

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue
Implementation and Administration of
California Renewable Portfolio Standard
Program.

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

Constellation NewEnergy, Inc.

**PROVISIONAL CLOSING REPORT FOR CALIFORNIA
RENEWABLES PORTFOLIO STANDARD 20% PROGRAM**

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CALIFORNIA'S RENEWABLES PORTFOLIO STANDARD

Provisional RPS 20% Closing Report Worksheet Instructions

- 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.
- 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.
- RPS closing reports will be submitted to the Commission as specified below:
 - 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.**
 - 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 (.xlsx and .xlsm files will NOT be accepted).
 - 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
 - Do not send paper copies of the confidential version to anyone except the persons listed above, unless specifically requested.**
 - 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
- Include the Title Page and fill out the following information:
 - Name of the retail seller serving the Closing Report
 - Date the Closing Report is being served
 - Contact information
- Complete the Officer Verification Form in the format provided (Rule 1.11)
- Yellow cells throughout the spreadsheet indicate user supplied data by the retail seller where and when applicable.
- 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.
- 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

- 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 (AFTs).

PROCUREMENT DETAIL

- Procurement Summary.** 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).
 - 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).
- RPS Eligible Procurement by Resource Type:** This report must state the amount procured or projected to be procured from each resource type (D.05-07-039, Appendix A, D.05-10-050, page 47-48). This information is reported in rows 31-47 in the "Procurement Detail" tab and populated by completing the "Contract Detail" section.
- Contract Detail:** For each contract, enter actual and forecasted delivery data throughout the contract term. Do not assume that an expiring contract will be renegotiated.
 - Pre-2002 Contracts:** Input total annual deliveries by resource type
 - 2002-2010 Contracts:** List contracts by name, annual deliveries (MWh), project status, facility status and resource type
 - 2005-2010 Contracts:** In addition to the requirements above, contracts from these years should be identified by term-length, 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 "na" 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.
- Contract Execution Date:** The date the contract was signed. If the parties signed on different dates, or there are contract amendments, use the most recent date signed.
- 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

- 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.
- 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"

	A	B	C	D	E	F	G	H	I	J	K
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2			RPS 20% Closing Report: Accounting								
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6			RPS Baseline Calculation								
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		Actual								
		2003	2004	2005	2006	2007	2008	2009	2010	
	RPS Procurement and Targets (MWh)									
5	Bundled Retail Sales	N/A	N/A	5,900,991	5,282,724	4,493,621	4,774,779	4,552,381	4,191,374	
6	Total RPS Eligible Procurement	N/A	N/A	10,056	85,825	101,640	190,203	1,091,304	531,948	
7	Annual Procurement Target (APT)	N/A	N/A	0	59,010	111,837	156,773	204,521	838,275	
8	Incremental Procurement Target (IPT)	N/A	N/A	N/A	59,010	52,827	44,936	47,748	633,754	
9	Preliminary Procurement Surplus/(Deficit)	N/A	N/A	10,056	26,815	(10,197)	33,430	886,783	(306,327)	
10	Actual Procurement Percentage	N/A	N/A	1.3%	1.5%	1.9%	4.2%	22.9%	12.7%	

		Actual								
		2003	2004	2005	2006	2007	2008	2009	2010	
	Bundled Surplus Procurement Bank									
11	Surplus Procurement Bank Balance as of Prior Year	N/A	N/A	0	10,056	36,871	26,674	60,104	946,886	
12	Application of Banked Surplus Procurement to Current Year Deficit	N/A	N/A	0	0	(10,197)	0	0	(306,327)	
13	Cumulative Surplus Procurement Bank Balance	N/A	N/A	10,056	36,871	26,674	60,104	946,886	640,560	

		Actual								
		2003	2004	2005	2006	2007	2008	2009	2010	
	TREC Surplus Procurement Bank									
14	Cumulative Surplus Procurement Bank Balance	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	

		Surplus/(Deficit) for RPS Compliance Years, Prior to 2011	Is Retail Seller's 2010 RPS Eligible Procurement Percentage ≥14% of 2010 Retail Sales?	Surplus/(Deficit) Carried Forward
15		640,560	NO	640,560

