

Memorandum

To: MELISSA JONES
Executive Director

Date: July 16, 2010

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From: **California Energy Commission** – VALERIE T. HALL, Deputy Director
Efficiency and Renewable Energy Division
1516 Ninth Street
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Subject: Power Source Disclosure Program Rulemaking

Assembly Bill 162 (Ruskin, Chapter 313, Statutes of 2009), enacted in October 2009, made a number of changes to the Power Source Disclosure Program, modifying the program previously mandated under Senate Bill 1305. The statute requires the California Energy Commission to establish amended regulations to allow for necessary formatting changes to clarify power content labels, and to ensure that the Commission remains in compliance with existing law.

California Public Utilities Code sections 398.2-398.5, as enacted by Assembly Bill 162, require the following specific expectations:

- Retail suppliers are now required to disclose total California system electricity, the sum of all in-state generation and net electricity imports, designated by fuel type, in place of net system power, on their customer disclosures.
- Reporting requirements will now be submitted annually rather than quarterly.
- The Net System Power Report and the Reconciliation of Retailer Claims Report (Reconciliation Report) will no longer be produced by the California Energy Commission.
- Using net system power data as a default for retail sellers who do not make specific purchase claims on their power content labels will no longer be an option.

An Order Instituting Rulemaking (OIR) is scheduled to be heard at the July 28, 2010 Business Meeting. This OIR will officially declare the Energy Commission's intent to amend and adopt regulations. Docket number, 10-PSDR-01, has been assigned for this process.

The proposed amendments to the regulations are being drafted for initial submission to the Office of Administrative Law (OAL). Our goal is to have regulations adopted by the Commission by the end of December 2010.

The staff person who is taking a lead on this program development is Lorraine Gonzalez, Renewable Energy Office.