



PASADENA WATER AND POWER

ATTACHMENT 3

City of Pasadena  
Department of Water and Power  
Renewable Portfolio Standard (“RPS”)  
Enforcement Program

---

*Version 4*  
*December 10, 2018*

---

# Pasadena Water & Power RPS Enforcement Program – V.4

## Table of Contents

PURPOSE:.....	3
SECTION A: RPS PROCUREMENT PLAN GUIDELINES.....	3
SECTION B: PUBLIC NOTICE FOR RPS PROCUREMENT PLAN .....	9
SECTION C: EXCESS PROCUREMENT .....	10
SECTION D. VOLUNTARY RENEWABLE ENERGY PROCUREMENT IN EXCESS OF STATUTORY PROCUREMENT TARGETS.....	11
SECTION E: RPS PROCUREMENT PLAN LIMITATIONS AND RELIEF .....	12
SECTION F: REPORTING .....	15
SECTION G: ENFORCEMENT .....	16
SECTION H: VERSION HISTORY .....	17

# Pasadena Water & Power RPS Enforcement Program – V.4

## City of Pasadena Department of Water and Power Renewable Portfolio Standard Enforcement Program<sup>1</sup> *December 10, 2019*

---

### **PURPOSE:**

The purpose of this revised RPS Enforcement Program for the Pasadena Water and Power Department (“PWP”) is to comply with the California RPS pursuant to [California Public Utilities Code \(“PUC”\) Section 399.30](#). Each calendar year, PWP will target the greater of: (i) Pasadena’s own voluntary RPS of 40% by 2020, and (ii) California [state mandated targets](#) (e.g., 60% by 2030), with reasonable progress towards these goals in the intervening years. In addition, Pasadena also has its own voluntary RPS goal, which is not subject to compliance requirements. This RPS Enforcement Program has been updated to comply with SB 100, which was signed into law on September 10, 2018. SB 100 accelerates the RPS, from 50% by 2030 to 60% by 2030.

### **SECTION A: RPS PROCUREMENT PLAN GUIDELINES**

PWP has developed a RPS Procurement Plan for the City Council to consider for adoption. Going forward, no later than January 1, 2019, PWP will incorporate the RPS Procurement Plan into its broader Integrated Resource Plan (“IRP”) developed and adopted pursuant to [PUC Section 9621\(b\)](#). The RPS Procurement Plan will at minimum include the following elements:

#### 1. Compliance Periods

Procurement Targets in Subsection A.2 reflects the minimum quantity of eligible renewable energy resources to be procured by PWP in each of the following RPS Compliance Periods:

- i. Compliance Period 3: January 1, 2017 to December 31, 2020, inclusive;
- ii. Compliance Period 4: January 1, 2021 to December 31, 2024, inclusive;
- iii. Compliance Period 5: January 1, 2025 to December 31, 2027, inclusive;
- iv. Compliance Period 6: January 1, 2028 to December 31, 2030, inclusive; and
- v. Compliance Periods three years in length starting on January 1 and ending on December 31, beginning on and after January 1, 2031.

---

<sup>1</sup> Pursuant to [California Public Utilities Code Section 399.30](#) as enacted by [California Senate Bill \(SB\) X1-2](#) in 2011 (“The California Renewable Energy Resources Act”) and subsequently revised by [Assembly Bill \(AB\) 2227](#) in 2012, and in 2015 by [SB 350](#) (“The Clean Energy and Pollution Reduction Act of 2015”), and as implemented through the Pre-Rulemaking Amendments to the [Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities](#), [California Energy Commission Amended Regulations Effective April 12, 2016, CEC-300-2016-002-CMF](#); the [Pre-Rulemaking Amendments to the Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utility](#) (Sections 3200 through 3208), and the [California Energy Commission Draft Guidebook, Renewables Portfolio Standard Eligibility, Ninth Edition, July 2016, CEC-300-2016-006-ED9-SD](#).

## Pasadena Water & Power RPS Enforcement Program – V.4

### 2. State RPS Procurement Targets<sup>2</sup>

PWP will procure a minimum quantity of electricity products from eligible renewable energy resources, including renewable energy certificates/credits, as a specified percentage of total Retail Sales to achieve the following targets. In each of the intervening years, PWP must show reasonable progress towards the next goal.

