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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)

**ASSIGNED COMMISSIONER'S RULING WITH
FINAL DOCUMENT ADDRESSING PROCESS ISSUES
RELATIVE TO RPS COMPLIANCE REPORTS**

Load serving entities must periodically file compliance reports showing electricity procured pursuant to the Renewables Portfolio Standard (RPS) Program along with progress toward meeting RPS procurement targets.¹ In 2008, additional guidance on process issues relative to these reports appeared desirable in order to meet (but not be limited to) the following goals:

- Provide a reasonably efficient, simple, clear and transparent process for: (a) the filing and service of these reports; (b) party and Commission consideration of these reports; and (c) assessment of other administrative details; and
- Provide the opportunity for a uniform understanding of the process among all stakeholders and the Commission consistent with the provision of due process.

To advance these goals, on August 26, 2008, a draft document titled "Administrative Process and Guidelines for Consideration of RPS Compliance

¹ Decision (D.) 06-10-050, Ordering Paragraphs (OPs) 1, 2, and 3.

Reports” was distributed for comment. On September 16, 2008, comments were filed by Southern California Edison Company and San Diego Gas & Electric Company. On September 23, 2008, reply comments were filed by Pacific Gas and Electric Company and the Alliance for Retail Energy Markets.

The final document is attached. (See Attachment A.) The document provides additional explanation of the intended process and treatment of both routine and verified compliance reports. It also addresses process issues when enforcement may become an issue. Comments which merit additional discussion are addressed in a separate attachment. (See Attachment B.)

In summary, the key elements are:

- No Commission action will normally occur regarding routine compliance reports.
- Commission action may be taken, as necessary, on verified compliance reports (i.e., those based on data verified by the California Energy Commission).

This final document will guide future administrative process. Further changes to administrative process may be made by the Administrative Law Judge, Executive Director, or assigned Commissioner, as necessary and appropriate, consistent with reasonable delegation by the Commission.²

IT IS RULED that the attached documents entitled “Administrative Process and Guidelines for Consideration of RPS Compliance Reports” (see Attachment A) and “Parties’ Comments on Draft Document” (see Attachment B) are adopted and shall guide Commission and stakeholder process and treatment of both routine and verified renewables portfolio standard compliance reports.

² For example, see D.06-10-050, OP 4.

R.08-08-009 MP1/BWM/jt2

Changes may be made by the Administrative Law Judge, Executive Director or assigned Commissioner consistent with Commission procedures and orders.

Dated November 20, 2008, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey
Commissioner

ATTACHMENT A

**ADMINISTRATIVE PROCESS AND GUIDELINES FOR
CONSIDERATION OF RPS COMPLIANCE REPORTS**

(November 20, 2008)

ADMINISTRATIVE PROCESS AND GUIDELINES FOR CONSIDERATION OF RPS COMPLIANCE REPORTS

(November 20, 2008)

Two types of renewables portfolio standard (RPS) compliance reports are filed by each load serving entity (LSE) subject to the RPS Program. These are:

- compliance reports, and
- verified compliance reports.

As these terms are used here, routine compliance reports are reports filed periodically by an LSE using self-reported RPS data. Verified compliance reports are reports filed by an LSE using RPS data verified by the California Energy Commission (CEC).

This paper addresses administrative details regarding the filing and service of these two types of compliance reports. It states guidelines for party and Commission review of these reports. It also addresses aspects of Commission process when a penalty may be due and payable.

The filing and review of these reports is expected to continue indefinitely, unless and until the RPS Program is substantially modified or replaced. As a result, the procedures described in this paper are designed as ongoing protocol. The goals of these procedures include, but are not limited to, providing:

- a reasonably efficient, simple, clear and transparent process for:
(a) the filing and service of these reports; (b) party and Commission consideration of these reports; and (c) assessment of other administrative details; and
- the opportunity for a uniform understanding of the process among all stakeholders and the Commission consistent with the provision of due process.

I. ROUTINE COMPLIANCE REPORTS

Routine compliance reports are filed twice each year.¹ In addition, there is one optional update, with other updates as needed. These reports are primarily for information only.

A. Filed and Served on:

- March 1
- August 1
- Optional Update(s):
 - if necessary the March report may be amended or supplemented by May 1 of the same year, and
 - other updates must be provided, as necessary, to keep the Commission reasonably informed.

