changes. An amended CEC-RPS-1 form is not required with this change, provided the new applicant, authorized individual, or authorized officer or agent is a representative of the facility holding the original certification for the facility in question.

For these simple amendments, supplemental applications should not be submitted. An applicant wishing to amend any other part of the RPS certification shall submit a complete application. After completing its review, the Energy Commission will notify the applicant and the facility owner, if different, in writing confirming the revisions. Any change to RPS certification will be posted on the Energy Commission's website.

C. RPS Certification Types

The Energy Commission uses a suffix for the different types of RPS certification, depending on the facility operations, contractual obligations, and applicant preference. Each type of RPS certification may require the use of a specific application form. Table 6 describes the different types of application for RPS certification and the suffix used for each.

Table 6: Summary of RPS ID Suffix

Suffix	Represents	Eligible For the RPS
A	Certification	Yes, no restrictions unless specified.
C	Precertification	No, must apply for certification after COD of the facility
E	Utility certification	Yes, only utility representing the facility and only for the duration of the original utility contract. See Section IV.C.1.b.
F	Certification for biomethane using only existing contracts	Yes, with restrictions. See Section IV.C.1.a.
G	Precertification for biomethane using only existing contracts	No, must apply for certification after COD for the facility or after biomethane use begins. See Section IV.C.1.a.
R	Aggregated unit	Yes, no restrictions unless specified. See Section IV.C.2.
M	Certification for biomethane using both new and existing contracts	Yes, with restrictions. See Section IV.C.1.a.
N	Precertification for biomethane using both new and existing contracts	No, must apply for certification after COD of the facility or after biomethane use begins. See Section IV.C.1.a
No Longer Offered	**Represents**	**Eligible For the RPS**
B	Certification and SEPs	These are no longer offered but several certifications still retain the suffix indicating the original RPS/SEP eligibility.
D	Precertification and SEPs	These are no longer offered but several precertifications still retain the suffix indicating the original RPS/SEP eligibility.
H	Historic carryover certification	These are no longer offered. See Section IV.C.1.b.
L	Limited Certifications	These are no longer offered but several certifications still retain the suffix indicating the original RPS eligibility. These applied only to POUs contracting with the facility prior to June 1, 2010.
P	POU Precertification	POUs that precertified facilities that were operational but were not eligible for the RPS.

Source: California Energy Commission

1. Individual Facilities

An applicant seeking RPS certification of a facility must apply using the CEC-RPS-1 form. The facility must be independently operated of any other RPS certified facility, and registered separately in WREGIS.[31] A facility that has never been represented in an application is assigned a six-digit RPS identification number, consisting of five numerical digits followed by a single letter suffix. See Table 6 for information on the applicable suffix.

31 A small hydroelectric facility may consist of multiple hydroelectric units, some of which may be operated independently and registered with WREGIS separately. These units, however, may still be considered part of the small hydroelectric facility "project" for determining RPS eligibility.

a. Existing Common Carrier Pipeline Biomethane

A facility that was RPS certified using only an existing biomethane procurement contract(s) will be RPS-certified on a limited basis. The facility will not remain RPS-certified after the contract termination date or after the facility has used the quantities of biomethane specified in the original contract, as determined by the Energy Commission.

A facility certified using eligible biomethane sources under both an existing biomethane procurement contract(s) and a new biomethane procurement contract(s) will retain RPS certification after the biomethane contract termination date, or after the facility has used the quantities of biomethane specified in the original contract, as determined by the Energy Commission. However, the applicant must amend the RPS certification for these facilities after the existing biomethane procurement contract(s) end.

b. Old RPS Certification Types

The Energy Commission previously used three RPS certification types that are no longer assigned to new applicant facilities but are still in use by existing applicants, specifically:

1) Facilities Serving Multijurisdictional Utilities: Facilities exclusively serving a Multijurisdictional Utility (MJU) were not subject to the location and interconnection facility requirements of Section III.C: Location Requirements, pursuant to a former Public Utilities Code section 399.17. Only the generation procured by the MJU was considered RPS-eligible unless the facility submits an amended application to certify the facility on its own behalf.

2) Utility-Certified Facilities: Utility-certified facilities were granted certification for only the generation procured under a specific contract by the retail seller submitting the application. Only the generation procured by the retail seller identified in the application may be used to meet California's RPS requirements.

3) Historic Carryover Facilities: Facilities that provided electricity to a POU prior to January 1, 2011, consistent with the *RPS Guidebook* requirements in place at the time the POU signed a procurement contract or a later edition of the adopted *RPS Guidebook* prior to January 1, 2011, but did not meet the requirements of the *RPS Guidebook* in place when the application was submitted. A POU may use generation from these facilities for historic carryover beginning with the contract execution date, or if using a later edition of the *RPS Guidebook*, beginning with the adoption date of that guidebook. Generation from these facilities that is used for historic carryover is not required to be tracked in WREGIS. After the Energy Commission has completed its review of the historic carryover for California's RPS, the certification for these facilities will be automatically withdrawn.[32]

32 If an HCO facility chooses to retain certification status after a POU uses the generation for RPS compliance, a representative of the facility owner must submit a new application as an individual facility and meet the requirements of the *RPS Guidebook* in place when the application is submitted.

Facilities previously RPS-certified in one of these categories may retain that RPS certification, unless otherwise specified, until the contract with the identified utility ends, is revised for utility certifications,[33] or a change in the facility operations or contracting parties requires an amended application, whichever is earliest. If the facility owner, or agent thereof, applies for RPS certification within **90 days** of the contract termination or revision date, the new RPS certification will retain the existing eligibility date. If another LSE plans to procure electricity from a facility with one of these certifications, the facility operator, or agent thereof, must submit an amended application and must submit all applicable RPS certification forms and information demonstrating compliance with this guidebook.

2. Aggregated Units

An applicant seeking RPS certification of a group of facilities as part of an aggregated unit shall submit a CEC-RPS-3 form. Aggregated units are generally treated as a single facility in the RPS program. An application for an aggregated unit will not be approved unless all facilities in the unit are eligible. If the Energy Commission determines that one facility in an approved unit is not RPS-eligible, the applicant shall have **30 days**, once notified, to submit an amended application that removes any ineligible facilities from the aggregated unit, or the entire unit will lose its certification. The aggregated unit shall:

a) Be registered in WREGIS as a single Distributed Generation Aggregation Project,[34] and all facilities that are part of the WREGIS Distributed Generation Aggregation Project are included in the aggregated unit.

b) Contain only facilities using the same renewable energy resource.

c) Generate electricity using either wind or solar photovoltaic.

d) Contain only facilities that meet one of the following:

    1) Have received benefits from a ratepayer-funded incentive program.

    2) Participate in a net metering tariff with an LSE.

    3) Primarily serves onsite load.

e) Include only facilities meeting all RPS eligibility requirements.

f) Have a total aggregated unit nameplate capacity not exceeding 250 kW for the initial application, allowing growth up to a maximum of 360 kW.

In the case where an aggregated unit will build a group of facilities in phases and have different commercial operations dates, the applicant shall submit an application with commercial

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33 Any revision to a contract will be considered a renegotiation, will void the previously awarded utility certification, and will require the submission of an amended certification application form.
34 See the WREGIS Operating Rules Appendix F: Small Scale Aggregation.
https://www.wecc.biz/WREGIS/Pages/Default.aspx

operations date for the first phase and thereafter by either submitting an amended application or a separate application for each subsequent phase.

Aggregated units that have never been represented in an application are assigned a six-digit RPS identification number, consisting of five numerical digits followed by a single-letter suffix of "R." Facilities in the unit will be assigned a five-digit identifier, consisting of four numerical digits followed by a single-letter 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(C).

V. Annual Facility Reports

Some applicants shall report to the Energy Commission annually on the operations of the facility the previous calendar year. Table 7 summarizes these reporting requirements.

An authorized individual of the facility, as listed on the facility application, shall submit all signed documentation to the Energy Commission by e-mail to **RPSTrack@energy.ca.gov** or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

In addition, the authorized individual shall submit an unsigned electronic copy of the forms in Microsoft Excel format available on the Energy Commission's website. The hard copy and electronic copy of the forms shall be submitted to the Energy Commission on or before the reporting deadline. For additional submission information and the required forms, see Appendix A: Annual Facility Reporting Forms. The annual reports for a given calendar year are due on April 1 of the subsequent year.

Table 7: Summary of Annual Reporting Requirements for Applicants

Characterization	Form	Due Date	Notes
Generator Information	CEC-RPS-GEN	April 1	See Section V.A.
Common Carrier Pipeline for Biomethane	CEC-RPS-CCP	April 1	See Section V.B.
Functionally Dedicated Pipeline for Biomethane	CEC-RPS-FDP	April 1	See Section V.C.

Source: California Energy Commission

Any documentation submitted to the Energy Commission in support of the required forms must be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the applicant lists all documents being submitted, briefly summarizes the purpose of each document, identifies what requirement each document fulfills, and indicates where each document contains the necessary information (for example, page number). **An applicant should redact the information that is not required and considered confidential by the applicant.** An applicant may request confidential designation of records. (See Section VII.B.3: Use and Disclosure of Information and Records.) It is the responsibility of the applicant

to demonstrate that the facility represented in the submitted documentation complies with all applicable requirements of the *RPS Guidebook*.

Energy Commission staff will not begin to review the eligibility of generation from a facility that is required to submit information on the annual operations of the facility until after the applicant has submitted the necessary information. Any discrepancies in the reported information must be explained in detail and supported with documentation. Energy Commission staff may request additional documentation to determine whether, and what amount, of the facility's generation may be counted for the RPS for a given year.

A. Generator Information

An authorized individual of a certified facility shall to report information on the facility generation to the Energy Commission using the CEC-RPS-GEN form, if any of the following is true:

1) Any generation from the facility is tracked using the ITS in a calendar year, and that generation meets the requirements to be reported using the ITS. (See Section III.A.1: WREGIS.)

2) The facility used more than one energy resource in a calendar year. (See Section III.B: Renewable Facilities Using Multiple Energy Resources.) In addition to the CEC-RPS-GEN form, an authorized individual shall submit both of the following:

    a) Detailed information necessary to determine compliance with the approved measurement method. In some cases this could include information on the time of energy resource consumption and generation of electricity.

    b) The information submitted to WREGIS related to fuel use, if applicable.

