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**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 08-08-009  
(Filed August 21, 2008)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON OFFICIAL NOTICE**

This ruling addresses official notice of three items.

**1. CEC IEPR Update**

On March 27, 2009, I proposed taking official notice of California Energy Commission (CEC) 2008 Integrated Energy Policy Report (IEPR) Update (California Energy Commission 2008, *2008 Integrated Energy Policy Report Update*, CEC-100-2008-008-CMF).<sup>1</sup> No party filed an opposition or objection.

**2. KEMA Report**

On August 27, 2009, I proposed taking official notice of the Final Consultant Report prepared by KEMA, Inc., for the California Energy Commission titled "California Feed-In Tariff Design and Policy Options" (CEC-300-2008-009F). The proposed notice was of the material and information contained in the document, but not to the truth of anything stated in the document.<sup>2</sup>

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<sup>1</sup> March 27, 2009 Ruling at 3-4.

<sup>2</sup> August 27, 2009 Ruling at 5.

Comments range from support to opposition. Among those in support, FuelCell Energy, Inc. (FCE) says it strongly supports the proposal to take official notice of the KEMA Report. FCE says the KEMA Report:

“ . . . addresses exactly the same pricing issues that are being discussed in this proceeding. It includes information gained through study of feed-in tariff experience outside California and lessons learned from that experience. The CEC Final Report systematically lays out design issues and policy options, analyzes those options, and summarizes input gathered from a broad array of stakeholders participating in the CEC proceedings. In short, the CEC Final Report provides a factual and analytical foundation that will assist the Commission in the decision-making process.”<sup>3</sup>

The Utility Reform Network (TURN) opposes taking official notice of the KEMA report. TURN says it does not believe it is possible to introduce a technical report simply for the purpose of noting the material and information contained in the Report but not for the truth of the material.

To the contrary, there are still reasonable potential uses. For example, the Commission intends to use the work of its sister agency, the CEC, when and where reasonable. It is possible for a party to cite an assertion in the KEMA Report, perform its own analysis, draw its own conclusions, and make its own recommendations. It is possible for the Commission to do the same, particularly as informed by comments and reply comments made by parties in this proceeding. It is also reasonable for CEC Collaborative Staff to cite to the KEMA Report (just as it might cite to the CEC IEPR Update) when advising the Commission.

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<sup>3</sup> October 19, 2009 Pricing Comments at 26.

TURN suggests that:

“ . . . if the Commission wishes to have the benefit of the information in the KEMA Report, it should take official notice of the contents but allow parties an opportunity to introduce other documents or challenge the contents of the KEMA Report.”<sup>4</sup>

The Commission has done so. Parties were directed to file and serve anything that is material, relevant and necessary for the Commission to fully consider the issues in this matter. That includes introducing documents or addressing matters raised in the KEMA Report to the extent relevant and material here.<sup>5</sup>

If notice is taken of the KEMA Report, two parties suggest taking notice of, or including, parties' comments filed with the CEC on the KEMA Report.<sup>6</sup> These suggestions fail to identify anything material and relevant about the comments filed with CEC which would merit taking notice of, or including, the comments in the Commission's record. For example, AReM's comments on the KEMA Report address two subjects. These subjects are addressed by AReM and other parties in comments and reply comments filed with the Commission here.<sup>7</sup> There is no need to provide for repetition of those comments by taking official notice of parties' comments at the CEC.

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<sup>4</sup> October 19, 2009 Pricing Comments at 9.

<sup>5</sup> August 27, 2009 Ruling at 6, and Ordering Paragraph 2 at 8.

<sup>6</sup> San Diego Gas and Electric Company October 19, 2009 Pricing Comments at 19; Alliance for Retail Energy Markets (AReM) October 19, 2009 Pricing Comments at 6.

<sup>7</sup> AReM's comments address (a) whether or not costs associated with expansion of the feed-in tariff (FIT) program should be borne by bundled customers and (b) whether or not the Commission needs to increase the size of allowable FIT projects.

### 3. CEC Energy Almanac

Official notice is proposed of the page included in Attachment A, and the information therein under "Overview" (but not the data in the links under "Data, Facts, & Stats..."). This page is from the CEC web site under "Energy Almanac, California Power Plants, Overview." In particular, notice is proposed of the following sentence in the first paragraph: "The installed capacity of the 980 in-state power plants (greater than 0.1 megawatts-MW) totals 67,545.51 MW."

Parties may file comments and reply comments as provided below. The filing of a comment will result in official notice not being taken pending a subsequent ruling on the matter. Absent a filed comment, official notice is taken one day after the date comments are due.

**IT IS RULED** that:

1. Official notice is taken of:

- a. California Energy Commission (CEC) 2008 Integrated Energy Policy Report Update (California Energy Commission 2008, 2008 *Integrated Energy Policy Report Update*, CEC-100-2008-008-CMF).
- b. Final Consultant Report prepared by KEMA, Inc., for the California Energy Commission titled "California Feed-In Tariff Design and Policy Options." (CEC-300-2008-009F.) Notice is of the material and information contained in the document, but not to the truth of anything stated in the document.

2. Official notice is proposed of the page in Attachment A, and the information therein under "Overview" (but not the data in the links under "Data, Facts, & Stats . . ."). Parties may file and serve comments and reply comments. Comments shall be filed within three days of the date of this ruling. Reply comments shall be filed and served within two days of the date comments are filed. If no comment is filed, official notice is taken of the item in Attachment A,

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and the information therein under “Overview” (but not under “Data, Facts, & Stats . . .”) effective one day after the day comments are due.