B. Filed with ED and Served: Each routine compliance report is filed with Energy Division (ED). Filing is made by mailing a paper copy to: Energy Division Director, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102. In addition, an electronic copy should either be sent by e-mail to an address provided by ED or included on a compact disk and mailed with the report. The report must also be served on the service list for Rulemaking (R.) 08-08-009 or its successor proceeding. Service on the service list may be by e-mail, with a paper copy of the report or a notice of availability served on any party without an e-mail address, along with a paper copy served on the Administrative Law Judge (ALJ). If no successor proceeding exists, service is to be made as directed by ED. The report is not filed with Docket Office, unless ordered otherwise by the ALJ or Commission.²

C. Penalty Calculation: Each report must calculate the penalty related to a reported deficit, if any. It may also state any reason(s) that the penalty is

¹ Decision (D.) 05-07-039, Ordering Paragraph (OP) 17; D.06-10-050, p. 44-46

² D.06-10-050, OP 5.

asserted not to be due and payable at that time but is claimed to be either deferred or waived (e.g., use of flexible compliance provisions).³

- D. **Comments:** There is no predetermined comment cycle, but parties may communicate with the Commission, including ED, when and as necessary. ED may solicit comments if desirable. If there is an open proceeding, the ALJ may ask for comments, as necessary or appropriate.
- E. **Commission Action:** These reports are largely informational. Whether or not a penalty is stated, no formal Commission action is normally expected or required with respect to routine compliance reports.

II. VERIFIED COMPLIANCE REPORTS

The CEC periodically verifies RPS procurement, and adopts an RPS Procurement Verification Report.⁴

- A. **Filed and Served:** Within 30 days after the CEC adopts an RPS Procurement Verification Report,⁵ each RPS-obligated LSE must file and serve a compliance report.⁶
- B. **Filed with ED and Served:** Each verified compliance report is filed with ED and served on the service list for R.08-08-009 or its successor proceeding. If no successor proceeding exists, service is to be made as directed by ED. The report is not filed with Docket Office, unless ordered otherwise by the ALJ or Commission. (For additional details, see “Filed with ED and Served” in Section I.B above.)
- C. **Penalty Calculation:** Each report must calculate the penalty related to a reported deficit, if any. It may also state any reason(s) that the penalty is

³ D.03-06-071, pp 51-53; D.03-12-065, Attachment A; D.06-10-050, pp. 36-38.

⁴ Pub. Util. Code § 399.13(b); D.06-10-050, p. 46; CEC Final Report dated August 2007, CEC-300-2007-001-CMF.

⁵ For the purpose of calculating the 30 days, the date the CEC adopts an RPS Procurement Verification Report is the date the CEC issues its Notice of Availability (NOA) of that report.

⁶ D.06-10-050, Order Paragraph (OP) 3.

asserted not to be due and payable at that time but is claimed to be either deferred or waived (e.g., use of flexible compliance provisions).

D. Comments and Motions: A verified compliance report is subject to comments and motions for hearing.⁷ The following schedule was adopted for the CEC RPS Procurement Verification Report for 2004 and 2005. It will be used for future reports, unless and until changed.⁸ As necessary, the ALJ will administer the process if a formal docket is open, while ED will administer the process if no formal docket is open. The verified compliance report filed by an LSE shall state the intervals and/or dates for the filing of comments, replies, motions and responses to motions from the schedule shown below, unless directed otherwise by the ALJ or ED.⁹ The schedule is:

ITEM	FROM CEC NOA		FOR CPUC 90 DAYS	
	Inc	Total	Inc	Total
CEC NOA of Verification Report	0	0		
LSE files Verified Compliance Report	+ 30	30	0	
Comments	+ 21	51	+ 21	21
Reply Comments	+ 7	58	+ 7	28
Motions for evidentiary hearing	+ 5	63	+ 5	33
Responses to Motions	+ 5	68	+ 5	38
Commission Action	+ 52	120	+ 52	90

E. Commission Action: Commission action may be taken on verified compliance reports, as discussed more below.

⁷ See ALJ Ruling dated March 12, 2007 in R.06-05-027.

⁸ *Id.* The schedule was originally adopted with respect to utilities whose procurement was then subject to the CEC Verification Report. It is adopted here to apply with respect to any LSE whose RPS procurement is the subject of a CEC RPS Verification Report.

