

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
(Filed May 10, 2011)

Constellation NewEnergy, Inc.

**2006-2007 VERIFIED and August 2011 SEMI-ANNUAL
COMPLIANCE REPORT PURSUANT TO THE
CALIFORNIA RENEWABLES PORTFOLIO STANDARD**

PUBLIC VERSION

1-Aug-11

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| CALIFORNIA'S RENEWABLES PORTFOLIO STANDARD |
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Reporting and Compliance Worksheet Instructions

1. California's RPS Program requires Investor Owned Utilities (IOU), Multi-Jurisdictional Utilities (MJU), Electric Service Providers (ESP), and Community Choice Aggregators (CCAs) to file a minimum of two reports each year illustrating performance within the program. Parties may refer to the November 20, 2008 Assigned Commissioner Ruling Addressing Process Issues Relative to RPS Compliance Reports for more information.
 - > The March 1 report (with updates after the California Energy Commission (CEC) verifies procurement, as needed) is used by the Commission to determine compliance for the prior year(s). This report states historic performance in the RPS program, current year targets and procurement data, and forecasts targets and procurement data for at least three years (Decision (D.) 06-10-050, page 45, 49). **Going forward, all March reports will forecast procurement data out to 2020.**
 - > The August 1 report states historic performance in the RPS program, current year targets and procurement data, and forecasts targets and procurement levels for each year forward through 2020 (D.06-10-050, page 45, 51). The August report may be used by the Commission to make a final determination of compliance for the prior year(s).

2. Any load serving entity (LSE) seeking confidentiality protection should file a declaration. Confidentiality requests shall comply with the substantive and procedural rules set forth in D.06-06-066, as modified by D.08-04-023, the Commission's decision in its Confidentiality proceeding, Rulemaking (R.) 05-06-040, and any subsequent decisions issued in the same or successor proceeding. A declaration for confidentiality should include the identification of all redacted information by tab name and cell reference, not to be confused with the line numbers provided in the Accounting tab.

3. RPS compliance reports will be submitted to the Commission as specified below:
 - > Serve a public version on the service list in proceeding R.11-05-005. All pages must be legible. LSEs are responsible for maintaining confidentiality when serving a redacted report. **No more than 35 CPUC e-mail addresses can be included in the same e-mail.**
 - > **File a confidential Excel version utilizing the locked spreadsheet with the Energy Division by e-mailing an electronic version to sean.simon@cpuc.ca.gov and rpscompliance@cpuc.ca.gov.**
 - > Send paper copies (confidential and public) to each of the assigned Administrative Law Judges (ALJs):

Regina M. DeAngelis, Burton W. Mattson, and Anne E. Simon
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
 - > **Do not send paper copies of the confidential version to anyone except the persons listed above, unless specifically requested.**

4. Any questions regarding the completion and/or filing of this report can be directed to:
Sean Simon, Energy Division, California Public Utilities Commission: sean.simon@cpuc.ca.gov, (415) 703-3791

5. Include the Title Page and fill out the following information:
 - > Name of the LSE filing the Report
 - > Date the Report is being filed
 - > Contact information

6. Complete the Officer Verification Form in the format provided (Rule 1.11)

7. Yellow cells throughout the spreadsheet indicate user supplied data by the LSE where and when applicable.

8. All data must be entered in MWh out to three decimal points to accurately account for retail sales, procurement and targets. The spreadsheet will display MWh throughout. Do not round any reporting data, as this may trigger some cells to turn red.

9. The spreadsheet included in this report has locked cells to ensure that targets, procurement and penalties are accurately calculated and reported from the data provided by the user. An unprotected version of the spreadsheet is also available by request.

10. Line #'s in the "Accounting" tab hyperlink to the "Calculations" tab, which provides additional information on the particular line item or section of the "Accounting" tab.

| |
|-------------|
| SUMMARY TAB |
|-------------|

11. The "Summary" tab is linked to the "Accounting" tab and "Procurement Detail" tab, no data entry is required.

12. If the LSE determines that additional information is required in order to present a full and complete report, mark the box provided on the "Summary" tab. Any additional information should support the LSE's claim within the guidelines of the eight allowable reasons for noncompliance. Furthermore, please state anything else the filing LSE believes is necessary for a full and complete reporting to the Commission in order to allow an informed decision on compliance. This may include, for example, footnotes and other explanatory information as necessary and reasonable.

| |
|----------------|
| ACCOUNTING TAB |
|----------------|

13. Begin by entering the relevant data for Lines 1-3, this will calculate the LSE's Baseline Procurement Amount. Enter actual and forecasted sales figures to generate Incremental Procurement Targets (IPTs) and Annual Procurement Targets (APTs).

