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Bcc:  
Subject: [spam] FW: Informal Feedback Requested - Emissions Performance Standard  
Compliance and QF/CHP Settlement

I am resending the e-mail below to the service list in A.08-11-001 because the original e-mail failed. I apologize if you are receiving this message for a second time.

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**From:** Leslie, John  
**Sent:** Friday, September 20, 2013 3:09 PM  
**To:** Houck, Jason  
**Cc:** Franz, Damon A.; Ikle, Judith; Hammond, Christine J.  
**Subject:** RE: Informal Feedback Requested - Emissions Performance Standard Compliance and QF/CHP Settlement

Jason:

As requested, Shell Energy North America (US), L.P. ("Shell Energy"), the Alliance for Retail Energy Markets ("AReM") and the Marin Energy Authority ("MEA") provide brief feedback on the proposal contained in an August 27, 2013 letter from Energy Division Director Edward Randolph, which was circulated by you on August 29, 2013. Shell Energy, AReM and MEA do not have substantive comments on the merits of the Energy Division's proposal, and these parties do not anticipate having any objection to the proposal if it is adopted. Nevertheless, Shell Energy, AReM and MEA provide this comment to express appreciation for the Energy Division's effort to solicit input from all parties involved in the underlying QF/CHP settlement proceedings, rather than just the settling parties.

As you are aware, implementation of the QF/CHP settlement agreement affects end-use customers and market participants beyond those parties that joined the settlement. Issues related to interpretation and administration of the QF/CHP settlement, whether initiated by the Energy Division or by some other entity, should be raised, discussed and resolved among all interested parties, including, but not limited to, parties on the service list(s) in the above-referenced proceeding(s).

In this instance, the Energy Division appropriately solicited comments from all potentially interested parties concerning the Energy Division's proposal to issue two different "form EPS Compliance Letters" for two types of QF/CHP pro forma contracts under Section 4.10.4.3 of the QF/CHP settlement agreement. Notifying -- and requesting comments from -- all parties in the proceeding is appropriate to ensure that modifications to (and implementation of) the QF/CHP settlement will not be achieved through backroom deals among all or a subgroup of the settlement parties, as occurred with the original settlement agreement. Because the settlement was approved by the Commission (D.10-12-035), issues related to modification and/or implementation of the settlement should be addressed through a public process.

Shell Energy, AReM and MEA also thank the Energy Division for proposing a streamlined process for addressing the EPS compliance protocol for contracts and facilities covered by Section 4.10.4.3 of the QF/CHP settlement agreement. Efforts to streamline the Commission's administrative processes are most welcome. These parties support procedures implemented by the Energy Division that reduce the administrative burden otherwise associated with obtaining confirmation of compliance with regulatory mandates.

Please do not hesitate to contact me if you have questions regarding this correspondence.

Best regards.

John Leslie

Attorney for Shell Energy

And on behalf of AReM and MEA

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**Cc:** Franz, Damon A.; Ikle, Judith; Hammond, Christine J.

**Subject:** Informal Feedback Requested - Emissions Performance Standard Compliance and QF/CHP Settlement

To Service Lists Related to the Emissions Performance Standard and the Qualifying Facility/Combined Heat and Power Settlement:

Attached is a letter from Energy Division Director Edward Randolph seeking your feedback about how Energy Division is proposing to implement Section 4.10.4.3 of the QF/CHP Settlement Term Sheet related to the issuance of Emissions Performance Standard (EPS) Compliance Letters. This proposal recommends a process to deem limited types of pro-forma

contracts with renewable, natural-gas QFs, or non-baseload generators compliant with the EPS.

If you have concerns about this proposal, please contact me with your feedback by September 20, 2013.

Apologies for the multiple emails if you are on several service lists.

Jason Houck

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