⁹ These intervals or dates may be stated, for example, in a cover letter or one of the opening paragraphs of the report.

III. GUIDELINES FOR COMMISSION REVIEW, PROCESS AND POSSIBLE ACTION

The Commission will normally take action on a compliance report within 90 days.¹⁰ The action may depend upon considerations such as, but not limited to: whether the report is routine or verified, a penalty is or is not reported, parties comment (e.g., on the report, penalty, lack of a penalty, reasons for deferral or waiver of penalty), Commission staff agrees or disagrees (i.e., with the report, penalty, lack of penalty, reasons for deferral or waiver of penalty), the ALJ or assigned Commissioner (if any are assigned¹¹) believe that the reasons stated for deferral or waiver of a penalty require further examination, or the LSE asks for Commission action.

Commission action will depend upon the circumstances. For example, Commission action on an undisputed report may be a letter from the Energy Division Director. Commission action on a disputed report with penalty due that was subject to evidentiary hearing may be a formal Commission decision.

A. Routine Compliance Report: Whether or not a penalty is identified, no action would normally be expected or necessary with respect to a routine compliance report. This report is largely informational. This report uses LSE-reported data and the data may be revised, or updated in subsequent reports, as better information becomes available. The report would not normally be considered final before the report is first submitted using data verified by the CEC. The 90 days for Commission action does not prevent the Commission from acting after 90 days, if necessary or appropriate. The Commission, including Commission staff, has ongoing authority to request additional information, as necessary. Commission action, if any, would likely be at the Division level (e.g., data request or letter from ED staff or Director). A letter from the ED Director may, for example, recognize the report, its accuracy and the payment of a penalty. ED should make a reasonable effort to assess each filed compliance report (e.g., completeness, accuracy) and notify each LSE whose report

¹⁰ D.03-12-065, Attachment A, p. 52. The 90 days is a statement of Commission intent. It does not bind a future Commission to act within that time or forfeit jurisdiction to act.

¹¹ There will be an assigned ALJ and Commissioner when a formal proceeding is open (e.g., R.08-08-009). A formal proceeding, however, may or may not always be open.

demonstrates a deficiency (e.g., failure to reach RPS annual procurement targets and no plan to meet targets via permitted earmarking or other mechanism). This may be by letter or other means. Failure by ED to serve a letter or notify an LSE of a deficiency does not, however, relieve the LSE of any responsibility under the RPS Program.

B. Report Using CEC-Verified Data: Commission action may depend upon whether or not a penalty is reported, as discussed in the two sections below. It may also depend upon whether the LSE requests Commission action. Finally, Commission action, if any, on the results regarding any one particular reporting year may extend over four or more years, as described below.

i. No Penalty Reported

a. No action: No Commission action is necessary if:

- (1) no party files a pleading in opposition to the report or statement that no penalty is due,
- (2) Commission staff does not disagree with the LSE regarding the report and the statement that no penalty is due,
- (3) neither the ALJ nor assigned Commissioner, if any, identify a concern, and
- (4) the LSE does not request a finding by the Commission. This does not foreclose the possibility of action including, for example, a letter from the ED Director recognizing the report and its accuracy.

b. Commission action may be necessary if:

- (1) The above applies (i.e., neither a party, staff, ALJ nor Commissioner reasonably identify a material concern) but the LSE requests a Commission finding to affirm there is no penalty.¹² The request should be made by letter or motion

¹² A request does not compel the Commission to act, but the Commission will respond to the extent feasible and reasonable.

filed concurrently with the compliance report.¹³ Absent compelling reasons otherwise, the response to a request made by letter will usually be by letter from the ED Director. Absent compelling reason otherwise, the response to a motion will usually be by ALJ Ruling. In each case, the Commission action will be within 90 days to the extent feasible.

