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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies	R.06-04-009

NOTICE OF EX PARTE COMMUNICATION

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June 12, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies	R.06-04-009

NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Cogeneration Association of California[1] and the Energy Producers and Users Coalition[2] (jointly CAC/EPUC), submit this notice.

On June 7, 2007, Evelyn Kahl, counsel to CAC/EPUC, Simon Minett, consultant with Delta Energy and Environment, Debbie Chance with Chevron U.S.A., Inc., and Jim Mosher with Aera Energy LLC, met with Michael Peevey, Nancy Ryan and Andrew Schwartz, advisors to President Peevey, Andrew Campbell, advisor to Commissioner Chong and Stephen St. Marie, advisor to Commissioner Bohn. The meeting was held from approximately 1:30 to 2:20 PM at the Commission's office in San Francisco. Immediately following the above meeting there was a meeting with Jaclyn Marks, advisor to Commissioner Simon. The meeting was held from approximately 2:30 to 3:30 PM at the Commission's office in San Francisco.

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[1] CAC represents the power generation, power marketing and cogeneration operation interests of the following entities: Coalinga Cogeneration Company, Mid-Set Cogeneration Company, Kern River Cogeneration Company, Sycamore Cogeneration Company, Sargent Canyon Cogeneration Company, Salinas River Cogeneration Company, Midway Sunset Cogeneration Company and Watson Cogeneration Company.

[2] EPUC is an ad hoc group representing the electric end use and customer generation interests of the following companies: Aera Energy LLC, BP West Coast Products LLC, Chevron U.S.A. Inc., ConocoPhillips Company, ExxonMobil Power and Gas Services Inc., Shell Oil Products US, THUMS Long Beach Company, Occidental Elk Hills, Inc., and Valero Refining Company - California

Dr. Minett explained that CHP presents a unique set of circumstances in constructing a GHG regulatory framework. This results from the fact that CHP sits both on the supply and demand sides of the economy. The thermal production from CHP rests is associated with industrial sector, while the electricity production is associated with the electricity sector. Dr. Minett highlighted the benefits of CHP and discussed measures that could be employed to avoid complexity in the treatment of CHP for GHG purposes.

Dr. Minett explained that CHP capacity already reduces the California emissions tally by 11 MMt of C02 (displacing gas-fired CCGT) or 22MMt of CO2 year (displacing the CA fossil mix). He further explained that, based on the CEC's high CHP deployment case, CHP could bring an additional carbon savings of 8.8 MMt/year. He observed that the potential carbon savings for new CHP compares favourably with estimated 11 MMtCO2e potential for increase in RPS target to 33%.

Dr. Minett also presented initial thinking on treatment of CHP in the state's GHG regulatory framework. Source-based allocation for all sectors with de minimis threshold for generating resources.

- Free allocation of allowances in all sectors
- Allowance ownership by source owner/operator
- Inter-sector trading of allowances
- Separate CHP sector to reflect efficiency benefits of simultaneous production of heat and power
- Allocation to CHP sector using Double Benchmarking
- Compliance Factor 1.0 recognizing CHP as best practice
- CHP sector growth reserve to accommodate CEC assessment of CHP potential

In the event the state moves to an auction for allowances or employs a load-based framework, Dr. Minett explained that other remedies and approaches will be required.

Handouts were provided and are attached to this notice.

To request a copy of this notice, please contact:

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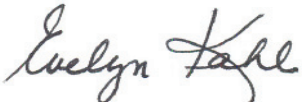
Dated: June 12, 2007

Respectfully submitted,



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CHP in the California GHG Regime

Presentation to CPUC

Dr Simon Minett, Director
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on Behalf of
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The Cogeneration Association of California

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Delta Energy and Environment
Research, Analysis & Strategic Solutions

Introduction

- Delta is working in this proceeding on behalf of EPUC and CAC whose members are major energy users and producers of electricity
  - Represent approximately 3200 MW, or approximately at least 1/3 of California CHP capacity, offering carbon reductions of ~ 7 MMt CO_2e annually today
  - Have the potential for material growth in CHP capacity at California refineries and related operations
- The goal of these efforts is the fair treatment of CHP in California's GHG regulations
- Delta is a European CHP consulting practice whose directors have been at the centre of the development of CHP policy and the EU ETS