14. In deficit years, the spreadsheet calculates what portion of the deficit is eligible for IPT deferral and earmarking. The user records how they elect to treat the deficit(s) in the relevant sections, including using surplus procurement. The spreadsheet calculates the allowable IPT deferral and Earmarking amount through 2020.

EARMARKING DETAIL TAB

15. Enter information for contracts that are eligible for earmarking and are being used for flexible compliance purposes. Data populates the earmarking section in the "Accounting" tab. LSEs should including power purchase agreements used for earmarking with their compliance filings, so Energy Division may verify eligibility. If the LSE has provided the power purchase agreement in a prior report or filing, it does not need to be provided again.

PROCUREMENT DETAIL TAB

16. **Procurement Summary:** Total RPS Eligible Procurement is differentiated by three categories, *existing and or signed contracts*, *short-listed/under negotiation/pending approval*, and *generic future contracts*. This section is populated by completing the Contract Detail section below. If the LSE has entered into contracts that are short-term or with existing facilities but cannot meet its Annual Minimum Contracting Requirement, then deliveries from those contracts may not be used for compliance in any year (D.07-05-028).

> **Annual Contracting Quota Requirement:** LSEs must enter into long-term contracts or contracts with new facilities for energy deliveries equivalent to at least 0.25% of that LSE's prior years' retail sales, if it intends to use deliveries from short-term contracts and/or existing facilities, for RPS compliance purposes. LSEs must submit supporting documentation proving that the requirement has been met (i.e. a power purchase agreement for a long-term and/or new contract). If the LSE has provided the power purchase agreement in a prior report or filing, it does not need to be provided again.

- Contracts are differentiated by Contract term-length and type (row 15:16). All deliveries from "long-term and/or new" are automatically entered into "Cumulative Surplus Contracting Quota Bank" (row 19) and the user must input the MWh in row 18 that the LSE needs to comply with the Annual Contracting Quota Requirement, if necessary.

17. **RPS Eligible Procurement by Resource Type:** This report must state the amount procured or projected to be procured from each resource type (D.05-07-039, Appendix A, D.06-10-050, page 47-48). This information is reported in rows 25-38 in the "Procurement Detail" tab and populated by completing the "Contract Detail" section.

18. **Contract Detail:** For each contract, enter actual and forecasted delivery data throughout the contract term. Do not assume that an expiring contract will be renegotiated.

> **Pre-2002 Contracts:** Input total annual deliveries by resource type

> **2002-Present years' Contracts:** List contracts by name, annual deliveries (MWh), project status, facility status and resource type.

> **2005-Present years' Contracts:** In addition to the requirements above, contracts from these years should be identified by term-length, short-term (less than 10 years) and long-term, as well as, by type, existing or new (defined below). 2005 and 2006 contracts that were signed prior to 2007 can be identified as "n/a" for this purpose.

- **"Contract Length / Type"** (Column "X") Pursuant to D.07-05-028, starting in 2007, each RPS-obligated LSE must, in order to be able to count for any RPS compliance purpose energy deliveries from contracts of less than 10 years' duration ("short-term") with RPS-eligible facilities that commenced commercial operation prior to January 1, 2005 ("existing facilities"), in each calendar year enter into contracts with facilities of at least 10 years' duration ("long-term") and/or short-term contracts with facilities that commenced commercial operation on or after January 1, 2005 ("new facilities") for energy deliveries equivalent to at least 0.25% of that LSE's prior year's retail sales ("minimum quantity").

- **"Contract Volume"** (Column "Y") Input the total MWh over the term of the contract identified in the power purchase agreement. Compliance with the minimum quota requirement is measured by contracted-for-energy, not deliveries.

> **"Generic Future Contracts":** Input total forecasted annual deliveries by resource type

> **"Expired Contracts":** Any contract expiring prior to 2020 should be listed in this section. User should identify expired contract by name and input annual deliveries (MWh) in the first year the contract is no longer delivering for the LSE (per existing contract) and in every year thereafter. For example, if a contract with annual deliveries of 10,000 MWh expired 12/31/2007, user should enter 10,000 MWh in 2008 and in every year thereafter. If this same contract expired 6/30/2007, user should enter 5,000 MWh in 2007 and 10,000 in every year thereafter. If an expired or expiring contract is re-signed, remove contract information from "Expired Contracts" section and enter it under the appropriate contracting year, as you would for any other contract.