- (2) A party files a pleading that reasonably asserts material concerns (i.e., regarding the report or lack of penalty), Commission staff reasonably asserts material concerns (e.g., disagrees with the LSE's report or that no penalty is due), or the ALJ or assigned Commissioner identify a concern. The action will be within 90 days to the extent feasible. The range of possible actions is discussed more below, and depends upon the circumstances (e.g., whether or not an evidentiary hearing is held).

ii. Penalty Reported

- a. No Action: No Commission action is necessary if the LSE pays the penalty and there is no disagreement with the amount and payment (e.g., neither any party nor Commission staff dispute the penalty, and no material concern is identified by the ALJ or assigned Commissioner). This does not foreclose the possibility of Commission action including, for example, a letter from the Energy Division Director recognizing the report, its accuracy and the payment of the penalty.
- b. Commission action may be necessary if:
 - (1) The above applies (i.e., neither a party nor staff reasonably assert a material concern) but the LSE requests a Commission finding to affirm the penalty amount and payment. The

¹³ The request should be by letter concurrently filed with ED if the compliance report is filed with ED. The request should be by motion concurrently filed with Docket Office if the compliance report is filed with Docket Office. For good cause, the letter or motion may be filed late. Absent good cause, a late letter or motion will likely not be acted upon.

request should be made by letter or motion filed concurrently with the compliance report.

- (2) LSE does not pay penalty but a penalty may be due (e.g., based on (i) a statement in the report that a penalty may be due but the LSE-stated reasons for deferral or waiver are not compelling, (ii) a pleading filed by a party which identifies a credible concern regarding a question of fact or law, or (iii) similar concern identified by Commission staff, ALJ or assigned Commissioner).
- (3) LSE pays penalty but a different penalty may be due (e.g., based on a party filing a credible pleading raising a question of fact or law, or similar concern identified by Commission staff, ALJ or assigned Commissioner).

C. Commission Action

- i. Commission action will be appropriate with the circumstances presented. The action may include, but is not limited to: a letter from the Energy Division Director, a letter from the Executive Director, a ruling by the ALJ, a ruling by the assigned Commissioner, an Order to Show Cause, a formal Commission resolution or a formal Commission decision. The response will depend upon relevant factors such as, but not limited to, whether the issues are presented by formally filed pleadings, an evidentiary hearing is held, the amount of the penalty (either relatively small or large), or the resolution of presented issues will establish guidance for the RPS Program or set precedent.
- ii. The Commission may enforce a penalty using any process open to the Commission.

D. Timing of Commission Action

Commission action (whether at the Division, ALJ, assigned Commissioner, or Commission level) on each routine or verified report relative to an RPS reporting year may occur over several years. For example, a particular report may rely on the flexible compliance provision that permits the

deferral of inadequate procurement in one year for up to three years.¹⁴ In such case, final determination may not be possible for several years.¹⁵

For instance, a verified compliance report submitted by an LSE in 2008 for procurement in CY 2006 might show a deficit in CY 2006 procurement relative to the annual procurement target. The LSE might cite the flexible compliance provision allowing deficit deferral for three years, thereby deferring a possible penalty until future experience affirms, changes or eliminates the penalty. In this case, the CY 2006 verified report must be updated in subsequent years until actual, verified deliveries occur to fill the procurement requirement in CY 2006 without deficit. If actual, verified procurement does not occur within the allotted time (e.g., three years, or by end of CY 2009) to completely eliminate the CY 2006 deficit, then an actual, final CY 2006 deficit may be determined to have occurred in CY 2006 and a penalty may be applicable. Determination of the actual CY 2006 deficit, however, may in some cases not be possible until all deliveries are made in CY 2009. If the CEC completes its CY 2009 Verification Report in 2010, and if the LSE submits its verified compliance report in 2010 showing use of CY 2009 deliveries to fill an otherwise unfilled procurement target from CY 2006, it may not be possible to make a determination of the CY 2006 deficit and penalty until 2010, or after. Even then, other compelling reasons (e.g., insufficient transmission) may or may not result in a penalty being due.

The above example addresses final Commission determination. Before the final determination, however, a party or staff might reasonably identify a credible concern with a report on CY 2006 results during, but before the end, of the three year deferral. Depending upon the circumstances, this

¹⁴ Pub. Util. Code § 399.14(a)(2)(C). This is also sometimes referred to as maintaining a procurement deficit for up to three years following the year in which the deficit is incurred. It may involve earmarking deliveries from a future contract. Actual deliveries must later be verified to determine compliance. (See D.06-10-050, Attachment A, "Rules for Reporting and Determining Compliance with RPS Procurement Targets," p. 8.)

