BEFORE THE

CALIFORNIA ENERGY COMMISSION

LEAD COMMISSIONER WORKSHOP FOR RENEWABLES PORTFOLIO STANDARD (RPS) IMPLEMENTATION FOR LOCAL PUBLIC OWNED ELECTRIC UTILITIES (POU)

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P R O C E E D I N G S

JULY 29, 2013 9:04 A.M.

COMMISSIONER HOCHSCHILD: How is everyone? Welcome folks, I'm David Hochschild. For those of you have not met me, I was appointed by Governor Brown in February to fill the environmental seat at the California Energy Commission and the Chair has asked me to take the lead on the POU Regs and the RPS going forward.

To my right is my senior advisor, Kelly Foley, who's going to be your main point of contact on any questions related to enforcement of the RPS for the munis.

I want to welcome all of you here this morning as well as those of you on the phone. And I'd like to thank the staff for their many, many months of hard work to develop the regs as well as the latest herculean effort to get it all shipped off to OAL, so thank you for that.

I also want to acknowledge and welcome Kourtney Vacarro who's just joined us, Kourtney if you can stand there, as Assistant Executive Director for Compliance Assistance and Enforcement. And for those of you who have not yet met her, she comes to the Energy Commission

with a wealth of experience having led enforcement at the FPPC and then prior to that having been a hearing officer here. So Kourtney, we're very thankful to have you back on the team. Those of you in the audience please do introduce yourself after the meeting if you haven't met her.

Our vision going forward is really a collaborative one. We want to see all the munis in California succeed in meeting this goal that the legislature and the Governor have laid out. And we want to work as collaboratively as possible to make that happen.

I'm going to be personally attending as many of the workshops as I can and it's a personal goal of mine to meet with every single one of the 48 munis in the state. I've met about half so far. I had a very, very fruitful week with LADWP and SCAPPA and a number of the smaller utilities in Southern California. And will be continuing to go on the road to meet folks individually.

Our goal is to have an annual update process in an orderly fashion with respect to the regs and we'll talk about that more later today.

And with that what we're going to do is turn this show over to the staff here. Angie Gould is going to walk through a presentation and some of the forms; that should take about half an hour. And then we'll open it up to questions and discussions from the audience and those on the phone.

Angie, take it away.

MS. GOULD: Good morning everyone, I'm Angie Gould and I worked on the RPS regs. I'm joined by Gabe Herrera from our legal staff, Gina Barkalow who runs the Verification team, Emily Chisholm who works on the regulations and Kate Zocchetti who is the technical lead for the RPS Program. Also on WebEx you have Theresa Daniels and Kevin Chou running.

A few housekeeping items before we begin. This is being recorded, so we will have the entire WebEx conference available online at some point after this is over the closest restrooms are located over by the exits on the P Street side. However do not go through those doors; it will set off an alarm.

There's a snack bar on the second floor under the white awning and if we have an

emergency and we evacuate just follow staff over to Roosevelt Park kitty-corner from the Energy Commission.

Okay, and for those of you on WebEx can you send a message to the host letting us know if you can hear us? I think we've gotten some messages saying that people can't hear? Well, I suppose if you can't hear you won't hear my instructions. Okay, well I'm just going to keep going as long as hopefully things are okay.

Okay. Let's go ahead and get started on the presentation. The anticipated schedule for the regulations, on July 18th we submitted the final rulemaking package to OAL. OAL has 30 working days to review, so they should be done by or before August 29th. And if OAL does approve the regulations within those 30 working days then we would have an effective date of October 1st. And they would send everything to the Secretary of State and it would be included in California Code of Regulations.

Okay, now to just go over some basics of retirement and reporting. First of all the terms that we'll be using, I know that there's a little bit of confusion. To retire is to claim a REC in

WREGIS or in the interim tracking system if the REC is not available in WREGIS and thereby to commit the REC to be used for compliance with RPS.

Okay, I'm sorry, it seems that they can't hear us on WebEx. Okay, sorry it looks like people on WebEx couldn't hear us, hopefully we'll be better now. I'll just go over retire again really quickly. And also we have a presumed effective date of October 1st.

To retire is to claim a REC in WREGIS or in the interim tracking system if the REC is not available in WREGIS and to commit the REC to be used for compliance with RPS. And to report is to submit a report to the Energy Commission.

So sometimes they are separate acts as in WREGIS and sometimes they are the same act, which is in the interim tracking system.

Annual reports are submitted each year for the calendar year and all the information in 3207(c) and the regulations is contained in the annual report.

Compliance reports are submitted the year after the end of a compliance period, so the first compliance report will be to July 1st,

2014. That will contain all the annual report information in 3207(c) as well as additional information in 3207(d), so things like how much access procurement you calculate.

In the interim tracking system POU submit procurement claims on the RPS-Track form along with other required reporting forms. Submitting the RPS procurement claims in the ITS is, as I said before, both retirement of the RECs, which must occur within 36 months of the date of generation and reporting.

And the RPS-Track form is verified against generation data. This can be on the RPS-Gen form or from other sources and we're transitioning out the ITS after October of 2012 although since there are 36 months to retire regs it will likely be in use through 2015.

For WREGIS POUs submit the RPS report with their procurement claims along with the other required forms. The retirement of a REC and WREGIS, again which must occur within 36 months of the date of generation, has been the POU transfers the REC from their active subaccount into their retired subaccount. So that date is recorded within WREGIS and we use

that date to track the 36-month requirement.

Submitting the RPS procurement claims using WREGIS is reporting, so you can do that within WREGIS. You can ask for just to submit a report to the Energy Commission. And the WREGIS report may not need to be verified against generation data if the entire calendar year generation is in WREGIS, because the generation data itself is contained within WREGIS. It's both the procurement claim and the generation information.

Okay, now to talk about deadlines and reporting is Gina Barkalow.

MS. BARKALOW: Hi, I'm Gina Barkalow and I work on RPS verification. I'm actually going to go over some due dates that have to do with the enforcement program. This was due last year, but this is just to provide sort of a timeline of reporting due dates.

October 31st, 2012 facilities must have registered in WREGIS to count all generation from RPS certification onward. Unfortunately, we don't have RPS certification staff with us this morning, so I'm going to go over these due dates. This due date has to do with certification for

biomethane facilities using onsite or dedicated pipeline. The due date is today and so these sorts of facilities must submit either the 2196 form or amend their certification application on a CEC-RPS-1 form if there are any changes to the facility since it was certified.

There is some additional information here, included with the application needs to be an S4 form for each landfill digester and either a biomethane contact between the landfill digester and the electrical generation facility showing the environmental attributes. Or a cover letter explaining that both the landfill digester and electrical generation facility are owned by the applicant and therefore a contract is not applicable.

Today is also the deadline for submitting certification applications for biomethane facilities using a common carrier pipeline. They also must either submit a 2196 form or amend their application on a CEC-RPS-1 form if there are any changes to the facility since the previous certification. Included with the application must be an S4 form for the landfill or digester, an S5 form for each

delivery entity responsible for delivering the biomethane from the landfill digester to California or the facility and a copy of each of the biomethane procurement contracts. The biomethane procurement contract must include the execution date, start date and end date of the contract, the quantity of biomethane, environmental attributes and the sources if any.

There are also reporting deadlines for generation data, so for certified facilities using biomethane for 2011 and 2012, from onsite or dedicated pipelines they need to submit the CEC-RPS-Gen form. If there was any multi-fuel used they must use the CEC-RPS-Multi-Fuel form instead.

Certified facilities using biomethane for 2011 and 2012 generation now fall under the common carrier or use a common carrier pipeline. They must submit the CEC-RPS-Biomethane reporting form. So if these facilities are actually pending certification then this reporting can be submitted after the certification has become final.

Also due today is generation data for multi-jewel facilities that have not already

reported generation data for 2011 and 2012 and for which 2011 and 2012 vintage RPS claims will be made, so basically a catch up for this generation data, typically multifuel facilities need to report on annual basis whether they are in WREGIS or not. We need to do that, so that we can determine the number of nonrenewable WREGIS certificates should be associated with each facility.

So we already have received some of this data, but this is to allow facilities that had not yet reported to provide that information to the Energy Commission. The exception would be biomethane facilities using a common carrier pipeline. And in that case instead of the multifuel reporting form they would use the CEC-RPS-Biomethane form.

Today also due is generation data for facilities that are not registered in WREGIS for all of 2011 and 2012 and are not utility-owned. They must submit the 2011 and 2012 using the CEC-RPS-Gen form.

So just a little background on this is that eventually when all the generation is captured in WREGIS we hope to get rid of the CEC-

RPS-GEN reporting form, but until all of the generation is captured in WREGIS we need to have this generation data reported to us, so that we can compare claims that are reported using the RPS-Track form and WREGIS together.

So ultimately we expect this reporting form to go away, but if there are claims as POUs are transitioning into WREGIS we expect that there may be claims for years 2011 and 2012 where they don't have the generation in WREGIS and we'll need to use the RPS-Track form to report it, so we will need the generation from these facilities.

This bullet here is talking about the CEC POU compliance form and I will be discussing this in detail soon. But just to point out that we would be very happy to receive data having to do with the static information forms, static information tabs that has to do with all of the contract information that we will need to be able to verify the RECs when they come in. So I'll explain a little bit of this more as we go along.

So assuming that October 1st is the effective date of the POU regulations October 31st would be the due date for the 2011 and 2012

annual reports. And that includes a whole host of reporting forms including the CEC-RPS-Track forms if there's data that the POU wants to report that was not available to them in WREGIS. The WREGIS reports, if there are claims for Bucket 1 facilities that are not directly connected to a California balancing authority and delivery information must be demonstrated, then the e-Tag form is due. Same with a Bucket 2 where delivery information is required then the CEC-RPS-eTag is due. This form is not required if that e-Tag information is available in WREGIS and a WREGIS NERC e-Tag summary report can be provided.

And then of course, the CEC POU compliance form and all the supporting contracts, so all of this information is due to us on the 31st. We would be happy to receive the POU compliance form sort of in a draft form with all of the static contract information on the various tabs provided to us along with the contract, so we can take a look at that and start verifying that as soon as possible. It'll be provided to us along with the contract, so we can take a look at that and start verifying that as soon as

possible.

It'll be a lot of information for Energy Commission staff to verify and we can get going on that sooner rather than later that will be in everyone's best interest. And then also we can help answer any questions that POUs may have about that, so we encourage you to work with us ahead of the deadline on the static information.

On November 27th assuming an October 1st effective date POUs must adopt procurement plans consistent with the statute and regulations and submit them to the Energy Commission. And then on December 30th, 2013 assuming an October 1st effective date the historic carryover reports are due.

POUs are encouraged to turn in the CEC RPS historic carryover form and all the documentation forms early on this. So that is the last day that it may be reported, however we encourage you to submit that sooner rather than later so that we can begin the verification of the contract information.

I should note to you that on the historic carryover in the guidebook we state that the static information, we encouraged the POUs to

submit this static contract information when they submit the historic carryover information. When we wrote that we were sort of assuming that the historic carryover information would come first or at least at the same time as the POU compliance form.

So unfortunately it states that it could come as late as December, but really the static information is part of the POU compliance form so really the deadline for that is October 31st if not later than that. So that is just a point of clarification there.

By December 31st of this year also facilities must be certified to count eligible generation from January 1st, 2011 onward. By March 1st, 2014 all multifuel and biomethane facilities must report 2013 generation using the multifuel or the biomethane form. So as I stated before for multifuel facilities and biomethane facilities the biomethane form, that is just for the common carrier pipeline. The onsite and dedicated can use the multifuel form or the CEC-RPS-Gen form. But we need that information on an annual basis to determine how much nonrenewable fuel is allowed for each facility.

And then July 1st, 2014 is when POUs must submit the complete POU compliance report for the first compliance period covering 2011 through 2013. So this is the same compliance form and when I bring it up and talk about it you'll see that it contains information for all of the reporting years as well as the entire compliance period.

