

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 5, 2011)

**COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO
ON REPORTING AND COMPLIANCE REQUIREMENTS FOR THE
RENEWABLES PORTFOLIO STANDARD PROGRAM**

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In accordance with Judge Simon's ruling dated February 1, 2012, the City and County of San Francisco (CCSF or City) respectfully files comments on reporting and compliance requirements for the Renewables Portfolio Standard (RPS) program. CCSF notes that the time given to provide these comments was very short (10 calendar days). Moreover, D.11-12-052 contemplates that the Energy Division will work with stakeholders to develop a methodology and template for retail sellers to demonstrate compliance with the RPS.¹ Accordingly, the City expects the Energy Division will consider these comments in developing a methodology for reporting and demonstrating compliance. These comments address questions one through five. The City reserves the right to respond to the comments of other parties on all questions.

1. Section 399.13(a)(3) requires that each retail seller must submit an annual RPS compliance report.

¹ D.11-12-052 provides "[t]he Director of Energy Division is authorized to develop a methodology for both the upfront showing and the compliance determination, for all procurement claimed to meet any of the criteria of § 399.16(b)(1). This methodology may include the elements discussed above, as well additional elements that may be determined to be relevant, including elements necessary to incorporate information about changes in dynamic transfer methods. Energy Division staff are further authorized to consult with the parties, CEC staff, and WREGIS staff to develop a more comprehensive and long-term approach to the elements necessary of IOUs' upfront showings and compliance determinations for all retail seller claiming RPS procurement that meets the criteria of § 399.16(b)(1)." Id at 42. The decision also provides that "[i]t is likely that modifications to Energy Division's current advice letter template and RPS compliance spreadsheet will be required." Id at 134.

- When should the annual RPS compliance report be submitted? Please consider at least the following in choosing a date for your proposal:
 - The information identified by Section 399.13(a)(3) as necessary for the compliance report;
 - The RPS reporting and verification requirements of the California Energy Commission;
 - Any other reporting or information requirements that may be relevant to the RPS compliance reporting process. Please be specific.
- What information should the annual RPS compliance report contain? Please consider both the requirements set out in Section 399.13(a)(3) and the information provided in compliance reports submitted through 2010.

Response: In determining the time frame for the submission of an annual report, the Commission should consider relevant time frames for the availability of the underlying data, and should seek to minimize duplication of effort. Preparation of the annual compliance report will require data from WREGIS and CAISO settlement data. The annual report should have to be submitted no sooner than sixty days after the later of 1) the date established by WREGIS as the last date in the current year for documenting transfers of renewable energy that took place during the prior calendar year; and 2) the last date in the current year for receipt of final CAISO settlement data for transactions taking place in the prior year. Further, to the extent possible, the annual report should be timed to coincide with other RPS related reports required by other relevant agencies.

2. In addition to the annual RPS compliance reporting requirement in Section 399.13(a)(3), should the Commission require an RPS progress report from retail sellers during the same calendar year? Please explain why or why not.

- If there should be a progress report, should it contain the same information as the annual compliance report?
- If the information in the progress report should be different from the information in the annual report, please specify and explain your proposal.

Response: For purposes of RPS enforcement, the Commission should not require progress reports in addition to the annual compliance reports already required by Section 399.13(a)(3) as these would create an additional burden without a corresponding benefit. The required RPS percentages, overall and within the different product categories, apply on a compliance period basis. The law already requires periodic annual reporting within the compliance periods. In this context, there is little justification or value to requiring more frequent progress reports. Delivery of RPS energy may be concentrated in particular months of the year to the extent the underlying resources are seasonal. Requiring retail sellers to compile and then explain such fluctuations does not advance compliance.

The City takes no position on whether there is a benefit to requiring periodic within year progress reports for the Investor Owned Utilities for the purpose of ensuring that their RPS procurement trajectory is appropriate and will result in just and reasonable rates.

3. In addition to the annual RPS compliance reporting requirement in Section 399.13(a)(3), should the Commission require a separate report on compliance for an entire compliance period?

- If not, please explain why not and identify how the Commission would receive information about the retail seller's attainment of the procurement requirements for a compliance period, as required by Section 399.15(b), as implemented by D.11-12-020.
- If yes,
 - When should such a report be submitted? (For example, March 1 of the year following the end of the compliance period; for the first compliance period, that would be March 1, 2014.)
 - How should such a report present the quantities of the retail seller's RPS procurement for the compliance period?

Response: If a report is required at the end of each compliance period, the Commission should allow retail settlers sufficient time to prepare the report. Retail sellers should be given at

least two extra months after the date for submitting the annual report to analyze and compile the data for a report of the full compliance period, or preferably, retail sellers should be allowed to submit a single, combined report covering the compliance period and the last annual period, with two extra months provided for submission of a combined report.

4. Section 399.16(c) sets minimum percentages for procurement that meets the criteria of Section 399.16(b)(1) in each compliance period , as well as maximum percentages for procurement that meets the criteria of Section 399.16(b)(3) in each compliance period.

- Should the percentage requirements for procurement meeting the specified criteria be applied:
 - Annually?
 - For each compliance period as a whole?
 - Over some other time period?

Response: Consistent with Section 399.16(c), the percentages should apply during each compliance period. The City is not aware of any language in the RPS statute to support percentage requirements during a period shorter than each compliance period.

5. Should the Commission require a particular format or time at which a “retail seller may apply to the Commission for a reduction of a procurement content requirement of subdivision [399.16](c),” in accordance with Section 399.16(e)?

- If yes, please explain and provide a justification for the proposal.
- If no, please explain how retail sellers would inform the Commission of a request under Section 399.16(e).

Response: The Commission should not unduly constrain the ability of retail sellers to apply for a reduction pursuant to Section 399.16(c), in terms of timing and format. This important safety valve should be available to retail sellers as needed, even if retail sellers only discover late in a compliance period that they must seek relief under Section 399.16(e).

Dated: February 10, 2012

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By: _____ /S/
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VERIFICATION

I am an employee of the City and County of San Francisco, Public Utilities Commission, a city and county, and am authorized to make this verification on its behalf. I have read the **COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO ON REPORTING AND COMPLIANCE REQUIREMENTS FOR THE RENEWABLES PORTFOLIO STANDARD PROGRAM** dated February 10, 2012. The factual statements in this document are true to the best of my own knowledge, information or belief.

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

Executed on this 10th of February, 2012 at San Francisco, California.

/s/

Margaret Meal

Manager of Regulatory and Legislative Affairs, Power Enterprise
San Francisco Public Utilities Commission