3) The Energy Commission requests submission of the CEC-RPS-GEN form. An applicant will have **30 days** to fulfill this request once notified of the request.

The Energy Commission may request that an authorized individual of the facility submit payment statements or other documentation supporting the information provided on the CEC-RPS-GEN form. The authorized individual shall have **30 days** to fulfill this request once notified of the request.

B. Common Carrier Pipeline for Biomethane

The applicant for a certified facility using common carrier pipeline biomethane during the previous calendar year shall provide the following information annually:

1) A complete CEC-RPS-CCP form.

2) Monthly meter data for the injection point of the biomethane source on the delivery pipeline.

3) Monthly pipeline nomination reports for each pipeline and storage site along the delivery path.

4) Monthly invoices for the procurement of the biomethane.

5) Monthly meter data showing the total use of all biomethane and nonrenewable energy resources at the generating facility.

6) A summary statement, including supporting documentation, of all biomethane associated with, or planned to be delivered to, the certified facility remaining in a storage site at the close of the calendar year. Biomethane quantities not identified in the summary report for a certified facility may not be used for the RPS at a later time.

7) Any additional documentation necessary for the Energy Commission to determine nonrenewable energy resource use based on the energy resource measurement method included in the certification of the facility, including the information submitted to WREGIS related to energy resource use.

8) Contract(s) for the transportation of biomethane through the common carrier pipeline; if no contract exists due to the ownership of the pipeline, alternative documentation may be submitted. If this contract has already been provided to the Energy Commission and has not been subsequently amended, a letter confirming this will suffice. Contract(s) or additional documentation shall include:

    a) The point of receipt, where the biomethane enters the pipeline or begins transportation under the specific contract.

    b) The point of delivery, where the gas exits the pipeline, enters storage, or is no longer being transported under the specific contract.

    c) Any limitations on the maximum quantity of gas that can be delivered in a specific period, for example, daily, monthly, yearly.

9) The biomethane procurement contract. If this contract has already been provided to the Energy Commission and has not been subsequently amended, a letter confirming this will suffice.

The Energy Commission may request that the facility applicant submit payment statements or other documentation supporting the claims made in the CEC-RPS-CCP form. An applicant will have **30 days** to fulfill this request once notified of the request.

C. Functionally Dedicated Pipeline for Biomethane

The applicant for a certified facility using biomethane delivered in a functionally dedicated pipeline during the prior calendar year shall report the following information annually:

1) A complete CEC-RPS-FDP form.

2) Information on outages or shutdowns at the facility, the biomethane source, and the pipeline that affect the ability of the facility to utilize the biomethane including:

a) The amount of biomethane injected into the pipeline and the amount withdrawn at the electrical generating facility.

b) The time and date of the outage.

c) The quantity of biomethane injected into the pipeline that may not have been delivered to the facility due to the outage.

3) Any instances in operations that are not consistent with the operations plan submitted as part of the certification.

4) Any revised or updated operations plans, as applicable.

VI. Annual Load-Serving Entity Reports

Load-serving entities (LSEs) shall report retirement of RECs for the California RPS to the Energy Commission annually on July 1 for the previous reporting year. The Energy Commission uses the retirement information to verify the claims an LSE plans to use toward its RPS procurement requirements, and to ensure that a REC is counted only once for compliance with the California RPS, for the regulatory requirements of any other state, or to satisfy any other retail, regulatory, or voluntary market claim.[35] Table 8 summarizes the annual reporting requirements for all LSEs for the previous calendar year. Retirement of RECs in the Interim Tracking System (ITS) is effectuated by submittal of the appropriate form(s) to the Energy Commission.

Table 8: Summary of Annual Reporting Requirements for Load-Serving Entities

Characterization		Form	Due Date	Additional Required Information, or Notes
Generation Reporting		WREGIS Compliance Report	July 1	Must be completed by all LSEs and come directly from WREGIS to the CEC. See Section VI.A.
Supplemental Attestation for WREGIS reports		WREGIS Attestation Form	July 1	Must be submitted by all LSEs providing a WREGIS report. See Section VI.A
Alternative Retirement Reporting		CEC-RPS-Track	July 1	May be used to report retirement in specific cases. See Section VI.A.
Forms for POU Reporting	General POU Reporting	CEC-RPS-POU	July 1	General annual and compliance period reporting for POUs. See Section VI.A.
	Evidence of Electricity Scheduling	WREGIS Matched e-Tag Summary Report[36]	July 1	For POUs to demonstrate scheduling of electricity into a CBA. See Section VI.B.1.
	Alternative Evidence of Electricity Scheduling	CEC-RPS-eTag	July 1	For POUs to demonstrate scheduling of electricity into a CBA in specific cases. See Section VI.B.1.
	Evidence of Hourly Scheduling	CEC-RPS-HOURLY	July 1	For POUs to demonstrate scheduling of electricity into a CBA with hourly scheduling requirements. See Section VI.B.1.

Source: California Energy Commission

35 Use of a REC for compliance with the California RPS does not preclude an LSE's ability to report a specified import or use the RPS adjustment in accordance with the California Air Resources Board's "California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms to Allow for Use of Compliance Instruments Issues by Linked Jurisdictions and Regulation for the Mandatory Reporting of Greenhouse Gas"(California Code of Regulations, Title 17, sections 95801 - 96022).

36 This form will be changed to "CA-eTag Report" and available in WREGIS sometime in September 2015 or early 2016. The WREGIS Matched e-Tag Summary Report will no longer be used once the new form becomes available.

LSEs must send all signed documentation to the Energy Commission by e-mail to **RPSTrack@energy.ca.gov** or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

Furthermore, LSEs shall submit an unsigned electronic copy of all forms in Microsoft Excel format available on the Energy Commission's website. The hard copy and electronic copy of the forms shall be submitted to the Energy Commission on or before the reporting deadline. For additional submission information and required forms, see Appendix C: Annual LSE Reporting Forms. Annual reports for a given calendar year are due on July 1 of the subsequent year. LSEs should not expect to be able to supplement REC retirement reports submitted for a previous reporting year and are encouraged to take a prudent approach to retire sufficient RECs to meet their RPS requirements.

Any documentation submitted to the Energy Commission in addition to or in support of the required forms must be presented in a clear and logical manner. The Energy Commission will accept documentation created for other purposes (for example, historical contracts or invoices), provided that the LSE lists all submitted documents, summarizes the purpose of each document, identifies what requirement each document fulfills, and indicates where in each document (for example, page number) the necessary information is contained. LSEs needing to submit sensitive or confidential information to fulfill these requirements may request confidential designation of records. (See Section VII.B.3: Use and Disclosure of Information and Records.) It is the responsibility of the LSE to demonstrate that all REC retirements comply with all applicable requirements of the *RPS Guidebook*.

The Energy Commission will review the eligibility of retirement claims made by an LSE after the LSE representative has submitted all necessary information. Discrepancies in the reported information must be explained in detail and supported with documentation. The Energy Commission may request additional documentation to determine whether, and what amount of, RECs claimed by the LSE may be counted for the RPS.

A. Reporting Procurement Claims

LSEs are required to use WREGIS to report REC claims to the Energy Commission, except in limited instances as described in Sections III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System and VI.A.1: Prior Period Adjustments. Some generation procurement structures may also require third parties to be registered in WREGIS. The LSE RPS claim information shall be reported as follows:

1) For all generation tracked by WREGIS, the following forms shall be submitted:

    a) WREGIS Compliance Report: For RPS retirement information, this information shall be submitted to the Energy Commission through WREGIS and not directly from the

LSE. Requirements for the WREGIS Compliance Report are discussed further in Appendix C: Annual LSE Reporting Forms.

b) WREGIS Attestation Form: This attestation form covers all information submitted to the Energy Commission through WREGIS and shall be submitted directly to the Energy Commission. The WREGIS Attestation form can be found in Appendix C: Annual LSE Reporting Forms.

2) For generation not tracked in WREGIS and not required to be reported in WREGIS, see Sections III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System and VI.A.1: Prior Period Adjustments. The following ITS forms shall be submitted.

a) CEC-RPS-Track: Used to report RPS retirement information, this form shall be submitted directly to the Energy Commission. The CEC-RPS-Track form can be found in Appendix C: Annual LSE Reporting Forms.

b) CEC-RPS-GEN: Used to report generation from an RPS-certified facility that is reported to the Energy Commission using the CEC-RPS-Track form. The CEC-RPS-GEN shall be filled out by a representative of the facility. (See V: Annual Facility Reports.) The CEC-RPS-GEN form can be found in Appendix A: Annual Facility Reporting Forms.

1. Prior Period Adjustments

When a discrepancy is identified between actual generation and a WREGIS Certificate for a generation month, the WREGIS system makes a prior period adjustment to correct the WREGIS Certificate total. A prior period adjustment will result in either the overproduction or underproduction of the current vintage of WREGIS Certificates. LSEs should claim procurement to reflect the actual generation amounts of the facility, regardless of the vintage date(s) on the WREGIS Certificates.

If the prior period adjustment affects WREGIS Certificates that have already been retired, the LSE may submit a letter to the Energy Commission staff withdrawing the claims to prevent the claims from being found ineligible. The LSE may submit a letter requesting that the withdrawn RECs be reallocated to the year in which WREGIS is withholding creation of WREGIS certificates due to the prior period adjustment. If Energy Commission staff approves the reallocation of the RECs, the LSE will report the REC claims on the CEC-RPS-Track form for the year that the RECs will be applied.

LSEs shall submit supporting documentation to the Energy Commission explaining the discrepancy between WREGIS Certificate creation and actual generation, and how the prior period adjustment was used to correct this discrepancy.

2. WREGIS Retirement Accounts

When retiring and reporting information in WREGIS, LSEs shall use specific retirement subaccounts using specified naming formats. The subaccounts used by an LSE will vary for different types of LSEs:

a) Retail Sellers

b) POUs interconnected to a CBA: POUs that do not meet the requirements of Public Utilities Code sections 399.18 or 399.30(h).

c) POUs not interconnected to a CBA: POUs that meet the requirements of Public Utilities Code sections 399.18 or 399.30(h) and have demonstrated this pursuant to the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities (POU Regulations)*.

a. Retail Sellers

Retail sellers retire all claims into one retirement subaccount for each reporting year. This subaccount shall be named using the following format:

[Reporting Year (YYYY)] CA RPS RTSL

b. POUs Interconnected to a CBA

POUs that do not meet the requirements of Public Utilities Code sections 399.18 or 399.30(h) shall retire RECs into one of the following four retirement subaccounts for each reporting year. These four retirement subaccounts are used to preliminarily classify WREGIS Certificates into the Portfolio Content Categories (PCCs). These subaccounts shall be named using the following format:

[Reporting Year (YYYY)] CA RPS [PCC code]

The PCC code for each retirement subaccount is specified in Table 9.