And I guess I'll go ahead and actually bring that compliance reporting spreadsheet up, so you can see it. Okay, just a little bit of a background on these forms. The Energy Commission held a few workshops last year having to do with reporting and verification under SBX 1-2. On September 21st last year we had a presentation to go over the retail sellers 2008 through 2010 RPS claims. And we also included a high-level review of the proposed verification process under SBX 1-2. On October 12th staff hosted a POU working group on RPS reporting during which we went over Energy Commission staff's proposed POU compliance spreadsheet on the historic carryover form. And then on November 30th we had another workshop on reporting and verification.

And so we initially put this form

together as a way to capture all of the information that is required on one form.

So this is basically the title page and it just provides a real high-level summary of what all of the various tabs include. And so here's the static information for reports submitted in 2013 complete with information from contracts and ownership agreements executed on or before December 31st, 2012. For reports submitted in 2014, which would include 2013 data and after, complete with information from contracts and ownership agreements executed from the previous calendar year.

There's annual report accounting, a summary for each year in the compliance period. And then I'll show you the tabs, so you can see more specifically what they include. So the due date will eventually be July 1st of every year for the previous year. 2011 and 2012 we're playing catch-up here, so that's why that information is due at the end of October.

So there are many tabs on this form and we have an instruction sheet to just provide some general instructions about each one of the tabs. We have information regarding historic carryover

and I'll walk you through some of that.

Compliance period summary tab and a list of narratives, so on -- let's see here. So right here is basically each item that is listed here is a footnote in the detail tabs and it just brings you back to here to explain what that footnote means. Some of it we didn't need to provide a footnote like for the RPS ID we didn't bother providing additional information on that. But some of this information did require an explanation and some of the tabs have drop-down menus.

The first tab here has to do with historic carryover and Bucket 0, so here you would enter the reporting year and we would expect to see on the form that is due at the end of October reporting for 2011 and for 2012. You provide the facility name, the fuel type and there's a dropdown menu for that. This is for multifuel facilities if there's more than one fuel type. The location, facility status, that also is a dropdown menu and it's explained in the instructions the details of what the various options mean. The contract execution date, so anything on this form should have an execution

date before June 1st, 2010. That's partially what allows it to count as count in full.

So these are sort of questions that help us determine if it meets the Bucket 0 requirements. Does the contract contain explicit terms and conditions specifying the ownership of the RECs, so yes or no? So contract start date, so ID information. Notes, so in this one you can actually type in any information that you think would be helpful to the Energy Commission staff in explaining the status of the facility or anything unique about the special circumstances maybe of a particular facility.

Here are the historic carryover questions. There is also a historic carryover form, which Emily will review shortly. But these are basically the criteria that allow us to determine if a facility is eligible for historic carryover and you need to know if the facility is currently certified or not. POUs, if it's not certified will need to get the facility certified before it can be counted as historic carryover.

We need to know which guidebook was in place at the time that contract was signed. This is because the rules of the facility must have

met the Energy Commission's rules in place at the time. So that will help us determine which guidebook we should use in determining if that facility met the rules and place of time. And does the facility meet the eligibility requirements under the addition of the guidebook and this is to provide supporting documentation as necessary.

So the next one has to do with Bucket 1 and if you have specific questions or these forms will be made available. We actually have them available on our website in draft form, so feel free to take another look at them. We are expecting to finalize them soon. All of the other forms associated with the guidebook that are not POU-specific are already available on our website. So we are planning to finalize these soon and make them available.

So that's all the information that we believe we need for Bucket 1 categorization. Bucket 2 has two: we have the renewable contract information and then we have contract associated with the incremental energy contract. So incremental means incremental to the POU, and it's important for us to see the contract

execution date to verify that it is indeed incremental to the POU. These are part of the contracting requirements for claims to count as Bucket 2. And so Bucket 3 we also have to look at contracts either for Bucket 3 and so we have a tab for that as well.

And then here is the annual report accounting tab, so you can see that some input is required. And so this is sort of a peach color, I guess. The information will need to be provided by the POU. Some of it will be actual data, so this should be actual data here. The amounts in the dark blue are forecasted data and this will be information provided based on the Buckets and what was retired. And so this is just the annual accounting tab.

Let's see, and then we have a summary tab for each individual year and this information will need to be provided by the POU, so just to explain a little bit. This has to do with the RECs that are retired and that is part of the RPS requirements. POUs have flexibility in determining what they want to retire. They could have procured RECs in a particular year, but decide to retire it and report it for a future

year. They have up to 36 months to retire it.

And so this right here is actually, this was taken from the Power Source disclosure Program and I think is we were having some discussions. We just put this in the form, because some POUs I believe had expressed an interest in showing side-by-side what was retired for the RPS, but also showing information associated with the power source disclosure form.

We will be using the information provided in this POU form to post on our website. We intend to do this soon upon the date which we receive it, so that we can have information available to the public about the POUs progress. But there is some concern that if POUs are waiting to retire their RECs until say the last year of the compliance period it could look funny to the public as if nothing was being used for the RPS yet the Power Source Disclosure Program would show a different story. It would show that indeed renewables were procured; they're just being reported later for the RPS.

So actually we would appreciate some input on this, so you can think about it. I mean perhaps this is just optional, if a POU wanted to

provide that information so we could have sort of a side-by-side showing of RPS retirements versus the power source disclosure information. But I believe that's how we designed that.

And there are a lot of talks about making updates to the Power Source Disclosure Program, however until those there is a legislative change. There is still reporting required for the Power Source Disclosure Program, so we understand there's some concerns about the two programs and how reporting is done.

This is the compliance period accounting tab and so for data reported for at the end of the compliance period this tab would need to be completed. So next year when the POUs are submitting 2013 data as well as data for the entire compliance period this tab needs to be completed. And here again we have the actual data and then forecasted data.

There's a line here for historic carryover and we will use the historic carryover form to verify and establish the amount of historic carryover that is allowed. And then a POU would designate from that amount on this form when it would like to use it, so it can choose

which compliance period it wants to apply the historic carryover.

There is a tab here too, having to do with the portfolio balance requirements and excess procurement. So before excess procurement can be determined we also have to look at the TDR requirements. And so this allows us to calculate excess procurement, which also can be used in this compliance form. So this is a way to account for everything at the end of the compliance period. And here's the excess procurement calculation in this box over here.

This is the compliance period summary reporting and this is just due at the end of a compliance period. So it includes the summation of the 2011 through 2013 data on here for the entire compliance period. The number of RECs retired by Bucket, historic carryover applied. Did the POU meet the target, so the calculations are embedded in the spreadsheet.

So in some years narratives may be required. We added a tab to the spreadsheet to help track that. And this is just a yes or no answer to let us know if there is an attachment along with the other reporting forms. That has

to do with the public goods funds collected. That should be attached annually.

Identified issues that may delay timely compliance and planned actions to minimize delay, reasonable progress actions taken and reasonable progress actions planned, as needed documentation justifying the application of adopted optional compliance measure and also as needed is documentation providing applied cost limitation and dollars expended during the compliance period.

So there's a possibility we'll create a template for each one of these, just a word template so then you would just provide your narrative in that template and attach it with the entire reporting package. And then there's an attestation and so by indicating the narratives that are attached that additional information will be covered under that attestation language.

And I think that's it for this spreadsheet. It really is big and there's a lot to it, but Emily has developed a checklist to try and kind of demonstrate where certain parts of the regulations are captured into this spreadsheet. And Emily do you want to talk about

that?

MS. ZOCCHETTI: Gina, just one point I just want to clarify for everyone. This is Kate Zocchetti. Isn't it correct that, you mentioned that the peach cells need to be completed? The rest of the cells self-populate for the most part.

MS. BARKALOW: There are some forecasted cells that also need to be, those won't self-populate, the forecasted ones so those will need to be completed as well.

MS. ZOCCHETTI: Okay, but a lot of them do self-populate. I just wanted everyone to know that, that they don't have to fill in every single cell. A lot of them will carry over from previous tabs.

MS. BARKALOW: But not every single tab.

MS. ZOCCHETTI: Thanks.

MS. BARKALOW: Okay, so this form is actually just designed really for 2011 through 2013, so we'll have to have another form that would contain summaries for the second compliance period. And then see about that being able to populate the forecasted information.

Okay. So we'll talk, I think Emily is

going to take -- she'll just walk over a checklist and then also talk about the historic carryover. So let me show the performance checklist, it's down here somewhere.

MS. CHISHOLM: Hi, I'm Emily Chisholm. And first I'll be looking at the handout that hopefully everyone got. It's a draft checklist we put together to try to be an easy go-to guide for the compliance reporting. And what it does is it lists every single requirement that's in the regulations from 3207(c) and (d). And it breaks it out, what is reported annually and then what's reported by compliance period. It shows where in the regulations it's reported and where exactly which tab in the compliance report you can find that.

Some of the items will need an attachment and so it shows either some of them will be the actual procurement reporting, which is the WREGIS report or the ITS report track form. And others will be as Gina mentioned, an attachment of the narratives, which we might do a word template. We haven't quite decided that yet, so but there is a list of narratives that lists all of those that will need an attachment.

So the first report annually information is going to be reported every year. And then the compliance period information is only going to be reported at the end of the compliance period in addition to the annual reporting. Let's see what they're saying in here, yes. And there is alternative compliance mechanisms reporting information listed here that is only for anything that actually needs an alternate compliance mechanism. So if you're using that then there'll be extra reporting for that.

So this is just a checklist we put together. Please let me know if you have any comments on that and then I'll go to historic carryover.

All right, the first tab is general instructions. It explains what exactly to fill out and where to send it. And it says that you have 90 calendar days after the effective date of the regulations to report this, so that'd be December 30th. These are all the footnotes that are used throughout the form, so that if there's any question of exactly what that means you can come here. And it has some of the actual equations that we use to calculate historic

carryover from the regulations.

Here's where most of the information goes into your listing all of your procurement for all of the years 2001 through 2010 except for 2002 by facility. And then it will calculate at the top exactly how much total eligible procurement you have. And you will be reporting the procurement data on a track form or WREGIS form or WREGIS report separate from this. But this will be kind of like a easy tally of all of your historic carryover.

And that will go into the accounting that actually calculates the historic carryover. You will put in your retail sales and then it will use the eligible procurement number to every year calculate how much under or over you are. And it takes the total of all of that and, down here at the surplus or deficit, shows if you have historic carryover.

We put this form together last year and put it out for comments. And it was brought to my attention that some of the equations were wrong, so if you're using an old version and it's not calculating correctly feel free to contact me. I can get you a better version where this

should calculate the total of all of the years those are completed and not just 2010.

And then there's an attestation, which probably needs to be updated but will be filled out and signed. Is that everything?

MS. BARKALOW: We wanted to print it out.

MS. CHISHOLM: Pardon?

MS. BARKALOW: We wanted to (inaudible)

MS. CHISHOLM: It's printed out where?

MALE VOICE: There's a footnote on the form that says what's the date.

MS. CHISHOLM: This should be up to date if that's what you're asking. What I sent you recently was up to date. It's anything that you got back in like October might have an equation problem. We can maybe post it, I don't know if we -- well as soon as it goes out it'll be correct. I'll just say that.

Okay, I don't have those things. And Gina's back.

MS. BARKALOW: Thanks, okay. So hello again, it's Gina and I'm going to talk about some of the other forms that we also will need along with the big POU compliance report.

So the compliance report, the big POU compliance report provides a lot of information having to do with the contracts and the Buckets and kind of providing a summary of all the progress put together. However separate from that are the WREGIS claims and the RPS-Track claims, so that is the real meat. That is the actual RPS claim that's being made.

And I have the RPS-Track form here, but I thought it might be helpful if I can actually show you where to find it on our website. I hope I can find it. The RPS-Track form is currently available. The retail sellers also use that form to report to us and the retail sellers, their due date is actually today for their 2011 data, so we are receiving WREGIS compliance reports and RPS-Track forms from retail sellers today.

