

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program.

R. _____

ORDER INSTITUTING RULEMAKING TO CONTINUE IMPLEMENTATION AND ADMINISTRATION, AND CONSIDER FURTHER DEVELOPMENT, OF CALIFORNIA RENEWABLES PORTFOLIO STANDARD PROGRAM

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**ORDER INSTITUTING RULEMAKING TO CONTINUE IMPLEMENTATION
AND ADMINISTRATION, AND CONSIDER FURTHER DEVELOPMENT, OF
CALIFORNIA RENEWABLES PORTFOLIO STANDARD PROGRAM**

Summary

This rulemaking continues implementation and administration of the California renewables portfolio standard (RPS) program.¹ As a successor docket to Rulemaking (R.) 15-02-020, this proceeding addresses ongoing oversight of the RPS program. This oversight includes reviewing RPS procurement plans submitted by retail sellers; providing tools for analysis of and reporting on progress of retail sellers and the RPS program as a whole; assessing retail sellers' compliance with their RPS obligations; and integrating new legislative mandates and administrative requirements into the RPS program. The Commission will also take enforcement action, if necessary.

This rulemaking also provides a forum for possible further development of the RPS program, (1) through exercise of the Commission's authority under Assembly Bill 327 (Perea), Stats 2013, ch. 611, to increase the percentage of RPS-eligible electricity sold to retail end-user customers; (2) through examination of the relationship of the RPS program to other state mandates that include the electricity sector (*e.g.*, reduction in emission of greenhouse gases); and (3) through coordination with other proceedings and initiatives of the Commission.

¹ Established by Senate Bill 1078 (Sher), Stats. 2002, ch. 516, the RPS program has been revised in both large and small ways over the years it has been in effect. The RPS program is codified at Pub. Util. Code §§ 399.11-399.32.

This order closes R.15-02-020 for purposes of Pub. Util. Code § 1701.5. R.15-02-020 remains open only to consider pending petitions for modification and intervenor compensation claims.

1. RPS Legislation and Implementation

The California renewables portfolio standard (RPS) program began with a mandate requiring all retail sellers to provide 20 percent of the electricity they sold to retail end-user customers from RPS-eligible generation by the end of 2017.² The Legislature has modified the goal and details of procurement and enforcement policy several times since the original enactment. Senate Bill (SB) 2(1X) (Simitian), Stats. 2011, ch.1., among others, set a new target for retail sellers of 33 percent of retail sales from RPS-eligible generation by 2020. It also revised the procurement, compliance, and enforcement frameworks for the RPS program.³ The Commission implemented many of the changes made by SB 2 (1X) and other recent legislation in a series of decisions.⁴

² The original target was set in SB 1078 (Sher), Stats. 2002, ch. 516. Retail sellers, for RPS purposes, include investor-owned utilities (IOUs), electric service providers (ESPs), and community choice aggregators. Pub. Util. Code § 399.12(j). All further references to sections are to the Public Utilities Code unless otherwise specified.

³ SB 2 (1X) also extended obligations under the RPS program to California publicly-owned utilities. The California Energy Commission (CEC) is responsible for oversight and administration of the RPS program for publicly-owned utilities.

⁴ These include, among others, Decision (D.) 11-12-020, D.11-12-052, D.12-06-038, D.13-05-035, D.14-12-023, and D.14-12-081.

In Assembly Bill (AB) 327 (Perea), Stats 2013, ch. 611, the Legislature, among other things, provided authority for the Commission to increase the required percentage of RPS-eligible electricity provided by retail sellers to their customers.⁵ The Commission has not exercised this authority to date.

