In the Mandatory Reporting in Rule Section 95111 (g)(4)(A) regarding specification of import sources, CARB’s identifies parameters that would define a historical commitment of an out-of-state resource to serve California loads and resolve resource shuffling concerns based on historical sales. The definition should be revised as shown below, to provide additional flexibility in cases where historical sales from a given facility were both under a power contract with a California load-serving entity and via spot sales into the California Independent System Operator (CAISO) markets. In cases where the facility contract in effect prior to January 1, 2010 has expired, the Rule should recognize contracting with alternate California loads without time limitation, or simply making spot sales into the CAISO markets as continuing to qualify as a Specified Source. Further, given that spot sales to California are not “renegotiated” in the traditional sense, the Rule should be revised to delete this provision. The appropriate changes are shown below.

 (A) Deliveries from specified sources previously reported as consumed in California. Specified source of electricity has been reported in a 2009 verified data report and is claimed for the current data year by ~~the same~~ an electricity importer, based on a written power contract or status as a GPE in effect prior to January 1, 2010 ~~that remains in effect, or that has been renegotiated~~ for the same facility or generating unit for up to the same share or quantity of net generation ~~within 12 months following prior expiration~~; or a specified facility for which imported electricity was reported as greater than 80 percent of net generation in the 2009 or 2010 data years.”

In addition, on page 63 of the MRR under the definition of “Specified source of electricity” (paragraph (364), the word “power” was omitted in front of the word “contract”. This is inconsistent with the definition of “Specified source of electricity” contained in the cap and trade rule on page A-47. Also, the term “power contract” or “written power contract” are defined terms under MRR definition (301), while written contract is not defined.