Table 9: PCC Codes for POUs in CBAs

Portfolio Content Category (PCC)	Code
Count in Full RECs	PCC0
Portfolio Content Category 1 RECs	PCC1
Portfolio Content Category 2 RECs	PCC2
Portfolio Content Category 3 RECs	PCC3

Source: California Energy Commission

For additional information on the PCCs, see the *POU Regulations*.

c. POUs Not Interconnected to a CBA

POUs that meet the requirements of Public Utilities Code sections 399.18 or 399.30(h) shall retire RECs into one of the following three retirement subaccounts for each reporting year. These three retirement subaccounts are used to preliminarily classify WREGIS Certificates for verification purposes. These subaccounts shall be named using the following format:

[Reporting Year (YYYY)] CA RPS [Subaccount Code]

The subaccount type code for each retirement subaccount is specified in Table 10.

Table 10: Subaccount Codes for POUs Outside CBAs

Subaccount Type	Code
Count in Full RECs	PCC0
Bundled RECs	BNDL
Unbundled RECs	TREC

Source: California Energy Commission

For additional information on these classifications for POUs meeting the requirements of Public Utilities Code sections 399.18 or 399.30(h), see the *POU Regulations.*

B. Additional POU Reporting Requirements

The Energy Commission is tasked with verifying POU compliance with RPS procurement targets and portfolio balance requirements, as specified in the *POU Regulations*. To demonstrate compliance with these requirements, POUs shall provide general procurement and contractual information on the CEC-RPS-POU form, which can be found in Appendix C: Annual LSE Reporting Forms.

In support of the information provided in the CEC-RPS-POU form, POUs shall submit their procurement contracts or ownership agreements and any additional documentation necessary to demonstrate, to the Energy Commission's satisfaction, that the electricity product meets applicable PCC criteria and other requirements of the *POU Regulations*. For RECs that are resold or originally procured by a different entity, the POU shall demonstrate that both the original procurement contract and the resale contract satisfy the requirements of the *POU Regulations*.

POUs shall initially classify the RECs they procure when retiring the RECs. (See Section VI.A.2: WREGIS Retirement Accounts for information on specific retirement accounts.) The POUs' initial classification is nonbinding. For all count in full,[37] PCC 1, and PCC 2 electricity products, the REC vintage shall not precede the contract execution or the ownership agreement date. Furthermore, RECs cannot be counted for a reporting year earlier than the vintage year of the RECs.

1. Scheduled Delivery of Electricity

As specified in the *POU Regulations*, electricity products from facilities not interconnected to a CBA that meet specific schedule requirements may qualify as PCC 1 or PCC 2 electricity products. POUs shall submit supporting documentation on the scheduling arrangements as part of their annual and compliance period reports.

37 See section 3202 (a)(2) of the *POU Regulations*.

RECs retired from these facilities shall be accompanied by e-Tag data demonstrating that electricity was scheduled into a CBA,[38] using one of the following forms:

a) WREGIS Matched e-Tag Summary Report[39]: for all generation e-Tag data, information on this form can be found in Appendix C: Annual LSE Reporting Forms.

b) CEC- RPS-eTag: for generation e-Tag data, if the information is not available in WREGIS. This form is included in Appendix C: Annual LSE Reporting Forms. Available for use only to POUs.

c) CEC-RPS-HOURLY: for electricity that is scheduled using standard hourly or subhourly scheduling (not dynamic transfer or EIM). This form is included in Appendix C: Annual LSE Reporting Forms. Available for use only to POUs.

In all cases, the REC(s) and the accompanying e-Tag(s) shall be from the same calendar year, and the e-Tag(s) shall identify the facility that produced the RECs by either including the RPS ID for the facility in the miscellaneous field, listing the facility name as the source on the e-Tag, or both.

For PCC 1 RECs for which the associated electricity must be scheduled into a CBA pursuant to the *POU Regulations*, the electricity scheduling arrangement shall be from the facility without the substitution of electricity from another source. Beginning January 2014, the e-Tags for these scheduling structures shall identify the certified facility as the source point of the electricity. The Energy Commission will audit the electricity scheduling arrangements by requesting the submission of select e-Tags.

2. Sales from Existing Hydroelectric Generation Units Operated as Part of a Water Supply or Conveyance System

A POU that meets the criteria of Public Utilities Code section 399.30(j) shall report annually to the Energy Commission on all sales of bundled electricity (electricity bundled with the associated RECs) and RECs to other POUs from hydroelectric generation units certified for the RPS pursuant to Section II.F.3. of this guidebook. Annual reports shall address only sales of bundled electricity and RECs that are eligible for the RPS by the procuring utility. By July 1 of each year, the POU shall submit an annual report to the Energy Commission using the CEC-RPS-399 form that includes the information in paragraphs (1) – (3) below for all bundled electricity and RECs sales from certified hydroelectric generation units made in the prior calendar year.

(1) The name and RPS identification number of each certified generation unit from which bundled electricity or RECs were sold.

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38 WREGIS cannot pull e-Tag information from generation and schedules that have occurred in the past; thus parties must sign up for this service in WREGIS before commencing scheduled deliveries of electricity. See www.wecc.biz/WREGIS.

39 This form will be changed to "CA-eTag Report" and available in WREGIS sometime in September 2015 or early 2016. The WREGIS Matched e-Tag Summary Report will no longer be used once the new form becomes available.

(2) The quantity of bundled electricity or RECs sold, in megawatt-hours, from each certified generation unit per month for the previous calendar year.
(3) The name, contact information, and mailing address of the POU that purchased bundled electricity or RECs from the certified generation unit.

A POU may combine the annual report required pursuant to this subsection with other annual reports due to the Energy Commission, provided the reports are submitted to the Energy Commission by July 1 of each year.

C. RPS Procurement Verification

The Energy Commission will verify procurement claims made by each LSE for each compliance period. In its analysis, the Energy Commission will ensure:

1) A REC claimed by an LSE represents generation from a certified facility that is eligible to be used for an LSE's RPS obligation, and no other REC represents the same generation.

2) No REC is claimed by more than one LSE for California's RPS.

3) A REC claimed by an LSE for California's RPS is not used for any other competing purpose.

LSEs may be required to submit supporting documentation to verify procurement from facilities or demonstrate that the LSE has not also claimed RECs in another program. The Energy Commission may use any information or records submitted to the Energy Commission or obtained in cooperation with other agencies or voluntary markets to verify compliance with the RPS, as described in Section VII.B.3: Use and Disclosure of Information and Records.

Energy Commission staff will analyze annual REC retirement data submitted by the LSEs and work with the LSEs to resolve any outstanding questions or issues, which may include clarifying or correcting claimed or retired RECs. As part of the verification process, staff's initial analysis of the REC retirement data will be made publicly available after notifying and working with the LSEs to resolve outstanding questions or issues. An LSE may unretire previously retired RECs or retire additional RECs beyond those initially reported to the Energy Commission consistent with WREGIS rules and other requirements, including but not limited to the 36-month REC retirement rule. Retired RECs may be un-retired within one year of the REC retirement date[40] or prior to the final determination of REC eligibility for all LSEs, whichever occurs first. Additional RECs beyond those initially reported to the Energy Commission may be retired within one year of the date of the initial compliance period report submittal, or prior to the final determination of REC eligibility for all LSEs, whichever occurs first.

Following the end of each compliance period, the Energy Commission will combine the analysis for each reporting year within the compliance period and evaluate the combined data. Energy Commission staff will then prepare the following reports on its findings:

40 See WREGIS Operating Rules Section 16.2.

1) *RPS Verification Report for Retail Sellers*: The Energy Commission findings on the procurement claims made by retail sellers. This report will be supplied to the CPUC, which regulates retail sellers.

2) *RPS Verification Report for POUs*: The Energy Commission findings on the procurement claims made by POUs. This report will be used to inform the Energy Commission compliance determinations for POUs.

Retail sellers and POUs will have an opportunity to provide comments on the draft RPS verification reports. Public comments will be taken into consideration when finalizing these reports. Upon finalization, these reports will be made publicly available.

D. Special Consideration of Biomethane Procurement Contracts

This section reflects changes in law that were enacted under Assembly Bill 2196 and codified in Public Utilities Code section 399.12.6. If the requirements of this guidebook are satisfied, the procurement of electricity products by a retail seller or POU from an electrical generation facility using biomethane is eligible to count toward the RPS procurement requirements in place at the time the biomethane procurement contract was executed by a retail seller or POU.

The RPS procurement requirements are established for retail sellers and POUs in Article 16 (commencing with section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, as enacted by Senate Bill X 1-2 (Stats. 2011, 1st Ex. Sess., ch.1), which draws a distinction for procurement contracts for electricity products executed before June 1, 2010, and contracts executed on or after this date.[41] SBX1-2 generally requires retail sellers and POUs to satisfy the procurement requirements of Article 16 by procuring electricity products that 1) meet one of the three Portfolio Content Categories specified in Public Utilities Code section 399.16(b) and were procured under contracts executed on or after June 1, 2010 (generally referred to "PCC procurement") or 2) were procured under contracts executed before June 1, 2010, and satisfy the conditions of Public Utilities Code section 399.16(d) (generally referred to as "count in full procurement"). Hence, SBX1-2 draws a distinction between procurement contracts for electricity products executed before June 1, 2010, and procurement contracts executed on or after this date.

Compliance with RPS procurement requirements for retail sellers, including classification of Product Content Categories and Portfolio Balance Requirements, is determined by the CPUC pursuant to its Decision 11-12-052, Decision 12-06-038, or any future CPUC decision.

