



California Code of Regulations, title 20, section 3207 (c)(5)(A) of the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities* (RPS POU Regulations) permits a local publicly owned electric utility (POU) to voluntarily request review of a contract to determine if the contract qualifies as a long-term contract pursuant to RPS POU Regulations, section 3204 (d)(2)(A)-(C).

Early review is limited to contracts that meet the criteria specified in section 3207 (c)(5)(A)1. Section A below describes the criteria contracts must meet to qualify for an early review of long-term status.

A complete request for review must be submitted as set forth in the RPS POU Regulations and these instructions for the California Energy Commission (CEC) Executive Director or a designee to make an early determination of the contract's long-term procurement requirement compliance. Appendix A below includes a checklist describing necessary information and supporting documentation for a complete submission of a request for early review of a contract.

A POU shall include the information identified in the checklist, supporting documentation, and a copy of the completed checklist from Appendix A, submitted using the "POU Contracts" reporting feature in the [RPS Online System](#), unless the facility or facilities identified in the contract have not been registered and approved in WREGIS. For voluntary early review requests involving a contract whose facility or facilities have not been registered and approved in WREGIS, POUs may submit these requests to [RPSTrack@energy.ca.gov](mailto:RPSTrack@energy.ca.gov). For all other submissions, instructions for submitting these requests are as follows:<sup>1</sup>

1. Log into the [RPS Online System](https://rps.energy.ca.gov/) (available at <https://rps.energy.ca.gov/>)
2. Once logged into your organization's account, hover over the "Verification Reports" tab.
3. Click on "POU Contracts".
4. Click on the "Add New Contract" button.
5. Proceed to fill out all the contract information and details in the proceeding online pages.
6. When you get to the online page requesting upload of relevant contacts documents, attach the information identified in the checklist, supporting documentation, and a copy of the completed checklist.
7. The last step will be the attestation page. Please attest and click the "Submit" button to complete the attestation and submission of the contract.
8. You shall receive a confirmation message after the submission is complete.
9. Send an email to [RPSTrack@energy.ca.gov](mailto:RPSTrack@energy.ca.gov) notifying CEC staff of your submission of a voluntary early review request.

The Executive Director or a designee may request additional information from the POU if necessary. To the extent possible, a determination shall be issued within ninety (90) days of receipt of a complete request. A failure to meet the 90-day deadline does not constitute a determination that the contract qualifies as long-term.

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<sup>1</sup> These instructions represent a temporary procedure for voluntary early review of a contract submissions until additional RPS Online System functionality is added to accommodate this process. The CEC will revise this form if new RPS Online System functionalities modify these instructions.

**A. Contracts must meet all four of the following criteria to be eligible for early review:**

1. The contract under review was executed on or after July 1, 2020.
2. The early review request covers no more than one contract, and additional information or justification is necessary to demonstrate that the contract meets one or more of the following requirements:
  - Reasonably consistent contracted-for quantities, as specified in section 3204 (d)(2)(C)1.i.-iii.;
  - No zero-cost early termination clauses, as specified in 3204 (d)(2)(C)2.; or
  - Defined output share or quantities of procurement or minimum pricing terms, as specified in section 3204 (d)(2)(C)3.
3. The early review request is for review of either:
  - A contract that has been fully executed by the parties; or
  - A contract that has been fully negotiated by the contracting parties but not formally approved by the governing board of the POU, as may be necessary.
4. The contract under review has not been previously reported to the CEC during the annual reporting process.

# Appendix A: Complete Request for Early Review of a Contract Checklist



A complete request for early review of a contract shall include the following:

A complete copy of the contract. POUs should redact any confidential information from submitted contracts that is not required to determine RPS eligibility.

If applicable, a copy of any relevant underlying contract(s).

Indicate the contract requirement(s) for which you are requesting early review. Check all options that apply.

I request that the CEC review whether the POU's contract includes terms to procure a nonzero quantity of electricity products from an RPS-certified facility for a duration of at least 10 continuous years.

I request that the CEC review whether the contract includes reasonably consistent contracted-for quantities over the term of the contract.

I request that the CEC review whether the contract does not include no-cost, early termination provisions during the first 10 continuous years of the contract term.

I request that the CEC review whether the contract contains no specified output share or quantities of procurement or minimum pricing terms.

In the field below, describe the contract terms corresponding to each of the long-term contract requirements and the associated page number(s) in the contract where the terms can be located. If more space is needed than is available in the field below, you may append additional page(s) to this checklist.

In the field below, provide an explanation of how the POU has concluded that the contract meets the requirements for classification as long-term. If more space is needed than is available in the field below, you may append additional page(s) to this checklist.

In the field below, provide any other information or supporting documentation to assess the long-term nature of the contract. If more space is needed than is available in the field below, you may append additional page(s) to this checklist.