The compliance period targets are listed below [note, this references the [California Public Utilities Code \(“PUC”\) Section 399.30](#) and SB 100 requirements, not PWP’s voluntary goal of 40% RPS by 2020.]:

COMPLIANCE PERIOD (“CP”)	DATES	MINIMUM % OF RPS
1 [complete]	By December 31, 2013	Average of 20% Retail Sales by 2013 ;
2 [complete]	By December 31, 2016	25% of 2016 Retail Sales;
3	By December 31, 2020	the sum of: 27% of 2017 Retail Sales, 29% of 2018 Retail Sales, 31% of 2019 Retail Sales, and 33% of 2020 Retail Sales;
4	By December 31, 2024	44% of 2024 Retail Sales;
5	By December 31, 2027	52% of 2027 Retail Sales;
6	By December 31, 2030	60% of 2030 Retail Sales
7+	Post 2030	Not less than a 60% of Retail Sales, post 2030. The California Energy Commission (“CEC”) will establish appropriate multi-year compliance periods at a later time

For the purpose of this RPS Enforcement Program, Retail Sales shall be defined as the total volume of energy sold, in Megawatt hours, to all retail end-use customers taking service under [Pasadena Municipal Code \(“PMC”\) Sections 13.04.040 to 13.04.090](#)<sup>3</sup>, and [13.04.177](#) (Net Energy Metering), inclusive. Retail Sales may exclude sales to customers taking service under the optional Green Power Option ([PMC 13.04.179](#)) or any shared renewable generation program. Sales to retail customers

<sup>2</sup> [PUC Section 399.30\(c\)\(2\)](#)

<sup>3</sup> [PMC Sections 13.04.040](#) – Residential single-family service, [13.04.045](#) – Residential multi-family service, [13.04.050](#) – Small commercial and industrial service, [13.04.060](#) – Medium commercial and industrial service – Secondary, [13.04.064](#) – Medium Commercial and Industrial Service – Primary, [13.04.067](#) – Large commercial and industrial service – Secondary, [13.04.070](#) – Large commercial and industrial service – Primary, [13.04.071](#) – Special load management and conservation service, [13.04.075](#) – Long-term contracts, [13.04.080](#) – Standby Service, [13.04.85](#) – Unmetered rates – Non-demand, [13.04.087](#) – Unmetered rates – Demand, [13.04.090](#) Street lighting and traffic signal service.

## Pasadena Water & Power RPS Enforcement Program – V.4

taking Direct Access Service under [PMC 13.04.095](#), energy consumption by PWP, electricity used by PWP for water pumping, and electricity produced for onsite consumption under [PMC 13.04.178](#) (self-generation) that was not sold to the customer by PWP shall not be included in this definition of Retail Sales.

For a customer participating in the Green Power Option or any shared renewable generation project, if the renewable energy is excluded from the calculation of Retail Sales, the Portfolio Content Category (“PCC”) 1 Renewable Energy Credits (“RECs”) associated with the electricity credited to such customer under the program will not be used by PWP for compliance with state mandated RPS procurement requirements. The RECs will be retired on behalf of the participating customer, and may not be further sold, transferred, or otherwise monetized for any purpose. To the extent possible, the electricity products excluded from retail sales will be procured by PWP from eligible renewable energy resources that are located in the PWP service territory and in reasonable proximity to program participants.<sup>4</sup>

### 3. PCC Definition and Balance Requirements

The following categories of renewable resources will be used to meet the statutory RPS procurement targets<sup>5</sup>:

---

<sup>4</sup> [PUC Section 399.30\(c\)\(4\)](#)

<sup>5</sup> PUC Sections [399.30\(c\)\(3\)](#) and [399.16](#), and [California Energy Commission Enforcement Procedures Section 3203](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

PORTFOLIO CONTENT CATEGORY	PCC % BALANCE REQUIREMENTS
<p>PCC 0: (“Grandfathered” or “Count-in-Full” resources and contracts)<sup>6</sup>:</p> <ul style="list-style-type: none"> <li>a. Electricity products procured pursuant to a contract or ownership agreement executed before June 1, 2010, and associated with generation from an eligible renewable energy resource that met the CEC eligibility requirements in effect when the original procurement contract or ownership agreement was executed will be classified as PCC 0.</li> <li>b. PCC 0 products will count in full towards state mandated RPS procurement requirements<sup>7</sup>. “Count in full” means that such renewable electricity products procured prior to June 1, 2010 will be applied towards (deducted from) the state RPS procurement target for each compliance period prior to determining the portfolio balance requirement, subject to the following:               <ul style="list-style-type: none"> <li>i. The associated REC must be retired within 36 months of the date the electricity product is generated.</li> <li>ii. The PCC 0 products will not count towards the portfolio balancing requirements</li> <li>iii. The PCC 0 electricity projects associated with contracts of less than 10 years will not be subtracted when calculating excess procurement (See <a href="#">Section C</a> below).</li> </ul> </li> </ul>	<p>No Minimum or Maximum requirements [note, the PCC 0 amount is subtracted from the RPS needs and any shortage, must comply with the PCC1, PCC 2, PCC 3 balance requirements]. PCC 0 does not have portfolio balancing requirements</p>