19. In the "Contract Status" column, "short-listed and/or under negotiation" is an option; use the short-listed option only for projects for which the LSE has a high level of confidence that a contract will be executed.

20. If any procurement data for a specific contract differs from what is entered into the CEC-RPS-Track form for that year, the specific cell should be highlighted and the discrepancy should be explained.

Spreadsheet user notes

> Protecting confidential data: Individual cells may be formatted black, which will serve to redact info when excel file is converted to pdf. Select cell - click on "fill color" icon - choose black. Note: Once converted to pdf, additional steps are necessary to ensure redacted data is not accessible.

> Adding and/or deleting rows. The "Earmarking Detail" tab and "Procurement Detail" tab allows users to add to or delete rows. Within the desired section, highlight entire row(s) by selecting the excel row number(s) - right click and select "copy" - right click again and select "insert copied cells"

RPS Compliance Report: Summary

| | |
|--------------------------------------|-------------|
| Constellation NewEnergy, Inc. | 2006 |
| 1-Aug-11 | |

| RPS Summary Report | MWh | % |
|--------------------------------------|------------|----------|
| Prior Year Total Retail Sales | 5,900,991 | |
| Annual Procurement Target (APT) | 59,010 | 1.0% |
| Total RPS Eligible Procurement | 85,825 | 1.5% |
| Annual Procurement Surplus/(Deficit) | 26,815 | |
| Adjusted Procurement Percentage* | | 1.5% |

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

| RPS Eligible Procurement | MWh | % |
|---------------------------------------|---------------|---------------|
| Biomass | 0 | 0.0% |
| Digester Gas | 0 | 0.0% |
| Biodiesel | 0 | 0.0% |
| Landfill Gas | 0 | 0.0% |
| Muni Solid Waste | 0 | 0.0% |
| <i>Biopower Subtotal</i> | 0 | 0.0% |
| Geothermal | 85,825 | 100.0% |
| Small Hydro | 0 | 0.0% |
| Conduit Hydro | 0 | 0.0% |
| Solar PV | 0 | 0.0% |
| Solar Thermal | 0 | 0.0% |
| Wind | 0 | 0.0% |
| Ocean/Tidal | 0 | 0.0% |
| Fuel Cells | 0 | 0.0% |
| Total RPS Eligible Procurement | 85,825 | 100.0% |

| Flexible Compliance | MWh |
|----------------------------------|------------|
| IPT Deferral | 0 |
| Earmarking | 0 |
| Banked Procurement Applied | 0 |
| Total Flexible Compliance | 0 |

| Deficits and Penalties | 2006 |
|--|-------------|
| Preliminary Procurement (Deficit) | 0 |
| Adjusted Annual Procurement Deficit | 0 |
| Adjusted Deficit Deferred | 0 |
| Potential Penalty | \$0 |
| Current Penalty (with flexible compliance) | \$0 |

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a)(2)(C)(ii).)

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in "Earmarking Detail" and "Procurement Detail" tabs.

RPS Compliance Report: Summary

| | |
|--------------------------------------|-------------|
| Constellation NewEnergy, Inc. | 2007 |
| 1-Aug-11 | |

| RPS Summary Report | MWh | % |
|--------------------------------------|------------|----------|
| Prior Year Total Retail Sales | 5,282,724 | |
| Annual Procurement Target (APT) | 111,837 | 2.1% |
| Total RPS Eligible Procurement | 101,640 | 1.9% |
| Annual Procurement Surplus/(Deficit) | (10,197) | |
| Adjusted Procurement Percentage* | | 2.1% |

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

| RPS Eligible Procurement | MWh | % |
|---------------------------------------|----------------|---------------|
| Biomass | 0 | 0.0% |
| Digester Gas | 0 | 0.0% |
| Biodiesel | 0 | 0.0% |
| Landfill Gas | 7,320 | 7.2% |
| Muni Solid Waste | 0 | 0.0% |
| <i>Biopower Subtotal</i> | 7,320 | 7.2% |
| Geothermal | 94,320 | 92.8% |
| Small Hydro | 0 | 0.0% |
| Conduit Hydro | 0 | 0.0% |
| Solar PV | 0 | 0.0% |
| Solar Thermal | 0 | 0.0% |
| Wind | 0 | 0.0% |
| Ocean/Tidal | 0 | 0.0% |
| Fuel Cells | 0 | 0.0% |
| Total RPS Eligible Procurement | 101,640 | 100.0% |