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41 Assembly Bill 2187 (Chapter 604, Statutes of 2012) subsequently amended the law to make a further distinction for electric service providers. Under AB 2187, an electric service provider must satisfy the procurement requirements of Article 16 by procuring electricity products that meet one of the three Portfolio Content Categories specified in Public Utilities Code section 399.16(b) and were procured under contracts executed after January 13, 2011. Pursuant to CPUC Decision 14-12-023, ordering paragraph 1, RECs from contracts executed by electric service providers prior to January 14, 2011, will be treated the same way as RECs from contracts executed by investor-owned utilities and community choice aggregators prior to June 1, 2010, for purposes of compliance with the portfolio balance requirements of Public Utilities Code section 399.16(c).

Compliance for POUs is determined by the Energy Commission pursuant to its RPS regulations for POUs, *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities*.[42] For POUs, the Energy Commission will consider the dates of execution of the biomethane procurement contract and power purchase agreement (PPA) or ownership agreement in determining whether the electricity procurement qualifies as either PCC procurement or count-in-full procurement, provided all other requirements are satisfied. Each PPA or ownership agreement and biomethane procurement contract will generally fall into one of the following classifications:

a) Both the biomethane procurement contract and PPA or ownership agreement were executed on or after June 1, 2010; the procurement should be classified as PCC procurement.

b) The PPA or ownership agreement was executed before June 1, 2010, and specifies that the procurement of generation pursuant to the contract or agreement is attributable to biomethane, regardless of the biomethane procurement contract execution date; the procurement should be classified as count in full procurement.

c) The PPA or ownership agreement was executed before June 1, 2010, but it does not specify that the procurement of generation pursuant to the contract or agreement is attributable to biomethane. If the biomethane procurement contract was executed before June 1, 2010, then the procurement should be classified as count in full. If the biomethane procurement contract was executed on or after June 1, 2010, then the procurement should be classified as PCC procurement.

d) Both the biomethane procurement contract and PPA were executed before June 1, 2010; the procurement should be classified only as count in full procurement.

A copy of the PPA or ownership agreement executed by a POU for procurement of electricity generation attributed to biomethane, and a copy of the biomethane procurement contract, with any sensitive or confidential information redacted from each of these agreements, must be submitted to the Energy Commission with an application for RPS certification of the electrical generation facility designated to use the biomethane. If the facility is already RPS certified, the PPA or ownership agreement and biomethane procurement contract(s) should have been submitted with the submission of the existing biomethane supplemental information form, the CEC-RPS-2196 which is no longer available for use, within 90 days of the adoption of the Seventh Edition of the *RPS Eligibility Guidebook* for the facility to retain its RPS status.

The PPA or ownership agreement must convey:

a) The PPA or ownership agreement execution date.

b) Sufficient environmental attributes are transferred to the POU to ensure that there are zero net emissions associated with the production of electricity from the generating facility using the biomethane. The term "zero net emissions" shall be applied in a manner

42 See http://www.energy.ca.gov/portfolio/pou_rulemaking/

consistent with Public Utilities Code section 399.12.6(c) and the CPUC's Standard Term and Condition 2, which applies to Bioenergy Transactions as specified in CPUC Decision 13-11-024.

The biomethane procurement contract for each biomethane source must demonstrate:

a) The biomethane procurement contract execution date and term.

b) The biomethane sources are specified in the contract. For facilities using biomethane that are certified under Section II.C.2.a(1): Existing Biomethane Procurement Contract, the biomethane sources may be specified in the RPS certification application submitted to the Energy Commission before March 29, 2012.

c) The contracted quantity of biomethane in MMBtu from each source, which may include the full output or a percentage of the full output from each source, and the specific time frame for biomethane deliveries.

d) All renewable and environmental attributes associated with the production, capture, and injection of the biomethane are transferred in whole to the electrical generating facility using the biomethane.

VII. Administration

This section describes the protocol used by the Energy Commission to administer the RPS program.

A. General Provisions

This section provides information on the authority, interpretation, and effective date of the *RPS Guidebook*, as well as the process for making substantive changes to the *RPS Guidebook* and applicable deadlines and submission dates.

1. Authority

The *RPS Guidebook* is adopted pursuant to Public Resources Code section 25747, subdivision (a), which directs the Energy Commission to adopt guidelines governing the programs authorized by Public Resources Code sections 25740 through 25751 and portions of the RPS under Public Utilities Code section 399.25. The guidelines adopted pursuant to this authority are exempt from the formal rulemaking requirements of the Administrative Procedures Act, as specified in Chapter 3.5 (commencing with section 11340) of Division 3 of Title 2 of the Government Code. The *RPS Guidebook* may be revised pursuant to Public Resources Code section 25747, subdivision (a).

2. Interpretation

Nothing in the *RPS Guidebook* shall be construed to abridge the powers or authority of the Energy Commission or any Energy Commission-designated committee as specified in Division 15 of the Public Resources Code, commencing with section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with section 1001.

3. Effective Date

The *RPS Guidebook* shall take effect once adopted by the Energy Commission at a publicly noticed business meeting pursuant to Public Resources Code section 25747, subdivision (a). The *RPS Guidebook* may be given retroactive effect as specified by the Energy Commission and according to statutory authority.

4. Substantive Changes

The Energy Commission may make substantive changes to the *RPS Guidebook* pursuant to Public Resources Code section 25747, subdivision (a). Substantive changes shall take effect once adopted by the Energy Commission at a publicly noticed business meeting with no fewer than 10 days public notice. Substantive changes include, but are not limited to, changes in the RPS eligibility or evaluation criteria.

5. Deadlines and Submission Dates

Submissions will meet the specified deadlines in the guidebook if one of the following applicable criteria is met:

a) In-Person Submissions: Must be received on or before 5 p.m. on the date specified. Submissions that are not provided directly to the Energy Commission's Renewable Energy Office will not be deemed submitted on time.

b) Mailed Submissions: Must be postmarked on or before the due date. Receipt from a mail/package carrier can also be provided to show proof of drop off or mail date. Submissions that are not properly addressed or are lost in transit will not be deemed submitted on time.

c) Electronic Submissions: Must be time stamped by the electronic submission, such as e-mail, on or before 11:59 p.m. Pacific Time Zone on the due date. Submissions that are not properly addressed or are lost in transit will not be deemed submitted on time.

In all cases, if the due date falls on a weekend or state holiday, the due date becomes the next business day.

B. Records and Audits

This section provides additional information on audits, record retention, and use and disclosure of information and records by the Energy Commission.

1. Audits

The Energy Commission or its authorized agents may audit any awardee to verify the accuracy of any information included as part of an application or report required under the *RPS Guidebook*. As part of an audit, the Energy Commission may require an awardee to provide the Energy Commission or its authorized agents with all information and records necessary to verify the accuracy of any information included in the awardee's applications or reports. An awardee may also be required to open its business records for on-site inspection and audit by the Energy Commission or its authorized agents to verify the accuracy of any information included in the awardee's applications and reports.

If an audit finds that an awardee has incorrectly stated or falsified information included on the awardee's applications or reports or is unable to furnish evidence supporting the information included in the awardee's applications or reports, the Energy Commission shall notify the awardee of its findings in writing within 30 days of completing the audit. Based on the audit results, the awardee's RPS certification may be revoked pursuant to SectionVII.D.1: Revocation of RPS Certification, or a verification claim may be listed as ineligible.

2. Record Retention

Awardees shall keep all records relating to and verifying the accuracy of any information included in an application for RPS certification or report submitted pursuant to the *RPS Guidebook*. These records shall be kept for no fewer than five years after the end of the calendar year in which the awardee's RPS certification is approved or the report submitted pursuant to the *RPS Guidebook*, whichever is longer. These records shall be made available to the Energy Commission or its authorized agents as part of any audit conducted pursuant to the *RPS Guidebook*.

3. Use and Disclosure of Information and Records

The Energy Commission or its authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit pursuant to the *RPS Guidebook* to determine eligibility and compliance with the *RPS Guidebook*, verify and assess an entity's RPS procurement and compliance status, evaluate the RPS or related Energy Commission program, or prepare necessary reports as required by law. The information and records include, but are not limited to, applications for RPS certification and any documentation submitted in support of said applications; documents submitted to substantiate procurement or generation claims; any other documentation submitted upon request of the Energy Commission; publicly available information and documents; information submitted to other state, federal, or local agencies; information submitted to voluntary renewable energy markets; and any other documents provided to or obtained by the Energy Commission.

Information and records submitted pursuant to the *RPS Guidebook* will be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code section 6250, et seq.). Personal information, such as taxpayer identification or social security numbers, will not be disclosed to the public.

Information concerning the identity of awardees is public information and will be disclosed pursuant to the California Public Records Act. This information, along with other public information describing program participants, may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy Commission's website or other means, as the Energy Commission deems appropriate.

If, as part of any application for RPS certification, required report, or audit, the Energy Commission requires the awardee to provide copies of records that the awardee believes contain proprietary information entitled to protection under the California Public Records Act or other law, the awardee may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, section 2505.

C. Reconsideration of RPS Certification

Pursuant to Public Resources Code section 25747, applicants and awardees of RPS certification may appeal the Energy Commission's denial or revocation of RPS certification under the *RPS Guidebook*. Appeals will be considered as provided in this section only upon a showing that factors other than those described in the *RPS Guidebook* were applied by the Energy Commission in denying or revoking RPS certification.

1. Executive Director Reconsideration

An applicant or awardee may petition the Executive Director for reconsideration if his or her application for RPS certification was denied or the RPS certification revoked. The petition for

reconsideration shall be in writing and shall be submitted, together with any supporting documentation, to the Office of the Executive Director at the following address within **30 days** of the date of the notice of RPS certification denial or revocation.

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

The petition shall specify the basis for the appeal, state why the petitioner believes the RPS certification denial or revocation is improper given the eligibility criteria for RPS certification, explain any supporting documentation filed with the petition, identify any legal authority or other basis supporting the petitioner's position, and identify the remedy sought.

Within 30 days of receiving a complete petition, the Office of the Executive Director shall issue a decision based on the petition and the written response of Energy Commission staff.

If petitioner disagrees with the decision of the Office of the Executive Director, the petitioner may appeal the decision to the Energy Commission in accordance with Section VII.C.2: Energy Commission Appeals.

