

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)

NOTICE OF EX PARTE COMMUNICATION



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June 7, 2012

## NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, The Utility Reform Network (TURN) hereby gives notice of the following *ex parte* communication. On June 5, 2012, TURN attorney Matthew Freedman spoke with Sara Kamins, advisor to Commissioner Mark Ferron. The meeting was initiated by Mr. Freedman, occurred in a fifth floor conference room at 505 Van Ness Avenue, began at 9:30am, and lasted approximately 40 minutes.

Mr. Freedman expressed concerns about the Proposed Decision (PD) of ALJ Simon on the Renewable Portfolio Standard (RPS) program compliance rules established by SBx2 (Simitian). Specifically, Mr. Freedman stated that the PD failed to correctly interpret the SBx2 prohibitions on counting any procurement prior to January 1, 2011 as excess compliance. Moreover, Mr. Freedman explained that retail sellers would be able to evade banking limitations (and the pre-2011 closing report requirements) by selectively delaying the retirement of RECs until a subsequent compliance period. Mr. Freedman pointed out that the PD permits this type of behavior while elsewhere stating that this approach would be contrary to Legislative intent. Mr. Freedman urged the adoption of the PD only after changes are made to prevent retail sellers from gaming the clear intent of SBx2 with respect to banking.

No written materials were provided by TURN.

To obtain a copy of this notice, please contact Jeffrey Johnson at (415) 929-8876.

Respectfully submitted,

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Dated: June 7, 2012