

M e m o r a n d u m

Date: June 2, 2010

To: The Commission
(Meeting of June 3, 2010)

From: Edward Randolph, Director
Office of Governmental Affairs (OGA) — Sacramento

Subject: **AB 2132 (Carter) – Energy: Renewable Energy Resources and Energy Improvements.**
As Amended: April 27, 2010

LEGISLATIVE SUBCOMMITTEE RECOMMENDATION: OPPOSE UNLESS AMENDED

SUMMARY OF BILL:

This bill would change the Public Resources Code statute to allow monies currently collected via the Public Goods Charge (PGC) and allocated primarily to the California Energy Commission's (CEC) New Solar Homes Partnership (NSHP) program to instead be spent on energy efficiency.

This bill adds a new eligible purpose for the funding from the Renewable Resource Trust Fund (RRTF), which is a fund generated from the PGC and administered by the CEC.

The statute would be effective January 1, 2011 and applicable until January 1, 2012.

This bill allows the CEC to spend RRTF funds, at an amount estimated at least \$100 million, to support energy efficiency improvements in existing buildings built prior to July 1, 1978.

This bill would require the CEC to expand efficiency funding to preferred customer segments (minority or low income communities, multi-family housing, renters). Eligibility would be restricted to those customers served by electric distribution utilities paying into the PGC (i.e. primarily the IOUs that the CPUC oversees).

SUMMARY OF SUPPORTING ARGUMENTS FOR RECOMMENDATION:

The bill would direct money from one portion the California's solar program but would not backfill those funds into other portions of the state's overall solar program. This net reduction could threaten the state's ability to achieve objectives established by SB 1 (Murray, 2006), which codified California's distributed generation solar program.

This bill reduces the amount that will be spent on the State's solar programs, by approximately \$130 million. SB 1 (Murray, 2006), which codified the California Solar Initiative (CSI), limited the total amount of monies that could be spent on solar programs statewide to \$3.3 billion. This \$3.3 billion was allocated to three different programs: the CSI, which is the solar program administered by the investor owned utilities; the New Home Solar Program (NHSP), which is a statewide program to promote solar installation on new construction and is administered by the CEC; and solar programs for publicly owned electricity utilities. SB 1 limited the amount of money the CPUC could authorize via the CSI to \$2.167 billion. SB 1 allowed the CEC to spend up to \$400 million in funds for the NSHP program, funded through the existing Renewable Resource Trust Fund (RRTF). Since SB 1 capped the total amount of funds that could be spent in each program, reducing the allocation to one program without increasing allocation to another portion of the state's solar program will result in a net decrease in solar funding.

The CEC's NSHP was launched in 2007 and adds an important component to the state's solar program. While some stakeholders have worried that the program has been slow to achieve installed projects, it is understandable that the downturn in the new construction market obviously is affecting uptake of the program; still, the program has over 8,464 installed or pending projects.

Both the CEC and CPUC have adopted goals that by 2020 all new housing will be "zero net energy" (ZNE) housing, meaning that a combination of efficiency, clean distributed generation and demand response will provide for 100% of the annual energy needs. Solar energy systems are critical components of reaching this goal, and could contribute between 30 and 50 percent of the total annual energy use. Incentives for solar installations will be critical between now and 2016 to "prime the pump" for getting to ZNE homes by 2020.

The bill also may not add much benefit to California's overall efforts to increase energy efficiency. If the CEC attempts to define \$130 million of separate energy efficiency programs for IOU customers, these new programs will be duplicative to the existing \$4 billion of IOU energy efficiency programs authorized and overseen by the CPUC. This duplication will create considerable confusion among the IOU consumers and marketplace contractors and vendors that support the delivery of these programs, and will provide a small increment to current IOU activities.

In September 2009, the CPUC authorized \$3.1 billion in ratepayer funding to implement 250 energy efficiency programs in four IOU service territories, requiring coordinated

program terms and offerings for 12 major statewide programs.¹ One-third of this funding comes from the energy efficiency component of the PGC administered by the CPUC. The remaining two-thirds of efficiency funding comes from funds that otherwise would have been spent by the utilities on energy procurement (building power plants or purchasing energy contractually). Given that approximately \$1 billion annually already is being spent by ratepayers to fund IOU programs, it is problematic that the bill authorizes the CEC to fund overlapping programs in the same IOUs' service areas.