---

<sup>6</sup> [CPUC 399.16\(d\) and \(e\)](#)

<sup>7</sup> [California Energy Commission Enforcement Procedures Section 3202](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

<p>PCC 1: are procured as a “bundle” with associated energy from the eligible renewable resource. To be classified as PCC 1, eligible renewable energy resource electricity products must meet the requirement of either:</p> <p>a. Having a first point of interconnection with a California balancing authority,<sup>8</sup> having a first point of interconnection with distribution facilities used to serve end users within a California balancing authority area, or scheduled from the eligible renewable energy resource into a California balancing authority without substituting electricity from another source other than to provide real-time ancillary services required to maintain an hourly or sub-hourly import schedule into a California balancing authority. Only the fraction of the schedule actually generated by the eligible renewable energy resource shall count toward this PCC; or</p> <p>b. Having an agreement between the balancing authority in which the eligible renewable energy resource is located and a California balancing authority to dynamically transfer electricity from the renewable energy resource to the California balancing authority.<sup>9</sup></p>	<p>CP2: Minimum of 65%</p> <p>CP 3 and thereafter: Minimum of 75%</p>
<p>PCC 2: electricity products must be generated by an eligible renewable energy resource, and be procured as a “bundle” (matched) with incremental energy scheduled into a California balancing authority from a substitute resource<sup>10</sup>. The first point of interconnection to the transmission grid for both the eligible renewable energy resource and the resource providing the incremental electricity must be located within the WECC<sup>11</sup> service territory but outside the metered boundaries of a California balancing authority area. The contract for the incremental electricity must be executed at the same time or after the contract for the renewable electricity product.</p>	<p>CP 2: Maximum of 35%</p> <p>CP 3 and thereafter: Maximum of 25%</p>

---

<sup>8</sup> A balancing authority is the entity responsible for integrating resource plans ahead of time, maintaining balance between loads, energy imports/exports, and generation within its balancing authority area, and supporting interconnection frequency in real-time. California balancing authorities include: the California Independent System Operator (“CAISO”), the Los Angeles Department of Water & Power (“LADWP”), the Imperial Irrigation District (“IID”), the Balancing Authority of Northern California (“BANC”), PacifiCorp West, Sierra Pacific Power (“SPP”), Turlock

## Pasadena Water & Power RPS Enforcement Program – V.4

PCC 3: may be procured separately from the energy produced by the renewable resource (“unbundled”). Eligible renewable energy resource electricity products or any fraction of the electricity generated, including unbundled renewable energy certificates/credits that do not qualify under the criteria of PCC 1 or PCC 2, fall within PCC 3. <sup>12</sup>	CP 2: Maximum of 15%  CP 3 and thereafter: Maximum of 10%
--	--

#### 4. Long-Term Contracts

PWP may enter into a combination of long-term and short-term contracts for electricity and associated RECs. Beginning January 1, 2021, at least 65 percent of the procurement PWP counts toward the California renewables portfolio standard requirement in each compliance period will be from contracts of 10 years or more in duration, or PWP ownership or ownership agreements, for eligible renewable energy resources. An electricity product classified as PCC 2 will count toward the long-term procurement requirement of this subdivision if the electricity product is procured under a contract of at least 10 years in duration or an ownership agreement, even if the matching incremental electricity is not associated with a contract of at least 10 years in duration or an ownership agreement.<sup>13</sup>