So you've got a renewable tab and then here is the RPS and guidebooks and forms here on the right column. And then here are the forms, so here's the 7th edition guidebook and then here are all of the forms that are currently available. We do note that several forms will be finalized to be consistent with the enforcement procedures for the RPS for POUs. And so these

forms are the ones that will be coming shortly. That's the e-Tag summary report, the hourly, the POU compliance report and the historic carryover.

So here's the CEC-RPS-Track form, that's the certification form, these are the S4, S5 2196. So some of these are the biomethane certification forms, precertification, and then here's the RPS-Track and it is an Excel spreadsheet.

And there has been some confusion about the ITS, which stands for the Interim Tracking System being an actual system like WREGIS, which it actually is not. It's just these Excel spreadsheets that staff puts into our database that we created and we verify. So this was our approach for verification until WREGIS data was available. And so we're in the process of transitioning away from this track form and being fully in WREGIS. And by October all data that is reported to us should be through WREGIS. So this will be phased out.

So on the track form here's just the general instructions. The entity name would be the POU name. The reporting, you know, that is covered so we would need one report for 2011 and

one report for 2012. So here's the due date, the due date will be July 1st of every year. Again, we're playing catch up and with 2011 and 2012 data and so that will be coming to us in October. Let me see if I can get to the other tabs, let me see.

Okay, so here are some general instructions and pretty basic. This information is consistent with the information in the WREGIS compliance reports, so we basically tried to mirror what we're getting with the WREGIS claims on this form. There is a line for e-Tag data, so that applies to Bucket 1 facilities that are not directly connected to a California balancing authority as well as to Bucket 2 claims.

And then this is the actual form. The RPS ID, EIA plant number if known, WREGIS ID, facility name, dropdown menu for the fuel types. POUs need to pick a bucket. For retail sellers we have -- actually it says retail sellers, they do not classify their retirements by bucket, so we won't get that from them. But we will get here's historic carryover. So this side can be used for this toward carryover reporting as well, the actual claims. This is the vintage year, so

that means the month and year that -- well actually this is just the year and the month that the generation occurred. And then this is the amount.

And so that's really you just populate that information yourself and submit that to the Energy Commission. There's an attestation then we will verify that by using all of the claims that are reported using this RPS-Track form as well as using WREGIS. So I'll just put that down there and go back to the website.

Let's see here, so for WREGIS reports the form actually comes to us from WREGIS. So if you haven't already POUs will need to authorize WREGIS to submit the WREGIS report to the Energy Commission. Then after that authorization has been done when the POU retires using WREGIS you'll be able to submit, you know, hit a button that says submit. And it will go, you'll direct WREGIS to submit that information to the Energy Commission.

But along with that is an attestation, so WREGIS doesn't allow us to provide our attestation with their reporting information. So that's why we have a separate attestation that

needs to be signed by the POU and sent into us at the same time that the information is being authorized from WREGIS to come to the Energy Commission. Oh well, it's not coming up, but just so you know that's where you'll find it. And so that's the two ways that we get RPS claims. It's either through WREGIS or through the RPS-Track form.

And then for claims that are Bucket 1 or Bucket 2 we have the e-Tag report and okay let's see here. Okay, so this is the actual attestation and this covers both the WREGIS compliance report as well -- they call it compliance report, so that can be a bit confusing, but the WREGIS report and the WREGIS e-Tag summary report. So if you have e-Tag data in WREGIS you must also have WREGIS send us the e-Tag summary report through WREGIS. And this attestation will cover all the data that WREGIS sends to us on behalf of the POU.

And then okay, so only in situations where a facility is a Bucket 1 claim, but it's coming from a facility that is not directly connected to a California balancing authority. So if it's connected to a California balancing

authority, but is being scheduled to another California balancing authority you do not need to provide us this hourly data. This is only for those facilities that are, typically you can think of it outside of the state, but there are some facilities that are in-state that are not connected. So for facilities that are not directly connected to a California balancing authority we will need this form. We will also need this for Bucket 2.

And the guidebook provides detailed information about how to complete this form. We also have an instruction tab, if I can figure out how to get this, here we go. So there are two schedules on this form. Schedule 2 is for those Bucket 1 claims that need e-Tag data and Schedule 3 is for the Bucket 2 that have the incremental electricity. We have instructions for both the Bucket 1 schedule and the Bucket 2 schedule.

This information also mirrors what is in the e-Tag summary report in WREGIS. So preferably we would like to have this information provided to us through WREGIS. In some cases it is just not available. Maybe the POUs had not signed up for the e-Tag service for 2011 and 2012

and in this case the POU then can use this form.

There are also situations when entities contract with third parties and the third parties are registered in WREGIS and they are receiving the e-Tag data. There are some complications right now with the third parties transferring their e-Tag data to the POUs. We're trying to correct that in WREGIS and have more e-Tag reporting flexibility in WREGIS and so we're hoping that in the future that information could be transferred directly to the retail seller or the POU and then they could submit the e-Tag summary report. Until that issue is corrected then this e-Tag summary report can be provided.

The big thing for facilities not interconnected, it is required that the facility be the RPS facility. So let's see here, okay that would be here I guess, the facility name.

So on the e-Tag the facility that is generating the e-Tag must be the Bucket 1 facility. We do allow for the compliance period exception to this case, so perhaps the facility itself hadn't certified or hadn't registered to have its name on the e-Tag. That may be okay, but we just might need additional supporting

documentation to be able to verify that the e-Tag represents generation from that particular facility.

So we had lots of discussions about this last year and we need to do an hourly analysis in the case of Bucket 1 generation that has e-Tag information. And we have a special form, which I'll show you soon. But so basically the e-Tags information on this schedule should be from the actual generator, so that we know that the generation came right into California. And if it didn't then it cannot count as Bucket 1.

And Bucket 2 it doesn't matter, it doesn't have to be the RPS facility. It really will actually not be the RPS facility. The electricity will be generated from a different facility from which the POU have the incremental contract. So there's differences between these two forms or the two schedules, I should say. And then there's an attestation.

So it's nice if this information can be reported through WREGIS. It just saves a lot of manual entering of data, but this is allowed if that's not the case.

MS. FOLEY: Gina, if it is WREGIS then

this form is unnecessary, right?

MS. BARKALOW: Well, not in all cases. So there are situations where it could be in WREGIS, but it's in a third party's account and the third party is unable to transfer it to the POU. So we were planning to maybe write an attestation where the third party might submit the e-Tag to us on behalf of the POU and accept that. But I don't -- there's some complications with that, because I mean I guess the POU has to be okay with what the third party is sending us and if they haven't reviewed it...

I mean, ideally we'd like to write the attestation broadly enough, so that if a POU felt comfortable they could say, "Okay, third party you send the Energy Commission the e-Tag summary report on our behalf." And then we could use that data, because it's in WREGIS and that is our preferred. You know, we prefer to use information from WREGIS.

MS. FOLEY: For those on the phone this is Kelly Foley, the advisor to Commissioner Hochschild. Are you working with WREGIS to enable the transfer and right now that doesn't exist?

MS. BARKALOW: Yes, there's third parties that are also actually leading that effort. And anybody can join those meetings. It's the, what is it Kate, the e-Tag working group?

MS. ZOCCHETTI: Yeah.

MS. BARKALOW: So there's an e-Tag working group right now to try and resolve some of these issues.

MS. FOLEY: If WREGIS eventually resolves this issue and the transfer is appropriate and adequate then this form will no longer be necessary?

MS. BARKALOW: Yes, that's right.

MS. FOLEY: As of the deadline for everything going into WREGIS, because there's a deadline where there's everything must be in WREGIS at that point.

MS. BARKALOW: Yeah, well the e-Tag information is a little bit different. So everything must be in WREGIS is really the generation, so the RECs created by the facility. This is not REC data, this is e-Tag data which has to do with the electricity that is associated with the REC, so.

MS. FOLEY: Okay, yeah. Call Gina if you get confused.

MS. BARKALOW: Yes, definitely call me anytime if you have any questions.

Okay, and then for the facilities that are not directly connected to a California balancing authority, but Bucket 1 claims are being made we need additional information in addition to the e-Tag summary report through WREGIS or through that other form I just showed you. This is actually hourly data.

And we reviewed the legislation over and over and over to see if we could get out of this hourly requirement, but we just did not believe we had the legal grounds to not require it. So until there's a legislative fix this information is required.

So there are instructions on how to complete the form on this instruction tab. We look at annual meter data and annual e-Tag data. And this is just so we tried to design the form to capture some of the various contracting arrangements that we know exist out there. However working with the POUs is new for us, so there may be a chance we didn't capture

everything. So we did try to build in some flexibility in this form.

And we explain in the instructions that let's see here, I think we say, "Energy Commission staff understand that the situation addressed by POUs do have the option to perform a calculation in a separate workbook provided that the workbook is submitted to the Energy Commission with this form. And all other materials required for verification."

So if there's a situation that we haven't envisioned and this form doesn't capture it, some of the retail sellers contacted us. And they said that they are in these contract situations where they have a percent share of the facility's output. And that we needed to account for that on this accounting on the spreadsheet. And so we worked with them to try to accommodate those contracting situations and we just sort of thought maybe the same situation applied to POUs.

So unfortunately the technical staff person, James Hale, is not available to kind of walk through the real technical details of this form. But this is the basic, so it looks at the hourly schedule and the hourly metered data and

there is a lesser of calculation, which is up here in this bar. It's a very long, complicated calculation, because there may be multiple e-Tags for the same hour and so we have to make sure that we don't count more than the amount of generation in that hour. And oh gosh, except the form, so anyways that's basically this is the hourly form and there's the attestation.

MS. FOLEY: Gina this is Kelly again. Maybe this is a question for the POUs. I'm assuming the meters generate their own data and that’s available in some form. Is that something that translates easily into this form or is this all manual input?

MS. BARKALOW: So the hourly data most likely is available from the generators. If not then POUs probably want to make sure that that becomes available to them, because they will be required to provide this information.

The really hard part on this form is getting the hourly schedule information. That information is embedded on individual e-Tags. So I know there’s folks out in the market; some of these third parties have talked to us and they’re finding a way to make this information available

to their customers. So I imagine that the market is changing to address this requirement.

For 2011 and 2012 I don’t know if they can do that retroactively or I don’t know. But what this schedule data -- so basically what we will do is we can get all this information and we’ll do our analysis. And then we’re going to randomly select e-Tags and we’re going to look at those e-Tags and on an e-Tag it will contain the hourly analysis. But it’s summed up in a way that’s really, you have to tease it out. So I imagine POUs would have to tease out that hourly information if it’s not provided to them by the third parties.

MS. FOLEY: Is this up to 365 lines of data per?

MS. BARKALOW: Well, it’s more. There’s actually 8,760 hours in a year.

MS. FOLEY: It’s for each hour then, it's not you can’t enter a block schedule?

MS. BARKALOW: No. And if there are multiple e-Tags for that hour it gets even bigger.

MS. FOLEY: But the assumption is this should be a cut and paste for these entries or

not?

MS. BARKALOW: No, unless they can get it from some entity. So if they're buying from a third party or from the facility that is providing this schedule data, whoever is providing this schedule for them, I mean maybe they could request that they even fill the form out. So yeah.

MS. FOLEY: And staff concluded based on legal interpretation that the statutory requirement is that all of this be provided?

MS. BARKALOW: Yes. And this is consistent with the CPUC, so this requirement is for retail sellers and for POUs.

You know, honestly it's not something staff looks forward to doing either. It's very detailed, it's complicated, it's going to take a long time, but unless there's a legislative fix, I think the legislature when they did this they wanted to distinguish between facilities that are not directly connected. And so the real incentive then is that you contract with facilities that are directly to a CBA and you don't have to deal with this.

MS. FOLEY: Is there an estimate of how

many POU facilities would be in this special category?

MS. BARKALOW: I had in my mind thought, based on the number of facilities that are certified and meet this criteria, that it would be 20 or 30, but it may be a lot more than that. So, I don't really know.

MS. FOLEY: Come up.