2. Energy Commission Appeals

Within **30 days** of the date of the decision of the Office of the Executive Director, the appealing party may file a letter of appeal to the Energy Commission. The letter of appeal shall be submitted to the Energy Commission and processed as a request for investigation pursuant to the Energy Commission's regulations for complaints and investigations, Title 20, California Code of Regulations, section 1230, et seq. The letter of appeal shall include the information specified in Title 20, California Code of Regulations, section 1231 (b). In place of the information specified in section 1231 (b)(2), (b)(4), and (b)(6), the letter of appeal shall identify the eligibility criteria in the *RPS Guidebook* that the appealing party believes were applied incorrectly in denying or revoking RPS certification. Energy Commission staff shall be designated the respondent in the letter of appeal.

In addition to the information required by Title 20, California Code of Regulations, section 1231, the letter of appeal shall include a copy of the petition for reconsideration and all supporting documentation, and a copy of the written decision of the Office of the Executive Director.

An applicant or awardee seeking to file a petition for reconsideration or appeal pursuant to this section may contact the Public Adviser's Office for information on the filing process. The contact information for the Public Adviser's Office is:

California Energy Commission
Public Adviser's Office
1516 9th Street, MS-12
Sacramento, CA 95814-5512
e-mail: PublicAdviser@energy.ca.gov

D. Special Provisions

The Executive Director, or the Executive Director's designated agent, may take the following actions to protect the integrity and intent of the RPS program.

1. Revocation of RPS Certification

The Energy Commission, through its Executive Director, may revoke the RPS certification of any awardee if it is determined that the RPS-certified facility no longer satisfies the requisite eligibility requirements. The Executive Director shall notify the awardee in writing of the basis for revoking the awardee's RPS certification and the effective date of the revocation. The written notice required by this subsection shall be given at least 15 days before the effective date of the revocation.

2. Fraud and Misrepresentation

The Executive Director may initiate an investigation of any awardee or LSE that the Executive Director has reason to believe may have misstated, falsified, or misrepresented information in applying for RPS certification or reporting any information required by the *RPS Guidebook*. Based on the results of the investigation, the Executive Director may take any action deemed appropriate, including, but not limited to, cancellation of RPS certification and, with the concurrence of the Energy Commission, recommending the Attorney General initiate an investigation and prosecution as appropriate under applicable law.

3. Extensions of Certification Application Deadlines

An applicant for RPS certification may request from the Energy Commission's Executive Director an extension of time to submit a complete application for RPS certification.[43] The request may be submitted before or after the application deadline specified in the *RPS Guidebook.* The Executive Director, or designee, is authorized to extend and waive application deadlines for RPS certification based on the following criteria and process:

a) A request for extension of time shall be submitted in writing to the Executive Director at the following address:

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

43 This time extension and waiver process was adopted by the Energy Commission on April 22, 2014, as part of Resolution No. 14-0422-11.

b) A request for an extension of time shall include the following information:
    1. The name and address of the applicant and the name, location, and other identifying information of the electrical generation facility for which the applicant has or will seek RPS certification, including any certification or precertification ID numbers issued by the Energy Commission and any WREGIS registration numbers.
    2. The amount of additional time being requested for the applicant to submit a complete application for RPS certification or an amended application for RPS certification, as applicable, unless the request for an extension of time includes a completed application for certification or amended certification.
    3. An explanation of the circumstances why the applicant is or was unable to submit a timely application for certification and/or supporting documentation by the deadline specified in the *RPS Guidebook*, and whether these circumstances were beyond the applicant's control.
    4. An explanation of the financial consequences or other consequences to the applicant and/or facility owner or operator if an extension of time is not granted.
    5. An explanation of any other good cause that exists for granting the request for an extension of time.
    6. Documentation, if available, to support the information provided in items (1) through (5).

c) If a request for an extension of time is incomplete, the Executive Director may either request additional information from the applicant or return the request unprocessed.

d) The Executive Director may grant an extension of time if he or she finds that the applicant has demonstrated that good cause exists for granting an extension of time. In determining whether good cause exists, the Executive Director may consider, without limitation, whether the applicant was diligent in submitting a request for an extension of time upon learning that an application deadline was missed, whether the applicant's failure to submit a timely application for certification was caused by circumstances beyond the control of the applicant, and whether the applicant or facility owner or operator will suffer financial consequences or other hardships if an extension of time is not granted.

e) The extension of time granted by the Executive Director shall be limited to that time reasonably necessary for the applicant to submit a complete application for certification.

f) An extension of time shall not exempt the facility from complying with all eligibility requirements of this guidebook, such as registration in WREGIS and metering requirements.[44]

g) An extension of time shall not be granted under any circumstances that would waive or excuse any of the eligibility dates specified in this guidebook, such as the eligibility dates to qualify under the category for existing biomethane procurement contracts in Section

44 Any RECs created as a result of an approval of time extension request may count toward RPS compliance if WREGIS Operating Rules and other requirements are met, including, but not limited to, the 36-month REC retirement rule.

II.C.2.a(1) of this guidebook, or the eligibility dates to qualify under the category for small hydroelectric in Section II.F.1 of this guidebook.

h) An extension of time shall not be granted under any circumstances that would allow the applicant to use a discontinued certification application form, such as the CEC-RPS-4 form, which is no longer available for use.

i) An extension of time shall not be granted under any circumstances that would allow an applicant to circumvent changes under pending *RPS Guidebook* revisions, or receive a benefit that is not provided in the *RPS Guidebook* under which the facility actually submitted an application for certification. Applicants shall be subject to the *RPS Guidebook* requirements in place when an application for certification is submitted to the Energy Commission.

j) The Executive Director's approval of an extension of time may include the conditions under which Energy Commission staff may amend the applicant's certification, if previously granted, to reflect the extended application deadline and any corresponding change in the applicant's RPS eligibility date.

4. Extensions of Reporting Due Dates

The Executive Director may, if good cause exists, extend a due date for the submission of a report required under this guidebook. The due date for the submission of a report shall not be extended more than **30 days** unless good cause can be demonstrated.

Glossary of Terms

Aggregated unit — a group of small electrical generation facilities that are treated as a single electrical generation facility for purposes of RPS certification.

Appropriation — consistent with Water Code section 1201, the right to use a specified quantity of water from any surface streams or other surface bodies of water, or from any subterranean streams flowing through known and definite channels.

Awardee – An individual or entity awarded RPS certification for an electrical generation facility, pursuant to the *RPS Guidebook.* An awardee includes both the facility owner and the authorized officer or agent that applied for the facility certification on behalf of the facility owner.

Balancing authority — as defined in Public Utilities Code section 399.12, subdivision (b), to mean the responsible entity that integrates LSE resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

Balancing authority area — as defined in Public Utilities Code section 399.12, subdivision (c), for the RPS, to mean the collection of generation, transmission, and loads within the metered boundaries of the area within which the balancing authority maintains the electrical load-resource balance.

Beneficial use — 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.

Biodiesel — a renewable fuel derived in whole or in part from a biomass feedstock such as agricultural crops or agricultural wastes and residues, including, but not limited to, animal wastes, remains, and tallow; food wastes, recycled cooking oils, and pure vegetable oils; or from an eligible solid waste conversion process using municipal solid waste.

Biomass — any organic material not derived from fossil fuels, including, but not limited to, agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, biosolids, sludge derived from organic matter, wood and wood waste from timbering operations, and any fuel that qualify as "biomass conversion" as defined in Public Resources Code section 40106. Agricultural wastes and residues include, but are not limited to, animal wastes, remains, and tallow; food wastes; recycled cooking oils; and pure vegetable oils.

Biomethane — Landfill gas or digester gas.

California balancing authority (CBA) — consistent with Public Utilities Code section 399.12(d), means a balancing authority primarily located in California with more than 50 percent of its end-use electric load physically located within the political boundaries of California. This

includes balancing authority areas operated by the California Independent System Operator Corporation, Los Angeles Department of Water and Power, Balancing Authority of Northern California, Imperial Irrigation District, and Turlock Irrigation District.

Capacity — the actual or potential ability to perform relating to flow, power, energy, and so forth. For the production of electricity, see "nameplate capacity."

Commercial operations date (COD) — the date on which an electrical generation facility ceases to generate electricity for testing purposes and first generates electricity solely for consumption by the facility or any customer or for sale to any procuring retail seller or POU; also referred to as "commenced operation date" in WREGIS.

Common carrier pipeline — a gas conveyance pipeline that is owned or operated by a utility or gas corporation, excluding a dedicated pipeline.

Compliance period — as defined in Public Utilities Code section 399.30, subdivision (b).

Compliance report — the report that each POU files with the Energy Commission by July 1 of the calendar year following the end of the compliance period, as specified in 20 CCR section 3207.

Conduit hydroelectric facility — a hydroelectric facility that uses only the hydroelectric potential of an existing pipe, ditch, flume, siphon, tunnel, canal, or other man-made conduit that is operated to distribute water for a beneficial use. The term "existing" is defined as built before January 1, 2008, the effective date of Assembly Bill 809 (Chapter 684, Statutes 2007).

Dedicated pipeline — a gas conveyance pipeline that is not part of a common carrier pipeline system, which conveys biomethane from specific biomethane producer(s) to a specific electrical generation facility and to no other end users and for no other use. A ***functionally dedicated pipeline*** is a gas conveyance pipeline that is not part of a common carrier pipeline system, which, due to operational constraints imposed on the biomethane source(s), gas conveyance pipeline, and the electrical generation facility, will convey biomethane from specific biomethane producer(s) to a specific electrical generation facility and to no other end users and for no other use.

Digester gas — gas created by the anaerobic digestion of organic materials.

Diversion — consistent with Water Code section 5100(b), the taking of water by gravity or pumping from a surface stream or subterranean stream flowing through a known and definite channel, or other body of surface water, into a canal, pipeline, or other conduit and includes impoundment of water in a reservoir.

Electricity product – consistent with 20 CCR section 3201 (j), means either (1) electricity and the associated renewable energy credit generated by an eligible renewable energy resource or (2) an unbundled renewable energy credit.

Eligible renewable energy resource — consistent with 20 CCR section 3201 (k), means an electrical generating facility that the Energy Commission has determined meets the definition of

a "renewable electrical generation facility" in section 399.12 (e) of the Public Utilities Code, including a facility satisfying the criteria of section 399.12.5 of the Public Utilities Code, and has certified as an RPS-certified facility.

Energy Commission – State Energy Resources Conservation and Development Commission. Also referred to as the California Energy Commission.

e-Tag — consistent with 20 CCR section 3201 (o), means an electronic record that contains the details of a transaction to transfer energy from a source point to a sink where the energy is scheduled for transmission across one or more balancing authority area boundaries. For purposes of this definition, "source point" refers to the generation source of the energy, and "sink" refers to the balancing authority in which the electric load is located. Previously referred to as a "NERC e-Tag."