#### 5. Additional Requirements

- i. RPS procurement requirement deficits incurred by PWP in any compliance period will not be added to the RPS procurement requirements of a future compliance period.
- ii. PWP must retire RECs to meet its RPS procurement requirements within 36 months from the initial month of the generation of the associated energy.
- iii. In general, POUs may not use RECs for purposes of the California RPS for any given compliance period if that compliance period begins after the date of REC retirement. However, CEC Resolution No. 16-0309-04a establishes a process to allow PWP to request that surplus RECs retired and reported to the CEC for a specified RPS compliance period ("surplus retired RECs") be withdrawn and used for the following RPS compliance period. The resolution was adopted by the CEC on March 9, 2016.
- iv. PWP may not procure or retire a REC to meet its RPS procurement requirements for a compliance period that precedes the date of generation of electricity associated with that REC, or the date the REC was procured by PWP. For example, PWP may not procure or retire a REC generated in April 2021 to meet its state RPS procurement requirements for the 2017-2020 compliance period, nor

---

Irrigation District (“TID”) and the Western Area Lower Colorado Region (“WALC”). PWP is in the CAISO balancing authority area.

<sup>9</sup> [PUC section 399.16\(b\)\(1\)](#)

<sup>10</sup> [PUC Section 399.16\(b\)\(2\)](#)

<sup>11</sup> [Western Electricity Coordinating Council](#), the non-profit regional electric reliability entity in the western interconnection, which includes 14 Western US states, 2 Canadian provinces, and Northern Baja Mexico.

<sup>12</sup> [PUC Section 399.16\(b\)\(3\)](#)

<sup>13</sup> [PUC Section 399.13\(b\)](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

retire a REC generated in November 2020 to meet its procurement requirements for the 2017-2020 compliance period if PWP did not procure the REC until February 2021.

### 6. City Council Discretion

The City Council will have the discretion to approve, reject or modify PWP recommendations with respect to:

- i. The mix of eligible renewable energy resources procured by PWP pursuant to the RPS Procurement Plan for meeting the greater of the City's voluntary RPS or the state RPS mandate;
- ii. Those additional generation resources procured by PWP for purposes of ensuring resource adequacy and reliability; and
- iii. The reasonable costs to be incurred by PWP for any eligible renewable energy resources that may be procured or owned by the utility.

### 7. Review of the RPS Procurement Plan

PWP shall provide progress and assessment and/or updates of the approved RPS Procurement Plan for City Council consideration, when regulatory mandates modify the RPS requirements and or significant changes occur to the RPS Procurement Plan, as a result of RPS procurement. Going forward, the RPS Procurement Plan will be brought to the City Council on an as needed basis. As mentioned earlier, as of January 1, 2019, the RPS Procurement Plan will be part of the IRP.

## **SECTION B: PUBLIC NOTICE FOR RPS PROCUREMENT PLAN**

PWP will adhere to the following guidelines<sup>14</sup>:

1. Post public notice pursuant to the "Ralph M. Brown Act"<sup>15</sup> when the City Council will deliberate in public on the RPS Procurement Plan;
2. Contemporaneously notify the CEC of the date, time, and location of the meeting and provide an electronic copy of the RPS Procurement Plan and other documents for posting on CEC's website. This requirement will be satisfied if PWP provides the Uniform Resource Locator ("URL") that links to this information; and
3. Upon distribution to the City Council of information related to its renewable energy resources procurement status and future plans, for consideration at a noticed public meeting, PWP will make that information available to the public and provide the CEC with an electronic copy of the documents for posting on the CEC's web site. This requirement will be satisfied if PWP provides the URL that links to the documents or information regarding other manners of access to the documents.

---

<sup>14</sup> [PUC Sections 399.30\(f\)](#)

<sup>15</sup> [Chapter 9 \(commencing with Section 54950\) of Part 1 of Division 2 of Title 5 of the Government Code](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

### SECTION C: EXCESS PROCUREMENT<sup>16</sup>

PWP may apply excess procurement in one compliance period to any future compliance period, including compliance years following 2020<sup>17</sup>. However, there will be no carryover of deficits between compliance periods.