MR. ANDREONI: It wasn't clear how informal the workshop was, Tony Andreoni with CMUA. And I would like to just kind of get it kicked off, because I know a few of our members would probably like to provide a little more input on this. But as CMUA was going through the comments in the regulation we had a number of concerns about this requirement, this sheer number of data, because it's not 20 facilities it actually could be much larger than that.

And I think one of the missing points here is it's nice to be able to establish some type of Excel form to collect this, but this information may not be readily, easily available to fill out individual forms. Many of the members, depending on the size and the ability to come up with their own form or their own system

that allows them to integrate this, it may not transfer really well. And I think there probably needs to be a little bit more dialogue and thought on this overall approach and try to come up with something that's going to work for all the members.

Again, as the Commissioner mentioned in the beginning of the workshop, we're over 40 and this is going to create a huge amount of data to the Energy Commission.

And I think going back to some of the other forms that were mentioned, I know they're not available yet on the website. It seems like there needs to be a little bit more time to shake those forms down to make sure the calculations and the sales, the information, the format of that information that's available is going to work for folks.

I just wanted to kind of talk about that, because I know we're going over these forms in a lot of detail right now and I'm not exactly sure that, you know, everybody has been able to flush out all the information that's being asked for within the individual forms right now.

MS. FOLEY: Well we're doing the staff

presentation just as a provision of information and then the remainder of the workshop is certainly open to going forward what you think about the forms, other processes. It's open and we can certainly schedule another workshop if needed.

MR. ANDREONI: Yeah and I'm just also considering the dates where they may be right now; we're talking three months from now. And 2011 and 2012 data gathering is going to fairly challenging, so we'll look forward to talking more once we get to the open comment. But I just had to say something on this particular issue, because it is something that CMUA commented on quite a bit during the process.

MS. FOLEY: Yeah and we don't have the benefit of having been here for that, but this particular form certainly caught my eye as being fairly burdensome, but we'll have to talk about that. Thank you Tony.

MR. ANDREONI: Thank you.

MS. FOLEY: Thank you, Gina. Sorry for the interruption.

MS. BARKALOW: Fine. That was the last form I had to -- yes, so this is actually the

last form. So I think if everybody wants we can open it up for questions.

MS. GOULD: Okay. Yeah, now we're going to open it up for questions and comments and we do have blue cards for people to fill out. Just raise your hand and Theresa will come around and give you one. Fill them out and give them to the staff over here and we will call you up to the podium one at a time. Make sure that you state your name and your association.

And once we get finished with everyone in the room then we'll open it up for WebEx comments. For people on the WebEx use the raised hand feature and we'll be able to un-mute you one at a time once we get to the WebEx question and answer portion. And then once we're finished with the people on WebEx then we can open up the call-in only.

MS. BARKALOW: Okay so we'll start with Susie Berlin.

MS. BERLIN: Good morning, Susie Berlin for NCPA and MSR, both public power agencies.

I have a couple of clarifying questions and thanks for going through all the presentations. I just want to be sure I'm on the

right page here. When you say we're transitioning out of the ITS effective October 2012 that's for generation after October 1, 2012 will no longer go into ITS, but ITS is still there for purposes of generation that came in before that time, right? So there's nothing that was previously recorded in the ITS ever ends up in WREGIS even after 2012 retirements?

MS. BARKALOW: Yeah, so entities should be working with the facilities that they purchase from and double checking to find out when the RECs are available in WREGIS. So we had some issues with retail sellers that they did not believe that the WREGIS certificates were available and so had reported that amount on the interim tracking system. And then it actually turned out that the facility did have those RECs and then transferred them to the retail seller. So it's only if those RECs aren't in there in the WREGIS system that the RPS track form should be used.

MS. BERLIN: Okay and so if we had something that was generated in October or let's say September of 2012, it's going to be in the ITS when it's retired?

MS. BARKALOW: Oh, because it wasn't yet in WREGIS?

MS. BERLIN: Correct.

MS. BARKALOW: Yes.

MS. BERLIN: Okay. And for the reporting maybe I'm overcomplicating this, but we submit an annual report on July 1st of every year after the October 31st deadline. So on July 1st of 2014 we're actually submitting 2 reports. We're submitting the 2013 data and then the compliance period report?

MS. GOULD: Well it will all be part of the same report, so you'll just include the regular annual report information, but then you'll just be adding in things like the excess procurement calculations.

MS. BERLIN: Right, so there's not a due date prior to submission of the compliance period report for submitting information from the last year of the compliance period?

MS. GOULD: No, it all comes together.

MS. BERLIN: Okay. And I had one other question, sorry. Okay, just the reporting in general, even though the forms have all the little dropdown areas in the cells to fill out

specific information regarding all of the various contracts, you're still requiring hard copies of the entire contract? Notwithstanding the fact that all the information is supposed to be plugged in to the forms themselves, correct?

MS. BARKALOW: Right, so we use the contracts to verify that the information in the form is correct.

MS. BERLIN: Okay. I think that's it for now, thank you.

MS. GOULD: Oh, and just to point out Susie that the last date for using the ITS for generation is October 31st, 2012. So it's through the end of October 2012.

MS. BERLIN: Okay. So it is through the end of October, because I know we had gone back and forth, because the guidebook just says October. So it is through October 31?

MS. GOULD: Yes.

MS. BERLIN: Great, thank you for that.

MS. GOULD: Okay, next up is Jed Gibson.

MR. GIBSON: Good morning, Jed Gibson from Ellison Schneider & Harris. First I'd just like to commend the Commission on all the hard work that's gone in to putting these forms

together. I know how big of a job it is, so we appreciate all that hard work there.

Procedurally I guess I have to kind of echo what Tony had raised earlier. This is the first time that some of us are seeing some of these forms, so it's a little hard to provide comments on them. You had mentioned that they would be posted on the website soon, so we would encourage you to do that as soon as possible, particularly based on the August 16th I believe comment deadline.

MS. BARKALOW: Where did you see an August 16th?

MR. GIBSON: In the workshop notice.

MS. BARKALOW: Oh, okay. Actually these forms are available on the website right now.

MR. GIBSON: Oh, the POU compliance one and?

MS. BARKALOW: Yeah, uh-huh.

MR. GIBSON: Okay. Okay, that's helpful then.

MS. BARKALOW: Do you want me to show you where?

MR. GIBSON: As of Friday they weren't on the website.

MS. BARKALOW: They are. I admit it's not easy to find them, so hopefully I won't embarrass myself, but I will try to show you where they are. Let's see here. Okay, so you go to the renewable tab and go RPS and then, I think it's Workshops and Documents and you scroll down to let's see here. So it's right here where it says, "March 14th, Staff Workshop on Proposed Changes to the RPS Guidebook: Draft Appendices and Forms." And then also this is the Appendix A. This is draft, it's final now, but here are the forms.

MS. FOLEY: This is Kelly Foley. Gina, are these considered draft forms right now?

MS. BARKALOW: That's right, these are draft forms. They were posted April 8th in response to comments that we received on the guidebook. Entities had requested seeing the forms before they became final.

Some of these are final now. The RPS-Gen is final, the RPS-Track form is final, the multi-fuel form and the biomethane forms are final. The only ones that are not final are the historic carryover, the hourly and the e-Tag and the POU complaint spreadsheet, which we just went

over today. So we held the POU specific reporting forms, but they are available on our website.

MR. GIBSON: Okay, that's all.

MS. FOLEY: How many forms are not posted at all?

MS. BARKALOW: Four.

MS. FOLEY: And when can we have a hard date for when all of these will be formal and finalized?

MR. HERRERA: So Kelly, this is Gabe Herrera with the Legal Office. The idea would be to make those forms final once the information's regulations have gone into effect. We're hoping that the regulations will be approved by OAL in their current form, but for example if OAL recommends a change that impacts the forms there may be need to modify the forms. So that's why we haven't finalized them at this point.

MS. FOLEY: Can we have a number of days, weeks after OAL, after the regs are effective? Can we give parties a timeline here?

MR. HERRERA: Yeah, we can provide additional time for them to provide input. I mean, hopefully we can get that input in advance

of when the regulations take effect. That way we're ready to run once the regulations are effective. But maybe we can have a conversation with Commissioner Hochschild's office in terms of how much additional time is needed if we get comments from the POU or stakeholder indicating that they need more time.

MS. FOLEY: So how about we do this? We can send out -- well I actually cannot commit to what we can send out to the list served, but maybe at least to the attendees of the workshop, a link to these forms. Can we do that?

And in the future I'd encourage you if you are searching for something and cannot find it call the relevant staff person or email. And if that doesn't work send an email to me or cc me. People go on vacations and so forth this is a very hard location to find. So we don't want to have a situation where the forms are out there and nobody knows where they are.

But we'll send a link and then some time in a reasonable time after the regs are effective we will finalize and post in a, Gina, hopefully easier to find location on the web and we'll send that URL out. How's that?

MR. GIBSON: Yeah, that would be great. And I would just emphasize the importance of stakeholder feedback in developing these forms having worked with the Public Utilities Commission in developing the forms for retail sellers. Those have gone through numerous iterations, because they're so large in size and have so many details there tends to be multiple errors in the forms that need to be corrected before they can be finalized.

So in that vein I would just encourage the Commission to consider the time that it takes to review these forms. For example, the PUC retail seller form is 20 megawatts in size Or 20 megabytes, I'm sorry, in size. So it does take a good amount of time to go through those and sometimes you won't notice anything until you actually enter the data in to the forms to figure out what issues may develop there.

So having just seen the form very briefly on the screen it looks like there may be some duplicative items in there that's data that's reported in other forms. So some of that may not necessarily be needed in the POU compliance template, so I'd encourage the

Commission to kind of review what is already being submitted and reported. And avoid any additional administrative burdens of reporting information that you may already have.

And lastly I'd just encourage the Commission to work with the both PUC and WREGIS and just kind of try to make this less administratively burdensome for everybody. It sounds like there have been steps to do so already and that's great news, but the easier it is for everyone to review and verify this hourly data, because that really is going to be a nightmare, the better. So that's it, thank you.

MS. GOULD: Just real quickly, with the duplicative report requirements, is this other reports that come to the Energy Commission?

MR. GIBSON: Yes.

MS. GOULD: Okay. And we do note that POUs can identify where staff can find that other information, so you can just sort of point us to where that information is collected elsewhere and we will go pull that data.

MR. GIBSON: Okay and I'm sure in written comments we can point that out once we've had a chance to review the templates in more

detail.

MR. HERRERA: So Jed if you think additional time beyond August 16th, which is the comment date in the notice, I encourage you to contact Commissioner Hochschild's office or Kelly. Or perhaps indicate right now whether you think additional time is needed and if so, how much time. That's one point.

And point number two was the regulations do allow for POUs, in reporting information that has been previously reported information, just to refer back to that previous report and reference the page. And I think that's good for POUs, but it does raise an issue in terms of attesting to certain information. If the POUs did not specifically identify the information that's being referenced but rather say, "This information is in this report," without specifically identifying it, it could be difficult for staff to find the exact information. Or to make sense of an attestation that says, "We certify that this information is true and correct," and then we're trying to figure out what information is true and correct.

MR. GIBSON: Okay.

MS. FOLEY: To follow up on Gabe's comments I'd like to get from you a recommendation on the finalization of these reports, which are in various states of completion. Some are some very complete, some are mostly complete and some have not been posted yet. What type of procedural vehicle do you think would be the most effective? And I'd also like to get the opinions of other parties who come up to the podium on what you think is the best vehicle: purely comments, a workshop, procedural stuff?

MR. GIBSON: I think at a minimum a comment period would be necessary. And depending on the extent of those comments I think that maybe one or two more workshops may help as well.

MS. FOLEY: Would it be helpful if once all of the draft versions are out we send out a URL with all of them located in once place and then do comments all at once? Or do comments on what we have done, do you want this spread out? You want your medicine all at once or in slow doses?

MS. ZOCCHETTI: Kelly, this is Kate. If I could just interject just to clarify. All the

forms are actually online. There aren't any that are not online. We misunderstood the question earlier.