Contract Detail	2003	2004	2005	2006	2007	2008	2009	2010				TREC or Bundled			
Calpine Geothermal Units 7 and 8	0	0	0	42,913					executed - no approval r	online	Geothermal	Bundled	na - Executed prior to 2007/TREC transaction after January 13, 2011	42,913	
2007 Contracts	0	0	0	0	101,640	0	0	0	Contract Status	Facility Status	Resource Type	TREC or Bundled	Contract Length / Type	Contract Volume (MWh)	Contract Execution Date
PPM Butte Rock Power Plant	0	0	0	0	16,200				executed - no approval r	online	Geothermal	Bundled	2007 short-term / new	16,200	
Calpine Geothermal Units 12 and 20	0	0	0	0	36,000				executed - no approval r	online	Geothermal	Bundled	2007 short-term / existing	36,000	
Calpine Geothermal Units 17 and 20	0	0	0	0	18,800				executed - no approval r	online	Geothermal	Bundled	2007 short-term / existing	18,800	
Calpine Geothermal Units 7 and 8	0	0	0	0	23,520				executed - no approval r	online	Geothermal	Bundled	2007 short-term / existing	23,520	
MM LOPEZ ENERGY LLC	0	0	0	0	7,320				executed - no approval r	online	Landfill Gas	Bundled	2007 short-term / existing	7,320	
2008 Contracts	0	0	0	0	0	190,203	120,219	118,268	Contract Status	Facility Status	Resource Type	TREC or Bundled	Contract Length / Type	Contract Volume (MWh)	Contract Execution Date
White Creek 1	0	0	0	0	0	33,135	120,219	118,268	executed - no approval r	online	Wind	Bundled	2008 short-term / new	273,692	
Geo 1	0	0	0	0	0	72,453			executed - no approval r	online	Geothermal	Bundled	2008 short-term / existing	72,453	
Geo 2	0	0	0	0	0	28,381			executed - no approval r	online	Geothermal	Bundled	2008 short-term / existing	28,381	
White Creek 2	0	0	0	0	0	30,381			executed - no approval r	online	Wind	Bundled	2008 short-term / new	30,381	
White Creek 3	0	0	0	0	0	15,240			executed - no approval r	online	Wind	Bundled	2008 short-term / new	15,240	
Geo 3	0	0	0	0	0	7,440			executed - no approval r	online	Geothermal	Bundled	2008 short-term / existing	7,440	
Rattlesnake	0	0	0	0	0	4,681			executed - no approval r	online	Wind	Bundled	2008 short-term / new	4,681	
2009 Contracts	0	0	0	0	0	0	971,085	0	Contract Status	Facility Status	Resource Type	TREC or Bundled	Contract Length / Type	Contract Volume (MWh)	Contract Execution Date
Wheatfield	0	0	0	0	0	0	15,532		executed - no approval r	online	Wind	Bundled	2009 short-term / new	15,532	
Tulech and Beardley	0	0	0	0	0	0	84,223		executed - no approval r	online	Small Hydro	Bundled	2009 short-term / existing	84,223	
Milken and MidValley	0	0	0	0	0	0	17,643		executed - no approval r	online	Landfill Gas	Bundled	2009 short-term / existing	17,643	
Big Horn Wind	0	0	0	0	0	0	98,891		executed - no approval r	online	Wind	Bundled	2009 short-term / new	98,891	
Wolverine	0	0	0	0	0	0	110,450		executed - no approval r	online	Wind	Bundled	2009 short-term / new	110,450	
Wolverine 2	0	0	0	0	0	0	146,498		executed - no approval r	online	Wind	Bundled	2009 short-term / new	146,498	
Rocky 1	0	0	0	0	0	0	100,000		executed - no approval r	online	Wind	Bundled	2009 short-term / new	100,000	
Rocky 2	0	0	0	0	0	0	324,075		executed - no approval r	online	Wind	Bundled	2009 short-term / new	324,075	
Hay Canyon 1	0	0	0	0	0	0	23,537		executed - no approval r	online	Wind	Bundled	2009 short-term / new	23,537	
Wheatfield 2	0	0	0	0	0	0	15,868		executed - no approval r	online	Wind	Bundled	2009 short-term / new	15,868	
9 Canyon	0	0	0	0	0	0	5,904		executed - no approval r	online	Wind	Bundled	2009 short-term / new	5,904	
Blue Trail 1	0	0	0	0	0	0	27,463		executed - no approval r	online	Wind	Bundled	2009 short-term / new	27,463	

Contract Detail	2003	2004	2005	2006	2007	2008	2009	2010			TREC or Bundled			
2010 Contracts	0	0	0	0	0	0	0	415,680						
Rocky 3	0	0	0	0	0	0	0	37,174	executed - no approval r	online	Wind	Bundled	2010 short-term / new	37,174
Evergreen 1	0	0	0	0	0	0	0	42,923	executed - no approval r	online	Landfill Gas	to January 13, 2011 that transfers both renewable energy credits and energy to the buyer	2010 short-term / new	43,581
Contract 03PK	0	0	0	0	0	0	0	100,000	executed - no approval r	online	Wind	Bundled	2010 short-term / new	100,000
Contract 03MN	0	0	0	0	0	0	0	30,983	executed - no approval r	online	Wind	Bundled	2010 short-term / new	30,983
Contract 03RY	0	0	0	0	0	0	0	204,600	executed - no approval r	online	Wind	Bundled	2010 short-term / new	204,600

010 : Executed prior to 2007/TREC transaction after January 13, 2011
 2007 long-term
 2007 short-term / new
 2007 short-term / existing
 2008 long-term
 2008 short-term / new
 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
 TREC Executed Prior to January 13, 2011 that transfers both renewable energy 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 calculated using the following equation:
2	User supplied data	
3	User supplied data	
4	Baseline formula =	
		$\frac{\text{2001 RPS Eligible Procurement}}{\text{2001 Total Retail Sales}} \times \text{2003 Total Retail Sales} + \text{1\% of 2001 Total Retail Sales}$

RPS Procurement and Targets (MWh)		
Line#	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.

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


Surplus Procurement Bank		
Line#	Calculation	Notes
14	Only Applicable in 2010. Value carried over from the "Procurement Derail" tab, cell J17.	

Surplus/(Deficit) for RPS Compliance Years, Prior to 2011		
Line#	Calculation	Notes
15	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.

OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are 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. 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.



Mark Huston, President & CEO

Executed on August 20, 2012 at Baltimore, MD.