BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration of CaliforniaRenewable&ortfolioStandard Program.

Rulemaking 11-05-005 (Filed May 10, 2011)

Constellation NewEnergy, Inc.

PROVISIONAL CLOSING REPORT FOR CALIFORNIA

RENEWABLES PORTFOLIO STANDARD 20% PROGRAM

20-Aug-12

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CALIFORNIA'S RENEWABLES PORTFOLIO STANDARD

Provisional RPS 20% Closing Report Worksheet Instructions

- 1. D.12-06-038 requires Investor Owned Utilities (IOU), Multi-Jurisdictional Utilities (MJU), Electric Service Providers (ESP), and Community Choice Aggregators (CCAs) to file a Closing Report that calculates RPS procurement from 2003-2010. The Closing Report spreadsheets are automated to calculate a retail seller's net deficit/surplus figure for compliance years 2003-2010 compliance years. Parties may refer to Commission Decision D.12-06-038 for additional details relating to the calculations within the closing report spreadsheet.
- 2. Any retail seller seeking confidentiality protection for the Closing Report should file a declaration. Confidentiality requests shall comply with the substantive and procedural rules set forth in D.06-06-066, as modified by D.08-04-023, the Commission's decision in its Confidentiality proceeding, Rulemaking (R.) 05-06-040, and any subsequent decisions issued in the same or successor proceeding. A declaration for confidentiality should identify all redacted information by tab name and cell reference, not to be confused with the line numbers provided in the Accounting tab.
- 3. RPS closing reports will be submitted to the Commission as specified below:

a) Serve a public version on the service list in proceeding R.11-05-005. All pages must be legible: If reports need to be printed and scanned to be issued to the service list, please ensure that scanned documents are not blurry or distorted. Retail sellers are responsible for maintaining confidentiality when serving a redacted report. No more than 35 CPUC e-mail addresses can be included in the same e-mail.

b) File a confidential Excel version utilizing the locked spreadsheet with the Energy Division by e-mailing an electronic version to robert.blackney@cpuc.ca.gov and rpscompliance@cpuc.ca.gov. Please only submit Excel documents in .xls format (.xlsm and .xlsx files will *NOT* be accepted).

c) Send paper copies (confidential and public) to each of the assigned Administrative Law Judges (ALJs):

Regina M. DeAngelis and Anne E. Simon

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

d) Do not send paper copies of the confidential version to anyone except the persons listed above, unless specifically requested.

e) All ESP's and CCA's must submit their RPS eligible contracts to the Commission (D.12-06-038). All contract documents should be provided in a digital pdf format. Please write all digital documents (pdf's) to a CD-R or DVD-R and mail to:

Robert Blackney

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

- Any questions regarding the completion and/or filing of this report can be directed to: Robert Blackney, Energy Division, California Public Utilities Commission:robert.blackney@cpuc.ca.gov, (415) 703-3072
- 5. Include the Title Page and fill out the following information:
 - a) Name of the retail seller serving the Closing Report
 - b) Date the Closing Report is being served
 - c) Contact information
- 6. Complete the Officer Verification Form in the format provided (Rule 1.11)
- 7. Yellow cells throughout the spreadsheet indicate user supplied data by the retail seller where and when applicable.
- 8. All data must be entered in MWh out to three decimal points to accurately account for retail sales, procurement and targets. The spreadsheet will display MWh throughout. Do not round any reporting data, as this may trigger some cells to turn red.
- The spreadsheet included in this report has locked cells to ensure that the computation of the net deficit/surplus are
 accurately calculated and reported based on the data provided by the user. An unprotected version of the spreadsheet is
 also available by request.
- 10. Line #'s in the "Accounting" tab hyperlink to the "Calculations" tab, which provides additional information on the particular line item or section of the "Accounting" tab.

ACCOUNTING TAB

11. Begin by entering the relevant data for Lines 1-3, this will calculate the retail seller's Baseline Procurement Amount. Enter actual and forecasted sales figures to generate Incremental Procurement Targets (IPTs) and Annual Procurement Targets (APTs).

PROCUREMENT DETAIL

12. <u>Procurement Summary:</u> Total RPS Eligible Procurement is differentiated by three categories, existing and or signed contracts, short-listed/under negotiation/pending approval, and generic future contracts. This section is populated by completing the Contract Detail section below. If the retail seller has entered into contracts that are short-term or with existing facilities but cannot meet its Annual Minimum Contracting Requirement, then deliveries from those contracts may not be used for compliance in any year (D.07-05-028).

a) Annual Contracting Quota Requirement: Retail sellers must enter into long-term contracts or contracts with new facilities for energy deliveries equivalent to at least 0.25% of that retail seller's prior years' retail sales, if it intends to use deliveries from short-term contracts and/or existing facilities, for RPS compliance purposes. Retail sellers must submit supporting documentation proving that the requirement has been met (i.e. a power purchase agreement for a long-term and/or new contract). If the retail seller has provided the power purchase agreement in a prior report or filing, it does not need to be provided again.