Dated July 15, 2010, at San Francisco, California.

/s/ BURTON W. MATTSON  
Burton W. Mattson  
Administrative Law Judge

**ATTACHMENT A**

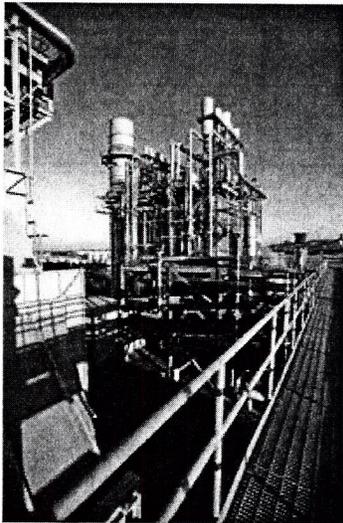
**CALIFORNIA ENERGY COMMISSION  
ENERGY ALMANAC  
CALIFORNIA POWER PLANTS  
OVERVIEW**

# Energy ALMANAC

The California ENERGY COMMISSION

## California Power Plants

### Overview



California produces roughly 70 percent of its electricity from power plants located within our state and from plants that are outside of the state but owned by California utilities. The installed capacity of the 980 in-state power plants (greater than 0.1 megawatts - MW) totals 67,545.51 MW. These plants produced 209,856 gigawatt-hours of electricity in 2007.

The California Energy Commission has the statutory responsibility for licensing thermal power plants 50 megawatts and larger and the plants related facilities such as transmission lines, fuel supply lines, water pipelines, etc. The Energy Commission's 12-month, one-stop permitting process is a certified regulatory program under the California Environmental Quality Act (CEQA) and includes many opportunities for public participation. The Energy Commission's license/certification subsumes all requirements of state, local, or regional agencies otherwise required before a new plant is constructed. The Energy Commission coordinates its review of the facility with the federal agencies that will be issuing permits to ensure that the Energy Commission certification incorporates conditions of certification that would be required by various federal agencies.

From 1978 to 1998 before California's electricity generation industry was restructured, the Energy Commission analyzed and approved 47 projects totaling 5,589 MW. More recently, in the early 1990s the Energy Commission certified 14 power plants. Of the 14 plants, 10 were approved and eight were constructed totaling 995 MW. No power plant applications were filed with the Energy Commission

between August 1994 and May 1997 because there was so much uncertainty during the pending restructuring of the electricity industry.

Electricity deregulation began on March 31, 1998. During the ten years from 1998 through March 31, 2008, 66 electric generation projects, totaling 25,789 MW, were reviewed and licensed by the Energy Commission. Thirty-nine of these licensed facilities have been built and are on-line producing 13,180 MW.

Photo Credit: Delta Energy Center (98-AFC-03) courtesy Calpine.

### DATA, FACTS, & STATS...

#### Power Plants General

- » Database of California Power Plants  
(Excel Spreadsheet of plants greater than 0.1 megawatt. Updated: 9/2009)
- » Distributed Energy Resources Guide (Distributed Generation)
- » Projects Under Review By Energy Commission
- » Solar Power Plant Projects
- » Status of All Power Plant Projects 1996-Present
- » eGRID (U.S. EPA Emissions and Generation Resource Integrated Database)

#### Supply & Demand

- » [California ISO - Current System Outlook](#)
- » [Energy Commission Staff Forecasts](#)
- » [2008 Summer Peak Demand](#)
- » [Historic Statewide Peak Demand](#)

#### Infrastructure

- » [California Utility Ownership in Out-Of-State Coal Power Plants](#)
- » [Database of California Power Plants](#)  
(Excel Spreadsheet of plants greater than

#### Maps

- » [Map of Power Plant Locations](#)
- » [Map of Major Transmission Lines in California](#)
- » [Map of Biomass Power Plants in California \(PDF File\)](#)
- » [Map of Landfill Gas Power Plants in California \(PDF File\)](#)
- » [Map of Geothermal Resource Areas in California](#)
- » [Map of Geothermal Power Plants in California \(PDF File\)](#)
- » [Map of Hydro Power Plants in California \(PDF File\)](#)
- » [Map of Utility Scale \(>0.1 MW\)](#)

<p><b>Generation/Production</b></p> <ul style="list-style-type: none"> <li>» <a href="#">Electricity Generation/Production Stats</a></li> <li>» <a href="#">Total System Power</a></li> </ul>	<p>0.1 megawatt. Updated: 9/2009)</p> <ul style="list-style-type: none"> <li>» <a href="#">Retired and Mothballed California Power Plants (2002-2006)</a></li> <li>» <a href="#">List of Inactive/Retired Power Plants (1915-2004)</a></li> <li>» <a href="#">Map of Transmission Lines</a></li> <li>» <a href="#">Proposed Generation Within the Western Electricity Coordinating Council</a></li> <li>» <a href="#">General History of Electrical Transmission In California--&gt;</a></li> </ul>	<ul style="list-style-type: none"> <li>» <a href="#">Solar Power Plants in California (PDF File)</a></li> <li>» <a href="#">Map of Solar Communities in California</a></li> <li>» <a href="#">Map of Wind Farms in California (PDF File)</a></li> </ul>

