

BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

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

R.11-05-005

NOTICE OF EX PARTE COMMUNICATIONS

John W. Leslie
Luce, Forward, Hamilton & Scripps LLP
600 West Broadway, Suite 2600
San Diego, California 92101
Tel: (619) 699-2536
Fax: (619) 232-8311
E-Mail: jleslie@luce.com

Attorneys for Shell Energy North America (US), L.P.

Date: November 7, 2011

BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

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

R.11-05-005

NOTICE OF EX PARTE COMMUNICATIONS

In accordance with Rule 8.4 of the Commission's Rules of Practice and Procedure, Shell Energy North America (US), L.P. ("Shell Energy") files this notice of four ex parte communications that occurred on Wednesday, November 2, 2011. The ex parte communications were oral and written. Written materials were provided and are attached to this notice. The communications occurred in meeting rooms and offices on the fifth floor of the Commission's San Francisco headquarters.

I.

The ex parte communications occurred through four meetings between representatives of Shell Energy and advisors to four Commissioners. Shell Energy's representatives were Thomas Ingwers, Vice President, Environmental Products; Dona Stein, Associate Originator; and John Leslie, the undersigned outside attorney. Shell Energy's representatives met with the following Commissioner advisors: Scott Murtishaw, advisor to President Peevey, from approximately 10:40 to 11:10 a.m.; Bishtu Chatterjee, advisor to Commissioner Simon, from approximately 11:10 to 11:40

a.m.; Michael Colvin, advisor to Commissioner Ferron, from approximately 11:40 a.m. to 12:10 p.m.; and Colette Kersten, advisor to Commissioner Sandoval, from approximately 1:05 to 1:35 p.m. The same (attached) written materials were provided to each Commission advisor. The communications were initiated by the undersigned. Each of the meetings lasted approximately 30 minutes.

II.

The purpose of each meeting was to discuss Presiding Judge Anne Simon's October 7, 2011 proposed decision ("PD") on the portfolio content categories under SBX1 2. The following matters were addressed:

First, the Shell Energy representatives asked that the Commission clarify the PD to ensure that the classification of an RPS-eligible transaction (Bucket One; Bucket Two) remains the same when the transaction is transferred, as long as the REC has not been retired for RPS compliance. The Shell Energy representatives stated that market participants must have certainty that the RPS products they purchase will retain their classification when they are sold or until the REC is retired. Mr. Ingwers noted that the value of a Bucket One REC is almost ten times the value of a Bucket Three REC. Mr. Ingwers stated that market liquidity is dependent on maintaining the classification of an RPS product, even upon transfer. Ms. Stein referred to the attached document to show that out-of-State RPS products can be tracked "as-produced" from the source to the sink through the use of e-tags and meter data to demonstrate their eligibility for Bucket One.

Second, the Shell Energy representatives urged the Commission to modify the PD's proposal to classify all unbundled RECs as Bucket Three products. The Shell Energy representatives asserted that an unbundled REC may be eligible under Bucket One or Bucket Two if the product meets the qualifications of one of these provisions. The undersigned stated that the statutory language is clear that Bucket Three is a "residual" category for RPS products that do not qualify under Bucket One or

Bucket Two. Mr. Ingwers stated that increasing the RPS-eligible products that qualify for Bucket One will reduce costs to consumers.

Third, the Shell Energy representatives stated that the PD correctly addressed the “biogas” issue. The undersigned stated that RPS energy produced with in-State or out-of-State biogas at an “in-State” RPS-eligible generation facility qualifies under Bucket One because the electric generating facility has its first point of interconnection with a CBA. The Shell Energy representatives stated that classification of the RPS product is based on the location of the electric generation facility, not the source of the fuel.

Fourth, the Shell Energy representatives stated that the PD should be modified to remove any conditions on “firmed and shaped” transactions that are not included in the statute. Firmed and shaped products should qualify under Bucket Two as long as the substitute energy is “scheduled into a CBA” within the same calendar year that the RPS-eligible energy is generated. Additional terms and conditions proposed by TURN should be rejected because these conditions have no basis in the statute.

Fifth, the Shell Energy representatives stated that the PD must be clarified with respect to the “effective date” of SBX1 2. The undersigned noted that the PD correctly recommends that the effective date is December 10, 2011. The undersigned stated that an RPS contract entered into prior to December 10, 2011 satisfies the requirements for a “firmed and shaped” product under Bucket Two if, at the time the contract was executed, the transaction met the “delivery” requirements in the CEC’s RPS Eligibility Guidebook.