- Contracts are differentiated by Contract term-length and type (row 21:22). All deliveries from "long-term and/or new" are automatically entered into "Cumulative Surplus Contracting Quota Bank" (row 25).

- 13. <u>RPS Eligible Procurement by Resource Type</u>: This report must state the amount procured or projected to be procured from each resource type (D.05-07-039, Appendix A, D.06-10-050, page 47-48). This information is reported in rows 31-47 in the "Procurement Detail" tab and populated by completing the "Contract Detail" section.
- 14. <u>Contract Detail:</u> For each contract, enter actual and forecasted delivery data throughout the contract term. Do not assume that an expiring contract will be renegotiated.

a) Pre-2002 Contracts: Input total annual deliveries by resource type

b) 2002-2010 Contracts : List contracts by name, annual deliveries (MWh), project status, facility status and resource type.

c) 2005-2010 Contracts : In addition to the requirements above, contracts from these years should be identified by termlength, short-term (less than 10 years) and long-term, as well as, by type, existing or new (defined below). 2005 and 2006 contracts that were signed prior to 2007 can be identified as "n/a" for this purpose.

- "Contract Length / Type" (Column "X") Pursuant to D.07-05-028, starting in 2007, each RPS-obligated retail seller must, in order to be able to count for any RPS compliance purpose energy deliveries from contracts of less than 10 years' duration ("short-term") with RPS-eligible facilities that commenced commercial operation prior to January 1, 2005 ("existing facilities"), in each calendar year enter into contracts with facilities of at least 10 years' duration ("long-term") and/or short-term contracts with facilities that commenced commercial operation on or after January 1, 2005 ("new facilities") for energy deliveries equivalent to at least 0.25% of that retail seller's prior year's retail sales ("minimum quantity").

- "Contract Volume" (Column "Y") Input the total MWh over the term of the contract identified in the power purchase agreement. Compliance with the minimum quota requirement is measured by contracted-for-energy, not deliveries.

- 15. <u>Contract Execution Date:</u> The date the contract was signed. If the parties signed on different dates, or there are contract amendments, use the most recent date signed.
- 16. If any procurement data for a specific contract differs from what is entered into the CEC-RPS-Track form for that year, the specific cell should be highlighted and the discrepancy should be explained.

Spreadsheet user notes

a) Protecting confidential data: Individual cells may be formatted black, which will serve to redact info when excel file is converted to pdf. Select cell - click on "fill color" icon - choose black. Note: Once converted to pdf, additional steps are necessary to ensure redacted data is not accessible.

b) Adding and/or deleting rows. The "Earmarking Detail" tab and "Procurement Detail" tab allows users to add to or delete rows. Within the desired section, highlight entire row(s) by selecting the excel row number(s) - right click and select "copy" - right click again and select "insert copied cells"

	А	В	С	D	E	F	G	Н	l l	J	К
1											
2 3 4 5 6 7	R	PS 20	% Closing Report: Accounting			Constellation NewE	nergy, Inc.				
3						20-Aug-12					
4					•						
5	_	Line#	RPS Baseline Calculation	(MWh)			a				
6		1	2001 Total Retail Sales	762,172			Input Required				
7		2	2001 RPS Eligible Procurement	0			Forecasted Data				
8		3	2005 Total Retail Sales	5,900,991			Actual Data				
9		4	2005 Baseline Procurement Amount	0							
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31											
11							Ac				
12	_		RPS Procurement and Targets (MWh)	2003	2004	2005	2006	2007	2008	2009	2010
13	- H-	<u>5</u> 6	Bundled Retail Sales Total RPS Eligible Procurement	N/A	N/A N/A	5,900,991 10,056	5,282,724 85,825	4.493,621 101,640	4,774,779	4,552,381	4,191,374 531,948
14		7	Annual Procurement Target (APT)	N/A N/A	N/A N/A	0	59,010	111,837	156,773	204,521	838,275
15		8	Incremental Procurement Target (IPT)	N/A	N/A		59.010	52.827	44.936	47.748	633,754
17		9	Preliminary Procurement Surplus/(Deficit)	N/A	N/A	10,056	26,815	(10,197)	33,430	886,783	(306,327)
18		10	Actual Procurement Percentage		N/A	1.3%	1.5%	1.9%	4.2%	22.9%	12.7%
19		يتبيني	road Production and Proceedings	1071			1.070		1 11270	22.070	1211 /0
20											
21							Ac	tual			
22			Bundled Surplus Procurement Bank	2003	2004	2005	2006	2007	2008	2009	2010
23		<u>11</u>	Surplus Procurement Bank Balance as of Prior Year	N/A	N/A	0	10,056	36,871	26,674	60,104	946,886
24		<u>12</u>	Application of Banked Surplus Procurement to Current Year Deficit	N/A	N/A	0	0	(10,197)	0	0	(306,327)
25		<u>13</u>	Cumulative Surplus Procurement Bank Balance	N/A	N/A	10,056	36,871	26,674	60,104	946,886	640,560
26							Ac				
27	_		TREC Surplus Procurement Bank	2003	2004	2005	2006	2007	2008	2009	2010
28		<u>14</u>	Cumulative Surplus Procurement Bank Balance	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0
29											
30											
51								le Potail Sollare	2010 RPS Eligible		
							or RPS Compliance		rcentage ≥14% of	Surpius/(Deficit) C	arried Forward
32						Years, Pr	ior to 2011	and the second	ail Sales?	ourplus/(bench) e	varifica i orwara
					<u>15</u>	640),560	N	10	640,5	i60
33 34										1	