Separately, in November 2008, the CPUC authorized \$869 million of ratepayer funding from over three years to support the Low Income Energy Efficiency (LIEE) program at the same four IOU utilities. The CPUC approved an additional \$12.3 million for LIEE from the small and multi-jurisdictional utilities a month later.²

The funds proposed for the CEC to deploy for energy efficiency purposes would amount to only about 3.5 percent of the total efficiency budgets overseen by the CPUC. This scale of program will create needless confusion, significant additional administrative and outreach expenses, and will present challenges to the CEC in finding cost-effective efficiency opportunities not already captured by the IOU programs.

The bill would require that the CEC differentiate those efficiency technologies or programs not already receiving rebates or financial support through IOU programs overseen by the CPUC, and ensure that any CEC-funded technologies or programs would be incremental to CPUC-administered funding, while also being cost-effective in terms of energy resources saved. Additionally, the legislation requires that any CEC funding be reduced for projects receiving, or eligible to receive, funds from other government (i.e. tax credits) or utility funds. However given the fact that the state is already spending over \$4 billion annually on energy efficiency programs that are required to cost effective, implementation of these provisions would be administratively difficult and most likely subject to misallocation of funds.

SUMMARY OF SUGGESTED AMENDMENTS:

Continuing Support for Solar Goals

In light of the fact that the NSHP program has had slower uptake than expected, the legislature could allow the CPUC to transfer back to the utilities monies from the PGC that could have been allocated (but uncommitted) to the NSHP program and allow the monies to be committed to solar installations on existing buildings (or new commercial buildings) under the existing CSI program overseen by the CPUC.

If the housing market takes off and NSHP needs additional funding, the CSI Program could transfer funds back to the NSHP at a later date. Further, in the event that the PGC support for NSHP is not reauthorized after January 1, 2012, the legislature should

¹ Decision 09-09-047 authorized \$3.1 billion in "mainstream" programs. The twelve statewide programs account for the vast majority of the authorized funds. Decision in 200x authorized an additional \$600 million over three years expressly for the Low Income Energy Efficiency Program.

² See Decision 08-12-019.

authorize the CPUC to offer incentives to new homes, in a manner generally consistent with the already established program rules under the NSHP program.

- Transfer unspent funds from the Renewable Resource Trust Fund back to the utilities, and authorize the CPUC to direct those funds to support the CSI Program. The funds would be used to extend the CSI program to support installation of additional MWs and ensure that the total statewide solar program goals of SB1 are achieved.
- Allow the CPUC flexibility to return the funds to the Energy Commission if the NSHP program demand increases at a later date, and if the PGC support for the program is extended beyond January 1, 2012.
- Allow the CPUC to administer a solar program for new homes if the Energy Commission's authorization for administering a renewable energy program for emerging technologies is not extended beyond January 1, 2013.

Support for Energy Efficiency

Currently, about two thirds of the \$1 billion per year spent on IOU energy efficiency programs is collected through electric procurement funds (specifically, the Energy Resource Recovery Account - ERRA). Approximately one-third of the costs are recovered through the efficiency component of PGC. The bill could be modified to:

- Allow the transfer of unspent funds from the Renewable Resource Trust Fund back to the IOUs;
- Authorize the CPUC to apply those funds to support the IOU energy efficiency programs. This would lower the total cost to ratepayers of implementing IOU EE programs by offsetting some of the costs currently recovered through the ERRA.

DIVISION ANALYSIS:

Solar Program

This bill will severely restrict the ability for the state to achieve the goals of SB 1 which are 3,000 MWs by 2016 for new distributed solar energy in the state of California. The bill would reduce the funding available for new homes, undercut plans for achieving 400 MW of solar on these homes, and restrict the market for solar technology development and deployment. Funding solar on new homes is an important part of the state's solar program offerings.

Energy Efficiency

This bill will authorize the CEC to create overlapping and confusing marketplace for energy efficiency programs. The target market segments already are served by unprecedented scale and funding commitment for IOU programs and funding overseen by the CPUC, both in the mainstream efficiency programs and in the Low Income Energy Efficiency program administered by the IOUs. Further, it is likely to complicate the attribution of energy savings to specific programs when evaluating the impacts of energy efficiency interventions (i.e., IOU, CEC, or other).

