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March 2, 2012

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11-RPS-01
DATE MAR 02 2012
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California Energy Commission
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Renewable Portfolio Standard Docket No. 11-RPS-01

The 33 Percent Renewables Portfolio Standard Pre-rulemaking Draft Regulations as currently written require Trinity Public Utilities District (TPUD) to provide the California Energy Commission (Commission) documentation that "*the POU receives all of its electricity pursuant to a preference right adopted and authorized by the United States Congress pursuant to Section 4 of the Trinity River Division Act of August 12, 1955 (Public Law 84-386)*". The Draft Regulations also state that "*The Commission may request additional documentation if necessary to determine whether the POU meets the criteria listed in Public Utilities Code Section 399.30 (h)*." The two pertinent sections of the Draft Regulations are 3204(a)(6) and 3207(d).

TPUD requests clarification of what type of documentation must be provided to the Commission. The Trinity River Diversion Act is part of the public record and grants preference rights for the life of the Trinity River Diversion Project. Until such time as Trinity Dam is removed and the associated generation facilities (Trinity, Carr, and Spring Creek Powerhouses) are decommissioned, TPUD will continue to receive all of its power from the allocation reserved by the Trinity River Diversion Act. Using historical load growth as a guide, it will take more than 125 years before TPUD's load exceeds its allocation.

Given these circumstances, TPUD recommends that the Commission accept a copy of the Trinity River Diversion Act as documentation of the fact that TPUD fully satisfies all of the criteria of Public Utilities Code Section 399.30(h).

Sincerely,

Paul Hauser

Paul Hauser
General Manager

cc: Senator Doug LaMalfa
Assembly Member Wesley Chesbro

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