Finally, the Shell Energy representatives urged the Commission to act expeditiously to address how pre-June 1, 2010 contracts will “count in full” toward an LSE’s RPS compliance. Mr.

Ingwers stated that if an RPS contract was entered into before June 1, 2010, it should be eligible for “unlimited forward banking” based on the rules that existed at the time the contract was executed.

III.

Written materials that were used in the meetings are attached. To obtain a copy of this notice, please contact:

Sue Pote
Luce, Forward, Hamilton & Scripps LLP
600 West Broadway, Suite 2600
San Diego, California 92101-3391
Tel: (619) 699-5464
E-Mail: spote@luce.com

Respectfully submitted,



John W. Leslie
Luce, Forward, Hamilton & Scripps LLP
600 West Broadway, Suite 2600
San Diego, California 92101
Tel: (619) 699-2536
Fax: (619) 232-8311
E-Mail: jleslie@luce.com

Date: November 7, 2011

Attorneys for Shell Energy North America (US) L.P.

Shell Energy North America (US), L.P.
Meetings With Commission Advisors
November 2, 2011

Subject: Presiding Judge Anne Simon's October 7 Proposed Decision on "Portfolio Content Categories"

1. **Transferability:** The classification of an RPS-eligible transaction (Bucket One; Bucket Two) must remain the same when the transaction is transferred, as long as the REC has not been retired for RPS compliance.

- Market participants must have certainty that the RPS product they purchase will retain its classification when they sell it or until they retire the REC.
- Market liquidity is dependent on maintaining the classification of an RPS product, even upon transfer.
- RPS products can be tracked from the source to the sink through the use of e-tags and meter data.

2. **Unbundled RECs:** Unbundled RECs should not be limited to classification in Bucket Three (Section 399.16(b)(3)). Unbundled RECs may be eligible under P.U. Code Section 399.16(b)(1) or (b)(2) if they meet the qualifications.

- Bucket Three is a "residual" category for RPS products that do not qualify under Bucket One or Bucket Two.
- Increasing the RPS-eligible products that qualify for Bucket One will reduce costs to consumers.

3. **Biogas:** RPS energy produced with in-State or out-of-State biogas at an "in-State" RPS-eligible generation qualifies under Bucket One (P.U. Code Section 399.16(b)(1)) because the electric generating facility has its first point of interconnection with a CBA.

- RPS products are "differentiated by their impacts on the operation of the grid in supplying electricity." Classification of the RPS product is based on the location of the electric generation facility, not the source of the fuel.
- Biogas is an eligible RPS fuel; in-State and out-of-State biogas displaces fossil gas in the pipelines serving California.

4. **Firmed and shaped:** Products should qualify under P.U. Code Section 399.16(b)(2) (Bucket Two) as long as the substitute energy is "scheduled into a CBA" within the same calendar year that the RPS-eligible energy is generated.

5. **Effective Date:** An RPS contract entered into prior to December 10, 2011 satisfies the requirements for a "firmed and shaped" product under Bucket Two if, at the time the contract was executed, the transaction met the "delivery" requirements in the CEC's RPS Eligibility Guidebook.

6. **Count in Full:** The Commission should act expeditiously to address how pre-June 1, 2010 contracts will "count in full" toward an LSE's RPS compliance.

- If an RPS contract was entered into before June 1, 2010, it should be eligible for "unlimited forward banking" based on the rules that existed at the time the contract was executed.

Below are the labeled sections of the attached E-Tag, excerpted meter data and corresponding explanations:

1. Tag code, tag information: Date and time of transaction. This provides the Commission the ability to confirm the date(s) the transaction occur(s).
2. Market Path: Financial Path (buying/Selling chain). In this example, you can see that the market path originated in Portland General's Control Area (PGEMPG) and was then transferred to Shell Energy, identified by CORPW.
3. Physical Path: This field represents the physical path of the energy from generation to load. In this example, the Commission can confirm that the source is the eligible renewable generator, Bigelow Canyon, and that the sink is California, NP15. If the source reflects PGE or any other ID, any associated MWs would be ancillary and the LSE or marketer could not claim those as directly delivered.
4. Energy and Transmission Profiles: This data reflects the hourly energy scheduled, transmission contracts
5. Specific Example: 7/9/2011 Hour Ending (HE) 5:00 - 34 MW
6. Specific Example: 7/9/2011 Hour Ending (HE) 15:00 - 10 MW
7. Transmission Product: In this field, the Commission can ascertain the type of OASIS transmission that was utilized. In this example, 7-F represents firm transmission

Below are the labeled sections of the Bigelow Canyon generator meter data excerpted from the attached spreadsheet that correspond with the tag examples in the energy and transmission profiles listed in items 5 and 6 above:

8. Specific Example: 7/9/2011 Hour Ending 5:00 25500 kWh (25.5 MW)
9. Specific Example: 7/9/2011 Hour Ending 15:00 33400 kWh (33.4 MW)

As this data demonstrates, in Hour Ending 5:00, more energy was scheduled than was generated. Therefore, the product content category one volume would be the amount generated or 25.5 MWs. Conversely, in Hour Ending 15:00, more energy was produced by the generator than was delivered into California. In this case only 10 MWs would count in product content category one. Shell Energy's approach is to calculate the "lesser of" as reflected in items 10 and 11 below. With respect to the case where more energy is generated than delivered, the excess energy will produce RECs in WREGIS, but those would only be eligible for the California RPS as product content two or three depending on whether or not the entity delivered power.

Below are the labeled sections of the SENA calculation of Out of State renewable energy transformed into product content category one RECs:

10. Shell Energy's calculation of product content category one RECs created from an out of state generator delivered to California on firm transmission, as produced: The lesser of the CEC certified generator meter data (25.5) by hour versus the tagged volume (34) MW physically delivered in California
11. Shell Energy's calculation of product content category one RECs created from an out of state generator delivered to California on firm transmission, as produced: The lesser of the CEC certified generator meter data (33.4) by hour versus the tagged volume (10) MW physically delivered in California

1

BPAT_PGEMPG0281760_CISO

Tag Information			
GCA	PSE	Tag Code	LCA
BPAT	PGEMPG	0281760	CISO

Start Date: 07/08/2011 00:00
Stop Date: 08/01/2011 00:00
Time Zone: PD
Transaction Type: Normal
Tag MWh at generator (original / final): 28800 / 22959

Contact Information	
PSE Code	PGEMPG
PSE Contact	Donna Garcia
PSE Phone	(503)464-7410
PSE Fax	(503)464-7608
Gen Contact	Tagging Mailbox
Gen Phone	(360)418-2878
Gen Fax	(360)418-8740
Load Contact	NA Prescheduling
Load Phone	(916)351-2495
Load Fax	(916)351-4486
Comment	CORP SALE biglow II - 60993A

ID	Type	Product	Time	Status
17	Adjustment	PGEMPG (PSE)	07/10/2011 09:21	APPROVED
16	Adjustment	PGEMPG (PSE)	07/10/2011 06:14	APPROVED
15	Adjustment	PGEMPG (PSE)	07/9/2011 13:20	APPROVED
14	Adjustment	PGEMPG (PSE)	07/9/2011 12:17	APPROVED
13	Adjustment	PGEMPG (PSE)	07/9/2011 11:17	APPROVED
12	Adjustment	PGEMPG (PSE)	07/9/2011 10:17	APPROVED
11	Adjustment	PGEMPG (PSE)	07/9/2011 08:29	APPROVED
10	Adjustment	PGEMPG (PSE)	07/9/2011 07:52	WITHDRAWN
9	Adjustment	PGEMPG (PSE)	07/9/2011 07:29	APPROVED
8	Adjustment	PGEMPG (PSE)	07/9/2011 06:51	APPROVED
7	Adjustment	PGEMPG (PSE)	07/9/2011 06:39	APPROVED
6	Adjustment	PGEMPG (PSE)	07/9/2011 06:18	APPROVED
5	Adjustment	PGEMPG (PSE)	07/9/2011 04:33	APPROVED
4	Adjustment	PGEMPG (PSE)	07/9/2011 03:44	APPROVED
3	Adjustment	PGEMPG (PSE)	07/9/2011 02:38	APPROVED
2	Curtailement	BPAT (CA)	07/8/2011 23:10	APPROVED
1	Curtailement	CISO (CA)	07/8/2011 16:44	APPROVED
0	Creation	PGEMPG (PSE)	07/7/2011 11:28	APPROVED

2

Market Path			
PSE	Product	Contract	Misc(Token/Value)
PGEMPG	G-F		
CORPW	L		

3

Physical Path															
CA	TP	PSE	POR	POD	Sched Entities	Contract	Misc(Token/Value)								
BPAT		PGEMPG	BIGLOWCANYON												
		BPAT	Biglow	JohnDay	BPAT										
		PGE	CORPW	JohnDay	Malin500	BPAT									
		CISO	CORPW	MALIN500	NP15	CISO	<table border="1"> <tr><td>CASE CONTRACT</td><td>NP15</td></tr> <tr><td>CASE PRODUCT</td><td>ENBY</td></tr> <tr><td>CASE RES ID</td><td>CORP MALIN500 I.F. CAT</td></tr> <tr><td>HPS ID</td><td>60993A</td></tr> </table>	CASE CONTRACT	NP15	CASE PRODUCT	ENBY	CASE RES ID	CORP MALIN500 I.F. CAT	HPS ID	60993A
CASE CONTRACT	NP15														
CASE PRODUCT	ENBY														
CASE RES ID	CORP MALIN500 I.F. CAT														
HPS ID	60993A														
CISO		CORPW	NP15												