PROGRAM BACKGROUND:

Current law, (Public Resources Code (25744) and the Public Utilities Code (399.8)) allows the CPUC to authorize the collection of monies, known as the PGC, through a charge on the distribution rates for electric customers. Up to \$65.5 million per year of the PGC is transferred annually to the CEC's Renewable Resource Trust Fund for "renewable energy", and up to \$62.5 million is spent on the Public Interest Energy Research (PIER) program.³ Of the portion allocated to "renewable energy", the CEC is required to spend 79 percent of the funding on "emerging renewables in distributed generation applications".⁴ The bill modifies this statute to read 79 percent of the funding allocated to renewables shall ... "foster the development of emerging renewables in distributed generation applications and energy efficiency improvements in existing buildings built before January 1, 1978..." (New text underlined.) The PGC is currently authorized until January 1, 2012.

California Solar Initiative Progress at the CEC and CPUC:

The CEC funds both the NSHP program and the ERP program from the "Emerging Renewables" funding that is part of the RRTF. In the CEC's September 20, 2009 "Cumulative Funding and Expenditures" report for the Renewable Energy Program, the summary noted that there was a balance of \$116 million in unspent funds in the "Emerging Renewables" category.⁵ It is probable that the \$116 million is the target of this bill. The April 19, 2010, committee analysis notes that "This program has been undersubscribed during recent years due to the lack of new construction projects, and currently has a large uncommitted balance of about \$170 million."

The NSHP program offers \$2.80/watt as its incentive for solar projects, an incentive not lowered since 2007. In contrast, the CSI program has been proceeding at a rapid pace and has dropped incentive levels seven times in some utility territories to stay within the legislatively mandated budget cap while still needing to reach a goal of 1940 MW of solar installations. The CSI Program now has 39,369 projects installed or pending. The CSI program now offers incentives at levels as low as \$0.65/watt for solar projects in PG&E & SDG&E territory, and up to \$1.55/watt in SCE's territory. See Table 1 for a side by side comparison of data on the two programs.

³ The total amount of the PGC authorized in PU Code 399.8 is \$356 million annually: \$62.5 million for PIER, \$65.5 million for renewables, and \$228 M for energy efficiency and conservation.

⁴ Public Resources Code 25744 (a)

⁵ The CEC's 9/30/2009 report on the uncollected balances is available here:
http://www.energy.ca.gov/renewables/quarterly_updates/updates/july2004-present/2009-3Q_FINANCIAL_SUMMARY.PDF

Table 1. Installed Solar MWs by Program 2007-2010

| | New Solar Homes Partnership⁶ | California Solar Initiative⁷ |
|-------------------------------|--|--|
| Installed MWs | 5.8 MW | 326.3 MW |
| Installed # of Projects | 2,288 projects | 30,039 projects |
| Total Incentives Paid | \$16.1 Million | \$710.1 Million |
| Pending MWs | 12.5 MW | 284 MW |
| Pending Projects | 6,176 projects | 9,330 projects |
| Pending Incentives to be Paid | 38.9 Million | \$497.2 Million |

Note: This table only includes solar installed from the New Solar Homes Partnership and CSI. It does not include solar installed from other programs. Cumulative data for all solar installs in investor-owned utility territories through 2009 is available here: <http://www.cpuc.ca.gov/PUC/energy/Solar/news.htm>.

Self Generation Incentive Program

In addition to funding NSHP, the RRTF also provides funding for the ERP Program, another distributed generation program overseen by the CEC. The existing statute allows the CEC to target wind and fuel cells with incentives, which is what the ERP program offers for systems under 30 kW. These same technologies are also eligible for the CPUC's Self Generation Incentive Program (SGIP), authorized by PU Code 379, but the SGIP program focuses on larger systems. There are slight differences between the SGIP and ERP programs, for example, the CEC is allowed to fund "backup generation for emergency, safety, or telecommunication systems, and "other distributed renewable emerging technologies meeting CEC criteria and "not eligible for rebates, buydowns, ... from other CEC or CPUC programs." The CPUC currently does not permit backup generation to qualify for SGIP incentives. The CPUC allows natural gas fired fuel cells to qualify for incentives, whereas the CEC program only allows renewable-fueled fuel cells to qualify for incentives.

