



Pre-Rulemaking Draft Regulations for Power Source Disclosure Program

Kevin Chou
Renewable Energy Division

Staff Workshop
California Energy Commission
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Presentation Agenda

- Housekeeping
- Purpose of Staff Workshop
- Power Source Disclosure Regulations Background
 - SB 1305
 - AB 162
 - Pre-Rulemaking Phase
 - Formal Administrative Procedure Act (APA)
- Proposed changes to Regulations
- Next Steps



Housekeeping

- Handouts on desk at room entrance
- Restrooms on 1st floor
- Snack bar on 2nd floor
- Emergency evacuation procedures
- WebEx
- This presentation will be available on CEC website.



Housekeeping, Continued

- In person comments: Fill out blue card and hand it in; we will call you to podium.
- Comments via WebEx: Use “raise hand” feature; we will un-mute you during your turn.
- Comments via phone: We will un-mute all lines at end of comment period- please un-mute your phone only to ask a question.
- Written comments: submit according to directions in workshop notice.



Purpose of Staff Workshop

- Discuss rulemaking process and proposed changes to the Power Source Disclosure Program.
- Encourage and facilitate public participation
- To hear comments on draft regulations.



Regulations Background



Senate Bill 1305

- Pursuant to SB 1305 (Sher, 1997), the Energy Commission adopted regulation in 1998.
- Required all electricity providers to disclose quarterly and annual fuel mix information to retail customers in the form of a Power Content Label (PCL).
- The PCL identifies the fuel mix and technology types of a retail supplier's source of power and included net system power as a representation of CA's power mix.



Assembly Bill 162

- AB 162 (Ruskin) was signed into law by Gov. Schwarzenegger in October 2009.
- It removed the net system power disclosure requirement, and replaced it with total CA system electricity.
- It added the definition of “unspecified sources of power,” therefore requiring all retail sellers to disclose their electricity sources as specific purchases or as unspecified sources of power.



Assembly Bill 162

- Reporting requirements now changed from quarterly to annually, as well as minor changes to reporting due dates.



Pre-Rulemaking Phase

- Order Instituting Rulemaking adopted October 8, 2014.
- Draft regulations posted to Energy Commission website on May 15, 2015.
 - Comments are due by June 15, 2015, at 4:00pm.



Formal APA Rulemaking Phase

- The formal rulemaking phase is projected to begin July 2015. Submission to Office of Administrative Law (OAL) will include:
 - The Notice of Proposed Action (NOPA)
 - Proposed amendments to regulations (Express Terms)
 - Initial Statement of Reasons (ISOR)
 - Supporting Materials for Economic/Fiscal Impact Statement and Assessment (Form 399)



Formal APA Rulemaking Phase

- During formal APA rulemaking phase, all oral and written comments are recorded and included in rulemaking file.
- Adoption Hearing for proposed regulations is projected for October 2015.
- Once complete, final rulemaking package will be submitted to OAL for approval.



Proposed Changes to Regulations



Section 1391

- Eliminated definitions and references related to “net system power”
- Added (a) definition of “balancing authority”
- Revised (c) definition of “eligible renewable energy resources” or “eligible renewable”
- Revised (c)(6) definition of “other renewable”
- Added (c)(7) definition of “REC only”
- Revised (e) definition of “facility”
- Revised (h)(2-3) definitions related to “generating unit”



Section 1391

- Added (m) definition of “multijurisdictional retail supplier”
- Revised (u) definition of “specific purchase”
- Added (v) definition of “system operator”
- Added (w) definition of “total California system electricity”
- Added (x) definition of “unspecified sources of power”
- Added (y) definition of “WREGIS certificate”
- Renumbered various subdivisions to accommodate new definitions.



Section 1392

- Eliminated references to “system operator” and replaced with “balancing authority” to delete obsolete language.
- Added “other eligible renewable” and “REC only” to (b)(3)(C) to enumerate additional categories in fuel mix information
- Added (b)(3)(D) to provide clarification of how “other” renewables are to be reported.
- Eliminated references to “subsection” and replaced with “subdivision.”



Section 1393

- Eliminated (a)(2) definition of “general disclosures”
- Eliminated (a)(4) definition of “net system power”
- Eliminated (a)(6) definition of “quarterly disclosure”
- Eliminated (a)(7) definition of “eligible renewable” in reference to obsolete language
- Eliminated (b) and all subdivisions related to reporting with net system power.
- Renamed subsequent subdivisions to “(b),” “(c)” with revisions made to updated reporting.



Section 1393

- Added (c)(1)(A)(7), “unspecified sources of power” as a percentage calculation in reporting.
- Revised (c)(1)(B), and added new language related to “other renewable” and “REC only”
- Added new language (c)(1)(C-I), specifically how percentage calculations are derived and reported to consumers.



Section 1393

- Eliminated (c)(1)(I)(2)(1.) and all subdivisions related to calculations related to net system power. Renamed all subsequent subdivisions.
- Eliminated subdivisions (c)(1)(I)(2)(3.-7.) to delete obsolete language.
- Revised (d), the location of the PCL, renumbered subdivisions, and added (d)(3) electronic notifications of an available PCL.



Section 1394

- Revised (a)(1) annual reporting due June 1 of each calendar year
- Revised (a)(1)(A-E) to add new language and eliminate obsolete.
- Revised (a)(2)(A) related to annual reporting to Energy Commission.
- Added (a)(2)(A)(2-3) and revised (a)(2)(A)(4) how unspecified sources of power and REC only transactions are to be reported.



Section 1394

- Revised (a)(2)(B-E) on other reporting requirements for annual submission.
- Revised (b) and (c) on agreed-upon procedures for auditing for reporting and label submission.



Appendix A

- Added new language of how the Power Content Label is to be created.
- Eliminated Appendix sections A-1, A-2, A-3 and replaced with three Power Content Label samples.
- Eliminated Appendix sections A-4 and A-5 to delete obsolete labels.
- Eliminated Appendix B, the Energy Commission Certificate Program.



Appendix B

- Renamed and revised from “C” to “B”
- Added language to meet the auditing requirements as outlined in this appendix.
- Eliminated “Appendix D” and “Appendix E.”



Next Steps

- July 1, 2015: written comments are due — see workshop notice for further instructions.
- Late July/Early August 2015: OAL to publish in California Regulatory Notice Register.
- October 2015: regulations to be considered for adoption at business meeting.
- January 1, 2016: effective date of amended regulations.



Contact

- Energy Commission's proposed amendments to Power Source Disclosure Program
 - Kevin Chou
 - 916.653.1628
 - kevin.chou@energy.ca.gov