

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY LSP (Attach additional pages as needed)

Company name/CPUC Utility No. Calpine PowerAmerica-CA, LLP (ESP-1362)

Utility type:

ELC       GAS  
 PLC       HEAT       WATER

Contact Person for questions and approval letters: Avis Kowalewski

Phone #: (925) 479-6640

E-mail: cpacc@calpine.com

### EXPLANATION OF UTILITY TYPE

ELC = Electric      GAS = Gas  
PLC = Pipeline      HEAT = Heat      WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 41-ESP

Subject of AL: GHG Environmental Performance Standard (EPS) Compliance Filing 2012

Tier Designation:  1  2  3

Keywords (choose from CPUC listing):

AL filing 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Does AL replace a withdrawn or rejected AL?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 \_\_\_\_\_

Summarize differences between the AL and the prior withdrawn or rejected AL<sup>1</sup>: \_\_\_\_\_

Resolution Required?  Yes  No

Requested effective date: March 16, 2012

No. of tariff sheets:

Estimated system annual revenue effect: (%)

Estimated system average rate effect (%):

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected:

Service affected and changes proposed<sup>1</sup>:

Pending advice letters that revise the same tariff sheets: N/A

**Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:**

**CPUC, Energy Division**

**Utility Info (including e-mail)**

**Attention: Tariff Unit**

**505 Van Ness Ave.,**

**San Francisco, CA 94102**

**mas@cpuc.ca.gov and jnj@cpuc.ca.gov**

**Avis Kowalewski**

**Vice President of Governmental and Regulatory Affairs**

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<sup>1</sup> Discuss in AL if more space is needed.

**Attachment 1**  
**Compliance Filing for LSEs with no Long-Term Financial Commitments**

February 15, 2012

**ADVICE LETTER 41-ESP**  
**(CALPINE POWERAMERICA-CA, LLC ESP-1362)**

California 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 2012

Pursuant to Ordering Paragraph No. 4 of Decision (“D.”) 07-01-039, issued in Rulemaking (“R.”) 06-04-009 on January 25, 2007, Calpine PowerAmerica-CA, LLC (“Calpine PowerAmerica”) submits this annual Attestation Letter affirming that the financial commitments Calpine PowerAmerica has entered into for generation during the prior calendar year are in compliance with the greenhouse gas (“GHG”) emissions performance standard (“EPS”). Specifically, Calpine PowerAmerica is in compliance with the EPS as it has no generation facilities and did not enter into any long-term financial commitments for generation in 2011.

**Effective Date:** March 16, 2012

**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 Calpine PowerAmerica has entered into financial commitments that are in compliance with the EPS (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 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 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. Furthermore, D.07-01-039 requires additional documentation demonstrating that LSEs have complied with the EPS for any such commitments. Specifically, D.07-01-039 requires LSEs to provide documentation to demonstrate:

- (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.

### **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:

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Vice President of Western Government and  
Regulatory Affairs  
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Director, Retail Operations  
Calpine Corporation  
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Houston, Texas 77002  
Email: jason.armenta@calpine.com

## 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.

Executed on February 15, 2012 in Houston, Texas.

Calpine PowerAmerica-CA, LLC

  
Jason Armenta

Director, Retail Operations  
Calpine PowerAmerica-CA, LLC  
717 Texas Avenue, Suite 1000  
Houston, Texas 77002