ADVICE LETTER FILING SUMMARY ENERGY UTILITY         ENERGY UTILITY         NUST BE COMPLETE DE VISE Utatach additional pages as needed)         Contact Person for questions and approval letters: Kevin Boudreaux         CLC       GAS       Phone #: 713-395-5372         PLC       HEAT       WATER       E-mail: bb@enercalusa.com         ENTENANTION OF UTILITY TYPE         (Date Field Reseived Romp by CPUC)         ELC = Electric       GAS = Gas         PLC = HEAT       WATER = WatER         USING Colspan="2">(Date Field Reseived Romp by CPUC)         ELC = Electric       GAS = Gas         PLC = HEAT = Heat       WATER = Water         Advice Letter (AL) #: 2         Subject of AL: Greenhouse Gas Emission Performance Standard (EPS) compliance requirements pursuant to         Decision 07-01-039, dated January 25, 2007         The Designation: I I 2 I 3         Keywords (choose from CPUC listing):         AL filing type: I Monthly I Quarterly I Annual I One-Time I Other         If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution: D.07-01-039         Dec AL replace a withdrawn or rejected AL? If so, identify the prior AL <u>N/A</u> <th colspan="4">CALIFORNIA PUBLIC UTILITIES COMMISSION</th>	CALIFORNIA PUBLIC UTILITIES COMMISSION			
MUST BE COMPLETED BY LSE (Attack additional pages as needed)         Company name/CPUC Utility No. ENERCAL USA, LLC / CPUC ESP# 1380         Utility type:       Contact Person for questions and approval letters: Kevin Boudreaux         □ ELC       □ GAS         □ PLC       □ HEAT         □ WATER       E-mail: kb@enercalusa.com         EXPLANTION OF UTILITY TFE       (Date Filed/ Received Stamp by CPUC)         ELC = Electric       GAS = Gas         PLC = Pipeline       HEAT = Heat         WATER = Heat       WATER = Water         Advice Letter (AL) #: 2       Subject of AL: Greenhouse Gas Emission Performance Standard (EPS) compliance requirements pursuant to Decision 07-01-039, dated January 25, 2007         Ther Designation:       1 □ 2 □ 3         Keywords (choose from CPUC listing):       At. fling type:         AL fling type:       Monthly □ Quarterly □ Annual □ One-Time □ Other         If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution: D.07-01-039         Does AL replace a withdrawn or rejected AL? If so, identify the prior AL N/A         Summarize differences between the AL and the prior withdrawn or rejected AL <sup>1</sup> : N/A         Requested effective date: March 1, 2012       No. of tariff sheets: N/A         Estimated system annual revenue effect (%): N/A         When rates are affected by AL, include attachment in AL showing average rate				
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 $<sup>^{1}</sup>$  Discuss in AL if more space is needed.

California's Trusted Choice for Electricity



## Attachment 1 Compliance Filing for LSEs with no 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: ENERCAL USA, LLC GHG Environmental Performance Standard (EPS) Compliance Filing 2012

Pursuant to Ordering Paragraph No. 4 of Decision ("D.") 07-01-039, issued in R. 06-04-009 on January 25, 2007, **ENERCAL USA** submits this annual Attestation Letter affirming that ENERCAL USA has not entered into any financial commitments for generation during the prior calendar year. Specifically, ENERCAL USA is in compliance with the greenhouse gas ("GHG") emissions performance standard ("EPS") as it has no generation facilities and no long-term financial commitments for generation.

Effective Date: March 16, 2012 – 30 days after filing

Tier Designation: Tier 2 Designation

#### **Purpose**

This Attestation Letter provides information and documentation required by D.07-01-039. This Attestation Letter demonstrates that for 2011 ENERCAL USA has not entered into any financial commitments (long-term financial commitments defined on Page 3 of Attachment 7 in D.07-01-039).

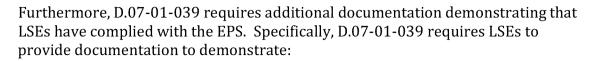
# **Background**

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.

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- (a) That the commitments were not "covered procurements" under the interim EPS rule and/or
- (b) For those that represent covered procurements, 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.
- (c) For any requested reliability-based exemptions that have been pre-approved by the Commission, a reference to the application and Commission decision number.

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.

# <u>Protests</u>

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

7660 Woodway Dr., Suite 471A • Houston, TX 77063 • 713.395.5400 • www.enercalusa.com

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## **Correspondence**

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

ENERCAL USA Attn: Kevin Boudreaux 7660 Woodway Drive, Suite 471A Houston, TX 77063 <u>kb@enercalusa.com</u>

### **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:

<u>2/15/2012</u> Date:

Kevin Boudreaux ENERCAL USA 7660 Woodway Drive, Suite 471A Houston, TX 77063 713-395-5372 kb@enercalusa.com