SB_GT&S_0563174

Total RPS Eligible Procurement	ProcurementSummary
0	2003

Provisional RPS 20% Closing Report: Procurement Detail

- -

Input Required Forecested Data Actual Data

Constellation NewEnergy, Inc. 20-Aug-12

				Actua	Actual MWh			
Procurement Summary	2003	2004	2005	2006	2007	2008	2009	2010
Total RPS Eligible Procurement	0	0	10,056	528'58	101,640	190,203	1,091,304	531,948
Total Bundled Procurement	N/A	N/A	N/A	N/A	N/A	N/A	N/A	489,025
Total TREC Procurement	N/A	N/A	N/A	A/N	N/A	A/N	N/A	42,923
TRECs Executed Prior to January, 2013	0	0	0	0	0	0	0	42,923
25% of APT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	209,569
TREC Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	209,569
A mount above TREC limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0
Existing and/or Signed Contracts	0	0	10,056	85,825	101,640	190,203	1,091,304	531,948
Bundled	N/A	N/A	N/A	N/A	N/A	N/A	N/A	489,025
TREC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	42,923
Annual Contracting Quota Requirement	N/A	N/A	N/A	A/N	13,207	11,234	N/A	N/A
RPS Contracts: long-term and/or new facilities/bundled	N/A	N/A	N/A	N/A	16,200	323,994	869,219	372,757
RPS Contracts: short-term with existing facilities/bundled	N/A	N/A	N/A	N/A	85,440	106,766	101,866	0
Surplus Contracting Quota Bank as of Prior Year	N/A	N/A	N/A	N/A	0	2,993	315,753	1,184,972
Current Year / Banked MWh Applied to Annual Quota	N/A	N/A	N/A	N/A	13,207	11,234	0	0
Cumulative Surplus Contracting Quota Bank	N/A	N/A	N/A	N/A	2,993	315,753	1,184,972	1,557,729
Minimum Annual Contracting Quota Shortfall	N/A	N/A	N/A	N/A	0	0	NVA	N/A
DDC Elinikie Droctrement By Decourse Tune	8VUG	2002	2006	3006	2006	BUUG	0006	UNIO

	If the deliverse from a contract approved prior March 11, 2010 working an LSE cover the 25% usage limit nav year, the firm will not apply the deliverse from the previously proved contract Beause the convolution escenceded. however, no additional REC- only deliveries in excess of the usage limit would be allowed to count for RPS compliance in that year.
Existing Facily. Commenced commencial repeations prior to facility. Commenced representation after March 11, 2010 NAK Executed Prior to 2007/TREC transaction after March 11, 2010	The following types of transactions shall be trained as bundled be associated for proceedings of the calculate merevanises portion a suscitation for purpose of complexics within the calculate merevanises portion and and the presention with the type of an accompany to the vacance flacture (constraining Caurici) with constraining presention with the type of an accompany to the vacance flacture (constraining Caurici) with constraining presention with the type of an accompany to the vacance flacture (constraining Caurici) with constraining and the response system with a calculated set and prime the calculation and ensemble portion and and on the response system with a calculation as generated calculated as a dialonic transaction galaxity and and and and the second of them the functionation of pointerabili transactions of calculated as a dialonic transaction and the transaction and accompany to the functionation of pointerabili transactions of calculated as a dialonic transaction and anticome accompanitory area.
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TRECs D 1943/271 as modified by D 11:01:025 concludes that TRECs do not contribute to and ar minimum quantity requirement. Therefore any TRECs contracts executed (ESPs) or approve 11: 20:10 showtbe classified as IWA in Column O.	 L'Explosity fait less cany intervance éthogy costes and no endry that in explosit to the bune? Or
Minimum 2017 CRUSE and CRUSE must in each calendar year enter into bing-term cor Santing in 2017 Res collogidate Size must in each calendar year enter into bing-term cor term contracts with new locates for energy deliveres-equivalent to at least 0.25% of that. Sates ("minimum quality") in order to be able to count energy deliveres from storem co RPS-eligible facilities for any RPS compliance purpose. (1) bit 45-028, R.06-02-012)	I MECS Refer to 1: 0029.021 as modified by D:11:01:025 for detailed TREC rules As of March 11, 2010 a interaction to pupposes of compliance with the California interwables portfolo standard shall be considered as transaction flat procurse of wireneyable energy credits (Find) intersection effects.