Most recently, SB 350 (De León), Stats. 2015, ch. 547, enacted wide-ranging changes and updates to a number of areas of California's energy policy, including but not limited to the RPS program. Among others, SB 350 increased the required percentage of retail sales that California retail sellers must provide from eligible renewable energy resources to 50 percent by 2030; required 65 percent of the RPS procurement through long-term contracts beginning in 2021; and modified the rules for carrying over excess procurement from one compliance period to later compliance periods. The Commission implemented many of the changes made by SB 350 in a series of decisions.⁶

In addition to legislatively mandated requirements, the administration of the RPS program has included a number of features designed to improve the operation of the program, such as an RPS project database, a Portfolio Content Category (PCC) Classification Handbook, and a regularly-updated RPS Compliance Report spreadsheet. These elements have been developed by the Commission, with extensive participation by the parties to the RPS proceeding, as a result of experience with the RPS program. This effort to monitor the

⁵ Codified at Section 399.15(b)(3), this authorization provides:

The commission may require the procurement of eligible renewable energy resources in excess of the quantities specified in paragraph (2) [setting procurement requirements for the compliance periods 2011-2013; 2014-2016; 2017-2020; and annual compliance periods beginning in 2021].

⁶ These include, among others, D.16-12-040, D.17-06-026, D.17-11-037 and D.18-05-026.

program, identify potential improvements, and implement them is an ongoing feature of each of the RPS proceedings.

2. Status of the Prior RPS Rulemaking

The record in Rulemaking (R.) 15-02-020 is transferred to this successor proceeding. Various issues remaining in R.15-02-020, discussed more fully in Section 4.1, below, are brought into this proceeding. R.15-02-020 is closed for purposes of § 1701.5, and remains open only as necessary for the limited purposes of considering pending petitions for modification and intervenor compensation claims.

3. Purpose of Proceeding

The goal of this rulemaking is to continue implementation and administration of the California RPS program. As a successor docket to R.15-02-020, this proceeding addresses ongoing oversight of the RPS program. This oversight includes reviewing RPS procurement plans submitted by retail sellers; reviewing and approving the RPS-eligible procurement of the IOUs; providing tools for analysis of and reporting on progress of retail sellers and the RPS program as a whole; assessing retail sellers' compliance with their RPS obligations; and integrating new legislative mandates and administrative requirements into the RPS program. The Commission will also take enforcement action, if necessary.

4. Preliminary Scoping Memo

This rulemaking will be conducted in accordance with Article 6 of the Commission's Rules of Practice and Procedure, "Rulemaking."⁷ As required by

⁷ All references to "Rules" are to the Commission's Rules of Practice and Procedure unless otherwise indicated.

Rule 7.1(d), this order instituting rulemaking (OIR) includes a preliminary scoping memo as set forth below, and preliminarily determines the category of this proceeding and the need for hearing.

4.1. Implementation and Administration Tasks

Similar to prior RPS implementation and administration proceedings, this rulemaking will have three principal tasks:

- Continuing and completing specific tasks identified in R.15-02-020, but not completed prior to the issuance of this new OIR;
- Continuing, monitoring, reviewing, and improving elements of the RPS program that have previously been put in place, including identifying additional program elements that could be developed; and
- Implementing new statutory requirements that may be mandated during the course of this proceeding.

Each of these tasks is further described below.

4.1.1. Resolving Remaining Issues from R.15-02-020

1. Revisiting and possibly revising the RPS feed-in tariffs (also known as renewable market adjusting tariff (ReMAT) program and bioenergy market adjusting tariff (BioMAT) program), including revisions mandated by AB 1923 (Wood, Stats. 2016, ch. 663);
2. Revising and updating the least-cost best-fit methodology for evaluating RPS-eligible procurement, including revisions mandated by SB 2 (1X) (Simitian, Stats. 2011, ch.1) and SB 350;
3. Developing a methodology for determining values for effective load carrying capability;
4. Establishing a cost containment mechanism for utility RPS procurement, including revisions mandated by SB 2 (1X) (Simitian, Stats. 2011, ch.1) and SB 350;

5. Coordinating with the integrated resource planning proceeding, or its successor proceeding, as mandated by SB 350; and
6. Completing the waiver determinations from Compliance Period 1.