1. PCC 3 products may not be counted as excess procurement.
2. PCC 0 products that would otherwise be classified as PCC 3 and that exceed the 10% maximum limit for PCC 3 must be subtracted from the calculation of excess procurement.
3. Prior to January 1, 2021, electricity products procured under contracts of less than 10 years in duration will be subtracted from the calculation of excess procurement, unless grandfathered (PCC 0). If procurement is under a contract that has been amended to extend the term, the duration of the amended contract will be calculated from the original contract execution date to the amended contract end date. If procurement is under a contract that has been amended to a total term of at least 10 years in duration, then the electricity products generated as of the month and year in which the contract amendment occurs will be eligible to qualify as excess procurement.
4. The numerical expression of the excess procurement permitted for the compliance period ending December 31, 2020 is:

$$\text{Excess Procurement} = (EP_x) - (RPS_x + S3_x + STC_x)$$

*EP<sub>x</sub> = Electricity products retired and applied toward the RPS procurement target for the compliance period X*

*RPS<sub>x</sub> = The RPS procurement target calculated for compliance period X, or the amount of RECs applied to the target, if greater than the target*

*S3<sub>x</sub> = Retired PCC 3 RECs that meet the criteria of [Section 3202 \(a\)\(1\)](#)<sup>18</sup> in excess of the 10% maximum for compliance period X*

*STC<sub>x</sub> = All electricity products that meet the criteria of [Section 3202 \(a\)\(1\)](#) or [Section 3202 \(a\)\(3\)](#),<sup>19</sup> are associated with contracts less than 10 years in duration, and are retired toward the RPS procurement target for compliance period X*

---

<sup>16</sup> PUC Section [399.30\(d\)\(1\)](#) and [399.13\(a\)\(4\)\(B\)](#)

<sup>17</sup> Pre-Rulemaking Amendments to the [Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities, California Energy Commission Amended Regulations Effective April 12, 2016; CEC-300-2016-002-CMF; Section 3206 – Optional Compliance Measures, Subsection \(a\)\(1\) – Excess Procurement](#)

<sup>18</sup> The electricity product must be procured pursuant to a contract or ownership agreement executed on or after June 1, 2010. Procurement must be classified into a portfolio content category. Procurement will be included in the calculation of the portfolio balance requirements.

<sup>19</sup> The electricity product is procured pursuant to a contract or ownership agreement executed before June 1, 2010, but the eligible renewable energy resource did not meet the California Energy Commission's RPS eligibility

## Pasadena Water & Power RPS Enforcement Program – V.4

5. The numerical express of the excess procurement permitted for the compliance period ending December 31, 2021, and each annual compliance period thereafter is:

$$\text{Excess Procurement} = (EP_x) - (RPS_x + S2_x + S3_x)$$

*EP<sub>x</sub>* = Electricity products retired and applied toward the RPS procurement target for the compliance period X

*RPS<sub>x</sub>* = The RPS procurement target calculated for compliance period X

*S2<sub>x</sub>* = Retired PCC 2 RECs that meet the criteria of Section 3202 (a)(1) or 3202 (a)(3) and that were not applied to the procurement target

*S3<sub>x</sub>* = Retired PCC 3 RECs that meet the criteria of section 3202 (a)(1) in excess of the 10% maximum for compliance period X

6. For PCC 1 products, contracts of any duration may count as excess procurement.
7. PCC 2 or PCC 3 products shall not be counted as excess procurement.
8. Contracts of any duration for PCC 2 or PCC 3 products that are credited towards a compliance period shall not be deducted from a retail seller's procurement for purposes of calculating excess procurement.

### **SECTION D. VOLUNTARY RENEWABLE ENERGY PROCUREMENT IN EXCESS OF STATUTORY PROCUREMENT TARGETS**

If the City Council establishes RPS goals for PWP higher than the California Procurement Targets,<sup>20</sup> or procures energy to serve PWP Green Power Option customers taking service under PMC 13.04.179 or a shared renewables program, the eligible renewable resources procured in excess of the statutory minimum shall be deemed voluntary and not subject to:

1. Any mandatory enforcement provisions under State rules or regulations;
2. Any restriction from carry over or banking provisions to subsequent Compliance Periods; sale, purchase or exchange; or any other use;

---

requirements when the original procurement contract or ownership agreement was executed. Procurement must be classified into a portfolio content category. Procurement will not be included in the calculation of portfolio balance requirements. If contract amendments or modifications after June 1, 2010, increase nameplate capacity or expected quantities of annual generation, increase the term of the contract, or substitute a different eligible renewable energy resource, only the MWhs or resources procured prior to June 1, 2010, shall be considered to meet the criteria for the term of the contract executed prior to June 1, 2010. The remaining procurement, or any electricity products procured after the end of the original contract term, must be classified into a portfolio content category and follow the portfolio balance requirements.