| Flexible Compliance | MWh |
|----------------------------------|---------------|
| IPT Deferral | 0 |
| Earmarking | 0 |
| Banked Procurement Applied | 10,198 |
| Total Flexible Compliance | 10,198 |

| Deficits and Penalties | 2007 |
|--|-------------|
| Preliminary Procurement (Deficit) | (10,197) |
| Adjusted Annual Procurement Deficit | 0 |
| Adjusted Deficit Deferred | 0 |
| Potential Penalty | \$0 |
| Current Penalty (with flexible compliance) | \$0 |

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a)(2)(C)(ii).)

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in "Earmarking Detail" and "Procurement Detail" tabs.

RPS Compliance Report: Summary

| | |
|--------------------------------------|-------------|
| Constellation NewEnergy, Inc. | 2008 |
| 1-Aug-11 | |

| RPS Summary Report | MWh | % |
|--------------------------------------|------------|----------|
| Prior Year Total Retail Sales | 4,493,621 | |
| Annual Procurement Target (APT) | 156,773 | 3.5% |
| Total RPS Eligible Procurement | 190,203 | 4.2% |
| Annual Procurement Surplus/(Deficit) | 33,430 | |
| Adjusted Procurement Percentage* | | 4.2% |

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

| RPS Eligible Procurement | MWh | % |
|---------------------------------------|----------------|---------------|
| Biomass | 0 | 0.0% |
| Digester Gas | 0 | 0.0% |
| Biodiesel | 0 | 0.0% |
| Landfill Gas | 0 | 0.0% |
| Muni Solid Waste | 0 | 0.0% |
| <i>Biopower Subtotal</i> | 0 | 0.0% |
| Geothermal | 106,766 | 56.1% |
| Small Hydro | 0 | 0.0% |
| Conduit Hydro | 0 | 0.0% |
| Solar PV | 0 | 0.0% |
| Solar Thermal | 0 | 0.0% |
| Wind | 83,437 | 43.9% |
| Ocean/Tidal | 0 | 0.0% |
| Fuel Cells | 0 | 0.0% |
| Total RPS Eligible Procurement | 190,203 | 100.0% |

| Flexible Compliance | MWh |
|----------------------------------|------------|
| IPT Deferral | 0 |
| Earmarking | 0 |
| Banked Procurement Applied | 0 |
| Total Flexible Compliance | 0 |

| Deficits and Penalties | 2007 |
|--|-------------|
| Preliminary Procurement (Deficit) | 0 |
| Adjusted Annual Procurement Deficit | 0 |
| Adjusted Deficit Deferred | 0 |
| Potential Penalty | \$0 |
| Current Penalty (with flexible compliance) | \$0 |

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a))

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferr

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in "Earmarking Detail" and "Procurement Detail" tabs.

RPS Compliance Report: Summary

| | |
|--------------------------------------|-------------|
| Constellation NewEnergy, Inc. | 2009 |
| 1-Aug-11 | |

| RPS Summary Report | MWh | % |
|--------------------------------------|------------|----------|
| Prior Year Total Retail Sales | 4,774,779 | |
| Annual Procurement Target (APT) | 204,521 | 4.3% |
| Total RPS Eligible Procurement | 1,091,304 | 22.9% |
| Annual Procurement Surplus/(Deficit) | 886,783 | |
| Adjusted Procurement Percentage* | | 22.9% |

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

| RPS Eligible Procurement | MWh | % |
|---------------------------------------|------------------|---------------|
| Biomass | 0 | 0.0% |
| Digester Gas | 0 | 0.0% |
| Biodiesel | 0 | 0.0% |
| Landfill Gas | 17,643 | 1.6% |
| Muni Solid Waste | 0 | 0.0% |
| <i>Biopower Subtotal</i> | 17,643 | 1.6% |
| Geothermal | 0 | 0.0% |
| Small Hydro | 84,223 | 7.7% |
| Conduit Hydro | 0 | 0.0% |
| Solar PV | 0 | 0.0% |
| Solar Thermal | 0 | 0.0% |
| Wind | 989,438 | 90.7% |
| Ocean/Tidal | 0 | 0.0% |
| Fuel Cells | 0 | 0.0% |
| Total RPS Eligible Procurement | 1,091,304 | 100.0% |

| Flexible Compliance | MWh |
|----------------------------------|------------|
| IPT Deferral | 0 |
| Earmarking | 0 |
| Banked Procurement Applied | 0 |
| Total Flexible Compliance | 0 |

| Deficits and Penalties | 2007 |
|--|-------------|
| Preliminary Procurement (Deficit) | 0 |
| Adjusted Annual Procurement Deficit | 0 |
| Adjusted Deficit Deferred | 0 |
| Potential Penalty | \$0 |
| Current Penalty (with flexible compliance) | \$0 |