4.1.2. Continuing, Monitoring, Reviewing, and Improving the RPS Program

1. Reviewing and approving RPS procurement plans;⁸
2. Ongoing monitoring, reviewing and revising, as needed, all RPS procurement methods and tariffs, such as IOU solicitations, renewable auction mechanism, ReMAT, and BioMAT;⁹
3. Monitoring, reviewing, and improving RPS compliance reporting formats developed by Energy Division staff in consultation with parties;
4. Reviewing compliance progress of retail sellers and taking enforcement action if required;
5. Reviewing and revising, if needed, penalty rules applying to the RPS program;
6. Reviewing and revising, as needed, analytical tools such as the RPS Database to improve the RPS program and streamline its administration;
7. Identifying and addressing safety issues related to the RPS program, such as safety impacts related to RPS procurement and safety impacts connected with climate change;

⁸ See § 399.13(a)(5); D.14-11-042.

⁹ On May 10, 2018, California Governor Brown issued Executive Order B-52-18, which, among others, directs the Commission to review and update its procurement programs for small bioenergy renewable generators to ensure long-term programmatic certainty for investor-owned utilities and project developers, as well as benefits to ratepayers.

8. Reviewing and revising, if needed, confidentiality rules applying to the RPS program;
9. Using the authority provided by § 399.15(b)(3) to explore increasing the RPS procurement percentage for later compliance periods; and
10. Considering the integration of greenhouse gas emissions (GHG) reduction goals and metrics into RPS procurement methods.

4.1.3. Implementing New Statutory Requirements

Since it is not possible to predict when any new statutory requirements will be created for the RPS program during the life of this proceeding, this task of implementing statutory requirements will take place when and as needed.

4.2. Discussion

The issues for this proceeding may include changes to the RPS program, whether through statutory revisions or the Commission's own determinations. Parties to this rulemaking should be aware that, in order to implement necessary changes to the RPS program, the Commission may modify (on a present and going forward basis) some, all, or none of its prior RPS program decisions issued in R.11-05-005 and R.15-02-020.

4.3. Coordination Between this Rulemaking and Other Related Commission Proceedings

The Commission has begun to implement SB 350's mandate for integrated resource planning (IRP) by, among other things, instituting R.16-02-007 and adopting D.18-02-018 to develop an IRP framework and to coordinate and refine long-term planning requirements. R.16-12-007 is the primary Commission proceeding related to this RPS proceeding. Although no formal order of coordination of scheduling or issues with the IRP proceeding is required, the Administrative Law Judges (ALJs) in this proceeding may make arrangements

for joint or simultaneous rulings with the presiding officer in the IRP proceeding as are appropriate to the fair and efficient administration of both proceedings.

In addition, there is interaction between the RPS program and many other Commission proceedings, such as Rule 21 interconnection (R.17-07-007), resource adequacy (R.14-10-010), distributed generation (R.12-11-005), Integrated Distributed Energy Resources (R.14-10-003), Distribution Resources Plan (R.14-08-013), and energy storage (R.15-03-011). Formal coordination is not required among these proceedings, but Energy Division staff and parties to this rulemaking are encouraged to keep themselves apprised of developments in related proceedings.

5. Collaborative Process with California Energy Commission and Other Organizations

The Commission and its staff have successfully worked in a collaborative relationship with the CEC and its staff in several proceedings, including R.01-10-024 (RPS Phase), R.04-04-026, R.06-02-012, R.06-05-027, R.08-08-009, R.11-05-005, and R.15-02-020. This has promoted good communication between agencies sharing responsibilities for the RPS program.¹⁰ We will continue that collaborative relationship in this proceeding, to the extent allowed by the limited resources at each agency. As has been the case in the past, the Commission's Executive Director may work with the CEC's Executive Director to review and refine the terms of the staff collaboration, as necessary. The Commission and its staff will also continue to work in collaboration with other state agencies, such as the California Air Resources Board, and in conjunction with organizations like the California Independent System Operator.

¹⁰ See, e.g., § 399.25.

6. Categorization; *Ex Parte* Communications; and Need for Hearing

The Commission's Rules of Practice and Procedure require that an order instituting rulemaking preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is ratesetting, as that term is defined in Rule 1.3(e). Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure. This preliminary determination is not appealable, but will be confirmed or changed by assigned Commissioner's ruling. The assigned Commissioner's determination as to category is subject to appeal pursuant to Rules 7.3 and 7.6.

