



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

11-12-10

04:59 PM

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues	Rulemaking 10-05-004 (Filed May 6, 2010)
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OPENING COMMENTS OF ETAGEN, INC. REGARDING THE STAFF
PROPOSAL FOR THE SELF-GENERATION INCENTIVE PROGRAM

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November 9, 2010

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I. INTRODUCTION

EtaGen, Inc. (“EtaGen”) appreciates the opportunity to provide reply comments on the CPUC Staff Proposal issued on September 30, 2010 for the Self-Generation Incentive Program (SGIP). In addition to the SGIP modifications discussed in the Proposal and the Staff workshop held on November 1, 2010, EtaGen respectfully recommends that the Staff consider the following:

- A. Inclusion of an approval process that enables “products” not currently eligible for SGIP incentives due to their “technology” classification to become approved if the product meets the GHG emissions and financial criteria of another technology that is eligible for approval.
- B. Inclusion of a review process that requires a technology provider to provide documentation showing that their product has the potential to be self-sufficient in 5 years from the time of their first SGIP project.
- C. Modification of the “need for financial incentive” criteria such that it is technology- or industry-specific instead of the proposed blanket IRR criteria of 15%.
- D. Modification of the incentive structure such that it is scaled based on the maturity of a product.

- E. Modification of the incentive structure such that it avoids over-incentivizing technologies to the point that they become more financially attractive than self-sustaining, non-incentivized technologies with the same or better impact on net GHG emissions reductions.

II. DISCUSSION

- A. Inclusion of an approval process that enables “products” not currently eligible for SGIP incentives due to their “technology” classification to become approved if the product meets the GHG emissions and financial criteria of another technology that is eligible for approval.**

If two natural gas fueled electricity producing products with different technology classifications both meet CARB emissions standards, then the amount GHGs emitted by each technology is closely approximated by their electrical conversion efficiency (“efficiency”). Therefore, one product should not be automatically disqualified for SGIP incentives because of its technology classification. For example, if a natural-gas fired IC engine meets CARB emissions standards and has a high enough efficiency such that it reduces net GHG emissions over its expected 10 year operational life ($> 50.1\%$), then it should be considered under the same GHG reductions criteria as other technologies, such as fuel cells. If this same engine meets the other two criteria for incentives—cost effectiveness and need for financial incentive—then it should be eligible for SGIP incentives.

Figure 1 shows a plot of the net GHG emissions reduction for a generic natural gas fueled electricity production technology. The model is based on the GHG Analysis Workbook provided by the Staff, and is technology neutral—i.e., the technology could be a fuel cell, micro-turbine, or IC engine. The model implements the same assumptions and calculations as the Workbook. The figure shows that for technologies to be GHG emission reducing, they must have efficiencies greater than 50.1%. The Staff proposes that non-renewable electric-only fuel cells be eligible on a “per product basis” given that they are able to show that the product reduces net GHG emissions. It is recommended that the SGIP provide this same “per product basis” eligibility requirement to IC engines. From a thermodynamic perspective, both technologies can be viewed as black boxes that take fuel in and output electrons and emissions. Their chemical

conversion processes are different, however if the technologies can both meet emission standards, then this difference in conversion process is immaterial—i.e., one conversion process is not inherently better than the other. Ideally, SGIP should establish technology-neutral efficiency and emissions standards for electric-only technologies. If this is not possible, SGIP should provide a general approval process that enables “products” that are not eligible for SGIP incentives due to their “technology” classification to become approved if the product is shown to meet the GHG emissions and financial criteria of another technology that is eligible for approval. This approach allows the SGIP to retain its technology-specific criteria while also providing a pathway for emerging products that are currently in a non-eligible technology class to gain eligibility as the products’ performance improve and to eventually compete on a level playing field with other, heavily incentivized technologies.

