

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)



In the matter of,	)	Docket No. 2010-PSDR-01
	)	
	)	NOTICE OF AVAILABILITY AND
2010 Rulemaking on Power Source	)	REQUEST FOR COMMENTS
Disclosure Regulations	)	RE: Power Source Disclosure
_____	)	Draft Regulations

**Notice of Availability and  
Request for Comments on the  
Power Source Disclosure Program  
Draft Regulations - Second Draft  
CEC-300-2011-003-SD**

The California Energy Commission is requesting comments on a second draft of the *Power Source Disclosure Program Draft Regulations*. Comments on these draft regulations will be considered for incorporation into regulations that will be submitted to the Office of Administrative Law.

The draft regulations are available free from the Energy Commission's website at:

[www.energy.ca.gov/power\\_source\\_disclosure/documents/index.html](http://www.energy.ca.gov/power_source_disclosure/documents/index.html)

## Background

Senate Bill 1305 (Sher, Chapter 796, Statutes of 1997) established the Power Source Disclosure Program and requires retail electricity providers to disclose quarterly and annual fuel mix information to retail customers in the form of Power Content Labels. All retail suppliers who provide electricity to California customers must include a Power Content Label in promotional materials and in quarterly submittals to their customers. The Power Content Label identifies the mix of electricity fuel and technology types of the retail suppliers' own source of power, and also includes a column listing net system power data as a representation of California's power mix. Net system power is the fuel mix of all the power consumed in California minus the power that is specifically identified by retail suppliers as provided to their customers. Retail suppliers who make claims about the environmental, fuel, or technology characteristics of their power must disclose their actual mix to customers; those who do not make claims may identify their source as net system power.

During the past few years, retail suppliers who provide renewable power have claimed larger amounts of specific purchases, with the result that net system power now contains a very low level of renewable energy. Using net system power on the current label creates the impression that net system power reflects the state's overall level of renewable procurement, which is not the case.

On October 11, 2009, Assembly Bill 162 (Ruskin, Chapter 313, Statutes of 2009) was signed by Governor Schwarzenegger and chaptered into law. This legislation makes a number of changes to the Power Source Disclosure Program. It removes the requirement that retail suppliers provide net system power on customer disclosures and instead requires retail suppliers to disclose total California system electricity, which is the sum of all in-state generation and net electricity imports, designated by fuel type, and is a more accurate representation of California's power mix. The legislation also amends reporting requirements and coordinates the Power Source Disclosure Program with the Renewables Portfolio Standard Program.

An Order Instituting Rulemaking to change the existing regulations for the Power Source Disclosure Program was adopted at the Energy Commission's July 28, 2010, Business Meeting. An initial draft of the revised regulations was released for public comment on November 22, 2010. Staff has incorporated initial stakeholder comments, and is distributing a second draft of the regulations for public review and comment.

## Written Comments

Written comments on the second draft of the regulations must be submitted by 5 p.m., May 31, 2011. Please include the docket number 2010-PSDR-01 and indicate *Power Source Disclosure Program Draft Regulations* on the subject line or first paragraph of your comments. Please hand-deliver or mail an original copy to:

California Energy Commission  
RE: **Docket No. 2010-PSDR-01**  
Docket Unit, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5504

The Energy Commission encourages comments by e-mail. Please include your name or your organization's name in the name of the file. Those submitting comments by electronic mail should provide them in either Microsoft Word format or a Portable Document (PDF) to [docket@energy.state.ca.us]. **One paper copy** must also be sent to the Energy Commission's Docket Unit.

## **Public Participation**

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [ [PublicAdviser@energy.state.ca.us](mailto:PublicAdviser@energy.state.ca.us) ].

Members of the public who have technical questions regarding this notice may contact Lorraine Gonzalez, Renewable Energy Office, by phone at (916) 654-3842 or by e-mail at [ [lgonzale@energy.state.ca.us](mailto:lgonzale@energy.state.ca.us) ]. News media should direct inquiries to the Media and Public Communications Office at (916) 654-4989 or by email at [ [mediaoffice@energy.state.ca.us](mailto:mediaoffice@energy.state.ca.us) ].

Electronic Mail Lists: Power Source Disclosure (AB 162), Renewables