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a))

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferr

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in "Earmarking Detail" and "Procurement Detail" tabs.

| | A | B | C | D | E | F | G | H | I | J |
|----|---|---|---|-------------|----------|---|---|---|---|---|
| 1 | RPS Compliance Report: Summary | | | | | | | | | |
| 2 | | | | | | | | | | |
| 3 | | | | | | | | | | |
| 4 | Constellation NewEnergy, Inc. | | | 2010 | | | | | | |
| 5 | 1-Aug-11 | | | | | | | | | |
| 6 | | | | | | | | | | |
| 7 | | | | | | | | | | |
| 8 | RPS Summary Report | | | MWh | % | | | | | |
| 9 | Current Year Total Retail Sales | | | | | | | | | |
| 10 | Annual Procurement Target (APT) | | | | 20.0% | | | | | |
| 11 | Total RPS Eligible Procurement | | | 531,948 | | | | | | |
| 12 | Annual Procurement Surplus/(Deficit) | | | | | | | | | |
| 13 | Adjusted Procurement Percentage* | | | | | | | | | |
| 14 | | | | | | | | | | |
| 15 | | | | | | | | | | |
| 16 | RPS Eligible Procurement | | | MWh | % | | | | | |
| 17 | Biomass | | | 0 | 0.0% | | | | | |
| 18 | Digester Gas | | | 0 | 0.0% | | | | | |
| 19 | Biodiesel | | | 0 | 0.0% | | | | | |
| 20 | Landfill Gas | | | 42,923 | 8.1% | | | | | |
| 21 | Muni Solid Waste | | | 0 | 0.0% | | | | | |
| 22 | <i>Biopower Subtotal</i> | | | 42,923 | 8.1% | | | | | |
| 23 | Geothermal | | | 0 | 0.0% | | | | | |
| 24 | Small Hydro | | | 0 | 0.0% | | | | | |
| 25 | Conduit Hydro | | | 0 | 0.0% | | | | | |
| 26 | Solar PV | | | 0 | 0.0% | | | | | |
| 27 | Solar Thermal | | | 0 | 0.0% | | | | | |
| 28 | Wind | | | 489,025 | 91.9% | | | | | |
| 29 | Ocean/Tidal | | | 0 | 0.0% | | | | | |
| 30 | Fuel Cells | | | 0 | 0.0% | | | | | |
| 31 | Total RPS Eligible Procurement | | | 531,948 | 100.0% | | | | | |
| 32 | | | | | | | | | | |
| 33 | | | | | | | | | | |
| 34 | Flexible Compliance | | | MWh | | | | | | |
| 35 | IPT Deferral | | | 0 | | | | | | |
| 36 | Earmarking | | | 0 | | | | | | |
| 37 | Banked Procurement Applied | | | | | | | | | |
| 38 | Total Flexible Compliance | | | | | | | | | |
| 39 | | | | | | | | | | |
| 40 | | | | | | | | | | |
| 41 | Deficits and Penalties | | | 2007 | | | | | | |
| 42 | Preliminary Procurement (Deficit) | | | | | | | | | |
| 43 | Adjusted Annual Procurement Deficit | | | | | | | | | |
| 44 | Adjusted Deficit Deferred | | | | | | | | | |
| 45 | Potential Penalty | | | \$0 | | | | | | |
| 46 | Current Penalty (with flexible compliance) | | | \$0 | | | | | | |
| 47 | | | | | | | | | | |
| 48 | | | | | | | | | | |
| 49 | | | | | | | | | | |
| 50 | <input type="checkbox"/> Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed). | | | | | | | | | |
| 51 | | | | | | | | | | |
| 52 | | | | | | | | | | |
| 53 | | | | | | | | | | |
| 54 | - Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a) | | | | | | | | | |
| 55 | [Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferr | | | | | | | | | |
| 56 | | | | | | | | | | |
| 57 | | | | | | | | | | |
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| 61 | | | | | | | | | | |
| 62 | | | | | | | | | | |
| 63 | - If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in "Earmarking Detail" and "Procurement Detail" tabs. | | | | | | | | | |
| 64 | | | | | | | | | | |

