

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue  
Implementation and Administration of  
California Renewables Portfolio Standard  
Program

Rulemaking 11-05-005

**REPLY COMMENTS OF FUELCELL ENERGY, INC.  
ON PRELIMINARY IDENTIFICATION OF PRIORITIES**

In accordance with the May 25, 2011 Administrative Law Judge's Ruling Setting Prehearing Conference ("Ruling"), FuelCell Energy, Inc. ("FCE") submits reply comments in the above-captioned proceeding.

FCE manufactures, sells and provides services related to multi-Megawatt stationary fuel cells. FCE fuel cells are used in a wide variety of distributed electric and combined heat and power applications, and may be fueled by natural gas or renewable biogas. FCE has numerous customers in California, and also participates in markets elsewhere in the United States, Europe and Asia. FCE has actively participated in Rulemaking 08-08-009, and is a party to this proceeding.<sup>1</sup>

In response to the Commission's request for comments regarding prioritization of issues a significant number of parties have recommended that the Commission prioritize implementation of Senate Bill 32, which authorized revision and expansion of eligibility for the existing renewable feed-in tariff. *See* Opening Comments of Center for Energy Efficiency and Renewable Technologies (pp. 3-4); Union of Concerned Scientists (p. 4); Agricultural Energy Consumers Association (p.3); Sustainable Conservation (p.1-3); California Solar Energy Industries Association (p.2-3); Sierra Club (p.8-9); California Wastewater Climate Change

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<sup>1</sup> *See* Order Instituting Rulemaking Regarding Implementation and Administration of the Renewables Portfolio Standard Program (May 5, 2011) at 17.

Group (p.5); Clean Coalition (p.3-4), Solar Alliance (p.3-4). FCE strongly supports this position, and encourages the Commission to make Issue 5 an immediate priority.

As a number of parties point out, completing implementation of SB 32 can be accomplished concurrently with other high priority activities. The renewable feed-in tariff program tariffs and contracts already exist, and parties have submitted comments on all issues relevant to conforming those existing tariffs and contracts to the changes authorized by the Legislature in SB 32. Governor Brown's Clean Energy Jobs Plan has targeted the development of 12,000 megawatts of renewable localized distributed generation by 2020. Implementation of the renewable feed-in tariff with appropriate pricing and provision for expedited interconnection will enable California to make a good start on meeting that goal.

FCE encourages the Commission to put completion of SB 32 implementation at the top of its list of priorities in this proceeding.

Dated: June 9, 2011

Respectfully submitted,

By: \_\_\_\_\_ /s/ \_\_\_\_\_

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## VERIFICATION

I am the attorney representing FuelCell Energy, Inc. (FCE) in this proceeding. FCE is absent from Sacramento County, where my office is located, and under Rule 1.11(d) of the Commission's Rules of Practice and Procedure, I am submitting this verification on behalf of FCE for that reason. I have read the attached Reply Comments of FuelCell Energy, Inc. on Preliminary Identification of Priorities, dated June 9, 2011. I am informed and believe, and on that ground allege, that the matters stated in this document are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9<sup>th</sup> day of June, 2011, at Sacramento, California.

/s/

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