

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 836

Introduced by Senator Padilla

February 18, 2011

An act to add Section ~~399.24~~ *911* to the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 836, as amended, Padilla. Renewable energy resources: cost reporting.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The California ~~renewables portfolio standard program~~ *Renewables Portfolio Standard Program* (RPS program) requires the commission to implement annual procurement targets for the procurement of eligible renewable energy resources, as defined, for all retail sellers, as defined, to achieve the targets and goals of the program.

This bill would, by no later than ~~January~~ *February* 1, 2012, ~~and annually thereafter~~, require the commission to release to the Legislature the costs of all electricity procurement contracts for eligible renewable energy resources, *as specified*, and all costs for utility-owned generation approved by the commission ~~since January 1, 2003~~. ~~The bill would, beginning July 1, 2012, and every 6 months thereafter, require that the commission to release data to the Legislature for costs approved during the prior 6 months, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In 2002, the Legislature mandated that electrical corporations
4 procure 20 percent of total retail sales of electricity in California
5 from eligible renewable energy resources by December 31, 2017.

6 (b) In 2006, the Legislature accelerated and broadened this
7 mandate to require that all retail sellers procure 20 percent of total
8 retail sales of electricity in California from eligible renewable
9 energy resources by December 31, 2010.

10 (c) To meet the procurement targets of the California ~~renewables~~
11 ~~portfolio standard program~~ *Renewables Portfolio Standard*
12 *Program*, electrical corporations have entered into hundreds of
13 contracts with independent producers of eligible renewable energy
14 resources and also built utility-owned generation.

15 (d) The costs of electricity procurement contracts and
16 utility-owned generation have been submitted to the Public Utilities
17 Commission for review and approval.

18 (e) Those costs are directly passed through to the ratepayers of
19 electrical corporations, but are unknown to the public and the
20 Legislature.

21 (f) In order to ensure that the public and the Legislature are
22 aware of the costs of eligible renewable energy resources, this
23 measure requires the commission to release those costs, in the
24 aggregate, to the Legislature on a regular basis.

25 SEC. 2. Section ~~399.24~~ *911* is added to the Public Utilities
26 Code, to read:

27 ~~399.24.~~

28 *911.* (a) Notwithstanding subdivision (g) of Section 454 and
29 Section 583, no later than ~~January 31, 2012,~~ *February 1, 2012,*
30 *and annually thereafter,* the commission shall release to the
31 Legislature the costs of all electricity procurement contracts for
32 eligible renewable energy resources, *including unbundled*
33 *renewable energy credits,* and all costs for utility-owned generation
34 approved by the commission since January 1, 2003. ~~The data shall~~
35 ~~be released in the aggregate, but shall be~~ *commission. The first*
36 *report shall include all costs commencing January 1, 2003.*
37 *Subsequent reports shall include only costs for the preceding*
38 *calendar year.*

1 (1) For power purchase contracts, the commission shall release
2 costs in an aggregated form categorized according to the year the
3 ~~cost~~ procurement transaction was approved by the commission,
4 the eligible renewable energy resource type, the kilowatthour cost,
5 and whether the approval was limited to renewable energy credits.

6 ~~(b) Commencing July 31, 2012, and every six months thereafter,~~
7 ~~the commission shall release data to the Legislature for costs~~
8 ~~approved during the prior six months, including renewable energy~~
9 ~~credits, the average executed contract price, and average actual~~
10 ~~recorded costs for each kilowatthour of production. Within each~~
11 ~~renewable energy resource type, the commission shall provide~~
12 ~~aggregated costs for different project size thresholds.~~

13 (2) For each utility-owned renewable generation project, the
14 commission shall release the costs forecast by the electrical
15 corporation at the time of initial approval and the actual recorded
16 costs for each kilowatthour of production during the preceding
17 calendar year.

18 ~~(e)~~

19 (b) This section does not require the release of the terms of any
20 individual electricity procurement contracts for eligible renewable
21 energy resources, including unbundled renewable energy credits,
22 approved by the commission. The commission shall aggregate
23 data to the extent required to ensure protection of the
24 confidentiality of individual contract costs even if this aggregation
25 requires grouping contracts of different energy resource type. The
26 commission shall not be required to release the data in any year
27 when there are fewer than three contracts approved.

28 (c) The commission may combine the information required by
29 this section with the report prepared pursuant to Section 910, as
30 added by Chapter 1 of the First Extraordinary Session of the
31 Statutes of 2011.