We anticipate that the issues in this proceeding may be resolved through a combination of comments, workshops and testimony, but it is reasonably possible that evidentiary hearings will be needed as to at least some issues in the proceeding. We therefore preliminarily determine that hearing is needed. Any person who objects to the preliminary hearing determination shall state the objections in their comments on this OIR, described in Section 8, below. The assigned Commissioner will determine the need for hearing in the Scoping Ruling issued following a prehearing conference (PHC).

7. Preliminary Schedule

The preliminary schedule for this proceeding is set forth below and includes provisions for the filing of comments on the OIR. The assigned Commissioner or assigned ALJ may change the preliminary schedule as necessary.

SCHEDULE

EVENT	DATE
Comments on the OIR filed and served	20 days from issuance (mailing) of OIR
Reply comments on the OIR filed and served	30 days from issuance of OIR
Prehearing conference	September 24, 2018
Scoping memo	Fourth quarter 2018
Other tasks in this proceeding	As determined in scoping memo and subsequently by presiding officer

The PHC will be held for the purposes of (1) taking appearances, (2) discussing schedule and process, and (3) informing the scoping memo. The PHC will be held beginning at 2:00 p.m. on September 24, 2018 in the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California.

The assigned Commissioner or the assigned ALJ may change the schedule to promote efficient and fair administration of this proceeding. Today's decision sets a PHC and the due date for comments on the OIR. The schedule for the remainder of the proceeding will be adopted in the Assigned Commissioner's Scoping Memo. It is the Commission's intent to complete this proceeding within 18 months of the date this OIR is adopted. This deadline may be extended by order of the Commission. (Public Utilities Code § 1701.5(a).)

If there are any workshops in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties should check the Daily Calendar regularly for such notices.

8. Invitation to Comment on Preliminary Scoping Memo and Schedule

Parties are invited to comment on the Preliminary Scoping Memo and schedule established in this OIR. Comments may be filed and served not later than 20 days after the issuance of this OIR. Reply comments, if any, may be filed and served not later than 30 days after the issuance of this OIR.

Parties should focus their comments on the issues set forth in the preliminary scoping memo, the preliminary schedule, and any objections to the preliminary determinations. Comments directed to the issues identified within the preliminary scope of this proceeding may include whether to revise the issues; how to prioritize the issues to be resolved; how procedurally to address these issues; and the proposed timeline for resolving the issues identified.

Comments are limited to 25 pages. Reply comments are limited to 10 pages. The comments and reply comments on the OIR will help to inform the PHC to be held in this proceeding.

9. Respondents

All retail sellers, as defined in Section 399.12(j), are respondents in this proceeding. Respondent electrical corporations are listed in Appendix A. Respondent community choice aggregators (CCAs) are listed in Appendix B. Respondent electric service providers (ESPs) are listed in Appendix C.

Any CCA or ESP that, subsequent to the date of this Order Instituting Rulemaking, becomes registered to provide service, will automatically become a respondent to this proceeding. A CCA or an ESP that becomes a respondent must notify the Commission's Process Office that it has become a respondent, and must provide the information necessary for it to be listed as a party on the official service list. All entities considering becoming CCAs or ESPs, even if they

are at the early stages of their consideration, are encouraged to participate in this proceeding.

10. Service OIR

This OIR will be served on all respondents.

In addition, in the interest of broad notice, this OIR will be served on the official service lists for the following proceedings:

- R.11-05-005 (previous RPS proceeding);
- R.12-11-005 (California Solar Initiative and other distributed generation);
- R.14-07-002 (net energy metering successor);
- R.14-08-013 (distribution resources plans);
- R.15-02-020 (current RPS proceeding);
- R.16-02-007 (integrated resource planning);
- R.17-09-020 (resource adequacy); and
- A.18-03-001 *et al.* (energy storage applications).

Finally, continuing our practice in R.15-02-020, because of the statewide application of the RPS program, this OIR will be served on all publicly-owned utilities, listed in Appendix D.