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

RPS Compliance Report: Bundled Earmarking Detail

| | |
|-----------------|-------------------------------|
| Input Required | Constellation NewEnergy, Inc. |
| Forecasted Data | 1-Aug-11 |
| Actual Data | |

Note: All deliveries from transactions that transfer both renewable energy credits and energy from the seller to the buyer but does not meet the Commission's criteria for considering a procurement transaction a bundled transaction for purposes of compliance with the California renewables portfolio standard, made prior to March 11, 2010, will be counted as bundled deliveries of both renewable energy credits and energy for purposes of compliance with the California renewables portfolio standard. TREC contracts used for earmarking with deliveries prior to March 11, 2010 and after March 11, 2010 should be listed in the separate earmarking tabs based on whether deliveries were made prior to March 11, 2010 or after March 11, 2010.

| Total Annual Earmarked Generation (MWh) | Actual | | | | | | | | | | Forecast | | | | | |
|---|--------|------|------|------|------|------|------|------|------|------|----------|------|------|------|------|------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allocated to Year - 1 | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allocated to Year - 2 | N/A | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allocated to Year - 3 | N/A | N/A | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | | | | | |
|-----------------------------|------------------------------|-----|-----|-----|---|---|---|---|---|---|---|---|---|---|---|---|
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | N/A | | | | | | | | | | | | |
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | |

RPS Compliance Report: TREC Earmarking Detail

| | | |
|--|-----------------|-------------------------------|
| | Input Required | Constellation NewEnergy, Inc. |
| | Forecasted Data | 1-Aug-11 |
| | Actual Data | |

Note: All deliveries from transactions that transfer both renewable energy credits and energy from the seller to the buyer but does not meet the Commission's criteria for considering a procurement transaction a bundled transaction for purposes of compliance with the California renewables portfolio standard, made prior to March 11, 2010, will be counted as bundled deliveries of both renewable energy credits and energy for purposes of compliance with the California renewables portfolio standard. TREC contracts used for earmarking with deliveries prior to March 11, 2010 and after March 11, 2010 should be listed in the separate earmarking tabs based on whether deliveries were made prior to March 11, 2010 or after March 11, 2010.

Earmarking of TREC contracts is only allowed between an RPS-obligated LSE and one RPS-eligible generator that is providing all the RECs.

| Total Annual Earmarked Generation (MWh) | Actual | | | | | | | | | | Forecast | | | | | |
|---|--------|------|------|------|------|------|------|------|------|------|----------|------|------|------|------|------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| Contracted Generation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allocated to Year - 1 | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allocated to Year - 2 | N/A | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allocated to Year - 3 | N/A | N/A | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | | | | | | |
|-----------------------------|------------------------------|-----|-----|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | N/A | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | | |
| Contract Name | Contracted Generation | | | | | | | | | | | | | | | | |
| Eligible for [YEAR] deficit | Withdrawal from Current Year | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Allocated to Year - 1 | N/A | | | | | | | | | | | | | | | |
| | Allocated to Year - 2 | N/A | N/A | | | | | | | | | | | | | | |
| | Allocated to Year - 3 | N/A | N/A | | | | | | | | | | | | | | |

RPS Compliance Report: Procurement Detail

Input Required: Consolidation Next Energy, Inc.
Forecasted Data: 1-Aug-11

Table with columns for years (2003-2020) and rows for procurement metrics: Total RPS Eligible Procurement, Total Banded Procurement, Total TRC Procurement, etc.

RPS Eligible Procurement by Resource Type table with columns for years (2003-2020) and rows for resource types: Biomass, Digestor Gas, Biogas, Landfill Gas, etc.

TRECs: Refer to 0.11-01-026 and 0.19-03-021 as modified by 0.11-01-026 for detailed TREC rules.
As of March 11, 2010, a transaction for purposes of compliance with the California renewable portfolio standard shall be considered a transaction that proceeds after renewable energy credits if that transaction either:
A. Expressly transfers only renewable energy credits and not energy from the seller to the buyer; or
B. Transfers both renewable energy credits and energy from the seller to the buyer but does not meet the Commission's criteria for considering a procurement transaction a bundled transaction for purposes of compliance with the California renewable portfolio standard.
All deliveries from transactions described in subsection B, above, made prior March 11, 2010 will be counted as bundled deliveries of both renewable energy credits and energy for purposes of compliance with the California renewable portfolio standard. TRECs contracts with deliveries prior to March 11, 2010 and after March 11, 2010 should be noted as separate lines in this spreadsheet.