¹⁵ Final determination of calendar year (CY) 2006 procurement results may, in some cases, not be possible before 2010, for example. (See D.06-10-050, Attachment B, p. 2.)

may or may not require Commission action (e.g., directions from the Energy Division Director, hearing, formal decision by the Commission).

Thus, this example shows that Commission action on any particular report, or any particular calendar year result, may occur over several years. Final action may not be possible on the results for any one particular calendar year until availability of the final CEC Verification Report for a particular calendar year, along with three subsequent years.

IV. Final Compliance Determination

This paper describes the process for filing both routine and verified RPS compliance reports. It states practice for filing and service, procedures for comments and motions by parties, and general guidelines for Commission review. The procedures and protocol described herein, absent subsequent change, are expected to continue over the duration of the RPS Program.

(END OF ATTACHMENT A)

ATTACHMENT B
PARTIES' COMMENTS ON DRAFT DOCUMENT

On August 26, 2008, a draft document titled "Administrative Process and Guidelines for Consideration of RPS Compliance Reports" was distributed for comment. Comments were filed on September 16, 2008, and reply comments on September 23, 2008. Additional guidance is provided here regarding some comments.

1. Commission Review of Reports

Southern California Edison Company (SCE) makes the following request:

The Commission should ensure that routine compliance reports are following the reporting rules, and that the reports are accurate and complete. To the extent information in a routine compliance report is missing or inaccurate, the Commission should request that the load-serving entity ("LSE") submit a corrected version as soon as the Commission determines that a particular report is deficient. (Comments, pp. 1-2.)

SCE describes existing Energy Division (ED) practice, which includes both oral and written contact with an LSE, as necessary. Assuming staff resources permit, this practice should continue. In addition, LSEs are encouraged to ask questions, discuss report contents, and resolve issues with ED staff before reports are filed. This will promote reports being as accurate and complete as possible when filed.

In some instances, a revised compliance report may be necessary. This might be based on notification by ED, or identification by the LSE itself, of a deficiency (e.g., inaccurate or incomplete data). When this occurs, an opening

paragraph of the revised report (or a cover letter) should state how the revised report differs from the original report. The revised report should be clearly marked “revised,” and dated the date that it is filed with ED, so that the revised report is easily distinguishable from the original report. ED should modify the standard reporting form, format and instructions, as necessary, to make clear how reports and revised reports may be reasonably distinguished from each other. Existing ED practice to review RPS compliance reports (e.g., for accuracy, completeness) should continue, but failure of ED to contact an LSE when a report is deficient does not relieve an LSE of any duty or responsibility under the RPS Program.

2. Meet and Confer

SCE requests:

If and when the Commission takes action following verification by the California Energy Commission (“CEC”), the Commission should allow thirty days following the comment period for a ‘meet and confer’ with the relevant LSE to discuss the comments before motions for evidentiary hearings. (Comments, p. 2.)

SCE states that this additional 30 days will provide an opportunity for the LSE to resolve issues with the Commission and address Commission concerns prior to motions for hearing and Commission action. According to SCE, this may reduce administrative burdens on all entities, and may eliminate unnecessary evidentiary hearings. Pacific Gas and Electric Company (PG&E) and the Alliance for Retail Energy Markets (AReM) agree.

Parties are right that a meet and confer session may be useful. It is premature, however, to fix or require such a session. There may soon be approximately 23 LSEs filing reports using CEC-verified data. It is unreasonable

to adopt a requirement for 23 meetings, particularly without more information on the need and details.

For example, if a session is appropriate, the meeting should not necessarily be limited to the Commission staff. It may be efficient and reasonable to invite each party with an interest in the matter (e.g., whether or not an LSE is, or should be, subject to a penalty). Further, the amount of time needed for the meeting may depend upon the issues.

Thus, a meet and confer session should be scheduled if and when necessary, but not as a fixed requirement of the schedule. If additional time is necessary, parties may request that ED or the Administrative Law Judge (ALJ) (if one is assigned) defer the dates for motions and responses. Alternatively, parties may suggest a meeting after motions are filed (but before a ruling), or before a hearing. The filing of motions or preparing for hearings may help identify and narrow issues so that the need for a meet and confer session can be clearly identified, and the meeting can be as productive as possible. LSEs, parties and ED staff should be flexible as this program continues to unfold in order to recommend and employ the most efficient procedures appropriate at any particular time. ED or the ALJ should accommodate reasonable requests.

