

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 28, 2009

RE: California Energy Commission Annual Reporting Requirements

Dear Retail Provider:

Retail providers of electricity must submit several reports, forms, and data to the California Energy Commission (Energy Commission) within the next few months. This letter is intended to assist you in responding to these reporting requirements.

Senate Bill 1305ⁱ requires all retail providers, including publicly owned electric utilities (POUs), to submit copies of the previous year's Quarterly Power Content Labels. These general statutory requirements and retail disclosure regulations apply to all retail providers offering an electricity product for sale to retail consumers in California. Additionally, retail providers selling electricity consumed in California and identifying any of their electricity sources as anything other than net system power must disclose these sources as specific purchases,ⁱⁱ which are subject to the additional requirements listed below. Further, retail sellers subject to California's Renewables Portfolio Standard (RPS) obligations must also submit RPS-eligible procurement data to the Energy Commission. However, retail sellers meeting RPS obligations are not necessarily required to report on specific purchases. Publicly owned electric utilities are responsible for data submission as well, as shown in the table below.

The table below identifies all reporting requirements necessary for retail providers to report on the previous year's data. A discussion of each requirement immediately follows the table. **There have been a few minor changes in reporting procedures for this year, so please be sure to review the following information carefully.**

REPORTING REQUIREMENTS	DUE DATE	FORMS TO FILE
ALL RETAIL PROVIDERS MUST SUBMIT		
Quarterly Power Content Labels	March 2, 2009	Copies of Quarterly Power Content Labels
ADDITIONAL REQUIREMENTS FOR RETAIL PROVIDERS WHO MAKE SPECIFIC PURCHASE CLAIMS		
Annual Report: Power Source Disclosure Program	March 2, 2009	SB 1305 Annual Report
Annual Power Content Label	April 15, 2009	Copies of Annual Power Content Labels
Independent Audit of the Annual Power Content Label and the Annual Report	June 1, 2009	No specific form
RETAIL SELLERS SUBJECT TO RPS		
Renewable Energy Procurement Data	May 1, 2009	CEC-RPS-Track
PUBLICLY OWNED ELECTRIC UTILITIES ONLY		
Resource Mix	May 1, 2009	CEC-RPS-Track or SB 1305 Annual Report
Status In Implementing a Renewables Portfolio Standard (RPS)	May 1, 2009	CEC-RPS-POU
Renewable Energy Resource Programs	May 1, 2009	CEC-RPS-POU

Quarterly Power Content Labels

All retail providers are required to provide their customers with Quarterly Power Content Labels disclosing fuel mix information for electricity products being sold.

The Annual Report Filing

Retail providers that claim specific purchases must submit an Annual Report to the Energy Commission on **March 1** of each year, or the next business day. Retail providers are required to submit an Annual Report for each electricity product and each specific purchase claim offered during the previous calendar year. **For easier reporting, this year's form no longer includes drop-down boxes, so please visit our website to access the 2008 Annual Report form.** The information submitted in each Annual Report is used to compile the previous year's California Net System Power values. Information from Annual Reports that are submitted late may not be used to calculate Net System Power.

Consequently, failure to submit the SB 1305 Power Source Disclosure Program Annual Report by the deadline will adversely affect the calculation of Net System Power and may result in providing incorrect and/or misleading information to your customers. By law, retail providers are required to quarterly disclose Net System Power values to customers. The format for the Annual Report (including the form for the attestation) is available on the Energy Commission's website at: <http://www.energy.ca.gov/sb1305/>. All instructions for completing the form are located at the beginning of the document.

The Annual Power Content Label

Retail providers that claim specific purchases must submit an Annual Power Content Label, which must contain an annual disclosure of electricity products and specific purchases the provider claimed during the previous calendar year. This annual disclosure must be provided to customers by **April 15** each calendar year using a format specified in the Energy Commission's regulations. Copies of the Annual Power Content Label must also be submitted to the Energy Commission by April 15. For more information on the format and content requirements for the Annual Power Content Label, look in the "Retail Disclosure in Plain English" document on the Energy Commission's website at: http://www.energy.ca.gov/sb1305/retailer_disclosure/index.html.

The Independent Audit

In an effort to ensure the accuracy of marketing claims to consumers and to prevent the misuse of public funds, the Energy Commission's regulations require program participants to have their electricity purchases and sales independently verified. Regulations require an independent audit of the Annual Power Content Label and the Annual Report by **June 1** each calendar year. In general, the regulations require an audit of the following:

1. Fuel types used by each generating facility identified in the Annual Report
2. Contracts and/or certificates of specific generation necessary to trace sales of electricity from the generator to the retailer
3. Retail sales to consumers to verify the accuracy of both the annual fuel mix disclosed to customers and the Annual Report

The regulations also require an independent audit of any renewable power pool that is referenced in a retail provider's Annual Report in lieu of a specific generator. Additionally, a set of agreed-upon procedures (instructions or protocols expected to guide the accountant through the necessary verification process) is allowed to meet the verification requirements.