Executive Director — the Executive Director of the Energy Commission, or his or her designee.

Facility — see "project."

Fossil fuel — fuel consisting of hydrocarbon constituents, including coal, petroleum, or natural gas, occurring in and extracted from underground deposits and mixtures or by-products of these hydrocarbon constituents.

Fuel cell — an energy conversion device that combines hydrogen-with oxygen in an electrochemical reaction to produce electricity.

Geothermal — natural heat from within the earth, captured for production of electric power.

Grid electricity — generic electricity from the electrical transmission and distribution system linking electrical generation facilities to customers.

Historic Carryover – consistent with 20 CCR section 3201 (m), means a POU's procurement that satisfies the following criteria: 1) the procurement is for electricity and the associated renewable energy credit generated in 2004 – 2010 by an eligible renewable energy resource that met the Energy Commission's RPS eligibility requirements in effect when the original procurement contract or ownership agreement was executed by the POU; 2) the original contract or ownership agreement was executed by the POU prior to June 1, 2010; and 3) the procurement is in excess of the sum of the 2004 – 2010 annual procurement targets defined in section 3206 (a)(5)(D) and was not applied to the RPS of another state or to a voluntary claim.

Hydroelectric — a technology that produces electricity by using the kinetic energy of flowing or falling nonmarine water to turn a turbine generator.

Kilowatt *(kW)* —1,000 watts of electricity.

Kilowatt-hour *(kWh)* — One kilowatt of electricity supplied for one hour.

Investor-owned utility (IOU) — synonymous with "electrical corporations" as defined in Public Utilities Code section 218.

For the *Renewables Portfolio Standard Eligibility Guidebook*, refers collectively to Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, PacifiCorp, Liberty Energy-California Pacific Electric Company (formerly Sierra Pacific Power Company), and Bear Valley Electric Service (a division of Golden State Water Company).

Landfill gas — gas produced by the breakdown of organic matter in a landfill (composed primarily of methane and carbon dioxide) or the technology that uses this gas to produce power.

Load-serving entity (LSE) — a term used to refer to retail sellers, POUs, and all other entities serving retail sales of electricity in California that are obligated to participate in California's RPS.

Local publicly owned electric utility (POU) — as defined in Public Utilities Code section 224.3 to mean a municipality or municipal corporation operating as a "public utility" furnishing electric service as provided in section 10001 of the Public Utilities Code, a municipal utility district furnishing electric service formed pursuant to Division 6 (commencing with section 11501 of the Public Utilities Code), a public utility district furnishing electric services formed pursuant to the Public Utility District Act set forth in Division 7 (commencing with section 15501 of the Public Utilities Code), an irrigation district furnishing electric services formed pursuant to the Irrigation District Law set forth in Division 11 (commencing with section 20500) of the Water Code, or a joint powers authority that includes one or more of these agencies and that owns generation or transmission facilities, or furnishes electric services over its owners' or its members' electric distribution system.

Megawatt (MW) — 1,000,000 watts (W).

Megawatt-hour (MWh) — 1,000,000 watt hours (Wh). A unit of energy equivalent to one megawatt of electricity supplied for one hour. Compliance with the RPS is measured in this unit of energy.

Metered — the independent measurement with a standard meter of the electricity generated by an electrical generation facility.

Multijurisdictional utility (MJU) — for purposes of the Renewables Portfolio Standard, an electrical corporation with 60,000 or fewer customer accounts in California as of January 1, 2010, and that serves retail end-use customers outside California, is not under the control of a California balancing authority, receives the majority of its electrical requirements from generating facilities located outside California, and is subject to the provisions of Public Utilities Code section 399.17.

Municipal solid waste (MSW) —solid waste as defined in Public Resources Code section 40191.

Nameplate capacity — the maximum rated electrical power output of a generator under specific conditions designated by the manufacturer.

NERC e-Tag — see "e-Tag."

Net energy metering – an agreement or tariff that compensates or credits a customer generator for the electricity it produces in excess of the customer's on-site electricity consumption, usually during a 12-month period.

Ocean thermal — refers to technology that uses the temperature differences between deep and surface ocean water to produce electricity.

Ocean wave — refers to a technology that uses ocean waves to produce electricity.

Ownership agreement - consistent with 20 CCR section 3201 (p), and for POUs only, includes (1) an agreement between a POU and a third party to acquire or develop an electrical generation facility or (2) if the POU built and owns the electrical generation facility and therefore has no such agreement with a third party, the arrangement by which the POU built the facility.

Photovoltaic (PV) — a technology that uses a semiconductor to convert sunlight directly into electricity via the photoelectric effect.

Point of interconnection – the substation where radial lines from a given facility first come under the authority of WECC.

Portfolio balance requirement (PBR) - consistent with 20 CCR section 3201 (q), refers to the portfolio content category minimum and maximum requirements specified in Public Utilities Code section 399.16.

Portfolio Content Category (PCC) — consistent with 20 CCR section 3201 (r), refers to one of three categories of electricity products procured from an eligible renewable energy resource.

POU – see "local publicly owned electric utility."

Procure —as defined in Public Utilities Code section 399.12, subdivision (f), means to acquire through ownership or contract.

Project —refers to a group of one or more pieces of generating equipment and ancillary equipment necessary to interconnect to the transmission grid that is unequivocally separable from any other generating equipment or components. For hydroelectric facilities under the Renewables Portfolio Standard Program, a "project" is two or more sets of generating equipment that are located within a one-mile radius of each other and are either 1) contiguous or 2) share common control or maintenance facilities and schedules shall constitute a single project, except in the following circumstances:

1) A conduit hydroelectric facility, certified as a conduit hydroelectric facility and not a small hydroelectric facility, may be considered a separate project even though the facility itself is part of a larger hydroelectric facility, provided that the larger hydroelectric facility commenced commercial operations prior to January 1, 2006, and the conduit hydroelectric facility that commenced commercial operations on or after January 1, 2006, does not cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow, is separately metered to identify its generation, and is separately certified as RPS-eligible by the Energy Commission. A conduit hydroelectric facility certified as a

small hydroelectric facility may not be part of a larger project without considering the capacity of the entire project in the certification.

2) A small hydroelectric generation unit with a nameplate capacity not exceeding 40 megawatts that is operated as part of a water supply or conveyance system and satisfies the RPS eligibility criteria of Section II.F.3 of this guidebook, may be considered a separate project even though the generation unit itself is part of a larger hydroelectric facility. The turbine and generator of the hydroelectric generation unit shall constitute a separate project provided that the unit is separately metered to identify its generation, and is separately certified as RPS-eligible by the Energy Commission. A hydroelectric generation unit operated as part of a water supply or conveyance system may be eligible to apply for certification as a small hydroelectric facility provided it meets the requirements described in Section II.F.1: Small Hydroelectric Facilities.

If a hydroelectric generation unit is certified as part of a small hydroelectric facility, rather than individually pursuant to Section II.F.3 of this guidebook, the capacity of the hydroelectric unit shall be considered part of the overall project in determining the capacity of the small hydroelectric facility.

A hydroelectric generation unit shall not be considered contiguous with other hydroelectric units within a one-mile radius that use the same impoundment as a water source for power generation if the following conditions are satisfied: (A) the unit is physically separated from the other units and not located in the same powerhouse as the other units; (B) the delivery of water to the unit is provided by a separate penstock[45] or conduit that does not supply water to the other units; (C) the unit releases water to a separate natural stream, canal, conduit, or other water conveyance that none of the other units release water to; and (D) water released from the unit is not delivered, returned, or transferred to a natural stream, canal, conduit, or other water conveyance that receives water from the other units.

Public information — any information in the Energy Commission's possession that is not subject to a request or determination of confidential designation pursuant to Title 20 of the California Code of Regulations, section 2505 et seq., and may be disclosed pursuant to the California Public Records Act (Government Code section 6250, et seq.) and the Information Practices Act (Civil Code section 1798, et seq.).

Pumped hydroelectric — an energy storage technology consisting of two water reservoirs separated vertically; during off-peak hours, water is pumped from the lower reservoir to the upper reservoir, allowing the off-peak electrical energy to be stored indefinitely as gravitational energy in the upper reservoir. During peak hours, water from the upper reservoir may be released and passed through hydraulic turbines to generate electricity as needed.

Qualifying facility — a qualifying small power production facility eligible for certification pursuant to section 292.207 of Title 18 of the Code of Federal Regulations.

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45 The Merriam-Webster dictionary defines "penstock" as a sluice or gate for regulating a water flow.

Renewable — a power source other than a conventional power source within the meaning of section 2805 of the Public Utilities Code. section 2805 states: " 'Conventional power source' means power derived from nuclear energy or the operation of a hydropower facility greater than 30 megawatts or the combustion of fossil fuels, unless cogeneration technology, as defined in section 25134 of the Public Resources Code, is employed in the production of such power."

Renewable electrical generation facility — an electrical generation facility as defined in Public Resources Code section 25741(a).

Renewable energy credit (REC) — as defined in Public Utilities Code section 399.12, subdivision (h)(1), to mean a certificate of proof associated with the generation of electricity from an eligible renewable energy resource, issued through the accounting system established by the Energy Commission pursuant to section 399.25, that one unit of electricity was generated and delivered by an eligible renewable energy resource. As specified in section 399.12, subdivision (h)(2), a REC includes all renewable and environmental attributes associated with the production of electricity from an eligible renewable energy resource, except for an emissions reduction credit issued pursuant to 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 utilization of biomass or biogas fuels. As specified in section 399.12, subdivision (h)(3)(A), electricity generated by an eligible renewable energy resource attributable to the use of nonrenewable fuels, beyond a de minimis quantity used to generate electricity in the same process through which the utility converts renewable fuel to electricity, shall not result in the creation of a renewable energy credit.

