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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Address Utility Cost and Revenue Issues Associated with Greenhouse Gas Emissions.	R. 11-03-012
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**PREHEARING CONFERENCE STATEMENT OF
NOBLE AMERICAS ENERGY SOLUTIONS LLC**

Noble Americas Energy Solutions LLC (“Noble Solutions”) is a California Electric Service Provider (“ESP”) as defined in California Public Utilities Code § 218.3, and has been serving electric customers in California since 1998.¹ Noble Solutions is participating in this proceeding to insure that the scheme for allocating Greenhouse Gas (“GHG”) emissions allowance auction revenues properly inures to the benefit of all California retail electric customers, including customers served by ESPs.

¹ Noble Solutions is the new name for Sempra Energy Solutions LLC.

It is encouraging that the instant Rulemaking order quotes from the California Air Resources Board (“CARB”) resolution adopted on December 16, 2010, which directs its staff to

work with the California Public Utilities Commission (CPUC) ... to ensure that the proposed allowance value directed to the electric distribution utilities is used for the benefit of residential, commercial, and industrial ratepayers that might otherwise face indirect costs from the implementation of this regulation... [Rulemaking at 9-10]

Toward that end, the regulations proposed by CARB staff concerning the disposition of GHG emissions allowance auction revenues, while acknowledging the jurisdiction of this Commission, offers explicit guidance for the application of these revenues:

- (3) Auction proceeds obtained by an electrical distribution utility shall be used exclusively for the benefit of retail ratepayers of each electrical distribution utility, consistent with the goals of AB 32, and may not be used for the benefit of entities or persons other than such ratepayers.
 - (A) **Investor owned utilities shall ensure equal treatment of their own customers and customers of electricity service providers** and community choice aggregators.
 - (B) To the extent that an electrical distribution utility uses auction proceeds to provide ratepayer rebates, it shall provide such rebates with regard to the fixed portion of ratepayers’ bills or as a separate fixed credit or rebate.
 - (C) To the extent that an electrical distribution utility uses auction proceeds to provide ratepayer rebates, these rebates shall not be based solely on the quantity of electricity delivered to ratepayers from any period after

January 1, 2012. [Proposed § 95892 (d)(3); **emphasis added.**]

Noble Solutions urges the Commission to apply this guidance in designing its scheme for recognizing GHG emissions allowance auction revenues.

Noble Solutions may comment upon other matters within the scope of this rulemaking in future pleadings, but for the purposes of this PHC Statement, Noble Solutions urges the Commission to insure that all retail customers, regardless of whether they are served by an investor-owned utility (“IOU”) or by an ESP, receive the benefit of GHG emissions allowance auction revenues in an equitable and appropriate manner.

Respectfully submitted,

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April 21, 2011

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CERTIFICATE OF SERVICE

I hereby certify that I have duly served a copy of “PREHEARING CONFERENCE STATEMENT OF NOBLE AMERICAS ENERGY SOLUTIONS LLC,” dated April 21, 2011, in compliance with the Commission’s Rules of Practice and Procedure. Parties on the Service List have been served by e-mail, if an e-mail address has been provided, or by first class mail, if none provided. The assigned Commissioner and Administrative Law Judge have been served by first class mail. A copy of the service list is attached.

Signed this 21st day of April, 2011 at San Diego, California.



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