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CHP: A CO_2 Reduction Measure

- CHP provides substantial opportunities for GHG reductions; EU identifies CHP as the single largest efficiency measure
- Current CA CHP Capacity is 9.2 GWe
  - CHP capacity already reduces the California emissions tally by 11 MMt of $C0_2$ (displacing gas-fired CCGT) or 22MMt of CO_2 year (displacing the CA fossil mix)

    (Source: Delta Energy and Environment)
- Future potential for CA (2005 CEC CHP Assessment study)
  - Base Case of nearly 2,000 MWe of new CHP by 2020 (2.4 MMt of CO_2 savings per year)
  - High Deployment Case of 7,340 MWe of new CHP by 2020 (8.8 MMt/year)
- New CHP compares favourably with estimated 11 $MMtCO_2e$ potential for increase in RPS target to 33%

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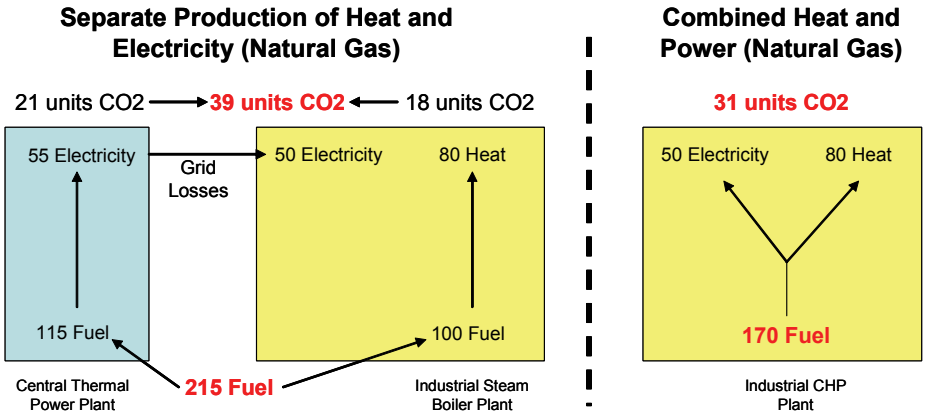
Understanding CHP Emissions



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Key Features of Proposal

- Source-based allocation for all sectors with de minimis threshold for generating resources
- Free allocation of allowances in all sectors
- Allowance ownership by source owner/operator
- Inter-sector trading of allowances
- Separate CHP sector to reflect efficiency benefits of simultaneous production of heat and power
- Allocation to CHP sector using Double Benchmarking
- Compliance Factor 1.0 recognizing CHP as best practice
- CHP sector growth reserve to accommodate CEC assessment of CHP potential

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Impact of Auction on CHP Resources

- Auction as alternative to free allocation presents additional complexity for CHP
  - favours purchase of grid power and separate production of heat over energy efficient CHP
  - creates disincentive to operate existing CHP and develop new CHP
- Remedy for CHP
  - free allocation of portion of allowances for CHP
  - channel auction revenues to CHP investment

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Impact of Load-Based Approach on CHP Resources

- Problems with load-based approach
  - cannot be applied to on-site CHP generation
  - ignores primary energy savings (avoided fuel) associated with CHP
  - LSE ownership of allowances dampens incentive for efficiency investments in existing resources
- Remedy for CHP: Separate CHP sector with Double Benchmarking based on fossil alternatives

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Bottoming-Cycle Facilities

- Bottoming cycle cogeneration:
  - A waste heat recovery boiler recaptures waste heat from a manufacturing heating process
  - Waste heat is then used to produce steam that drives a steam turbine to produce electricity
  - Since fuel is burned first in the production process, no extra fuel is required to produce electricity
  - Essentially “recycled energy”
- Proposed treatment under AB 32
  - Should be exempt from GHG regulations because all emissions will already be accounted for as part of industrial process
  - Regulation would be double-counting

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CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Notice of Ex Parte Communication** in R.06-04-009 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated June 12, 2007 at San Francisco, California.

Karen Terranova

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