

**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)

**SUPPLEMENTAL FILING OF COMMERCE ENERGY, INC. TO  
ADDRESS SAFETY CONSIDERATIONS IN ITS 2013 PROCUREMENT PLAN**

August 26, 2013

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Pursuant to the July 24, 2013 *Administrative Law Judge's Ruling Requiring a Supplemental Filing to the 2013 Procurement Plans to Address Safety* ("ALJ Ruling"), Commerce Energy, Inc. ("Commerce") provides the following supplement to its 2013 Procurement Plan<sup>1</sup>:

1. Commerce is an electric service provider ("ESP") registered with the California Public Utilities Commission ("Commission" or "CPUC") to provide electric services to commercial customers in California participating in the retail electric service direct access program.

2. Commerce contracts for the resources needed to meet its Renewable Portfolio Standard ("RPS") procurement requirements, as described in its 2013 Renewables Portfolio Standard Procurement Plan ("2013 RPS Plan") filed on June 28, 2013. While Commerce may contract for some or all of the output from the RPS-eligible facilities, it does not physically or contractually own and/or operate any of the resources under contract.

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<sup>1</sup> By submitting this supplement pursuant to the ALJ Ruling, the undersigned does not waive its right to assert that Public Utility Code § 365.1(c)(1) does not extend Public Utility Code § 451 to ESPs. The Ruling at page 2 references Public Utility Code § 365.12 in error (as that section does not exist). Additionally, D.11-01-026 does not stand for the proposition that all Public Utility Code provisions applicable to electrical corporations are applicable to non-utilities like ESPs.

3. For Product Content Category (“PCC”) 1 and 2 products, the energy is delivered by the supplier pursuant to the rules applicable to the balancing authority. Commerce does not have any responsibility for the safe transmission of energy. In the case of PCC-3 procurement, there can be no safety concerns as there is no energy conveyance.

3. The owners and/or operators of the RPS-eligible resources have the responsibility for the operation of, and all safety considerations associated with the operation of, their facilities under the applicable laws. Commerce has no responsibility or liability for the operation of the facility or for any other safety considerations associated with the operation of those resources used to meet its wholesale contracts requirements.

4. Therefore, to the best of its knowledge, there are no safety considerations for Commerce to address in its 2013 RPS Plan.

Dated: August 26, 2013

Respectfully submitted,



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## VERIFICATION

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 and belief, and as to those matters I believe them to be true.

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

Executed on August 26, 2013 at La Palma, California.



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Blake Lasuzzo, Vice President, Supply