Service of the OIR does not confer party status or place any person who has received such service on the Official Service List for this proceeding, other than respondents. Instructions for obtaining party status or being placed on the official service list are given in Section 13 of this OIR, below.

11. Filing and Service of Comments and Other Documents

Filing and service of comments and other documents in the proceeding are governed by the Commission's Rules of Practice and Procedure.

If you have questions about the Commission's filing and service procedures, contact the Docket Office at (415) 703-2472.

12. Addition to Official Service List

Addition to the official service list is governed by Rule 1.9(f) of the Commission's Rules of Practice and Procedure.

Respondents are parties to the proceeding (*see* Rule 1.4(d)) and will be immediately placed on the official service list.

Any person will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly in order to ensure timely service of comments and other documents and correspondence in the proceeding. (*See* Rule 1.9(f).) The request must be sent to the Process Office by e-mail (process_office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102). Please include the Docket Number of this rulemaking in the request.

Persons who file responsive comments thereby become parties to the proceeding (*see* Rule 1.4(a)(2)) and will be added to the "Parties" category of the official service list upon such filing. In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the "Information Only" category as described above; they will be removed from that category upon obtaining party status.

13. Subscription Service

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission's website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission's website at <http://subscribecpuc.cpuc.ca.gov/>.

14. Intervenor Compensation

Intervenor compensation is permitted in this proceeding. Any party that expects to claim intervenor compensation for its participation in this Rulemaking must file its notice of intent to claim intervenor compensation within 30 days of the filing of reply comments, except that notice may be filed within 30 days of a prehearing conference in the event that one is held. (*See* Rule 17.1(a)(2).)

Intervenor compensation rules are governed by §§ 1801 *et seq.* of the Public Utilities Code. Parties new to participating in Commission proceedings may contact the Commission's Public Advisor.

15. Public Advisor

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail public.advisor@cpuc.ca.gov. The TTY number is (866) 836-7825.

O R D E R

IT IS ORDERED that:

1. This Order Instituting Rulemaking is adopted pursuant to Rule 6.1 of the Commission's Rules of Practice and Procedure.
2. The preliminary categorization is ratesetting.
3. The preliminary determination is that a hearing is needed.
4. The preliminary scope of issues is as stated above in Section 4 of the Order Instituting Rulemaking.
5. A prehearing conference is set for Monday, September 24, 2018, at 2:00 p.m. in the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California.

6. Comments and reply comments on the Order Instituting Rulemaking (OIR) are invited and must be filed and served as stated above in Section 8 of the OIR. The schedule for the remainder of the proceeding will be adopted in the Assigned Commissioner's Scoping Memo.

7. All retail sellers, as defined in Public Utilities Code Section 399.12(j), are named as respondents and are parties to this proceeding pursuant to Rule 1.4(d) of the Commission's Rules of Practice and Procedure. A list of electrical corporations is provided in Appendix A; a list of community choice aggregators is provided in Appendix B; and a list of electric service providers is provided in Appendix C.

8. Any electric service provider (ESP) that, subsequent to the date of this Order Instituting Rulemaking, becomes registered to provide service through direct access transactions, will automatically become a respondent to this proceeding. An ESP that becomes a respondent must notify the Commission's Process Office that it has become a respondent, and must provide the information necessary for it to be listed as a party on the official service list.

9. Any community choice aggregator (CCA) that, subsequent to the date of this Order Instituting Rulemaking, becomes registered to provide service, will automatically become a respondent to this proceeding. A CCA that becomes a respondent must notify the Commission's Process Office that it has become a respondent, and must provide the information necessary for it to be listed as a party on the official service list.

10. The Executive Director will cause this Order Instituting Rulemaking (OIR) to be served on all respondents and on the service lists for the following Commission proceedings: Rulemaking (R.) 11-05-005, R.12-11-005, R. 14-07-002, R. 14-08-013, R.15-02-020, R.16-02-007, R.17-09-020, and A.18-03-001 *et al.* In

addition, the Executive Director will cause this OIR to be served on all California publicly-owned utilities, listed in Appendix D.