Retail Sellers Subject to California Renewables Portfolio Standard (RPS)

Retail sellers subject to the California RPS obligations are required to submit annual data on their RPS-eligible procurement consistent with the Energy Commission's *RPS Eligibility Guidebook*. Total retail sales for the previous calendar year must be submitted using the CEC-RPS-Track form by **May 1**. **Please be aware that, due to recent legislation, the RPS Eligibility Guidebook may be updated in the near future through a public workshop process, and changes to the CEC-RPS-Track form may occur. However, the same due date will apply. Please check our website periodically for more information. Additionally we would like to emphasize the importance of including RPS ID numbers for each procurement claim on the CEC-RPS-Track form. We have recently developed a new database to aid in verifying all claims made by retail sellers, but verification can only occur when an RPS ID number is included with the claim.**

Publicly Owned Utilities

Publicly Owned Electric Utilities in California are required by law to implement a RPS program. As outlined in the *RPS Eligibility Guidebook*, Senate Bill 107ⁱⁱⁱ requires POUs to report the information listed in the above table, not only to their customers, but also to the Energy Commission. The Energy Commission encourages publicly owned utilities to send this information by **May 1** of each year (or the following business day). Please use the reporting format currently provided in Appendix A of the Guidebook. **Please be aware that, due to recent legislation, the RPS Eligibility Guidebook may be updated in the near future through a public workshop process, and changes to the CEC-RPS-POU form may occur. However, the same due date will apply. Please check our website periodically for more information.**

All Energy Commission forms should be provided electronically in a tabular spreadsheet or database format that allows identification of separate fields or cells for the information by product, generating facility, and fuel type. Please submit forms as follows:

- SB 1305 Annual Report, email to sb1305@energy.state.ca.us
- CEC-RPS-Track, email to RPSTrack@energy.state.ca.us
- CEC-RPS-POU, email to RPSTrack@energy.state.ca.us, with "POU Report" as the subject
- All forms can additionally be emailed to lgonzale@energy.state.ca.us

In addition, because each filing contains an attestation, please mail hard copies of the filings to the California Energy Commission at the address listed below.

Lorraine Gonzalez
California Energy Commission
1516 9th Street, MS-45
Sacramento, CA 95814

If your company does not have Internet access, but you would like an electronic copy of the forms, please contact Lorraine Gonzalez at (916) 654-5997. If the appropriate software to complete this report is not available and you cannot file electronically, the Energy Commission will waive the electronic format requirement and accept hard copies of the completed forms. Printed copies of all forms will be available upon request. Otherwise, forms are available on the Energy Commission's website at <http://www.energy.ca.gov/>.

Information on future workshops will be mailed in advance of the workshop to all parties participating on the Energy Commission's renewables list-serve. You may join the renewables list-serve to electronically receive timely notices and other information regarding the Energy Commission's renewables activities. To join, visit <http://www.energy.ca.gov/listservers/index.html> and provide your email address and select "renewable (CEC Renewable Energy Programs)."

The Energy Commission staff is available to answer any of your questions and hopes that this letter has been an effective reminder of your upcoming reporting requirements. Questions should be directed to Lorraine Gonzalez at (916) 654-5997 or by email at lgonzale@energy.state.ca.us.

Sincerely,

Lorraine Gonzalez
Energy Analyst
Renewable Energy Office

i SB 1305; Chapter 796, Statutes of 1997. Section 398.5 of the Public Utilities Code and Section 1394 of Title 20.

ii Specific purchases are defined as "electricity transactions which are traceable to specific generation sources by any auditable contract trail or equivalent, such as a tradable commodity system, that provides commercial verification that the electricity source claimed has been sold once and only once to a retail consumer." (Public Utilities Code, Section 398.1(b))

A "claim of specific purchases" or a "claim that identifies any of a retail provider's electricity sources as different from net system power" is defined as "...any statement that is made to consumers by a retail provider for the purpose of marketing any electricity product and that contains either:

(1) a reference to use of an eligible renewable to generate, in part or in whole, the electricity product offered for sale by the retail provider, other than disclosure of net system power; or

(2) a statement that a specific attribute of the electricity product related to the generator creates an environmental effect."

(Title 20, California Code of Regulations, section 1391 as amended, November 2000).

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