<sup>20</sup> [As defined in PUC Section 399.30\(c\)](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

3. Any requirements for or restrictions on portfolio content categorization;<sup>21</sup> or
4. Any reporting or Public Notice required by the CEC.

### **SECTION E: RPS PROCUREMENT PLAN LIMITATIONS AND RELIEF**

PWP will use its best efforts to procure adequate supplies of renewable energy as set forth in this RPS Enforcement Program and the RPS Procurement Plan; however, PWP will at all times maintain system reliability and maintain average procurement costs for retail electric sales in accordance with the approved budget and retail electric rates approved by the City Council. California law recognizes that adverse situations beyond PWP's control may arise and prevent PWP from fulfilling the RPS Procurement Targets in a timely manner and consistent with such limitations.

In the event PWP discovers that such conditions may potentially prevent PWP from meeting the RPS Procurement Targets set forth in this RPS Enforcement Program, PWP will notify the City Council of the adverse conditions and apply to the CEC for relief. If appropriate, PWP may submit a revised RPS Procurement Plan for discussion, approval, and implementation.

The CEC may reduce a procurement requirement to the extent PWP demonstrates that it cannot comply because of conditions beyond its control.<sup>22</sup> However, the CEC may not, under any circumstance, reduce the procurement obligation of PCC 1 below 65 percent for any compliance period obligation after December 31, 2016.

#### 1. Delay of Timely Compliance

The City Council may make a finding that conditions beyond PWP's control exist to delay the timely compliance with RPS procurement requirements as defined in Section 3204 of the CEC's Enforcement Procedures, including achieving procurement targets and balancing requirements for each compliance period. Such a finding shall be limited to one or more of the following causes for delay and shall demonstrate that PWP would have met its RPS procurement requirements but for the cause of delay.

- i. There is inadequate transmission capacity to allow sufficient electricity to be delivered from eligible renewable energy resources, or proposed eligible renewable energy resource projects, to the extent applicable, using the current operational protocols of the CAISO. The City Council may find that:
  - a. PWP has undertaken all reasonable measures under its control and consistent with its obligation under local, state, and federal laws and regulations to develop and construct new transmission lines or upgrades to existing lines intended to transmit electricity generated by eligible renewable energy resources, in light of its expectation for cost recovery.

---

<sup>21</sup> [PUC Section 399.30\(c\)\(3\)](#)

<sup>22</sup> [PUC Section 399.15\(5\)](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

- b. PWP has taken all reasonable operational measures to maximize cost-effective purchases of electricity from eligible renewable energy resources in advance of transmission availability.
    - ii. Permitting, interconnection or other circumstances have delayed procured eligible renewable energy resource projects, or there is an insufficient supply of eligible renewable energy resources available to PWP. The City Council must also find that:
      - a. PWP prudently managed portfolio risks, including, but not limited to, holding solicitations for RPS-eligible resources with outreach to market participants and relying on a sufficient number of viable projects to achieve RPS procurement requirements.
      - b. PWP sought to develop either its own eligible renewable energy resources, transmission to interconnect to eligible renewable energy resources, or energy storage used to integrate eligible renewable energy resources.
      - c. PWP procured an appropriate minimum margin of procurement above the level necessary to comply with the RPS to compensate for foreseeable delays or insufficient supply.
      - d. PWP had taken reasonable measures to procure cost-effective distributed generation and allowable unbundled RECs.
    - iii. Unanticipated curtailment of eligible renewable energy resources was necessary to address the needs of the CAISO or other balancing authority, if the delay of timely compliance would not result in an increase in emissions of greenhouse gases.
    - iv. Unanticipated increase in retail sales due to electrification. For purposes of this paragraph, “electrification” refers to electrifying sectors that were either supplied by natural gas or other mean. This includes, but is not limited to, whole house electrification [moving away from natural gas], heat pump electrification, “transportation electrification” (which includes, but is not limited to, the direct or indirect use of electricity to power vehicles, trains, ships and other vessels), etc. PWP will demonstrate consideration of the factors specified in the CEC Enforcement Procedures in determining that this condition prevents timely compliance.
- 2. Cost Limitations
  - i. The City Council may adopt rules for cost limitations on the procurement expenditures used to comply with its RPS procurement requirements. Such cost limitation rules shall ensure that:
    - a. The limitation is set at a level that prevents disproportionate rate impacts.
    - b. The costs of all procurement credited toward achieving the RPS are counted toward the limitation, but the limitation will not include PWP’s costs to procure eligible renewable energy resources for PWP’s voluntary green pricing or shared renewable generation programs.
  - ii. In adopting cost limitation rules, the City Council will rely on all of the following:
    - a. The most recent renewables energy resources RPS Procurement Plan.

