

## Attachment 2

### Compliance Filing for LSEs with Long-Term Financial Commitments

February 15, 2012

CA Public Utilities Commission  
Energy Division  
Attention: Tariff Unit  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102-3298

Re: GHG Environmental Performance Standard (EPS) Compliance Filing

Pursuant to Ordering Paragraph No. 4 of Decision (“D.”) 07-01-039, issued in R. 06-04-009 on January 25, 2007, Marin Energy Authority (“MEA”) submits this annual Attestation Letter affirming that the financial commitments MEA has entered into for generation during the prior calendar year are in compliance with the greenhouse gas (“GHG”) emissions performance standard (“EPS”). Specifically, MEA is in compliance with the EPS. Documentation supporting that compliance is provided below.

**Effective Date:** March 16, 2012

**Tier Designation:** Tier 2 Designation

#### **Purpose**

This Attestation Letter provides information and documentation required by D.07-01-039 for LSEs (electrical corporation, electric service provider, or community choice aggregator) with new long-term financial commitments (defined on Page 3 in Attachment 7 of D.07-01-039). This Attestation Letter demonstrates that for 2011 all financial commitments entered into by MEA are compliant with the EPS.

#### **Background**

D.07-01-039 requires all Load Serving Entities (“LSEs”) to file annual Attestation Letters, due February 15<sup>th</sup> of each year, attesting to the Commission that the financial commitments entered into for generation during the prior calendar year are in compliance with the EPS. D.07-01-039 requires LSEs to file Attestation Letters as an advice letter and serve the Attestation Letter on the service list in Rulemaking (“R.”) 06-04-009. This Attestation Letter is filed pursuant to that process.

D.07-01-039 requires LSEs to include a listing of long-term financial commitments of five years or longer that they have entered into during the prior year. Note that long-term financial commitments can be compliant if any of the following apply:

- 1) not in a baseload powerplant;
- 2) generation using pre-approved renewable resource technology;
- 3) existing combined-cycle combustion turbine (in operation/or permitted to operate as of 6/30/07) with an increase in rated capacity less than 50 megawatts (MW);
- 4) net emission rate of each baseload facility underlying a covered procurement does not exceed 1,100 lbs of CO<sub>2</sub> per megawatt hour (MWh);
- 5) Exemption related to: reliability exemption, extraordinary circumstances or financial harm, and CO<sub>2</sub> sequestration through injection in geological formations.

D.07-01-039 requires all LSEs to disclose the investment amount and type of alteration to retained generation, by generation facility and unit. D.07-01-039 also advises LSEs to present documentation regarding the design and intended use of the powerplant(s) underlying their new long-term financial commitments utilizing the sources of information listed in § 8341(b)(4), as well as any other sources of documentation that they believe will be relevant to this determination.

D.07-01-039 emphasizes that the key concept is to establish the design and intended use of the powerplant. Accordingly, documentation of the annualized plant capacity factor for the powerplant should include historical annual averages in order to help determine whether the plant is “designed and intended” to be used for baseload generation. D.07-01-039 requires LSEs to provide documentation of capacity factors, heat rates and corresponding emissions rates that reflect the actual, expected operations of the plant.

This Attestation Letter comports with the requirements outlined above.

### **Protests**

This compliance filing is not subject to protest pursuant to General Order 96-B, Energy Industry Rule 9.

### **Correspondence**

Any correspondence regarding this compliance filing should be sent by email to the attention of:

Elizabeth Rasmussen  
Regulatory and Legal Counsel  
MARIN ENERGY AUTHORITY  
781 Lincoln Avenue, Suite 320  
San Rafael, CA 94901  
Telephone: (415) 464-6022  
Facsimile: (415) 459-8095  
E-Mail: [erasmussen@marinenergy.com](mailto:erasmussen@marinenergy.com)

## **Compliance Documentation**

The following listings and/or tables provide detailed and specific information regarding MEA contracts and long-term financial commitments that are subject to the EPS requirements. The compliance documentation must match the compliance category outlined previously. For example, the information provided must demonstrate that the net emissions rate of each baseload facility underlying a covered procurement is no higher than 1,100 lbs of carbon dioxide (CO<sub>2</sub>) per megawatt hour (MWh).

1. Include a complete and detailed listing of the new long-term financial commitments of five years or longer they have entered into during the prior year with documentation to demonstrate:
  - a) Documentation demonstrating that such procurements are EPS compliant, including any contracts with a term of five years or longer that include provisions for substitute energy purchases.
  - b) For any requested reliability-based exemptions that have been pre-approved by the Commission, reference to the application and Commission decision number.
2. The complete listing of new long-term financial commitments of five years or longer must include “linked” contracts whose combined term is five years or longer.
3. Disclosure of LSE investments in retained generation, including “deemed-compliant” combined cycle gas turbines (CCGTs). All LSEs are to disclose the investment amount and a breakdown of alterations or refurbishments to retained generation, by generation facility and unit.
4. Present documentation regarding the designed and intended use of the powerplant(s) underlying their new long-term financial commitments utilizing the sources of information listed in § 8341 (b)(4), as well as any other sources of documentation relevant to the determination.
5. Provide documentation of capacity factors (for definition of capacity factor see Section 5.6 of D.07-01-039.), heat rates and corresponding emissions rates that reflect the actual, expected operation of the plant (not full load heat rate). Documentation of the annualized plant capacity factor for the power plant should include historical annual averages in order to determine whether the plant is “designed and intended” to be used for baseload generation at an annualized plant capacity factor of at least 60 percent.

MEA’s long term financial commitments entered into during the prior year are detailed in the following tables. These long-term financial commitments are EPS compliant as they are with non-baseload generation resources.

<u>Line No.</u>	<u>Contract</u>	<u>Execution Date</u>	<u>Term (Years)</u>	<u>Capacity (MW)</u>	<u>Technology</u>	<u>EPS Compliant?</u>	<u>Compliance Category</u>
1	Cottonwood Solar, LLC	7/8/2011	25	31	Solar	Yes	Non-Baseload
2	Rio Solar 1 LLC	11/9/2011	20	15	Solar	Yes	Non-Baseload
3	Western Area Power Administration	11/4/11	10	Various	Hydro	Yes	Non-Baseload

**Exemption Process Requirements (if applicable)**

Or if MEA is claiming an exemption the following applies:

1. All LSEs are required to file (1) an application requesting Commission pre-approval for a reliability exemption, (2) a petition for modification of the decision where the request is based on "extraordinary circumstances, catastrophic events, or threat of significant financial harm" or (3) an application for covered procurements that employ geological formation inject for CO<sub>2</sub> sequestration.

**Certification**

- (1) I have reviewed, or have caused to be reviewed, this compliance submittal.
- (2) Based on my knowledge, information, or belief, this compliance submittal does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements true.
- (3) Based on my knowledge, information, or belief, this compliance submittal contains all of the information required to be provided by Commission orders, rules, and regulations.

Include the name and contact information for the LSE officer(s) certifying the above:



Dawn Weisz  
Executive Officer  
MARIN ENERGY AUTHORITY  
781 Lincoln Avenue, Suite 320  
San Rafael, CA 94901  
Telephone: (415) 464-6020  
Facsimile: (415) 459-8095  
E-Mail: dweisz@marinenergy.com