3. Equal Application of Process

SCE requests:

The Report Review Process and evaluation should be applied equally to all reporting LSEs, as required by California law. (Comments, p. 2.)

In support, SCE says the law requires that all LSEs be subject to the same requirements with respect to the RPS Program. SCE concludes: "Therefore, the Commission should specify that the Report Review Process will be applied

equally to all LSEs and evaluate all LSEs' reports in the same manner."

(Comments, p. 5.)

The Commission applies the review and evaluation process equally. No change in the document is necessary.

SCE continues, noting that all LSEs are required to file an RPS compliance worksheet, but only investor-owned utilities (IOUs) are required to submit a project status and development worksheet. SCE asks that all LSEs provide the same level of detail (e.g., either all energy service providers (ESPs) provide the full amount of detail that IOUs must provide, or the IOUs not be required to provide as much information). PG&E agrees. AReM opposes any change which would require that ESPs routinely provide more information than is required now.

No change in either the reporting requirements or Commission practice is necessary. The level of regulation applied by the Commission necessarily differs between LSEs, and is consistent with the Commission's regulatory authority, responsibilities and duties. (See, for example, Decision (D.) 06-05-039, D.06-10-019 and D.08-05-029.)

For example, the Commission reviews an IOU's RPS Procurement Plan; accepts, rejects or modifies the Plan; and accepts or rejects proposed contracts based on consistency with the Plan. (Pub. Util. Code § 399.14.) This is compatible with the Commission's responsibility to set just and reasonable rates for each IOU. In contrast, the Commission does not review an ESP's Procurement Plan, does not review ESP proposed RPS contracts, and is not responsible for determining just and reasonable rates for an ESP. (D.06-10-019.)

Different data requirements result from these differences in regulatory duties. Ongoing project status and development worksheets allow the

Commission to track contracts as part of the Commission's contract evaluation and approval process for IOUs. The Commission does not have the same responsibilities relative to ESP RPS contracts. Nonetheless, ESPs must provide data upon request of ED. The ongoing need for this information from IOUs supports the treatment undertaken by the Commission but does not justify an ongoing filing of the same data by ESPs.

4. CEC Verified Data

San Diego Gas & Electric Company (SDG&E) recommends that the document include a provision addressing the situation where errors in the CEC's RPS Verification Report are not remedied within 30 days of adoption of such Verification Report. Specifically, SDG&E recommends that the LSE be permitted to include data the LSE determines to be accurate, with an explanation noting where the data differ from that contained in the CEC's Verification Report. SDG&E says the LSE should state the efforts undertaken by the LSE with CEC to correct the information in the CEC Verification Report. SDG&E asserts that this mechanism is required in order to permit an LSE to verify that the information contained in its compliance report is accurate even when the information contained in the CEC's Verification Report is erroneous. AReM agrees.

SDG&E's recommendation is not adopted. The Commission's requirement is that each LSE file a verified compliance report using CEC-verified data. LSE disputes over the data must be addressed by appeal to the CEC. An appeal to the CEC does not vacate the requirement to file a report with the Commission using CEC-verified data. This does not leave the LSE without remedy.

One remedy is to file a motion with the Commission. That is, the LSE may file a motion seeking a delay in the date the verified compliance report is filed with the Commission (e.g., pending resolution of the appeal at the CEC).

Another remedy is for the LSE to file a second verified report with the Commission. That is, with each reporting cycle each LSE must provide all the data it reasonably believes necessary to explain its situation and present a clear picture to the Commission. While the LSE must always file a report using CEC-verified data, it may also file a second verified report using what it believes to be correct data. (See D.06-10-050, pp. 49-50 and Ordering Paragraph 3; also March 12, 2007 Ruling in R.06-05-027 at pp. 4-5.) The LSE may not, however, file just one report using only its own data.

Verification (under penalty of perjury) is a separate requirement from that of filing a report using CEC-verified data. Verification (under penalty of perjury) of the report with CEC-verified data is to the accurate and correct use of CEC-verified data within the report, not necessarily that the LSE agrees to the accuracy of the CEC's verified data. The LSE's verification may clearly state this, if and as necessary.

(End of Attachment B)