11. *Ex parte* communications in this proceeding are governed by the requirements for a ratesetting proceeding found in Article 8 of the Commission's Rules of Practice and Procedure.

12. Any party that expects to claim intervenor compensation for its participation in this Rulemaking must file its notice of intent to claim intervenor compensation within 30 days of the filing of reply comments, except that notice may be filed within 30 days of a prehearing conference.

13. The Commission's Process Office will publish the official service list on the Commission's website (www.cpuc.ca.gov) as soon as practicable.

14. The assigned Commissioner or the assigned Administrative Law Judge will have ongoing oversight of the service list and may institute changes to the list or the rules governing it, as needed.

15. The record in Rulemaking 15-02-020 is transferred to this successor proceeding.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A
Investor-Owned Utility Respondents

Bear Valley Electric Service, a division of Golden State Water
Company

Liberty Utilities, LLC

Pacific Gas and Electric Company

PacifiCorp

San Diego Gas & Electric Company

Southern California Edison Company

(End of Appendix A)

APPENDIX B
Community Choice Aggregator Respondents

Apple Valley Choice Energy
CleanPowerSF
Desert Community Energy
East Bay Community Energy
King City, City of
Lancaster Choice
Clean Power Alliance (aka Los Angeles Community Choice Authority)
Marin Clean Energy
Monterey Bay Community Power
Peninsula Clean Energy
Pico Rivera Innovative Municipal Energy
Pioneer Community Energy
Rancho Mirage Energy Authority
Redwood Coast Energy Authority
Riverside CCA
San Jacinto Power
San Jose, City of
Silicon Valley Clean Energy
Solana Beach, City of
Sonoma Clean Power Authority
Valley Clean Energy

(End of Appendix B)

APPENDIX C
Electric Service Provider Respondents

3 Phases Renewables, Inc.
Agera Energy, LLC
American PowerNet Management, LP
CalPine Energy Solutions, LLC
Calpine PowerAmerica-CA, LLC
Commercial Energy of Montana, Inc. (dba Commercial Energy of California)
Constellation NewEnergy, Inc.
Direct Energy Business
EDF Industrial Power Services (CA), LLC
EnerCal USA, LLC (dba Yep Energy, Y.E.P.)
Gexa Energy California, LLC
Just Energy Solutions, Inc.
Liberty Power Delaware, LLC
Liberty Power Holdings, LLC
Palmco Power CA, LLC
Pilot Power Group, Inc.
Praxair Plainfield, Inc.
Shell Energy North America (US), LP
The Regents of the University of California
Tiger Natural Gas, Inc.

(End of Appendix C)

APPENDIX D
List of California Publicly-Owned Utilities

Alameda Municipal Power
Anaheim, City of
Azusa Light and Water
Banning, City of
Biggs Municipal Utilities
Burbank Water and Power
Cerritos, City of
City and County of San Francisco
Colton Public Utilities
Corona, City of
Eastside Power Authority
Glendale Water and Power
Gridley Electric Utility
Healdsburg, City of
Imperial Irrigation District
Industry, City of
Kirkwood Meadows Public Utility District
Lassen Municipal Utility District
Lodi Electric Utility
Lompoc, City of
Los Angeles Department of Water & Power
Merced Irrigation District
Modesto Irrigation District
Moreno Valley Electric Utility
Needles, City of
Palo Alto, City of
Pasadena Water and Power
Pittsburg, City of (doing business as Island Energy)
Port of Oakland
Port of Stockton
Power and Water Resources Pooling Authority
Rancho Cucamonga Municipal Utility
Redding Electric Utility
Riverside, City of
Roseville Electric
Sacramento Municipal Utility District

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Shasta Lake, City of
Silicon Valley Power (City of Santa Clara)
Trinity Public Utility District
Truckee Donner Public Utilities District
Turlock Irrigation District
Ukiah, City of
Utica Water and Power Authority
Vernon, City of
Victorville Municipal Utilities Services

(End of Appendix D)