## Pasadena Water & Power RPS Enforcement Program – V.4

- b. Procurement expenditures that approximate the expected cost of building, owning and operating eligible renewable resources.
    - c. The potential that some planned resource additions may be delayed or canceled.
  - iii. When applying procurement expenditures under an adopted cost limitation rule, PWP will apply only those types of procurement expenditures that are permitted under the adopted cost limitation rule.
  - iv. Adopted cost limitation rules will include planned actions to be taken in the event the projected cost of meeting the RPS procurement requirements exceeds the cost limitation.
- 3. Portfolio Balance Requirement Reduction
  - i. The City Council will allow for the reduction by PWP of the portfolio balance requirement for PCC 1 for a specific compliance period.<sup>23</sup>
  - ii. The need to reduce the portfolio balance requirements for PCC 1 must have resulted because of conditions beyond the control of PWP.<sup>24</sup>
  - iii. A reduction of the portfolio balance requirement for PCC 1 below 65 percent for any compliance period after December 31, 2016, will not be considered.<sup>25</sup>
  - iv. In the event that PWP reduces its portfolio balance requirements for PCC 1, these changes must be adopted at a publicly noticed meeting, providing at least 10 calendar days advance notice to the CEC, and must include the appropriate information in an updated renewable energy resources RPS Procurement Plan submitted to the CEC. The notice to consider the portfolio balance requirement reduction and the RPS Procurement Plan must include the following information:
    - a. The compliance period for which the reduction may be adopted.
    - b. The level to which PWP has reduced the requirement.
    - c. The reason or reasons PWP has proposed for adopting the reduction.
    - d. An explanation of how the needed reduction resulted from conditions beyond the control of PWP.<sup>26</sup>
- 4. For the period from January 1, 2021 to December 31, 2024, inclusive, PWP may adjust its renewable energy procurement targets to ensure that the procurement of additional electricity from eligible renewable energy resources, in combination with the procurement of electricity from unavoidable long-term contracts and ownership agreements, does not exceed the total retail sales of PWP during that compliance period.

PWP may limit its procurement of eligible renewable energy resources for that compliance period to the greater of (i) the quantity that would allow PWP's total procurement of electricity products from eligible renewable energy resources during the compliance period, when combined with its unavoidable long-term procurement of

---

<sup>23</sup> [Consistent with PUC section 399.16\(e\)](#)

<sup>24</sup> [Specified in California Energy Commission Enforcement Procedures Section 3206\(a\)\(2\)](#)

<sup>25</sup> [PUC section 399.16\(e\)](#)

<sup>26</sup> As provided in [Section 3206\(a\)\(2\) of the California Energy Commission Enforcement Procedures](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

coal-fired generation during the compliance period, to not exceed PWP's total retail sales during the compliance period, or (ii) 33 percent of its retail sales for the compliance period.

- i. For purposes of this provision, "unavoidable long-term contracts and ownership agreements" means commitments for electricity from a coal-fired power plant, located outside the state, originally entered into by PWP before June 1, 2010 (e.g., the Intermountain Power Project), that is not subsequently modified to result in an extension of the duration of the agreement or result in an increase in total quantities of energy delivered during any compliance period.
  - ii. PWP shall demonstrate that any cancellation or divestment of the commitment would result in significant economic harm to its retail customers that cannot be substantially mitigated through resale, transfer to another entity, early closure of the facility, or other feasible measures.
5. Adjustments may be required if an approved RPS Procurement Plan is subsequently projected to adversely affect system reliability or resource adequacy.

### SECTION F: REPORTING

PWP will submit reports to the CEC as required.<sup>27</sup>

1. PWP's reporting of costs to procure electricity products to meet its RPS procurement requirements will not include the costs to procure eligible renewable energy resources for PWP's Green Power Option or shared renewable generation program.
2. PWP's costs for its Green Power Option or shared renewable generation program will be reported separately from its costs to procure electricity products to meet PWP's RPS procurement requirements.
3. In addition to the applicable reporting requirements in the CEC Enforcement Procedures, if PWP excludes from its annual retail sales the eligible renewable energy resources procured for PWP's Green Power Option or shared renewable generation program, PWP will report the following information:
  - iii. The total number of MWh of electricity products from eligible renewable energy resources procured for the year that were credited to participating customers pursuant to PWP's Green Power Option or shared renewable generation program.
  - iv. Documentation demonstrating that the RECs associated with the electricity products were retired in WREGIS<sup>28</sup> on behalf of the participating customer.
  - v. The total number of MWhs of electricity products procured that PWP excludes from its annual retail sales.