Energy and Transmission Profiles MW (out of)									
Date	Start	Stop	Gen	BPAT			PGE		
			MW	Trans	75857440	MW	Trans	71472976	MW
07/08/2011	00:00	17:00	50	50	50	50	50	50	50
07/08/2011	17:00	18:00	47	50	50	47	50	50	47
07/08/2011	18:00	23:12	50	50	50	50	50	50	50
07/08/2011	23:12	00:00	37	50	50	37	50	50	37
07/09/2011	00:00	04:00	50	50	50	50	50	50	50
07/09/2011	04:00	05:00	34	34	34	34	34	34	34
07/09/2011	05:00	06:00	19	19	19	19	19	19	19
07/09/2011	06:00	07:00	24	24	24	24	24	24	24
07/09/2011	07:00	08:00	8	8	8	8	8	8	8
07/09/2011	08:00	09:00	10	10	10	10	10	10	10
07/09/2011	09:00	10:00	15	15	15	15	15	15	15
07/09/2011	10:00	11:00	18	18	18	18	18	18	18
07/09/2011	11:00	12:00	50	50	50	50	50	50	50
07/09/2011	12:00	13:00	14	14	14	14	14	14	14
07/09/2011	13:00	15:00	10	10	10	10	10	10	10
07/09/2011	15:00	00:00	50	50	50	50	50	50	50
07/10/2011	00:00	07:00	50	50	50	50	50	50	50
07/10/2011	07:00	08:00	0	0	0	0	0	0	0
07/10/2011	08:00	11:00	50	50	50	50	50	50	50

5

6

Transmission Allocation			
TP	Owner	Product	OASIS
BPAT	PGEMPG	7-F	75857440
PGE	CORPW	7-F	71472976
CISO	CORPW	7-F	CRLP_MALIN500_I_F_DA1

Field	Value(s)	Applies To
Meter Point	Biglow Canyon Bank 2 In (3296)	All
Date Range	07/06/2011 - 07/31/2011	All
Unit of Measure	kWh	Usage
Scaling Type	Energy without Estimates	Usage
Include Subtotals?	Y	Usage

Hourly Usage

Src	Day	Scale	1	2	3	4	5
MV90	7/6/2011	E	25800	27700	28800	2600	27200
MV90	7/7/2011	E	104700	84000	65700	0	0
MV90	7/8/2011	E	161200	160600	157200	46800	142900
MV90	7/9/2011	E	65700	58300	45400	3900	25500
MV90	7/10/2011	E	133800	80500	38400	41400	42500

8

Field	Value(s)	Applies To
Meter Point	Biglow Canyon Bank 2 In (3296)	All
Date Range	07/06/2011 - 07/31/2011	All
Unit of Measure	kWh	Usage
Scaling Type	Energy without Estimates	Usage
Include Subtotals?	Y	Usage

Hourly Usage

Src	Day	Scale	14	15
MV90	7/6/2011	E	500	1300
MV90	7/7/2011	E	152300	154400
MV90	7/8/2011	E	60000	62400
MV90	7/9/2011	E	17000	33400
MV90	7/10/2011	E	23600	25100

9

Date/Time	HE1	HE2	HE3	HE4	HE5	HE6	HE7	HE8	HE9	HE10	HE11	HE12	HE13	HE14	HE15	HE16
7/1/2011																
7/2/2011																
7/3/2011																
7/4/2011																
7/5/2011																
7/6/2011	22	27.7	24	10	6	23	26.1	27.6	5.4	0	0	0	0	0	0	0
7/7/2011	50	50	50	0	0	0	50	50	50	50	50	50	50	50	50	50
7/8/2011	50	50	50	0	0	50	50	50	50	50	50	50	50	50	50	50
7/9/2011	50	50	45.4	31.9	25.5	18	13.5	8	10	15	8.3	5.6	8.5	10	10	0
7/10/2011	50	50	38.4	41	43.5	25.5	0	0	25	15.9	31.9	22.5	21.1	25.6	35.1	0
7/11/2011	50	50	50	48.2	48.2	49.4	47.9	37.3	35	22.6	12.6	12.3	9	15	25	50

11