The renewable and environmental attributes included as part of a REC are those attributes identified by the CPUC in Decision 08-08-028 as follows: "A REC includes all renewable and environmental attributes associated with the production of electricity from the eligible renewable energy resource, including any avoided emission of pollutants to the air, soil or water; any avoided emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or any other greenhouse gases that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law, to contribute to the actual or potential threat of global climate change;[46] and the reporting rights to these avoided emissions, such as Green Tag reporting rights.[47]

A REC does not include any emissions reduction credit issued pursuant to § 40709 of the Health and Safety Code or any credits or payments associated with the reduction of solid waste or treatment benefits created by the utilization of biomass or biogas fuels. A REC also does not

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46 "Avoided emissions may or may not have any value for GHG compliance purposes. Although avoided emissions are included in the definition of the REC, this definition does not create any right to use those avoided emissions to comply with any GHG regulatory program."

47 "Green Tag reporting rights are the right to report the ownership of accumulated Green Tags in compliance with federal or state law, if applicable, and to a federal or state agency or any other party and include without limitation those Green Tag reporting rights accruing under section 1605(b) of the Energy Policy Act of 1992 and any present or future federal, state, or local law, regulation or bill, and international or foreign emissions trading program."

include any energy, capacity, reliability or other power attributes of the generation; any tax credits or other financial incentives in the form of credits, reductions, or allowances associated with the generation that are applicable to a state or federal income taxation obligation; any fuel-related subsidies or "tipping fees" or local subsidies received by the generator for the destruction of particular preexisting pollutants or the promotion of local environmental benefits; or emission reduction credits (whether issued pursuant to § 40709 of the Health and Safety Code or any other authority) that are encumbered or used by the generator for compliance with local, state, or federal operating and/or air quality permits."[48]

As specified in Public Utilities Code section 399.21(a)(4), RECs shall not be 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 the RECs. As specified in Public Utilities Code section 399.21(a)(5), RECs shall not be 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 (16 U.S.C. section 2601, et seq.).

Renewables Portfolio Standard (RPS) — as defined in Public Utilities Code section 399.12, subdivision (i), to mean the specified percentage of electricity generated by eligible renewable energy resources that a retail seller or local publicly owned electric utility is required to procure pursuant to Public Utilities Code section 399.11 et seq.

Reporting Year — refers to a particular year within a compliance period for which the annual generation has already occurred and for which the RECs are being retired and used for RPS compliance.

Repower(ed) — generically refers to replacing a significant portion of the generating equipment at an existing facility.

Retail sales —for purposes of POUs only, means sales of electricity by a POU to end-use customers and their tenants, measured in MWh. This does not include energy consumption by a POU, electricity used by a POU for water pumping, or electricity produced for onsite consumption (self-generation). This definition is consistent with 20 CCR section 3201(bb).

Retail seller — as defined in Public Utilities Code section 399.12, subdivision (j), to mean an entity engaged in the retail sale of electricity to end-use customers located within the state. Retail sellers include electrical corporations, community choice aggregators (as defined in Public Utilities Code section 331.1), and electric service providers (as defined in Public Utilities Code section 218.3). Retail sellers do not include local publicly owned electric utilities, entities employing cogeneration technology or producing power consistent with Public Utilities Code section 218(b), or the Department of Water Resources acting within its capacity pursuant to Division 27 of the Water Code (commencing with section 80000).

48 CPUC Decision 08-08-028, Ordering Paragraph 1.

Retire – to claim a renewable energy credit in the tracking system established by the Energy Commission pursuant to Public Utilities Code section 399.25(c) and thereby commit the renewable energy credit to be used for compliance with the RPS.

RPS Certification – certification by the Energy Commission that an electrical generation facility is an eligible renewable energy resource meeting the state's Renewables Portfolio Standard pursuant to Public Utilities Code sections 399.11, et seq. and Public Resources Code section 25741.

RPS procurement requirements — refers to both the portfolio balance requirement and the RPS procurement target with which an LSE must comply.

RPS procurement target — the specified percentage of retail sales that a LSE must procure of electricity products from eligible renewable energy resources for each compliance period.

Small hydroelectric facility — an electrical generation facility employing one or more hydroelectric turbine generators, the sum capacity of which does not exceed 30 megawatts except in the case of qualifying efficiency improvements pursuant to Public Utilities Code section 399.12.5.

Solar thermal electric — the conversion of sunlight to heat and the related concentration and use to power a generator to produce electricity.

Test energy — electricity generated for testing the operation of an electrical generation facility prior to the commercial operations date of the facility.

Tidal current power — energy obtained by using the motion of the tides to run water turbines that drive electric generators.

Water supply or conveyance system — the distribution of water through a tunnel, canal, pipeline, aqueduct, flume, ditch, and/or similarly constructed water conveyance that was built for the distribution of water for agricultural, municipal, or industrial consumption, and operated primarily for this purpose.

Watt (W) — a unit of power, equal to the power developed in a circuit by a current of one ampere flowing through a potential difference of one volt. A kilowatt is equal to 1,000 watts, and a megawatt is equal to 1,000,000 watts.

Watt-hour (Wh) — One watt of electricity supplied source one hour. A kilowatt-hour is equal to 1,000 watt-hours, and a megawatt-hour is equal to 1,000,000 watt-hours.

Western Electricity Coordinating Council (WECC) — consistent with 20 CCR section 3201 (ff), refers to the electricity coordinating council that is part of the North American Electric Reliability Corporation and the regional entity responsible for coordinating and promoting bulk electric system reliability in the Western Interconnection serving all or part of the 14 western

states[49] and portions of Mexico (in northern Baja California) and Canada (in British Columbia and Alberta).

Western Renewable Energy Generation Information System (WREGIS) — the independent, renewable energy tracking system implemented for the region covered by the Western Electricity Coordinating Council.

WREGIS Certificate — the electronic representation of one megawatt-hour of electricity generation within the WREGIS system; also known as a renewable energy credit.

Wind — refers to a technology that converts energy from the environmental movement of air into mechanical energy and then electricity.

49 The western states include Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

List of Acronyms and Abbreviations

AB	—	Assembly Bill
ARB	—	California Air Resources Board
BA	—	Balancing Authority
CBA	—	California balancing authority
CPUC	—	California Public Utilities Commission
ERFP	—	Existing Renewable Facilities Program
e-Tag	—	Electronic tag used to document an energy interchange transaction
FERC	—	Federal Energy Regulatory Commission
GU ID	—	WREGIS Generating Unit Identification Number
IID	—	Imperial Irrigation District
ITS	—	Interim Tracking System
LADWP	—	Los Angeles Department of Water and Power
LORS	—	Laws, ordinances, regulations, and standards
LSE	—	Load-serving entity
MJU	—	Multijurisdictional Utility
MMBtu	—	1 million British thermal units
MSW	—	Municipal Solid Waste
MW	—	Megawatt
MWh	—	Megawatt-hour
NERC	—	North American Electric Reliability Corporation
PBR	—	Portfolio Balance Requirements
PCC	—	Portfolio Content Category
PG&E	—	Pacific Gas and Electric Company
POU	—	Local Publicly Owned Electric Utility
PRC	—	California Public Resources Code
PUC	—	California 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
RPS	—	Renewables Portfolio Standard
SB	—	Senate Bill
SCE	—	Southern California Edison Company
SDG&E	—	San Diego Gas & Electric Company
SMUD	—	Sacramento Municipal Utility District
SWRCB	—	State Water Resources Control Board
TID	—	Turlock Irrigation District
WECC	—	Western Electricity Coordinating Council
WREGIS	—	Western Renewable Energy Generation Information System

Appendix A: RPS Certification Forms

Appendix A: Forms of the Renewables Portfolio Standard Eligibility Guidebook, Eighth Edition are available at: http://www.energy.ca.gov/portfolio/documents/rps_certification.html.

Submission Information

All applications and supplemental forms may be submitted either by mail, in person, or e-mail in accordance with Section VII.A.5: Deadlines and Submission Dates. If by mail or in person, a signed application shall be submitted in hard copy to the Energy Commission at:

California Energy Commission
Attn: RPS Certification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

If by e-mail, a signed application shall be submitted in Adobe PDF format. An additional unsigned copy of the application shall be submitted electronically in Microsoft Excel format, using the appropriate file name for the attachment and in the e-mail subject line as indicated on the form. The electronic version shall be sent by email to the Energy Commission at **RPSTrack@energy.ca.gov**. The application shall be complete when submitted in accordance with Section VII.A.5: Deadlines and Submission Dates.

The Energy Commission will not begin processing any application for certification or precertification until it received both an unsigned electronic copy of the application in Microsoft Excel format and a signed application as specified above. The applicant should ensure that both the electronic file and the signed form are sent to the Energy Commission within a reasonable timeframe of each other. In addition, the Energy Commission may request for a site map, converted in a PDF file or saved in a .kmz file (Google Earth), clearly identifying the location of the solar or wind facility as well as the GPS coordinates when applying for a precertification or certification.

RPS Certification Forms

- CEC-RPS-1: The application form for RPS certification or precertification of individual facilities. This form is also used for amending an RPS certification or precertification of individual facilities.
- CEC-RPS-1.S1: The first supplemental form applies to biomethane facilities.
- CEC-RPS-1.S2: The second supplemental form applies to hydroelectric facilities.
- CEC-RPS-1.S3: The third supplemental form applies to facilities located outside California.
- CEC-RPS-1.S4: The fourth supplemental form applies to incremental hydroelectric facilities.
- CEC-RPS-De Minimis: This supplemental form applies to facilities under the category "other nonrenewable energy resource allowances."

- CEC-RPS-3: The application form for RPS certification or precertification of aggregated units. This form is also used for amending an RPS certification or precertification of aggregated units.

Appendix B: Annual Facility Reporting Forms

Appendix B: Forms of the Renewables Portfolio Standard Eligibility Guidebook, Eighth Edition are available at: http://www.energy.ca.gov/portfolio/documents/rps_verification.html.

Submission Information

An authorized individual of the facility, as listed on the facility's application, shall submit all signed documentation to the Energy Commission by e-mail to **RPSTrack@energy.ca.gov** or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

In addition, the authorized individual shall submit an unsigned electronic copy of the forms in Microsoft Excel format available on the Energy Commission's website, using the appropriate file name for the attachment and in the e-mail subject line as indicated on the form. The hard copy and electronic copy of the forms including any supplemental documentation shall be submitted to the Energy Commission on or before the reporting deadline.

The Energy Commission will not begin processing any submitted reporting form until it receives both an unsigned electronic copy of the reporting form in Microsoft Excel format and a signed application as specified above. The applicant should ensure that both the electronic file and the signed copy are sent to the Energy Commission within a reasonable time frame of each other.