MS. FOLEY: Oh, okay.

MS. ZOCCHETTI: They're all up there and they've been up since April.

MS. FOLEY: So all of those that are up there are the universe of all the forms for the short term that we plan to generate?

MS. ZOCCHETTI: Correct.

MS. FOLEY: Okay, well then they're all available. I think we may ultimately when they are finalized move them to a more transparent link, but once you have the link...

MS. ZOCCHETTI: Right, they will be posted with the guidebook with the rest of the forms. They're posted here, because that's the Energy Commission's method of attaching things with the event that occurred. So that's just how they organize the website. Once they're finalized we will include them where the guidebook was, Regina showed you, which is less layers in.

MR. GIBSON: Right.

MS. FOLEY: But those will be the final

forms. In the interim when we do comments on them so should we just do comments on all of them all at once? And how much time will you need? For those of you who did not know they were there, how much time will you need to review them and start the comment process?

MR. GIBSON: At this time I think we can stick with the August 16th deadline, but that’s not having reviewed the POU template in detail. And of course that’s just myself personally, not on behalf of anybody else. Thank you.

MS. GOULD: Thank you. Next up is Tim Tutt.

MR. TUTT: Good morning, my name is Tony Gonzales.

MALE VOICE: Thank you, Tim. We're all awake.

MR. TUTT: Somebody who left the Energy Commission a little earlier than Tony. Tim Tutt for SMUD and I just had a few clarifying comments and questions. One, on the July 29th data that’s due today, many of us are working assiduously on getting that in. But in particular with respect to the multi-fuel and the biomethane forms it wasn’t really clear in the guidebook that those

were due today, so we'll get them to you as soon as we can.

It's complicated by the fact of course that it's kind of difficult for many of our counter-parties to fathom when you're half a megawatt dairy digester project that you might have to put in additional biomethane data and so on and so forth. So we're working, we'll get you that data as soon as we can. Much of it will come today, but particularly the multi-fuel and the biomethane forms it wasn't clear to me in the guidebook that they were due today and we'll just work on them and get them to you as soon as possible.

Second, on the forms here I think that staff has worked well with CMUA in getting these forms out so that we can review them. We have looked at them in a conference call and we've talked about them. I think most of us have them.

I do have comments on the forms, small things that could be changed, not really necessarily worth bringing up today in any detailed fashion. I'm glad there's a two-week comment period. That's probably the appropriate place and time for getting comments in on these

forms along with interaction with staff.

The historical carryover form was available last fall, and as Emily suggested, there were actually one or two errors in that that have been fixed. One of the things that I would recommend is right now we're commenting or looking at the forms without any data in them. Once data gets included in the forms that's when there might be another iteration of do all the calculations work as expected and planned.

And then finally to back up what Tony Andreoni was saying, not Tony Gonzales but Tony Andreoni, about the hourly information. That is a fairly complicated and difficult thing for many people to go through. I think what I would say is that it's my understanding that that hourly form is only necessary for product content category one contracts or procurement that is scheduled from outside the California balancing authority.

MS. ZOCCHETTI: What about only scheduled from outside the California balancing authority?

MR. TUTT: Outside two California balancing authorities?

MS. ZOCCHETTI: No. No, just for one schedule.

MR. TUTT: Or PCC 1, that's right.

MS. BARKALOW: To the hour, yes sorry. The hourly is only for the not directly connected to a California balancing authority Bucket 1.

MR. TUTT: Right and so what I was going to say is that right now for SMUD I think most of our out-of-state procurement is Category 0, so we don’t expect to have to fill out this form. But as those contracts change as we procure additional out of state, if we do, we will be getting into this. And we also recommended that this be made much simpler and follow the common industry practice as much as possible of monthly scheduling.

So taking all the schedules and the e-Tags and shoehorning them in to this hourly thing is what’s I think difficult for most people. And we haven’t really had a informal meeting with staff to really understand why this necessary and why the alternatives that were proposed were found to be wanting or lacking.

So we need to do that and maybe some changes can happen either at the legislature or

at the regulatory body before all of these contracts start adding up into more and more and more data and work for all of us. Thank you.

MS. ZOCCHETTI: Well Tim, this is Kate, if I could just make two comments.

On the biomethane forms that are due today, just so everyone knows that if they are later than today the generator status will be suspended as laid out in the guidebook. I just don’t want everyone to freak out about that. That just means that RECs can’t be counted while it’s suspended. Once the suspension is lifted, because the forms are submitted you don’t lose RECs basically as long as it’s eventually resolved.

MR. TUTT: We understand that.

MS. ZOCCHETTI: And then the other thing is just we’re happy to talk again about the hourly, our understanding of why the hourly data are needed. But we did, just as a reminder to everyone, Gina had a nice graph at one of the fall workshops that showed over the schedule and we’d probably revisit that. That is our rationale. So I’m not sure if you were there, but we did try to explain why we feel that the

hourly data are needed and we'd do that again.

MR. TUTT: Yes, I was there and SMUD submitted comments that actually used that hourly chart, I think or part of it in the comments, and proposed an alternative method that still required I think perhaps an hourly calculation. But at least didn't produce an incentive to over-schedule your resources.

MS. ZOCCHETTI: Thank you.

MS. FOLEY: Tim, I had a follow-up question, this is Kelly Foley.

You mentioned that you thought commenting by August 16th was sufficient and you were familiar with forms, so some parties are, some parties aren't, and then that it would be good to take another look once the forms are more commonly used. And since we're contemplating not necessarily a guarantee of a regulatory action, particularly with the POU RECs, because of the OAL requirements but much like we're going to be doing with the RPS guidebook, trying to get it on an annual cycle with a scoping workshop.

If we staggered those two, RPS guidebook would happen in January and then the POU regs would happen maybe in the middle of the summer.

None of this firm, they're just trying to get input on it. Would it be helpful, do you think, that that would be a good date to kind of take a second look at the forms and that could be part of the scoping inquiry? Do you think that's a sufficient amount of time or too short, too long?

MR. TUTT: Well, let me answer it two ways, Kelly.

I think the first time that we'll actually all use the forms is going to be this October, I guess, or such, something around that timeframe. And there might be an informal back and forth with staff like there was with the HCO forms last fall, which says we put data in now and this answer or this calculation seems funny to us, so can you look at it and can we figure out what's going on here? And that can just happen on an ongoing basis it seems to me, but when it really will happen is when we put data into the forms and look at it and try to understand whether it makes sense.

And then with respect to the annual RPS regulation question I think as the regulation is looked at and potentially changed it will filter into changes in the reporting forms quite likely

and that would be a perfectly good timing for that action.

MS. FOLEY: All right, thank you.

MS. GOULD: And just to point out I think that RPS eligibility staff contacted biomethane facilities on several occasions just to go over the forms that were due today. And I'm not sure if there was communication between the facilities and the POUs and that may be why there is some confusion on the part of the POUs with the biomethane forms that were due today, but I know at least there was communication between RPS eligibility staff and with the biomethane facilities.

And I think as well that those forms are only needed for those facilities that are not owned by the utility. Is that correct Gina?

MS. BARKALOW: No, so there's two forms, two issues here. One is the certification, so the certification forms are due today and I don't think there's any wiggle room on that. If you don't get it in today then I think the facility gets suspended and then you have to use the CEC-RPS-1 form, which is a much more detailed form. And that has been an ongoing process, so that's

that.

The generation data for the certified facilities is separate from the certification application forms and that is also due today. And there may be a little bit more flexibility on that; that's generation data, but some. Yes.

MS. GOULD: Okay and next up is -- oh sorry, we have two people converging on the podium.

MR. TUTT: Just to clear that up a little bit, at least in my mind, we understood from the guidebook that we were supposed to have any facilities using the ITS file using RPS-Gen forms for 2011 and 2012. And we do have, for example, a couple of contracts with landfills that we're using the ITS for part of that time. They filed using the RPS-Gen forms. I don't believe that they understood, and I certainly didn't understand, that they should have used perhaps the RPS-Biomethane forms, because the guidebook says what you need for this ITS stuff is the RPS-Gen forms.

And the guidebook also says you're supposed to have the biomethane forms for 2011, 2012 filed by March 31st, but that deadline was

well past and there’s nothing in the current guidebook that says clearly, “Now catch up with those biomethane and multi-field forms that you were supposed to have filed.”

So that’s the issue for me is that there’s nothing in the guidebook clearly that says, “You need to have filed those previously or should be due on March 31st forms by July 29th," that I could see.

MS. BERLIN: This is Susie Berlin. I just wanted to respond real quick to Kelly’s inquiry, because I made my comments before she asked them.

You said that perhaps looking at the RPS reg next summer, maybe a review, all of our compliance information is due by July 1st. So I would encourage the review, if you will, to be at least a month after that. We’ve submitted it, staff’s had time to go over it, they’ve had time to identify areas where we may have misunderstood what it was asking for. It gives all of us a little more time to see did it work or did it not work in the context of the current.

So as soon as we get them finalized, aside from working out a few kinks, I think it

would be good to just leave them and then look at it after we've finished the first compliance period. Perhaps for purposes of making any revisions.

MS. FOLEY: Great, thank you Susie. Also, just to be clear the RPS guidebook, which is applicable to all California jurisdictional entities versus the POU regs with a lot of overlap between the two, but the RPS guidebook is already scheduled tentatively to do this scoping workshop in January. We may have to have other one-off type proceedings due to exigent circumstances.

But the RPS guidebook is not subject to the OAL rules and so we have a little more flexibility. With the POU regs, because it's a much tighter process the idea would be kind of a check-in. And then make decisions based on that check-in. So that's a great idea; maybe late summer, but we have to talk to staff and think this all through. We just wanted to get your input on it.

MS. BERLIN: Of course and I can understand the distinction and appreciate it, but it's my understanding that the forms are actually

appended to the guidebook.

MS. FOLEY: Oh, okay. True --

MS. BERLIN: Compliance with the regulation, right?

MS. FOLEY: Yes.

MS. BERLIN: Okay, so even if we're doing a review of the guidebook in January, which I understand, you know, for scoping purposes I believe that an overall review of the forms and how that worked in the context would be better reviewed at the end of the compliance period. Not necessarily, oh has anybody complied or not complied, but after all the POUs have had a chance to submit the forms and the CEC has a chance to at least maybe go through some of them. I'm sure in a month you're not going to have gone through them all.

So that's why I was saying is the disconnect that we find.

MS. FOLEY: Yeah, definitely thank you. And I didn't realize that, but that is a very salient point. I think that probably the preference would be to keep the POU material as together as possible and not bifurcate it between the two, but I'm sure that's very difficult. And

as time goes by I'll understand exactly how difficult that is, but point taken. Thank you.

MS. GOULD: Okay, Scott Lesch.

MR. LESCH: My name is Scott Lesch representing the City of Riverside. We'd like to thank the Commissioner and their staff for allowing us to comment today. Riverside just had a couple of technical questions on filings that we'd like to go over, if we could.

The first one is on Bucket 2 transactions where the e-Tags they failed to get picked up in WREGIS, because of a human tagging error. I know this issue has come up with the IOUs. We've spoken personally with Gina who's been very helpful to us about those issues. And this has happened to Riverside and also Anaheim in 2012.

And as I understand it if I can just go through it the suggestion that we received from CEC staff was to fill out a California RPS-eTag report for all the e-Tags that were not picked up in WREGIS. And then provide electronic copies of those e-Tags with that report and document which RECs that get transferred into our account are associated with those dropped tags. And then

when we put all that information together, providing that attestation from ourselves and also the supplier if it's relevant and submit that to the CEC.

Did I get that pretty much correct, Gina?

MS. BARKALOW: Yes.

MR. LESCH: Okay. Riverside was wondering if we do all that and we file all the correct information, if we could have a little bit more certainty for ourselves and other POUs and the IOUs, if these will actually get approved as a valid Bucket 2 transaction? Since the only issue here that's really happened is the tagging area, usually, that's a human error?