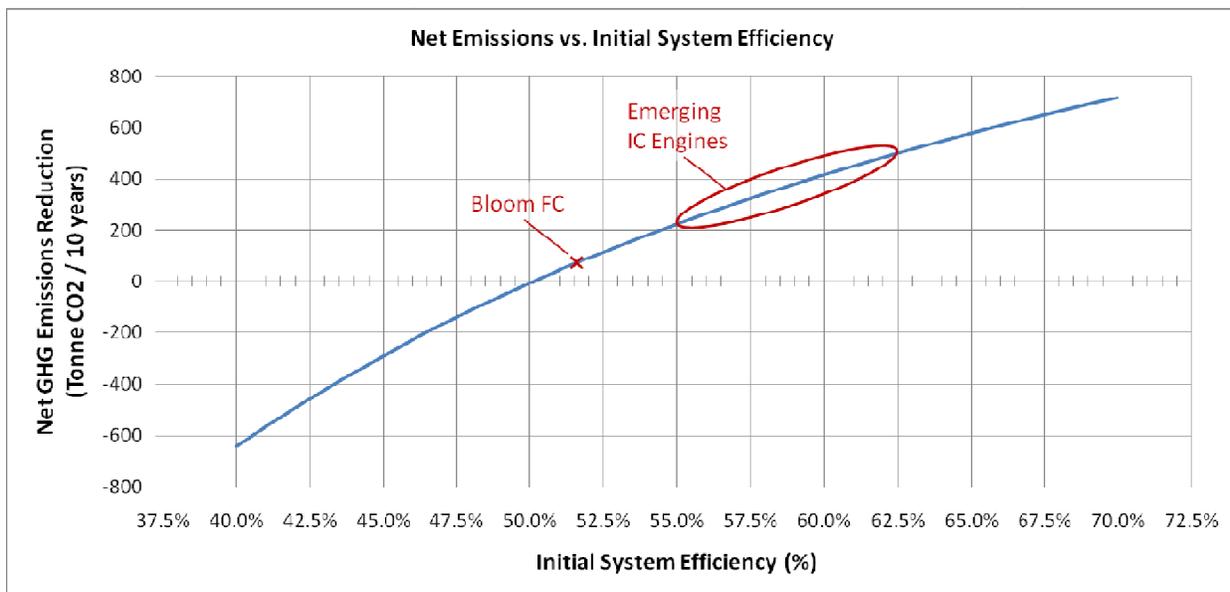


Figure 1. Net GHG emissions reduction profile for natural gas fueled electricity producing products over a ten year period as a function of the products’ initial efficiency. The emissions are independent of the product’s technology classification. The model used to produce the profile is based on the analysis procedure outlined in the Proposal and implemented in the GHG Analysis Workbook.

B. Inclusion of a review process that requires a technology provider to provide documentation showing that their product has the potential to be self-sufficient in 5 years from the time of their first SGIP project.

In response to the Staff's request for comment on implementing a screening process for cost-effectiveness and self-sustainability, it is recommended that the SGIP include a review process that requires a technology provider to provide documentation showing that their product has the potential to be self-sufficient in 5 years from the time of their first SGIP project (i.e., that the technology can be economical without SGIP incentives). This documentation should include, with supporting third party validation, a plan for reducing cost over the 5 years as installed capacity increases. It does not make economic sense for the SGIP incentives to be spent on technologies that do not have a clear path towards being competitive in the absence of the incentives because there is a strong likelihood that the provider will not be able to sustain business operations after the incentives expires. This, in turn, will reduce or eliminate the technology providers' ability to perform/provide sufficient maintenance services on the installed system—resulting in lower than expected benefits for participant, non-participants, and society as a whole.

C. Modification of the “need for financial incentive” criteria such that it is technology- or industry-specific instead of the proposed blanket IRR criteria of 15%.

The Staff recommends that an internal rate of return (IRR) of 15% without incentives be used as the criteria for determining if a technology needs financial incentives. The Staff justifies this IRR because “the majority of SGIP participants are commercial customers, and these customers typically require a payback between 6-8 years, which corresponds to an IRR range of approximately 8-14%”. The 6-8 year payback on capital intensive projects does not correspond with our in-house market/customer research. Through interviews with several energy and sustainability directors at Fortune 500 companies that operate commercial buildings (Google, Walmart, FedEx, eBay, and Adobe), it was discovered that they require payback periods less than 5 years, with most saying that less than 3 years is “strongly preferred”. While it is possible that some *industrial* customers can support a 6-8 year payback, we have not found any evidence that *commercial* customers are willing to accept a 6-8 year payback. This may be due to how the Staff differentiates “commercial” and “industrial” customers. Both sectors are large and heterogeneous, and we believe that it is not practical to aggregate the markets or assume that they are willing to accept a 6-8 year payback. If the SGIP moves forward with the proposed

blanket IRR criteria of 15%, it is recommended that they provide: 1) evidence to support their statement that commercial “customers typically require a payback between 6-8 years”, and 2) data on the size of the market that can support a 6-8 year payback. Is the market for customers that can support a 6-8 year payback large enough to support the goals of SGIP?

