

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to Develop
Additional Methods to Implement the
California Renewables Portfolio Standard
Program.

Rulemaking 06-02-012
(Filed February 16, 2006)

NOTICE OF EX PARTE COMMUNICATION

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December 9, 2008

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OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Develop
Additional Methods to Implement the California
Renewables Portfolio Standard Program.

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NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.3 of the Rules of Practice and Procedure of the California Public Utilities Commission, the Large-scale Solar Association¹ (LSA) submits this notice.

On December 4, 2008, Evelyn Kahl, counsel to First Solar, on behalf of LSA, initiated contacts with the each of the Commissioners' offices regarding the TREC proposed decision. She met with Traci Bone, advisor to Commissioner Grueneich, from approximately 9:05 to 9:15, Nancy Ryan, advisor to President Peevey, from 9:35 to 9:45, and Jane Whang, advisor to Commissioner Chong, from 9:50 to 9:55. Ms. Kahl also personally delivered materials to Robert Kinosian, advisor to Commissioner Bohn, and Paul Phillips, advisor to Commissioner Simon. All meetings were held at the Commission's office in San Francisco and were initiated by LSA.

Ms. Kahl reiterated LSA's concerns that the TREC program, as proposed, would not deliver the intended RPS benefits to California ratepayers – including jobs, tax revenues and other local benefits. She suggested that the PD be modified to reflect the following provisions:

¹ LSA's members include Ausra, Inc., Abengoa, Inc., BrightSource Energy, Inc., First Solar, Inc., Infinia Corp., Iberdrola Renewables, OptiSolar, Inc., Solel, Inc., Stirling Energy Systems, and SunPower, Corp.

1. The limited use of short-term TRECs should be authorized to enable LSEs to comply with the existing 20% RPS requirement. The program will be reexamined if a 33% RPS mandate is enacted by the Legislature or otherwise implemented by the Commission.

2. Pending further joint analysis by the Commission and the Energy Commission, an LSE may use a TREC for RPS compliance only if the electricity associated with the TREC is generated or consumed in California.

3. On an interim basis and pending further Commission analysis, LSEs may count TREC contacts for RPS compliance only if, in the same calendar year, the LSE signs long-term bundled contracts or bundled contracts with new facilities whose aggregated annual expected deliveries total at least .75% of its prior year's retail sales.

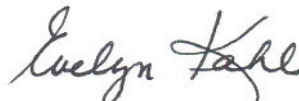
4. Prior to authorizing the use of long-term TRECs for RPS compliance, the Commission will modify least-cost best-fit criteria to ensure that long-term TRECs provide the statutory benefits provided for in PU Code §399.11.

The handout which was provided to all parties is attached to this Notice.

To request a copy of this notice, please contact:

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Respectfully submitted,



Evelyn Kahl

Counsel to First Solar, Inc.

December 9, 2008

Summary of LSA Position on TREC Proposed Decision

The PD rests its recommendation on the possibility that TRECs will reduce the cost of RPS compliance to ratepayers. It does not, however, assess whether the use of TRECs will promote the full range of RPS benefits contemplated by the Legislature or result in actual greenhouse gas reductions. The Legislature intended that the RPS would:

promote stable electricity prices, protect public health, improve environmental quality, stimulate sustainable economic development, create new employment opportunities, and reduce reliance on imported fuels. (PU Code §399.11)

To achieve these benefits, the Legislature contemplated that the electricity generated by the RPS resource will be “*either generated at a location within the state, or scheduled for consumption by California end-use retail customers.*” (PR Code §2574 1) The PD does not place these or any other limitations on the use of TRECs. It thus leaves the door open for the extensive (in fact, exclusive) use of TRECs from any Western source as an alternative to long-term bundled RPS contracts. The PD’s overly expansive TREC program carries a strong potential to discourage new, in-state development – both generation and transmission resources -- and will fail to deliver the full range of intended RPS benefits.

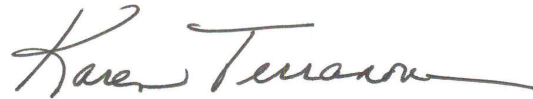
Adopting all of the following provisions would address these concerns:

1. The limited use of short-term TRECs should be authorized to enable LSEs to comply with the existing 20% RPS requirement. The program will be reexamined if a 33% RPS mandate is enacted by the Legislature or otherwise implemented by the Commission.
2. Pending further joint analysis by the Commission and the Energy Commission, an LSE may use a TREC for RPS compliance only if the electricity associated with the TREC is generated or consumed in California.
3. On an interim basis and pending further Commission analysis, LSEs may count TREC contracts for RPS compliance only if, in the same calendar year, the LSE signs long-term bundled contracts or bundled contracts with new facilities whose aggregated annual expected deliveries total at least .75% of its prior year’s retail sales.
4. Prior to authorizing the use of long-term TRECs for RPS compliance, the Commission will modify least-cost best-fit criteria to ensure that long-term TRECs provide the statutory benefits provided for in PU Code §399.11”.

CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Notice of Ex Parte Communication** in R.06-02-012 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated December 9, 2008, at San Francisco, California.

A handwritten signature in cursive script that reads "Karen Terranova". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Karen Terranova

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