Minimum Contracting Requirement: Starting in 2007, RPS-eligible LSEs must, in each calendar year, enter into long-term contracts for at least 10% of their total quantity of energy delivered equipment at a minimum quantity requirement. Thereafter, any TREC contracts entered into by LSEs for approximately 10% of their total quantity of energy delivered must comply with the RPS-eligible LSEs for any RPS compliance purposes (0.07-05-028, R 06/02/07).

Main contract table with columns for Contract Dates (2003-2020), Contract Status, Facility Status, Resource Type, TREC or Banded, Contract Length, and Contract Volume. Includes sub-sections for Pre-2002 Contracts, 2002 Contracts, and 2004 Contracts.

Contract Term Definitions: Long-term contract: At least 10 year duration. Short-term contract: Less than 10 years duration.
After Facility: Commenced commercial operation on or after January 1, 2008.
Before Facility: Commenced commercial operation prior to January 1, 2008.
RPS: Banded Prior to 2007/TREC transaction after January 15, 2011.

| | | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | AA | AB | AC | AD |
|--------------|---|---|---|--------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|-------------------------------|-----------------|---------------|------------------|--|-------------------------|----|----|----|
| Contract No. | Contract Name | | | 16,958 | | | | | | | | | | | | | | | | Contract Status | Facility Status | Resource Type | TRE C or Bundled | Contract Length / Type | Contract Volume (MMBtu) | | | |
| 171 | East Bay Municipal Utility District Power Plant | 0 | 0 | 16,958 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | excluded - no approval needed | online | Small Hydro | Bundled | 2007 FPLC transaction after January 13, 2011 | 16,958 | | | |
| 172 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 173 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 174 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 175 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 176 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 177 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 178 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 179 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 180 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 181 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 182 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 183 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 184 | 2006 Contracts | | | 21,825 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Contract Status | Facility Status | Resource Type | TRE C or Bundled | Contract Length / Type | Contract Volume (MMBtu) | | | |
| 185 | Galena Geothermal Units 5 and 6 | 0 | 0 | 42,813 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | excluded - no approval needed | online | Geothermal | Bundled | 2007 FPLC transaction after January 13, 2011 | 42,813 | | | |
| 186 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 187 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 188 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 189 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 190 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 191 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 192 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 193 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 194 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 195 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 196 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 197 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 198 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 199 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 200 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 201 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 202 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 203 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 204 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 205 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 206 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 207 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 208 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 209 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 210 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 211 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 212 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 213 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 214 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 215 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 216 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 217 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 218 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 219 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 220 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 221 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 222 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 223 | Contract Name | | | | | | | | | | | | | | | | | | | | | | | | | | | |