Applicant Reporting Forms

- CEC-RPS-GEN: General information on the output and energy resource usage of a certified facility. Required for generation not tracked in WREGIS, facilities using multiple energy resources, or upon request.
- CEC-RPS-CCP: Supporting documentation for RPS claims from certified facilities using biomethane.
- CEC-RPS-FDP: Information on biomethane facilities using functionally dedicated pipeline.

Appendix C: Annual LSE Reporting Forms

Appendix C: Forms of the Renewables Portfolio Standard Eligibility Guidebook, Eighth Edition are available at: http://www.energy.ca.gov/portfolio/documents/rps_verification.html.

Submission Information

LSEs must send all signed documentation to the Energy Commission by e-mail to **RPSTrack@energy.ca.gov** or in hard copy to:

California Energy Commission
Attn: RPS Verification
1516 9th Street, MS-45
Sacramento, CA 95814-5512

Furthermore, LSEs shall submit an unsigned electronic copy of all forms in Microsoft Excel format available on the Energy Commission's website, using the appropriate file name for the attachment and in the e-mail subject line as indicated on the form. The hard copy and electronic copy of the forms including any supplemental documentation shall be submitted to the Energy Commission on or before the reporting deadline.

The Energy Commission will not begin processing any submitted reporting form until it receives both an unsigned electronic copy of the reporting form in Microsoft Excel format and a signed application as specified above. The applicant should ensure that both the electronic file and the signed copy are sent to the Energy Commission within a reasonable time frame of each other.

LSE Reporting Forms

- WREGIS Compliance Report: Used by LSEs to report generation procured for RPS purposes. This report must be completed in WREGIS and be submitted to the Energy Commission through WREGIS. Information on the report can be found online at www.wregis.org, and training slides can be found online at www.wecc.biz/WREGIS/Pages/Training.aspx.
- WREGIS Attestation: Used to attest to the information submitted by an LSE through the WREGIS system.
- CEC-RPS-Track: Used to retire and report RPS procurement of generation not available in WREGIS. This form is only available to LSEs for specific reasons. (See Sections III.A.2: Extension of Deadline for POUs to Use the Interim Tracking System and VI.A.1: Prior Period Adjustments.)

Reporting Forms for POUs Only

- CEC-RPS-POU: Form for Local Publicly Owned Electric Utilities (POUs) for static data and annual and compliance period reporting. This form will be updated annually to

reflect the reporting year and compliance period, and will be posted on the Energy Commission's website.

- WREGIS Matched e-Tag Summary Report: Information on the report can be found online at www.wregis.org, and training slides can be found online at www.wecc.biz/WREGIS/Pages/Training.aspx. This form will no longer be used once the CA-eTag Report is available in WREGIS.
- CEC-RPS-eTag: This form is available to POUs only in instances when the data are not available for use in WREGIS (in the case of third parties in WREGIS, for example).
- CEC-RPS-HOURLY: Annual hourly meter and annual hourly final e-Tag schedule reporting.
- CEC-RPS-399: Annual reporting on all electricity sales from certified hydroelectric generation units for POUs that meet the criteria of Public Utilities Code section 399.30(j).

Appendix D: Statutory History

Below is a list of bills enacted into law that made changes to RPS statutes or affected the RPS to some degree.

- **Senate Bill 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).
- **Senate Bill 1078** (Chapter 516, Statutes of 2002) established the Renewables Portfolio Standard. The pertinent provisions of SB 1078 were 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.
- **Senate Bill 1250** (Chapter 512, Statutes of 2006) amended pertinent provisions in Public Resources Code sections 25740 through 25751.
- **Senate Bill 107** (Chapter 464, Statutes of 2006) amended pertinent provisions in Public Resources Code sections 25740 through 25751 and Public Utilities Code sections 399.11 through 399.16.
- **Senate Bill 1036 (**Chapter 685, Statutes of 2007) repealed 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 1969** (Chapter 731, Statutes of 2006) added Public Utilities Code 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, Decision 07-07-027, creating a feed-in tariff (FIT) up to 1.5 megawatt, and expanded the FIT to cover nonwater and wastewater customers in the service territories of Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE). All generation procured under this program counts toward the RPS target targets of PG&E and SCE.
- **Assembly Bill 3048** (Chapter 558, Statutes of 2008) and **Senate Bill 380** (Chapter 544, Statutes of 2008) were passed into law in 2008. AB 3048 addressed the RPS eligibility of existing renewable generation owned by or under contract with a local publicly owned electric utility (POU), and SB 380 expanded feed-in tariffs for small renewable generators in the service territories of the large Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company, and raised the program cap from 250 MW to 500 MW.
- **Assembly Bill 1351** (Chapter 525, Statutes of 2009) requires that hydroelectric facilities be owned by a retail seller or local publicly owned electric utility for the incremental generation of the facility due to eligible efficiency improvements to be eligible for the RPS. AB 1351 also expands eligibility for such facilities located outside California.

- **Assembly Bill 920** (Chapter 376, Statutes of 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. This rate is determined by the CPUC for PG&E, SCE and SDG&E. The utility may count this surplus generation toward its RPS obligation.
- **Senate Bill 32** (Chapter 328, Statutes of 2009) further modified Public Utilities Code section 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 municipal utilities to comply with this statute. SB 32 must be implemented through a CPUC proceeding before projects can use the new tariff.
- **Senate Bill 1247** (Chapter 488, Statutes of 2010) 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** (Chapter 460, Statutes of 2010) directed 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.
- **Senate Bill X1-2 (**Chapter 1, Statutes of 2011, First Ex. Sess.), established the California Renewable Energy Resources Act and amends provisions in Public Resources Code sections 25740 through 25751 and amends and/or adds Public Utilities Code sections 399.11 through 399.31 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 local 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 with new cost containment provisions, and creating renewable energy product categories with specific procurement requirements for each compliance period.
- **Assembly Bill 2196** (Chapter 605, Statutes of 2012) amended section 25741 of the Public Resources Code and adds section 399.12.6 to the Public Utilities Code. AB 2196 revises the requirements for renewable electrical generation facilities that use landfill gas, digester gas, or another renewable fuel delivered to the facility through a common carrier pipeline, and establishes conditions for the procurement of such fuel, including the source of the fuel and delivery method. AB 2196 also establishes new eligibility requirements for facilities using biomethane under contracts initially executed on or after March 29, 2012, or for quantities of biomethane associated with contract amendments executed on or after March 29, 2012.

- **Assembly Bill 2187** (Chapter 604, Statutes of 2012) amended section 399.16 of the Public Utilities Code to draw a distinction between the RPS procurement requirements of electric service providers and the procurement requirements of other retail sellers. Retail sellers are generally required to satisfy the RPS procurement requirements of Article 16 (commencing with section 399.11) by procuring electricity products that 1) meet one of the three Portfolio Content Categories specified in Public Utilities Code section 399.16(b) and were procured under contracts executed on or after June 1, 2010, or 2) were procured under contracts executed before June 1, 2010, and satisfy the conditions of Public Utilities Code section 399.16(d). Under AB 2187, an electric service provider must satisfy the procurement requirements of Article 16 by procuring electricity products that meet one of the three Portfolio Content Categories specified in Public Utilities Code section 399.16(b) and were procured under contracts executed after January 13, 2011.
- **Assembly Bill 1478** (Chapter 664, Statutes of 2014) amended section 399.12 of the Public Utilities Code. AB 1478 amended existing law to clarify the RPS eligibility of a small hydroelectric generation unit with a nameplate capacity not exceeding 40 MW that is operated as part of a water supply or conveyance system.

Appendix E: Summary of Reporting Requirements and Deadlines

Applicable Groups	Requirement	Time Constraints	Benefit	Reference	Form	Responsible party
All Facilities	Precertification	Prior to COD	Eligibility Date	IV	CEC-RPS-1	Facility owner or agent
All Facilities	Amended Precertification	Within 90 days of the change	Retain original eligibility date	IV.B	CEC-RPS-1	Facility owner or agent
All Facilities	Certification	After the COD for the facility	Become RPS-certified	IV	CEC-RPS-1	Facility owner or agent
All Facilities	Amended Certification	Within 90 days of the change	Retain certification original eligibility date	IV.B	CEC-RPS-1	Facility owner or agent
Utility Certified Facilities	Certification	Within 90 days of Contract Expiration, must apply for certification	Retain certification	IV.C.1.b.	CEC-RPS-1	Facility owner or agent
Aggregated Units	Precertification and Certification	After the creation of the aggregated unit, or 30 days after the change	Certify or precertify the facilities within the unit	IV; IV.C.2	CEC-RPS-3	Aggregator
Suspended Facilities	Resolution of an eligibility question	Within 1 year of the suspension date	Retain RPS certification, if resolved	IV.A.1	Varies	Facility owner or agent
RPS-Certified Facilities	Annual generation reporting, if entire annual data is not available in WREGIS or otherwise as requested.	July 1st of each year, for the previous calendar year.	N/A	V.A	CEC-RPS-GEN	Facility owner or agent. If retail seller or POU owned, form must be submitted by retail seller or POU.
Multifuel Facilities	Fuel Use Reporting	On or before, April 1 each year	Retain certification	V.A	CEC-RPS-GEN	Facility owner or agent
Biomethane Facilities	Biomethane Reporting	On or before, April 1 each year	Retain certification	V.B or V.C	CEC-RPS-CCP; CEC-RPS-FDP	Facility owner or agent

Applicable Groups	Requirement	Time Constraints	Benefit	Reference	Form	Responsible party
POUs	POU – RPS Compliance Reporting	Reporting for 2013 forward, July 1 of the following year.	N/A	VI	CEC-RPS-POU and other supporting documentation	POU
POUs	RPS Retired REC reporting and supporting documentation	Reporting for 2013 forward, July 1 of the following year.	N/A	VI	WREGIS Report; WREGIS Attestation; CEC-RPS Track. CEC-RPS-eTag; WREGIS Matched e-Tag Summary Report[50]; CEC-RPS-HOURLY; and e-Tags as requested.	POU
Retail Sellers	RPS Retired REC reporting	For 2013 forward, July 1 of the following year.	N/A	VI	WREGIS Report; WREGIS Attestation; RPS Track	Retail Seller

50 This form will be changed to "CA-eTag Report" and available in WREGIS sometime in September 2015 or early 2016. The WREGIS Matched e-Tag Summary Report will no longer be used once the new form becomes available.

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