BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse as Emission Standards into Procurement Policies.	)))))	R.06-04-009

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REPLY TO LETTERS SUBMITTED IN RESPONSE TO JOINT PROPOSAL FOR A GREENHOUSE GAS REPORTING PROTOCOL

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Dated: **July 20, 2007**

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Pursuant to the direction provided in the Administrative Law Judge's Ruling issued on July 13, 2007 in this matter ("Ruling"), Southern California Edison Company ("SCE") respectfully submits these comments on the letters submitted by the Oregon Public Utilities Commission ("OPUC") and Oregon Department of Energy ("ODOE") and the Department of Community, Trade and Economic Development of the State of Washington ("WDCTED") on the Joint California Public Utilities Commission and California Energy Commission Staff Proposal for an Electricity Retail Provider GHG Reporting Protocol ("Staff Proposal"). SCE's comments here generally address the arbitrary nature of the proposals contained in the letters and possible alternatives to those suggestions.

I.

THE ACCOUNTING METHODOLOGY PROPOSED BY OPUC/ODOE WILL NOT ALLOW THE MARKET TO CORRECTLY REFLECT THE ENVIRONMENTAL IMPACT OF DISPATCHING MARGINAL RESOURCES

While SCE agrees with various points in the OPUC/ODOE letter, SCE disagrees with the recommendation that California adopt an accounting methodology for greenhouse gas ("GHG") emissions from non-specific Northwest imports consistent with the procedures currently being used by Oregon and Washington.[1] Because those accounting procedures rely too heavily on assumptions that can be factually incorrect and potentially self-serving, the California Public Utilities Commission ("Commission") should reject such an approach to accounting for GHG emissions.

Under the OPUC/ODOE proposal, "claimed resources" including most firm and some non-firm hydro, would be subtracted from the gross Northwest system mix to produce a net or "residual" system mix. The amount of such "claimed resources" is to be based on an assumption, which is not likely to reflect how the Northwest system is dispatched and operated every hour. The disconnect between how the system is actually dispatched and operated, and assumptions regarding how it is dispatched and operated, will not result in a protocol that accurately accounts for GHG emissions because it is not based on actual dispatch and operation. Instead, the OPUC/ODOE approach will result in an outcome that is favorable to the Northwest states. While the Northwest states may find some benefit in this, the approach itself will not allow for the market to receive correct price signals regarding the environmental impact of dispatching incremental resources on the margin.

If California decides to adopt a load-based approach to GHG emissions reductions, which SCE does not recommend, the Commission and California Energy Commission ("CEC") should

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[1] *See* OPUC/ODOE letter, dated July 10, 2007, at 1.

consider adopting the marginal resource approach proposed by the CEC instead of the approach proposed by OPUC/ODOE.[2] The CEC's approach recognizes the effect of imports on the actual dispatch of marginal resources and thus the effect on actual GHG emissions rates. Adopting the CEC's approach will send the right price signals to importers regarding the true cost of the imported power. By contrast, the consequence of using the approach suggested by OPUC/ODOE will be to send importers an incorrect price signal reflective of a marginal emissions rate that is blended with other pooled resources.

II.

THE FIRST SELLER APPROACH WILL REMOVE UNFAIRNESS CREATED BY ARBITRARY SEPARATION OF RESOURCE ACCOUNTING FROM RESOURCE USE

WDCTED has suggested a GHG accounting model that will allow each region to reserve, for its own use, all firm hydro, nuclear, and renewable energy generated in-region, except for the energy subject to unit-specific contracts. Additionally, WDCTED has suggested that all remaining residual resources (*i.e.*, non-firm hydro, coal, and natural gas) be pooled each month, based on actual generation, and that all transactions to the south be rated at the Pacific Northwest average of these resources in the month in which the transaction takes place and all transactions to the north be rated at the California/Desert Southwest ("DSW") average of these resources in the month in which the transaction takes place.[3] Under this model, entities will be able to "export" their GHG emissions, even if the resource that is delivering actual exported energy is a cleaner resource. WDCTED's suggestion bestows an unfair advantage, based entirely on an arbitrary accounting scheme, to states where large amounts of hydro, nuclear, and renewable resources are located, regardless of whether those resources are actually used to serve the needs of the host state or are used to export energy. To eliminate this unfairness, the Commission

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[2] As SCE's previous comments have made clear, SCE's prefers the First Seller approach to any load-based approach to GHG emissions. If, however, the Commission and CEC choose to implement a load-based system, SCE believes the CEC approach would be most workable.

[3] Washington Department of Community, Trade and Economic Development letter, dated July 10, 2007, at 2.

should reject this model and seriously consider the First Seller approach endorsed by the Market Advisory Committee. The First Seller approach does not rely as extensively on subjective assessments regarding which resources are being used or imported. Instead, it asks the first seller of a resource to account for the emissions actually associated with that resource. For this reason, the First Seller approach allows for reporting protocols that more accurately reflect the use of in-state generation, wholesale sales and imports.

Additionally, under the First Seller approach, California will increase its ability to integrate its GHG program into emissions programs in other jurisdictions including Oregon and Washington. This statement assumes that all states will eventually adopt, or be forced to adopt under a federal scheme, a First Seller approach, not only for reporting but also for cap-and-trade mechanisms. Thus, at the beginning of the implementation period, all States may have to impute emissions related to imports from those states that do not have a First Seller approach, based on assumptions, such as the ones advocated by the CEC. However, as all sources get covered under a First Seller umbrella in each state, the states can collaborate on the elimination of an import accounting scheme. By contrast, under a load-based approach, import accounting schemes have to continue in perpetuity, likely resulting in continued debates regarding what is being produced in-state versus what is being produced for export and how to assign GHG emissions for the latter.

III.

CONCLUSION

For the reason stated above, the California Public Utilities Commission and the CEC should reject the alternative approaches suggested by OPUC/ODOE and WDCTED.

Respectfully submitted,

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July 20, 2007

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 REPLY TO LETTERS SUBMITTED IN RESPONSE TO JOINT PROPOSAL FOR A GREENHOUSE GAS REPORTING PROTOCOL on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this 20th day of July, 2007, at Rosemead, California.

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