---

<sup>27</sup> [Section 3207 of the California Energy Commission Enforcement Procedures](#)

<sup>28</sup> [WREGIS](#) is the Western Renewable Energy Generation Information System, an independent, renewable energy tracking system for the region covered by the Western Electricity Coordinating Council (WECC). WREGIS tracks renewable energy generation from units that register in the system by using verifiable data and creating renewable energy certificates (REC) for this generation.

## Pasadena Water & Power RPS Enforcement Program – V.4

- vi. Documentation showing that the RECs excluded from PWP's annual retail sales meet the criteria for PCC 1.
  - a. A description of the efforts taken by PWP to ensure that the electricity products were procured from eligible renewable energy resources located in PWP's service territory or in reasonable proximity to program participants.

### **SECTION G: ENFORCEMENT**

The City Council directs the PWP General Manager to inform the City Council at a public meeting in the event that PWP will not meet the renewable energy procurement requirements as set forth in this RPS Enforcement Program and the RPS Procurement Plan. The PWP General Manager will notify the CEC of such non-compliance, in the manner and schedule established by the CEC pursuant to regulations developed by the CEC.<sup>29</sup>

The CEC has adopted regulations specifying procedures for enforcement of this article. The regulations include a public process under which the CEC may issue a notice of violation and correction against PWP or any other local publicly owned electric utility for failure to comply, and for referral of violations to the California State Air Resources Board for penalties.

Any complaint against PWP pertaining to the enforcement of an RPS requirement, or any regulation, order, or decision adopted by the CEC pertaining to the RPS, shall be filed in accordance with Title 20, section 1240 of the California Code of Regulations.

A complaint may be issued for PWP's failure to comply with any of the requirements in the applicable regulations, including but not limited to the following:

1. Failure to meet an RPS procurement target for reasons other than PWP's adopted cost limitations and/or delay of timely compliance rules which the CEC determines comport with the RPS requirements specified.<sup>30</sup>
2. Failure to meet a PCC 1 portfolio balance requirement<sup>31</sup> for reasons other than PWP's adopted cost limitations and/or delay of timely compliance rules which the CEC determines comport with the RPS requirements as specified.<sup>32</sup>
3. Failure to adopt an RPS Procurement Plan, RPS Enforcement Program or Plan, or provide notice, disclosure, or other information to the CEC and public as specified.<sup>33</sup>

---

<sup>29</sup> [PUC Section 399.30](#)

<sup>30</sup> Subdivisions (a)(2) and (3) of section 3206 of the [California Energy Commission Enforcement Procedures](#)

<sup>31</sup> Subdivision (c) of Section 3204 of the [California Energy Commission Enforcement Procedures](#)

<sup>32</sup> Subdivisions (a)(2) and (3) of Section 3206 of the [California Energy Commission Enforcement Procedures](#)

<sup>33</sup> Section 3205 of the [California Energy Commission Enforcement Procedures](#)

## Pasadena Water & Power RPS Enforcement Program – V.4

4. Failure to submit a complete annual, compliance, or other report, or other documentation or information as specified.<sup>34</sup>
5. Beginning January 1, 2021, failure to meet the long-term contracting requirement as specified.<sup>35</sup>

### **SECTION H: VERSION HISTORY**

- VERSION 1: Initially Adopted- December 12, 2011
  - New mandate to comply with SBX1 2
- VERSION 2: Amended- July 22, 2013
  - Include updates on contracts and other processes
- VERSION 3: Amended- January 29, 2018
  - Show compliance with SB 350
  - Include updates on contracts and other processes
- VERSION 4: Amended- December 10, 2018
  - Show compliance with SB 100
  - Include updates on contracts and other processes, as recommended by the PWP 2018 Power IRP

---

<sup>34</sup> Section 3207 of the [California Energy Commission Enforcement Procedures](#)

<sup>35</sup> Section 3208 of the [California Energy Commission Enforcement Procedures](#)