And we were told that they would go in to a pending account and we wouldn't know if they were going to get approval or not? And so we were hoping since we have everybody here together in the room today if we might make some progress on that or if there's something else we need to do have the same certainty that those would be approved as if we had a WREGIS e-Tag report that we could submit?

MS. BARKALOW: I can talk a little bit

about that. So the way that process has worked for 2008 through '10 claims where if the e-Tag wasn't available in WREGIS, or maybe the RPS ID number was not on the e-Tag and therefore the e-Tag was not allowed to be pulled into WREGIS. That happened in several circumstances and staff does not have the authority to deem those claims as eligible, because it's not consistent with the guidebook.

So the process that we have gone through is we report those claims as pending. And then we review all of the documentation to be able to say that even though it didn't follow this strict writing of the guidebook we have sufficient information to verify the claims. And then we would make a recommendation in the verification report that those claims be accepted as eligible. But staff needs to bring the draft verification report to the Commission and then they make the ultimate decision on that. So it basically it's in that pending status.

MR. LESCH: Okay. So basically it would still, even after submitting all that, would still be pending?

MS. BARKALOW: Yeah.

MR. LESCH: In this --

MS. BARKALOW: Pending approval of the verification report by the Energy Commission.

MR. LESCH: Okay and that's an approval process in front of the full Commission?

MS. BARKALOW: Yes.

MR. LESCH: Okay, I thank you for that clarification.

The other issue that we just had a question about, and I saw on the forms here this morning, there's going to be an opportunity to file historic carryover credit for Compliance Period 1. But I noticed you had said that that was for verified historic carryover credit. Should we interpret that that all of our historic carryover filings will be approved or disapproved or ruled on before July 2014, because my question is what happens if it's still being reviewed.?

MS. BARKALOW: Yeah, I think then you would just designate it as you believe it should be applied, kind of assuming it would be verified as eligible. And then if we had a problem with being able to verify it then we would let you know.

MR. LESCH: Okay so we could still file it, file that correct pending of sorts?

MS. BARKALOW: Yes, I think so.

MR. LESCH: Thank you.

MS. BARKALOW: You're welcome.

MS. FOLEY: Gina, I had a follow-up to that line of questioning. On the first question, you said that the non-guidebook compliant information would go to the full Commission as a separate item or with a whole batch?

MS. BARKALOW: As part of the report, so it's just it has a little section within the verification report where it's written up.

MS. FOLEY: What is the time, what are we anticipating would be the gap? I'm just concerned about the POUs having some transparency and expediency on that, because if the Commission did not approve it that would cause a problem.

MS. BARKALOW: Well, I mean all I can kind of really talk from is the experience that we have right now with the 2008 through '10 verification report. The retail sellers with pending claims have been in this pending claim status for a very long time and we're trying to finalize that verification report, but until it

gets finalized they won't have that final resolution.

So we won't be producing verification reports until all of the data from the three years within a compliance period is verified. And that process can take a long time, so I don't know.

MS. FOLEY: How many on average have you been getting that have received this pending status?

MS. BARKALOW: I think we have, let's see, maybe a handful for years '09 and '10 and maybe one or two for 2008. So like 12 or so altogether maybe. I don't know, so yeah.

MS. FOLEY: Gabe, is there any way that those types of items could be taken up earlier on a consent agenda basis or some other vehicle?

MR. HERRERA: Well, Kelly I think what's important to note here is during the verification process if a utility submits information, and it doesn't adequately respond to the question or the issue that's being raised, then staff can always go back to the submitter of that information utility to say, "Well the information you provided to address this particular point isn't

clear. Can you provide some additional information?”

And so there’s usually an opportunity for some back and forth discussion on those issues and it’s usually only those issues that are left open in the report that staff identifies as not being adequately satisfied. So for example, in Mr. Lesch’s question if Riverside hadn’t provided enough information to verify that then there would be an outstanding issue that would be identified in the report, which would then be presented to the Commission.

So even, I think, in his case the City of Riverside would get assurances indirectly through staff by the fact that they’re satisfied with the information that the utility provided.

And then of course once the verification report is adopted by the Commission that includes staff’s recommendation then it becomes the final termination at that point.

MS. FOLEY: Okay, I think I’d probably have to see an example; we can do that later just to truly understand what’s going on. Thank you.

MR. LESCH: Can I make one comment to that? There’s kind of an implicit message here

that we'll okay if we supply all the information that we need. If you feel comfortable with that then you could put that, for example, on your FAQ?

Are you going to put out about how to deal with these sorts of one-off issues? This human tagging error issue is one that's going to crop up. I know it's affected Riverside, I know it's Anaheim. It's probably affected some other cities I don't know about and it just happens from time to time.

And all the information that you need we can supply, it's all there along with attestations. But there are issues that are arising now where we have disputes with suppliers, because this issue has arisen and somebody made a tagging error.

And then there's issues about are we going to pay for the RECs, do we transfer them in, do we not transfer them in? Can we count these for some of the smaller cities? Like in our case we have 20,000 megawatt hours in question. That can mean the difference between compliance and noncompliance.

So this would be really helpful, very

helpful for the cities if CEC staff could give us some assurance that given that we file everything we need and are responsive to that we can be reasonably assured that we'll get approval for these. Thank you.

MS. GOULD: Thank you. Tony Andreoni?

MR. ANDREONI: Thank you again. Tony Andreoni, CMUA. One of the comments I was going to make, Susie did a good job of making the point, which is the RPS eligibility guidebook was really handled before the RPS rule. And the rulemaking efforts were distinct and different.

I believe if I recall back the guideline draft forms were provided in email to many of the members. I think at the time it wasn't exactly clear once the new website, or the modification to the Energy Commission website where you've actually listed all the forms, why there was a disconnect on the location. So again as they were draft in the beginning, and we worked to provide comments, many of the members were still a little concerned about what changes were going to be made and how it was going to reflect their ability to provide the information in a timely format.

So I think going forward from this point is it would be great to have, as suggested earlier, a single link location. Even if they are in draft form you already have a nice website setup with the location of the forms to just link it to these forms that are in existence. If that's the most current, up-to-date forms available for us to provide comments on, that's great.

But I think what might be even better and I'm not volunteering any specific POU, but perhaps have a handful of POUs go through and fill out some of these forms and provide real time feedback on the way these forms are laid out, if they're going to work. Obviously CMUA and our members spent some time with our folks, including Anaheim, that provided kind of a draft form based on what their needs were.

And I think going down the fact that every utility may have a different enterprise-based database system that tracks all this information it may or may not work out for everybody. And until you actually start filling these out obviously we have some deadlines approaching, if something does go wrong it would

be good to figure this out early on.

So I would just suggest maybe a group, maybe a small group is formed. I'm not sure how quick that can be done, how much time CEC would allow for something like that, but it would at least allow folks to kind of determine where the bugs are on these forms as Scott and some others alluded to.

And I think that was one of the points I wanted to make earlier, but Susie did a good job focusing on the fact eligibility guidebook and the RPS rule were completely separate. Obviously it would be nice if they could be a little more combined in the future, but it was a little disconnect this time around.

So just to get clarification there was something mentioned early on regarding the Bucket 2 hourly forms. Was it Bucket 2?

MS. BARKALOW: No, Bucket 2 does not require hourly data it's just the Bucket 1.

MR. ANDREONI: Oh, Bucket 1?

MS. BARKALOW: Yes.

MR. ANDREONI: Okay so for Bucket 1 the hourly data you had mentioned that for Bucket 0 anything from out of state would not have to have

that information provided?

MS. BARKALOW: That's correct, so if that facility -- if you have contract information that proves that there was a contract for that facility before June 1st, 2010 that becomes a grandfather contract. And we will need to verify that it did meet the delivery rules that were in place at the time, but that had been included in the contract. And after we verified that then the hourly data is not required for those. In fact, you don't have to prove delivery with those contracts.

MR. ANDREONI: Okay, so something like that would probably be good for part of the FAQ, you know, just to clarify that so we're under a complete understanding of how that's going to be handled. I know we're probably going to get into a discussion later on about that. Thank you.

MS. BARKALOW: You're welcome.

MS. GOULD: Carrie Thompson?

MS. THOMPSON: Hello, Carrie Thompson, City of Anaheim. Thank you for holding this workshop and allowing us an opportunity to comment. Some of my comments have already been brought up and I won't belabor, so I will be

brief.

But our first concern is mostly in the area of duplicative reporting. We've heard that already. We did not have a chance to comment on these forms which we will do so when we get back. SBX 1-2 requires the annual reports and the compliance period reports to demonstrate compliance. We believe much of this data that's necessary for these reports is available within other CEC reports, such as the power source disclosure, what AB 162 report and the IEPR.

The data for these reports is requested in different formats, different templates, different times. I just wanted to say that Anaheim is happy to work with CEC staff to identify where these overlaps are and develop a solution to streamline the entire process.

The second area of concern or more of a suggestion is the CEC's participation with other state agencies. We'd like to see more participation from the CEC at the CAISO and at the CARB in respect to regulations that are being implemented that we would like to have your participation in. We have a couple of examples of this that we would like to see you guys

present for POUs like Anaheim that are members of the CAISO.

We have, for example, a couple of requirements coming up next year that will require backstop procurement for intermittent resources. They probably have about 50 plus initiatives that impact in POU resource portfolios. It would be great to CEC participation, to understand the various regulatory requirements being put on POUs and the impacts of these initiatives on our resource portfolio and the cost of our repairs.

Another kind of example of an inconsistency in regulation, which has been brought up in various comments in the past is for example at CARB with the MRR rule and the RPS adjustment requiring the retirement or RECs annually. We would like to get CEC's report in getting these RECs retired in a compliance period basis.

And I'll echo Mr. Lesch's comments from Riverside, in getting an upfront mechanism put in place for tagging errors that are by no means a POU issue. You know, it's no error on the part of the POU, but these things do happen. So an

upfront mechanism, make sure that these RECs count in WREGIS would be helpful.

And that's it, I'll stop there. Thank you for the opportunity.

MS. ZOCCHETTI: Carrie, if I could just respond to one of your suggestions. I agree, I think it would be great if we could have more participation in CAISO, but I did want to let everyone know that we are fairly active in the ARB's proceeding, but it's probably not on your radar. We have inter-agency working groups and there's someone in the RPS staff where we have related staff that we talk to that do participate in those conference calls. So we are aware of the MRR reporting it. I just wanted to let folks know that. Sometimes you don't necessarily know that we are trying to keep our finger on the pulse of what other agencies are doing vis-à-vis the POUs and how it might impact RPS.

MS. THOMPSON: Thanks, Kate.

MS. ZOCCHETTI: Sure.

MS. GOULD: James Hendry.

MR. HENDRY: Good morning, James Hendry of San Francisco SFPUC. I just had two quick comments. They're really more like

clarifications.

One is you're aware San Francisco has an alternative compliance obligation, so there's some additional reporting requirements that weren't really discussed today. And we don't think that they need to be given that this is really kind of an offline, tail-wagging-the-dog issue, but we'll try and follow up and try and maybe take a stab at the draftings of a template of what those requirements are. And then also we're going through these requirements figuring out which ones apply and don't and we'll work with you and try and figure that out as we go through the process.

Second question I had is on page 11, this is an interaction between the RPS eligibility process and the filing requirements. On page 11 of the handout that talks about December 31st, 2013 as being the date the facilities must be certified to count as eligible from January 1st, 2011 forward. And we realize given the backlog of applications you've gotten to get RPS certified, there is still a number of applications in the queue and we're still waiting for some that we submitted many months ago. And

actually we're kind of worried that December 31st it may even be a little too late, because we have filings due in October 27th for 2011, 2012 data. And if we're backwards to have as time to get the data together you're looking at maybe October 1st, late September.

And so we're just worried about trying to get the timing right of getting closure on the RPS eligibility applications and get them all certified. And in order to meet the deadlines that are kind of proposed here we're probably looking at I would say middle of September at the latest. I just want to make sure that that's sort of on your relay screen and on the timeline for getting those done.