CPUC-Directed Efficiency Spending Authorized for IOU Programs

Within the \$3.1 billion authorized for "mainstream" (non-low income) efficiency programs, some two-thirds is explicitly dedicated to retrofit of existing buildings – the exact target identified by this bill for CEC spending. Budget components for 2010-12 include:

| | |
|--|----------------------|
| Existing residential homes | \$719 million |
| Existing commercial buildings | \$875 million |
| Institutional (state, university, college buildings) | \$129 million |
| Local government partnerships (municipal buildings) | \$195 million |
| Heating, ventilation, air conditioning retrofit | <u>\$128 million</u> |
| Sub-total for existing buildings | \$2,046 million |

⁶ NSHP data is from February 1, 2010 and is available at: <http://www.energyalmanac.ca.gov/renewables/solar/nshp.html>

⁷ CSI data is from April 29, 2010 and is available at: <http://www.californiasolarstatistics.ca.gov/reports/4-28-2010/AdminStats.html>

LEGISLATIVE HISTORY:

SB 77 (Pavley, Ch. 15, 2010) withdraws \$50 million from this fund for deposit into the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) for use in Property Assessed Clean Energy (PACE) programs. The \$50 million transferred would be utilized for energy improvements for new and existing homes in California.

SB 1 (Murray, Ch. 132, 2006) authorized the state's solar programs, established statewide goals and allocated a portion of the funds to the CPUC and allowed the CEC to retain some funds for the administration of a new homes solar program.

AB 758 (Skinner, Ch. 470, 2009) requires the CEC to develop and implement a comprehensive program to achieve greater energy savings in existing residential and nonresidential building stock, including energy assessments, cost-effective energy efficiency improvements, financing options, public outreach, and education efforts.

SB 1037 (Kehoe, Ch. 366, 2005) codified the state's energy "loading order," or prioritized energy procurement list, emphasizing the Legislature's commitment to energy efficiency, as well as establishing energy efficiency as a top priority for both IOUs and publicly owned utilities.

STATUS:

Assembly Second Reading

SUPPORT/OPPOSITION:

None on file.

STAFF CONTACTS:

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Date: June 2, 2010

BILL LANGUAGE:

BILL NUMBER: AB 2132 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 27, 2010
AMENDED IN ASSEMBLY APRIL 13, 2010
AMENDED IN ASSEMBLY APRIL 5, 2010

INTRODUCED BY Assembly Member Carter

FEBRUARY 18, 2010

An act to amend , *repeal*, and add Section 25744 of the Public Resources Code, relating to energy, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2132, as amended, Carter. Energy: renewable energy resources and energy improvements.

Under the Public Utilities Act, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations. Existing law requires the PUC, until January 1, 2012, to require Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison to identify a separate electrical rate component to fund programs that enhance system reliability and provide in-state benefits. This rate component is a nonbypassable element of local distribution and collected on the basis of usage. Existing PUC resolutions refer to the nonbypassable rate component as a "public goods charge." The public goods charge moneys are collected to support cost-effective energy efficiency and conservation activities, public interest research and development not adequately provided by competitive and regulated markets, and renewable energy resources. The moneys collected by the public goods charge for renewable energy are required to be transferred to the State Energy Resources Conservation and Development Commission (Energy Commission), for deposit in the Renewable Resource Trust Fund, for use for the renewable energy resources program. Some of the money in the fund, and in the accounts in the fund, is continuously appropriated to the Energy Commission for specified purposes related to renewable energy resources. The moneys collected by the public goods charge for public interest research and development are required to be transferred to the Energy Commission, for deposit in the Public Interest Research, Development, and Demonstration Fund, for use for specified purposes, including the public interest energy research, demonstration, and development program.

This bill would authorize , *until January 1, 2013*, the use of those revenues generated from the public goods charge for energy improvements in existing buildings built prior to July 1, 1978, thereby making an appropriation.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25744 of the Public Resources Code is amended to read:

25744. (a) Seventy-nine percent of the money collected pursuant to the renewable energy public goods charge shall be used for a multiyear, consumer-based program to foster the development of emerging renewable technologies in distributed generation applications and energy efficiency improvements in existing buildings built before January 1, 1978.