Due to the size and heterogeneity of the commercial and industrial markets in California, it is recommended that the SGIP establish technology- or industry-specific payback periods in order to establish corresponding IRR criteria for determining if a technology and/or product requires financial incentives. The ratio of the initial capital cost of a project relative to a customer’s operating budget will most likely have a significant influence on their required payback. For example, a customer that has a small operating budget will most likely require a shorter payback period for a project that requires a larger initial capital cost than a project with a smaller capital cost. Therefore, it is recommended that several IRR criteria be established based on the differing payback requirements. These criteria can be based at either the technology-level since they typically have a range of sizes available (e.g., < 500 kW or > 500kW) with a corresponding range of costs (e.g., < 6 \$/W or > 6\$/W), or at the industry- or sub-industry-level since they typically have similar operating budgets.

D. Modification of the incentive structure such that it is scaled based on the maturity of a product.

In response to the Staff’s request for comment on commercialization, it is recommended that the SGIP include an incentive structure that is scaled based on the maturity of a product. The Staff explicitly requested comment on having “a higher level of support for technologies further away from commercialization”. To support these earlier-stage technologies, the incentive structure should be based on the number of years a product has been on the commercial market, with the time on the market being inversely proportional to the incentive. It is recommended that the structure not be based at the technology level since it can be argued that all of the eligible technologies have been commercially available in some form for decades. The base year for a product could be the year in which its first commercial installation occurred or the year in which the product first became commercially available. Since most of the technologies eligible for the SGIP incentives are continually changing and improving, a methodology/process will be

required to determine if an older version/model of a product should be used to set the base year for the product under review.

E. Modification of the incentive structure such that it avoids over-incentivizing technologies to the point that they become more financially attractive than self-sustaining, non-incentivized technologies with the same or better impact on net GHG emissions reductions.

The existing and proposed SGIP incentive structures are not weighted based on a projects non-incentivized IRR, and therefore can lead to technologies that are slightly below the non-incentivized criteria being over-incentivized to the point in which they are more financially attractive than self-sustaining, non-incentivized technology with the same or better impact on net GHG emissions reductions. For example, a non-renewable, electric only fuel cell that has a efficiency of 52%, a non-incentivized capital cost of \$3,000/kW, and an operating cost of 2 cents/kWh, has a non-incentivized IRR of 12.5%, but with the SGIP incentives it obtains an IRR of 70% (corresponding to \$1000/kW incentivized capital cost). This would create an unfair playing field for self-sustaining technologies that have the same or better impact on net GHG emissions reductions—for example, a non-renewable, electric-only IC engine with an efficiency of 52%, capital cost of \$2,000/W, and an operating cost of 2 cents/kWh (which corresponds to a non-incentivized IRR of 26%).¹ Since both technologies in these examples have the same efficiencies they would have the same impact on net GHG emission reductions; however the SGIP would grossly over-incentivize the fuel cell project. For this reason, it is recommended that the SGIP incentive structure be modified with the addition of a sliding incentive scale that is based on a technologies non-incentivized IRR. This modification should be established such that the incentive amount received by a technology is inversely proportional to the difference between the IRR cut-off criteria (currently proposed to be 15%) and the technology's non-incentivized IRR. If this is not possible, it is recommended that the SGIP incentives be scaled such that they only enable a technology to attain an incentivized IRR that is some fraction above the IRR cut-off criteria (e.g., 16.5% IRR which corresponds to 10% above the cut-off criteria of 15%).

¹ All calculations were made using the Staff-provided Financial Analysis Workbook.

III. CONCLUSION

The SGIP incentives are extremely valuable for emerging technologies that require time to bring down their costs and become competitive with grid electricity prices. EtaGen respectfully recommends that the Staff consider the aforementioned additions and modifications to the SGIP rules in order maintain a level and competitive playing field among emerging technology.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of OPENING COMMENTS OF ETAGEN, INC. REGARDING THE STAFF PROPOSAL FOR THE SELF-GENERATION INCENTIVE PROGRAM on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for R.10-05-004 and with an e-mail address.

Executed on this **24th day of November, 2010**, at Menlo Park, California.

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