MS. ZOCCHETTI: I think that deadline is by when applications must be submitted, the December 2013 deadline. Not that they have to be certified by that date. That's the intention anyway.

MR. HENDRY: Okay, but we still have outstanding applications and we get to October deadline we're going like, "Okay, are they certified, are they not? Do they have application?" And so I think we still have that

same concern, which we realize while you have applications we appreciate you've updated the list of eligible facilities from February to July, but I think there's still some, you know, we still have facilities that aren't on there and I think others have noticed that too. So okay, thank you.

MS. ZOCCHETTI: Yeah, thank you.

MS. GOULD: Randy Howard.

MR. HOWARD: Good morning and thank you for holding this workshop and allowing us to drill down a little bit more detail on some of these elements. I'm Randy Howard with Los Angeles Department of Water and Power.

So I also have a few clarifying questions. And listening to some of the other questions in some ways I got a little more confused, so let me see. I just wanted to make sure right up front, so if it's a PCC1 generated in a California balancing authority they will only require a monthly and annual generation data, correct?

MS. BARKALOW: Yes.

MR. HOWARD: No hourly data, nothing that needs to be retained from that purpose?

MS. BARKALOW: Correct.

MR. HOWARD: Now obviously I'm quite concerned on the compliance side of how we're going to handle that. And then how we would manage any potential audit that might come about, even with something generated in a California balancing authority.

So in the guidebook, the guidebook speaks too, as well, that you have the ability to come back and ask us additional questions related to invoicing and activity. Do you have any more detail or can you give us any more detail or plan on giving us any more detail what is the backup information that we're really going to need to retain for potential compliance for a validation in an audit?

MS. BARKALOW: So typically we would request information if we had a concern about a claim. So for the next few years we will be doing verification where we compare all of the claims with the generation data. And if there are more claims than there is available generation it raises a flag and then in those situations we would request invoices from all of the parties that are making the claim to back up

who should actually get what and to explain why we see an over-claim. So it's usually in cases where we have concern about we feel that we're not able to verify the claim that we would ask for invoices and sometimes it's meter data.

And if we don't get to the verification process for awhile then it's just best to hang on to that. In a lot of cases some of the verification will be based on contract information, but we expect to have done that verification upfront. And so that should answer a lot of our questions.

MR. HOWARD: So have you determined an actual timeline not to exceed? I mean if we're going to retain data for three years is that sufficient? Is it five years?

MS. BARKALOW: Well, I can just give you an example of here we are in 2013 and we've been still going back and forth with some of the retail sellers to get information related to their 2008 claims. So that's five years. So I mean, in the future we're developing a big database and we expect to be much more efficient, but until we reach that point there is a risk that we might need it.

MR. HOWARD: Well, it's similar. We're all developing big databases outside of our normal database to ensure that we're going to be able to respond and respond quickly with the right information, so anything that the CEC staff could do to provide us additional guidance as to what backup information, how it should be retained, under what conditions would be extremely helpful. Because if we can do that now going back and retracing becomes quite expensive and cumbersome, but if there's a way we could work together as to the types of information and how long we would retain it, it would be extremely helpful.

MS. BARKALOW: Okay.

MR. HERRERA: So Randy this is Gabe. Can I follow up on your question there?

MR. HOWARD: Certainly.

MR. HERRERA: I recall in the past that there was an issue between two parties that procured generation from the same source and it became a contractual dispute as to which party had actually procured more, both of which had claimed procurement that was reported to the Energy Commission and addressed in the RPS

verification report. And I recall in that case we had to go back to the parties and ask for verification, in terms of how much they had procured.

In those kind of cases this kind of situation where the POUs normally keep contract information for a certain period of time five years, ten years is there a standard that LADWP uses?

MR. HOWARD: Well, certain types of data we would keep three, some five, some seven. Again it’s dependent on how you drill down.

If you’re talking about something generated within our balancing authority, so it’s a net metered resource then we’re talking a Bucket 3 resource and we’re reporting to you on a monthly or annual basis you can go back to the billing records, but we might drop some of the detailed records on the actual -- you know, every 15 minutes it’s taking another snapshot. Well, we wouldn’t retain that for multiple years, because that’s a lot of information. But if you were satisfied with the information that was maybe invoiced to that customer on a monthly or bi-monthly basis and that was adequate that

retention occurs for about ten years.

So again we're just trying seek some guidance how best to capture it, how to store it, retain it; I think would be very important for the backup.

Similar question as our friends from San Francisco, we still have a number of facilities waiting to be certified, so there's just some questions as will those be by the end of this first compliance period? You know, we'll intend on counting them as if they were, but that's still unknown to us.

MS. BARKALOW: Can I just jump in real quick?

MR. HOWARD: Certainly.

MS. BARKALOW: So for any POU that has facilities that are still pending certification it would be helpful for us to receive a list of those facilities, so we can really try to make sure that a determination is made before the due date. That's in everyone's interest to make sure that happens.

MR. HOWARD: We're prepared to provide you that list

MS. BARKALOW: That would be great.

MR. HOWARD: Now, on those facilities that are yet to be certified there was also within the guidelines there was some limitations as to reporting POUs using the ITS process for interim tracking while we transition to WREGIS. So if it still has not been certified are we still okay using the ITS?

MS. ZOCCHETTI: Excuse me, in order to become certified you need to be in WREGIS, because one of the questions we ask is the WREGIS ID number. So we have deadlines for when you -- I believe it was October of last year?

MR. HOWARD: October last year.

MS. ZOCCHETTI: So if it’s in WREGIS well Gina, you’d probably want to speak to whether they should, if for a partial year how that works, if you want them to use WREGIS and/or the ITS.

MS. BARKALOW: Yes, so we’re expecting that all facilities should be in WREGIS by October. So you should still be able to go back and claim it even though maybe the certification is still pending at this time, but the generation should be in WREGIS.

MR. HOWARD: Should be in WREGIS.

MS. BARKALOW: Yeah.

MR. HOWARD: And I believe some of that is, but so we would use the ITS up to the point of WREGIS and we can claim the WREGIS once it's certified? Even though we have it in WREGIS, but we can't until it's fully certified?

MS. ZOCCHETTI: You don't need to think of them as being so closely connected. WREGIS covers a lot of things besides California RPS, so if it's in WREGIS that's great; as Gina said it doesn't have to be certified.

What we'll count back to depends on the rules in the guidebook, which vary. Like in your case maybe the 40 megawatt we have allowed an exception to go back earlier. So I don't want to misspeak about the different exceptions and requirements in the guidebook, but if you've submitted your application and it's clear that it'll be eligible as of some date depending on what your situation will be, then the WREGIS rule kind of kicks in. For example, if you have generation that is after the October date then that would be a problem, because it needs to have been in WREGIS by then. But when it becomes certified it doesn't really affect that.

MR. HOWARD: Okay, but when we go to retire we'll pull from both buckets, ITS and WREGIS?

MS. BARKALOW: I'm not sure what you mean by pull from both buckets.

MR. HOWARD: So for the interim --

MS. BARKALOW: Oh, you mean you report using both?

MR. HOWARD: -- for the retirement for Compliance Period 1 we'll be able to draw from both.

MS. BARKALOW: Oh yes, so you can report using the RPS track form up until the end of October.

MR. HOWARD: Correct.

MS. BARKALOW: And then also WREGIS for the rest of everything. Is that clear?

MR. HOWARD: Correct.

MS. BARKALOW: Okay.

MR. HOWARD: But the ITS will not have a carry forward after the first compliance period because it's not in WREGIS? Are we closing the ITS, as of October 2012 there's nothing additional in there, correct? Everything should be in WREGIS.

MS. BARKALOW: Everything should be in WREGIS.

MR. HOWARD: Based on the guidelines.

MS. BARKALOW: And you're right, we are planning to phase out that form.

MR. HOWARD: Okay. I might have some questions offline, that will wait.

So I heard the response too on Bucket 0 out of state not requiring hourly data related to the underlying agreements and those underline agreements were prior to the 2010 date. But Bucket 0 could have included, in our case we have a number of firming and shaping agreements, so the underlying resource agreement was a prior 2010 the firming and shaping get renewed every couple years. But that I think we had determined before wouldn't be the trigger for a change in that policy from a Bucket 0. The firm and shaping wasn't, because it wasn't the underlying resource.

MS. GOULD: Yeah, as I think as long as the original contract for the renewable procurement is not altered then it's still Bucket 0.

MR. HOWARD: All right, thank you.

Another question we have some out of state non-California balancing authority agreements that will be dynamically scheduled, but the schedule interface point is an exchange point, so say Mead or Palo Verde is the exchange point. So the developer would deliver to that point maybe a partial out of a facility, there's a couple of agreements that I'm thinking about that we have. And so we will pick it up there, so LADWP will tag it from that exchange point to LA. So on the hourly data we need to have the tags from the generator itself to the exchange point and then tags from us in the exchange point?

MS. BARKALOW: So actually for facilities that have dynamic transfer agreements we will need to see copies of those agreements, but as long as that's being transferred, you know, it's in agreement with the California balancing authority you would not need the hourly data with that.

MR. HOWARD: Even though it starts in a different balancing authority coming to a California balancing authority?

MS. BARKALOW: Yeah, as long as that

balancing authority is a California balancing authority; as long as it goes into a California balancing authority.

MR. HOWARD: As long as it's coming in to a California balancing authority, because that's not the first point of delivery?

MS. ZOCCHETTI: Well, maybe a point of clarification, because Randy I think you used the term "dynamically scheduled" rather than "dynamically transferred."

MR. HOWARD: Correct.

MS. ZOCCHETTI: So I just want to make sure. So there are three provisions in Bucket 1 directly connected to a California balancing authority, scheduled into a California balancing authority or dynamically transferred. So maybe there's a little grey area between the last two?

MR. HOWARD: So this would be a dynamically transferred, because it would be an interchange point.

MS. ZOCCHETTI: Okay.

MS. GOULD: Well, is there a dynamic transfer agreement with a California balancing authority?

MR. HOWARD: Yes.

MS. GOULD: Okay. In that case if it meets the dynamic transfer requirements then we don't need to do the hourly.

MR. HOWARD: So you would not need to do the hourly. That's very helpful, thank you. I think that was all of my questions, thank you very much.

MS. GOULD: Are there any more blue cards? Is there anybody else in the room who would like to come up and speak?

All right, is there anybody on the WebEx who has a question? Okay, it looks like nobody's raised their hand on the WebEx.

All right, now the time is where we open up the call lines. Please everyone on the phone if you're not going to speak please mute your lines. This tends to be a cacophony, but go ahead un-mute that. Is there anybody on the phone line who has a question or a comment, anybody on the phone with a comment? Okay.

MR. HERRERA: Hello, can you hear me?

MS. GOULD: Yes. Yes, we can hear you.

MR. HERRERA: Okay, good. I had it on mute, so I apologize.

MS. GOULD: Go ahead.

MR. HERRERA: So I just have a question, by the way this Oscar Herrera with LADWP.

MS. GOULD: Hi Oscar.

MR. HERRERA: Hi. I just have a quick question on the presentation slide, I forgot what number it was, but it was deadlines for reporting generation for the July 29, 2013 CEC-RPS-Gen forms states that facilities who are not registered in WREGIS for all 2011 and 2012 and are not utility-owned must submit 2011 and 2012 CEC-RPS-GEN forms. I was just wondering if that’s just exclusive to not utility-owned facilities, because there was a little confusion on those forms?

MS. BARKALOW: Yes, hi this is Gina. That is correct. If the guidebook does allow utility certified or facilities that are certified by the utilities that the RPS claims can’t be made using the RPS-Track form in WREGIS. And so we do not need you to report the generation on a separate gen form.

MR. HERRERA: Okay, thank you.

MS. BARKALOW: You’re welcome.

MS. GOULD: Okay, is there anybody else on the phone who has a question or a comment?

Okay.

MR. HOCHSCHILD: Okay. With that let me thank all the stakeholders and the staff.

Oh Kelly, go ahead.