(b) Any funds used for emerging technologies pursuant to this section shall be expended in accordance with this chapter, subject to all of the following requirements:

(1) Funding for emerging technologies shall be provided through a competitive, market-based process that is in place for a period of not less than five years, and is structured to allow eligible emerging technology manufacturers and suppliers to anticipate and plan for increased sale and installation volumes over the life of the program.

(2) The program shall provide monetary rebates, buydowns, or equivalent incentives, subject to paragraphs (3) and (4), to purchasers, lessees, lessors, or sellers of eligible electricity generating systems. Incentives shall benefit the end-use consumer of renewable generation by directly and exclusively reducing the purchase or lease cost of the eligible system and cost-effective energy efficiency improvements or applications, or the cost of electricity produced by the eligible system. Incentives shall be issued on the basis of the rated electrical generating capacity of the system or energy efficiency application measured in watts, or the amount of electricity production of the system, measured in kilowatthours. Incentives shall be limited to a maximum percentage of the system price, as determined by the commission. The commission may establish different incentive levels for systems based on technology type and system size, and may provide different incentive levels for systems used in conjunction with ~~energy efficiency~~ energy efficiency measures.

(3) Eligible distributed emerging technologies are fuel cell technologies that utilize renewable fuels, including fuel cell technologies with an emission profile equivalent or better than the State Air Resources Board 2007 standard, and that serve as backup generation for emergency, safety, or telecommunications systems. Eligible renewable fuels may include wind turbines of not more than 50 kilowatts rated electrical generating capacity per customer site and other distributed renewable emerging technologies that meet the emerging technology eligibility criteria established by the commission and are not eligible for rebates, buydowns, or similar incentives from any other commission or Public Utilities Commission program. Eligible electricity generating systems are intended primarily to offset part or all of the consumer's own electricity demand, including systems that are used as backup power for emergency, safety, or telecommunications, and shall not be owned by local publicly owned electric utilities, nor be located at a customer site that is not receiving distribution service from an electrical corporation that is subject to the renewable energy public goods charge and contributing funds to support programs under this chapter.

All eligible electricity generating system components shall be new and unused, shall not have been previously placed in service in any other location or for any other application, and shall have a warranty of not less than five years to protect against defects and undue degradation of electrical generation output. Systems and their fuel resources shall be located on the same premises of the end-use consumer where the consumer's own electricity demand is located, and all eligible electricity generating systems shall be connected to the utility grid, unless the system purpose is for backup generation used in emergency, safety, or telecommunications in California. The commission may require eligible electricity generating systems to have meters in place to monitor and measure a system's performance and generation. Only systems that will be operated in compliance with applicable law and the rules of the Public Utilities Commission shall be eligible for funding.

(4) Eligible energy efficiency investments include those that reduce energy consumption in residential and ~~commercial~~ *nonresidential* buildings built before July 1, 1978, including multifamily housing units. Funds spent on energy efficiency shall be proven to be cost effective and benefits shall be fairly allocated among building owners and renters, as applicable, as determined by the commission.

(5) The commission shall limit the amount of funds available for a system or project of multiple systems and reduce the level of funding for a system or project of multiple systems that has received, or may be eligible to receive, any government or utility funds, incentives, or credit.

(6) In awarding funding, the commission may provide preference to systems that provide tangible demonstrable benefits to communities with a plurality of minority or low-income populations.

(7) In awarding funding, the commission shall develop and implement eligibility criteria and a system that provides preference to systems based upon system performance, taking into account factors, including shading, insulation levels, and installation orientation.

(8) At least once annually, the commission shall publish and make available to the public the balance of funds available for emerging renewable energy resources for rebates, buydowns, and other incentives for the purchase of these resources.

(c) Notwithstanding Section 27540.5, the commission may expend, until December 31, 2008, up to sixty million dollars (\$60,000,000) of the funding allocated to the Renewable ~~Resources~~ *Resource* Trust Fund for the program established in this section, subject to the repayment requirements of subdivision (f) of Section 25751.

