MINASIAN, MEITH, SOARES, SEXTON & COOPER, LLP
ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 BIRD STREET
P.O. BOX 1679
OROVILLE, CALIFORNIA 95965-1679

Writer's email: pharman@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
DUSTIN C. COOPER
EMILY E. LaMOE
PETER C. HARMAN

WILLIAM H. SPRUANCE, Retired

MICHAEL V. SEXTON, Retired

TELEPHONE: (530) 533-2885

FACSIMILE: (530) 533-0197

California Energy Commission
DOCKETED
11-RPS-01
TN 72918
APR 17 2014

Re: *RPS Certification, 11-RPS-01*: Nevada Irrigation District's Comments on the Proposed Amendment to the RPS Guidebook Certification Provisions

Nevada Irrigation District (NID) appreciates the California Energy Commission's (CEC) efforts to confirm the Executive Director's discretion to extend or waive application of the deadlines established in the Renewables Portfolio Standard (RPS) Eligibility Guidebook. As Lead Commissioner Hochschild recognized in the April 8, 2014, *Notice to Consider Process to Extend and Waive Deadlines for Renewables Portfolio Standard Certification* (Notice), a facility owner may face significant financial consequences if its facility is even temporarily deemed ineligible for the RPS program. Strict application of the deadlines, without any room for exercise of the Executive Director's discretionary authority, can lead to revocation of a facility's RPS certification even if the facility was generating unquestionably renewable energy during the period in question. NID supports the proposed criteria and procedures and respectfully offers the following comment.

The proposed Guidebook amendment uses broad language that would allow a retroactive extension or waiver of deadlines. (See Notice at 4 ("The request [for waiver or extension] may be submitted before *or after* the application deadline specified in the RPS Guidebook." (Emphasis added.)). In order to more effectively confirm and clarify the Executive Director's authority, the Guidebook amendment should clearly state that the Executive Director may waive or extend deadlines that have already passed as of the effective date of the amendment, in

addition to those that may pass after the amendment's effective date. The Guidebook amendment should also clarify that if a facility's earlier eligibility date is reinstated, any renewable energy credits that were revoked due to the temporary ineligibility will be revived. These clarifications would ensure that NID and the other, similarly situated stakeholders who participated in the January 28th workshop can have their concerns resolved using the new process.

NID thanks the Commission and its staff for its attention to this issue.

Respectfully submitted,
MINASIAN, MEITH, SOARES,
SEXTON & COOPER, LLP
Attorneys for Nevada Irrigation District

By: _____
Peter C. Harman