MS. GOULD: I'm sorry, but it looks like somebody just raised their hand on WebEx. And that'd be Debbie Whiteman.

MR. HOCHSCHILD: Oh, okay, go ahead.

MS. GOULD: Debbie do you have a question? Debbie Whiteman, do you have a question? Well maybe she changed her mind.

Okay, go ahead, sorry.

MS. FOLEY: Okay, I'll ask my question while we wait for Debbie. Maybe this is to staff or Gabe, but procedurally to finalize these forms does this have to go for a vote to the Commission or is this something that is interpreted as having latitude?

MR. HERRERA: Yeah, this is something that would go out under staff. The Commission has already adopted the guidelines and has already adopted the regulations. It's just a matter of implementing those requirements into a form. So if staff wanted to, based on advice from your office, addressed from your office, to

modify the forms we could.

MS. FOLEY: Okay.

MR. HERRERA: The Commission should not go out with a final set of forms before we know that the regulations will in fact be approved by OAL. Just we may need to make some changes.

MS. FOLEY: All right, so then we are looking at August 16th for comments. I also wanted to know if parties would like to submit frequently asked questions in the comments and then we'll respond that way or use some of the time now to actually come up with them. It might be easier; hoping to input on that.

But if comments are due specifically on the forms by August 16th I struggle with this, because I come from a PUC background where there's kind of a more distinct procedural process. And are parties good with that being the day and then the finalized forms go out sometime after October 1st or do you want another iteration, where are we? For those of you who reviewed the forms where is your comfort level with how far we are from them?

MR. HERRERA: Kelly, it could be based upon their comments that this has been on August

16th, that they may also ask for a workshop after digging into the forms and perhaps trying to fill in some of the forms with mock data.

MS. FOLEY: Okay, thanks Gabe.

MR. TUTT: Hey Kelly, it's Tim Tutt from SMUD. I think SMUD is comfortable with August 16th and, you know, if there's a need for another workshop some time down the road I don't see it now. So it might come later, but I don't see it right now.

MS. FOLEY: Okay, so the assumption would be we get all the comments on August 16th and then at some date hopefully sooner than later after October 1st, assuming the RECs go into effect, we would post the final forms and then do a second look later in 2014 as we discussed. Does that sound right?

MS. BARKALOW: Hi, this is Gina. I have a little concern from the verification end. I always get questions about where is the verification report and we will not be able to verify data without that static contract information.

So if you are comfortable submitting that information to us sooner rather than later

that would allow us to get going, because it's just an enormous amount of data to go through. We need to look at every contract and look at the start date, the end date and make sure that all of these requirements have been met. And I just worry about getting bombarded with data on that one date.

And we would like to work with you, so that, you know, think of it as an opportunity; kind of go back and forth and make sure the information is there that we need and the contract information is there. And then submit it officially with the package when it's due. But at least we can start getting the information, verifying it, entering it into our database and getting ourselves set up, so that when the claims come in we're better able to start verifying.

Yes Susie, you had a question?

MS. WHITEMAN: This is Debbie Whiteman, can you hear me?

MS. GOULD: Yes, we can hear you Debbie, go ahead.

MS. WHITEMAN: It took forever to figure out my headset, I'm sorry. Now I thought I heard

you say something about in filing the reports that even in a year when you're going to file a compliance report, say for the period 17, 18, 19 and 20 that you would still have to file the individual report for the year '20; was that correct?

MS. GOULD: So for in 2021 when you're filing your compliance period report that does include the annual report information for the year 2020 as well as other general compliance period information. That's contained in 3207(d).

MS. WHITEMAN: Okay, so it's not a separate?

MS. GOULD: Yeah, it will all be part of the same report and part of the same filing.

MS. WHITEMAN: Okay, thank you.

MS. BERLIN: This is Susie Berlin. I just wanted to tag one question on to Debbie's. It's part of the same filing, but it's separately submitting the annual information as part of that filing, correct? So it's like you'll be submitting part one and part two at the end of every compliance period.

MS. GOULD: It's all part of the same spreadsheet, but I suppose a separate tab. It

would be compliance information.

MS. BERLIN: Okay, thank you.

And Gina I have a question on following up on your request for the static information and how that comports with the fact that a lot of spreadsheet asks for the same information over and over in all the contracts. And so I query whether or not is there some way or we're submitting the contract information and you're verifying the start date, the megawatts, the duration. And then we're repeating that information in annual reports, correct? This is a contract we're using. Or for purposes of the annual report we'll just say this is Contract A, which you've already approved, so you'd know that every time you see Contract A come up that we're good to go?

MS. BARKALOW: Yeah, Angie jump in if you need to. Yes, so this is basically for us to understand and basically categorize them. And then when the claims come to us through the track form or through WREGIS they will be categorized by bucket and we'll say, "Yes, that's correct, that's correct, that's correct."

And then I think on the annual tab it's

just a really high level tab and I don't believe by facility level it's just how many RECs: how many Bucket 1 RECs, Bucket 2, Bucket 3, you know? And the amount is included there. It's just a summation of the amounts.

MS. BERLIN: Okay. And I'm sorry if I missed that, the forms had a lot of tabs.

MS. BARKALOW: They do. I know they do.

MS. BERLIN: So for practical purposes we're submitting the contracts one time, then that's done. Then every time that contract shows up we've got that data in there to sign it?

MS. BARKALOW: Yeah, we know and we'll track it to the end date. So then if there's an amendment or an extension then you'd provide that data, you know, that contract information to us so we can go in and say, "The end date ends here now." So our plan is to have this all automated within a database so that we don't have to look at it again year after year. We've verified it until the end of that contract.

MS. BERLIN: Okay and when you say in the database is that a database that you're working on or the one that we -- I mean, so it starts now or is that the -- I know the CEC had

talked about they're trying to put together and you had contracts out for a database and whatnot. So would that be a new database?

MS. BARKALOW: That will be a new database, but that database there's been delays in getting the funding and whatnot so that's into the second compliance period. We will have to develop an internal interim tracking database just to be able to verify that stuff from the first compliance period. Yeah, an interim database, so we're hoping that we'll be able to be sophisticated enough to develop something to get us through this first compliance period.

MS. BERLIN: Okay, I appreciate the clarification. Thank you.

MS. BARKALOW: Yes?

MR. HOWARD: Randy Howard, LADWP. You know, just to follow up, related to the contracts, so in the case where LADWP is offering 150 megawatts of feed-in tariff contracts, their standard contracts, most of those won't be put in an aggregate basis for submittal. But would it just be easy we provide you one copy of the standard and then we just provide you a contract sheet for each of the underlying; would that be

helpful? We're just looking at how can we make it easier for you.

MS. ZOCCHETTI: Well earlier you were mentioning Bucket 3? We don't need the contracts for Bucket 3. Wait, we do, I'm sorry I misspoke.

MR. HOWARD: Well, these will not be Bucket 3. These will be feed-in tariff.

MS. ZOCCHETTI: You mean, oh feed-in tariff, right.

MR. HOWARD: And so we expect several thousand of them, several thousand contracts.

MS. BARKALOW: SB 1?

MR. HOWARD: No, these are not SB 1.

MS. BARKALOW: Oh.

MR. HERRERA: And all the terms in the contracts will be exactly the same.

MR. HOWARD: Standard contract, no negotiations. The only thing that changes is the name, the facility address and the size.

MR. HERRERA: Well maybe you can send us one of those contracts. We can take a look at it and maybe there's a way that you don't have to submit each and every one, but then have it available in the event we do need it.

MR. HOWARD: Yeah, or like you said we

can probably prepare a contract sheet for you for each of the ones that we've entered into. Yeah, just trying to make it easier, because as we go more to this distributive generation approach I mean the numbers just escalate very rapidly and it's going to be an accounting issue for all of us.

MS. BARKALOW: We would definitely appreciate your suggestions on that.

MR. HOWARD: Okay, thank you.

MR. GIBSON: Hi, Jed Gibson with Ellison Schneider & Harris again. One follow-up question that kind of occurred to me: What is the plan for keeping the database and the contracts that are submitted along with these reports as well as the reports themselves confidential? Would we need to submit an application with each contract, with each form?

MR. HERRERA: So yeah, I mean if there are portions of the contract that your clients want to keep confidential and it's not otherwise public then you would need to submit a request for confidential designation and that process is laid out in our regulations if you're familiar with them Jed.

MR. GIBSON: Yeah.

MR. HERRERA: 2505, Title 20.

MR. HOWARD: So potentially it would be an application for each individual contract then?

MR. HERRERA: Right.

MR. HOWARD: Okay.

MS. BARKALOW: Can I just add though that we really don't like to have to protect confidential data and we'd much rather you just redact that you don't want public. So we just basically need contract start date, end date, you know, some of the basics that I don't think you would worry about being confidential. But if you were then you would have to apply, but if you can -- if there's price information we are not interested in that. You can just block it out.

MR. HOWARD: So you're open to us providing contracts that have been redacted?

MS. BARKALOW: Redacted contracts, definitely, yes we prefer that.

MR. HOWARD: Okay. Okay, that's all from me. Okay.

MR. HERRERA: Do you think your clients are going to be seeking confidential designation if they need the information that we need: terms,

dates, that kind of information?

MR. GIBSON: I would need to check with them specifically. I know on the retail seller's side at the PUC we do that.

MR. HERRERA: Right.

MS. FOLEY: So if we're closing I just had a thought in writing your comments maybe you can fill out the static information and use that as your analysis and get that to Gina, because somewhere you will be rewarded for that.

And then the second part just because our office would like to go through some of the comments too. And to make it easier maybe we could break it into three parts: the first section would be comments on the forms, the second section would be posing frequently asked questions. If you feel compelled you can write what you think the response should be. And then the third section would be just general comments. But if you could kind of do them one, two and three and if you're not commenting on section two or section three just leave it blank or if you're only commenting on section two. That way we can quickly find what we're looking for in each of those sections. That would be really helpful.

Thank you.

COMMISSIONER HOCHSCHILD: Great. Well unless there's any further comments let's wrap up. Let me thank all the staff and the stakeholders for showing up today. In closing I just again want to say from my office Kelly Foley will be your point of contact. I earlier introduced Kourtney Vacarro our new Assistant Executive Director for Compliance Assistance and Enforcement.

And what I'd like to do just before we leave, because there a lot of renewable staff here Kate Zocchetti is taking over as the Office Manager. Maybe we could just quickly run down the line and everyone could just say again their name and their title and their area of focus, if people have questions.

Kate do you want to start?

MS. ZOCCHETTI: Sure, I'm Kate Zocchetti. I'm Acting Office Manager of the Renewable Energy Office and the RPS Technical Director.

MS. CHISHOLM: Hi, I'm Emily Chisholm. I am an energy specialist. I was working on the regulations, but I'm now moving towards

implementation and I am the contact person for if you are submitting plans and enforcement plans and other general form questions. I don't know.

MS. BARKALOW: I'm Gina Barkalow and I am also an energy specialist. And I work on verification, so if you have questions about verification then you could give me a call. And I would also like to introduce Theresa Daniels, because we work very closely together so you will probably get to know her in the future too.

MR. HERRERA: I'm Gabe Herrera, I'm with the Energy Commission's Legal Office and I work with the Renewable Energy Office staff on both the POU regulations and the RPS guidelines. So if you have legal questions please contact me.

MS. GOULD: And I'm Angie Gould. I worked on the RPS regulations, hopefully we're done now or for now anyway. And I'm, along with Emily, working on the implementation portion and will be working on the compliance portion. So if you have questions on the regs you can ask me.

COMMISSIONER HOCHSCHILD: And if the stakeholders have questions about certification, who should they contact?

MS. GOULD: Kate.

COMMISSIONER HOCHSCHILD: Kate, okay. So with that let me just say we are, all of us, committed to getting better. This is kind of our first time at the dance with all of you and we want to get better and make this process as user friendly as we can possibly make it while complying with the law and doing our job. So that's the purpose of the workshop today and we look forward to working with you going forward. Thanks everyone for coming.

(Adjourned at 11:35 a.m.)

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