RPS Compliance Report: Calculations

| RPS Baseline Inputs (MWh) | | |
|------------------------------------|--|--|
| Line# | Calculation | Notes |
| 1-4 | Pursuant to D.07-07-025, the 2005 Initial Baseline Procurement Amount for the electric service providers (ESPs) is calculated using the following equation(s): $2001 \text{ CA RPS-eligible Procurement} / 2001 \text{ total CA retail sales} \times 2005 \text{ total CA retail sales}$ | |
| | ESPs beginning retail sales in California between January 1, 2002 and December 31, 2005, the analogous formula is: | |
| | $\text{CA RPS-eligible procurement in first year of CA retail sales} / \text{first-year CA retail sales} \times 2005 \text{ total CA retail sales}$ | |
| | ESPs beginning retail sales after December 31, 2005, the Baseline Procurement Amount is equal to first year's RPS-Eligible Procurement | |
| RPS Procurement and Targets (MWh) | | |
| Line# | Calculation | Notes |
| 1 | User supplied data | Annual Retail Sales |
| 2 | Data from "Procurement Detail" tab | In current and past years, this line should equal Total RPS Eligible Procurement in procurement detail tab. |
| 3 | Prior year Line 7 + Line 8 | |
| 8 | 1% of line 5 {Y-1} | |
| 9 | Line 6 - Line 7 | |
| 10 | Line 7 / Line 5 {Y-1} | |
| 11 | Line 6 / Line 5 {Y-1} | In 2003, 2003 RPS procurement is divided by 2001 retail sales rather than 2002 retail sales. |
| 12 | (Line 6 + Line 17 + Line 25 + Line 30 + Line 34 + Line 36) / Line 5 {Y-1} | RPS procurement percentage after applying flexible compliance, assuming all allowable planned deliveries come online as planned. |
| Flexible Compliance - IPT Deferral | | |
| Line# | Calculation | Notes |
| 13 | Up to 0.25% of Prior Year Retail Sales | The first year with an IPT, 100% of the IPT can be deferred for up to 3 years without explanation. |
| 14-16 | User supplied data | |
| 17 | Sum of Lines 14:16 | Current year deficit carried forward. Warning if cell value is greater than Line 13. |
| 18-20 | Record of Lines 14:16 | Deferred IPT obligations due in current year. |
| 21 | Sum of Lines 18-20 | Total deferred IPT obligations due in current year |
| | User supplied data | Past year IPT obligations retired with current year surplus procurement. Per accounting rules D. 06-10-050, Attachment A, page 9-10, current year deliveries may only be applied to past year IPT deficits after earmarked deliveries have been subtracted, and after any deliveries needed to meet current year APT have also been subtracted (D.03-06-0711, Conclusion of Law 25). |
| 22-24 | | |
| 25 | Sum of Lines 22-24 | Total current year surplus applied to prior year IPT obligations due in current year |
| Flexible Compliance - Earmarking | | |
| Line# | Calculation | Notes |
| 26 | Line 9 + Line 13 + Line 34 | Portion of current year deficit greater than allowable IPT Deferral |
| 27-29 | Data from "Earmarking Detail" tab | User supplied data |
| 30 | Sum of Lines 27:29 | |
| 31-33 | Data from "Earmarking Detail" tab | User supplied data. |
| 34 | Sum of Lines 31:33 | Total current year surplus subtracted to meet prior years Earmarking obligations due in current year |
| Surplus Procurement Bank | | |
| Line# | Calculation | Notes |
| 35 | Line 38 {Y-1} | |
| 36 | User supplied data | |
| 37 | Line 9+ Line 25 + Line 34 | Current year surplus procurement less any prior year IPT obligations and/or Earmarking obligations |
| 38 | Sum of Lines 35:37 | |
| 43 | Row 16 from "Procurement Detail" tab | TRECs that must be banked because the entity is over the TREC limit |
| | Data from "Procurement Detail" tab | Value if entity has not exceeded its TREC limit in the current year, and has excess TRECs from exceeding the limit in a prior year. |
| 44 | | |
| 45 | Line 43 - Line 45 | |
| 47 | Line 35 + Line 43 | |
| 46 | Sum of Lines 35:37 | |
| Adjusted Deficit | | |
| Line# | Calculation | Notes |
| 39 | Line 9 + balance of IPT obligations after 3 years + balance of Earmarking obligations after 3 years | In any current year, the adjusted annual procurement deficit is the LSE's annual deficit less any deliveries used to meet IPT or Earmarking obligations for prior years deficits. Any portion of adjusted annual procurement deficit that remains after the following three years is subject to penalty. |
| 40 | Balance of IPT obligations after 3 years + balance of Earmarking obligations after 3 | In any current year, the adjusted deficit temporarily excused is the sum of IPT deferral and Earmarked deliveries (line 17+ line 30). Any portion of line 40 remaining after 3 years will be reflected in line 39 and subject to penalty. |
| 41 | Line 39 * \$50.0 | Per accounting rules, LSEs must list penalty based the size of on adjusted annual procurement deficit, even if allowable reasons are being given for why the penalty is not yet due and payable. Penalties are assessed at \$0.05/kWh deficit. |
| 42 | (Line 39 + 40) * \$50.0 | LSE's have the opportunity to make up annual procurement deficits through existing flexible compliance rules. Accordingly, if an LSE has a deficit in year 1, and is able to fully exercise flexible compliance mechanisms, the penalty for year 1 compliance may not apply. |

OFFICER VERIFICATION FORM

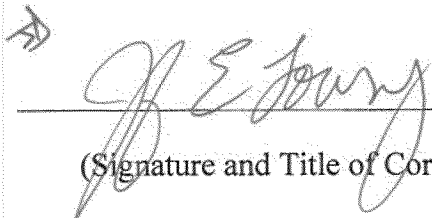
I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this compliance report has not been altered from the version issued or approved by Energy Division.

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

Executed on August 1, 2011 at Baltimore, MD

(Date)

(Name of city)



(Signature and Title of Corporate Officer)