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Contract Detail Capine Geothermal Units 7 and 8	2003 2004 0 0	0	<u>2006</u> 42.913	<u>2007</u> <u>2008</u>	2009	2010 executed - no approval	r online	Ceathermal	TREC or Bundled	n'a - Executed prior to 2007/TREC: transaction after January 13, 2011	42,913
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Contract Detail	2003	2004 2005	2006	2007 2008	2009	2010				TREC or Bundled	1	
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										credits and energy to		
Evergmen 1 Contract 03PK	0		0	0 0	0	42,923	executed - no approval i executed - no approval i executed - no approval i	online	Lend®l Gas Wind	the buyer Bundled	2010 short-term / new 2010 short-term / new	43,581 100,000 30,983 204,600
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n/a - Executed phor to 2007/TREC transaction after January 13, 20
2007 long-term
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2008 short-term / existing
2009 long-term
2009 short-term / new
2009 short-term / existing
2010 long-term
2010 short-term / new
2010 short-term / existing

Bundled TREC Executed Prior to January 13, 2011 that transfers both renewableenergy credits and energy to the buyer

Provisional RPS 20% Closing Report: Calculations

RPS	Baseline Inputs (MWh)	
Line#	Calculation	Notes
1	User supplied data	Pursuant to D.07-03-046, the 2003 Initial Baseline Procurement Amount for the investor owned utilities (IOUs) is
2	User supplied data	calculated using the following equation:
3	User supplied data	2001 RPS Eligible Procurement X 2003 Total Retail Sales + ^{1%} of 2001 Total
4	Baseline formula =	2001 Total Retail Sales Retail Sales

RPS	Procurement and Targets (MWh)	
	Calculation	Notes
5	User supplied data	Annual Retail Sales
6	Data from "Procurement Detail" tab	In current and past years, this line should equal Total RPS Eligible Procurement in procurement detail tab.
7	Prior year Line 7 + Line 8	
8	1% of line 5 {Y-1}	
9	Line 6 - Line 7	
10	Prior to 2010: Line 6 / Line 5 {Y-1}	
	2010 : Line 6 / Line 5	For all years prior to 2010, Actual Procurement Percentage equals prior year retail sales (current year RPS
		Procurement/Prior Year Retail Sales). For 2010 the calculation is 2010 Retail Sales/2010 RPS Procurement.

Surp	lus Procurement Bank	
	Calculation	Notes
11	Line 13 {Y-1}	
	If Row 9 has a deficit, applies bank from line 11	
12	(if line 11 is a positive value)	
13	Sum of lines 9 + 11	

Sι	ırplu	us Procurement Bank	
		Calculation	Notes
14	4 İ		
	·	Only Applicable in 2010. Value carried over from	
		the "Procurement Derail" tab, cell J17.	

Surplus/(Deficit) for RPS Compliance Years, Prior to 2011		
	Calculation	Notes
1	5 Line 9 + 14 (in year 2010 only)	Since this report tracks TREC Bank independent of Banking for Bundled Procurement, this cell computes a
		total excess/deficit figure for the entirety of the RPS 20% Program.

ATTORNEY VERIFICATION FORM

I am an attorney for the reporting corporation herein, and am authorizedto makethis verification its behalf. An officer of the corporation is absent from the county of Sacramento, wherein I have my office, and for that reason I makethis verification. The statements in the foregoing documentare true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this RPS 20% Closing Report has not been altered from the version issued or approved by Energy Division except for the contents of this Attorney Verification Form. The information provided in this RPS 20% Closing Report adheres to the Commission's orders in D 12-06-038

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

B Rr

Andrew B. Brown, Attorney for Constellation NewEnergy, Inc. **Executed on August 20, 2012 at Sacramento, CA.**