(d) Any funds for photovoltaic or solar thermal electric technologies shall be awarded in compliance with Chapter 8.8 (commencing with Section 25780), and not with this section.

(e) *This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.*

SEC. 2. Section 25744 is added to the Public Resources Code , to read:

25744. (a) Seventy-nine percent of the money collected pursuant to the renewable energy public goods charge shall be used for a multiyear, consumer-based program to foster the development of

emerging renewable technologies in distributed generation applications.

(b) Any funds used for emerging technologies pursuant to this section shall be expended in accordance with this chapter, subject to all of the following requirements:

(1) Funding for emerging technologies shall be provided through a competitive, market-based process that is in place for a period of not less than five years, and is structured to allow eligible emerging technology manufacturers and suppliers to anticipate and plan for increased sale and installation volumes over the life of the program.

(2) The program shall provide monetary rebates, buydowns, or equivalent incentives, subject to paragraph (3), to purchasers, lessees, lessors, or sellers of eligible electricity generating systems. Incentives shall benefit the end-use consumer of renewable generation by directly and exclusively reducing the purchase or lease cost of the eligible system, or the cost of electricity produced by the eligible system. Incentives shall be issued on the basis of the rated electrical generating capacity of the system measured in watts, or the amount of electricity production of the system, measured in kilowatthours. Incentives shall be limited to a maximum percentage of the system price, as determined by the commission. The commission may establish different incentive levels for systems based on technology type and system size, and may provide different incentive levels for systems used in conjunction with energy efficiency measures.

(3) Eligible distributed emerging technologies are fuel cell technologies that utilize renewable fuels, including fuel cell technologies with an emission profile equivalent or better than the State Air Resources Board 2007 standard, and that serve as backup generation for emergency, safety, or telecommunications systems. Eligible renewable fuels may include wind turbines of not more than 50 kilowatts rated electrical generating capacity per customer site and other distributed renewable emerging technologies that meet the emerging technology eligibility criteria established by the commission and are not eligible for rebates, buydowns, or similar incentives from any other commission or Public Utilities Commission program. Eligible electricity generating systems are intended primarily to offset part or all of the consumer's own electricity demand, including systems that are used as backup power for emergency, safety, or telecommunications, and shall not be owned by local publicly owned electric utilities, nor be located at a customer site that is not receiving distribution service from an electrical corporation that is subject to the renewable energy public goods charge and contributing funds to support programs under this chapter. All eligible electricity generating system components shall be new and unused, shall not have been previously placed in service in any other location or for any other application, and shall have a warranty of not less than five years to protect against defects and undue degradation of electrical generation output. Systems and their fuel resources shall be located on the same premises of the end-use consumer where the consumer's own electricity demand is located, and all eligible electricity generating systems shall be connected to the utility grid, unless the system purpose is for backup generation used in emergency, safety, or telecommunications in California. The commission may require eligible electricity generating systems to have meters in place to monitor and measure a system's performance

and generation. Only systems that will be operated in compliance with applicable law and the rules of the Public Utilities Commission shall be eligible for funding.

(4) The commission shall limit the amount of funds available for a system or project of multiple systems and reduce the level of funding for a system or project of multiple systems that has received, or may be eligible to receive, any government or utility funds, incentives, or credit.

(5) In awarding funding, the commission may provide preference to systems that provide tangible demonstrable benefits to communities with a plurality of minority or low-income populations.

(6) In awarding funding, the commission shall develop and implement eligibility criteria and a system that provides preference to systems based upon system performance, taking into account factors, including shading, insulation levels, and installation orientation.

(7) At least once annually, the commission shall publish and make available to the public the balance of funds available for emerging renewable energy resources for rebates, buydowns, and other incentives for the purchase of these resources.

(c) Notwithstanding Section 27540.5, the commission may expend, until December 31, 2008, up to sixty million dollars (\$60,000,000) of the funding allocated to the Renewable Resource Trust Fund for the program established in this section, subject to the repayment requirements of subdivision (f) of Section 25751.

(d) Any funds for photovoltaic or solar thermal electric technologies shall be awarded in compliance with Chapter 8.8 (commencing with Section 25780), and not with this section.

(e) This section shall become operative on January 1, 2013.