

Comments by James Adcock on Docket UE-210183 Questions for Consideration of 10-10-2021  
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Under proposed "Retained REC" rules, Utilities will claim "RECs" far in excess of the 20% contemplated in the plain language of CETA law, Utilities, far from reducing reliance on fossil fuels will instead build more-and-more new fossil fuel generating plants, will show fossil fuel reliance far in excess of the 20%, will claim they are following the rules, but when the public asks for REC "Proof" Utilities will claim their methods are a "Company Secret" – and then UTC will be left to defend Utility actions without even being able to verify claimed "Retained RECs" themselves. Stakeholders will be left very unhappy by the "Secret" and apparently nonsensical Utility and UTC actions – and so they should be!

Consider what – at a minimum – a utility would have to do to reasonably "prove" that they have *ONE* "Retained REC" :

- 1) They would have to prove that they had a specific "bundled" renewable MWh of that particular hour.
- 2) They would have to prove that they sold that particular specific MWh as "unspecified" power.
- 3) They would have to prove that the buyer – and any subsequent buyers of that specific MWh of power make no environmental claims whatsoever to that power, including making any claims as to the origin of that power.

Is UTC really ready to require such hourly "proof" of utilities? UTC is not even suggesting requiring hourly vintage of Retained RECs!

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The word "*Transformation*" in the Clean Energy Transformation Act means what is says – the law is *intended* to be "*Transformational*." But Utilities continue argue "We can't do that – because that wouldn't be Business as Usual – that would require us to *Transform* how we do business!

Yes – that is the nature of *Transformation* – it means that you don't just get to keep performing Business as Usual!

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Just to state the obvious, I do not support UTCs proposed rules that would allow Utilities to continue to pollute more than the 20% Compromise clearly stated in the CETA law. Going the other way, if Stakeholders were to complain "Hey that 20% Compromise is way too high, we don't want to pay the planetary and humanity destruction price for that high of pollution" –

would UTC say: “Oh, OK, Gosh, Gee, Stakeholders don’t want to do that – so let’s just ignore the law and lower the Compromise to 10%” ? Would UTC do that for Us – the Ratepayers? Because boy I sure would like to see that one!

The 20% represents a *Compromise* chosen by the Legislature. Not a 30% *Compromise*, not a 40% *Compromise*, but rather a 20% *Compromise*.

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Assuming, as appears to be the case, that the Human Race *will not* do what is necessary to meet the COP26 1.5 degree requirements, and that then the planet experiences an “Easter Island” kind of collapse, then even *just* that proportion of emissions from Puget Sound Energy at current rates corresponds to the loss of three million human lives.

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Assuming, hypothetically, UTC has to retract their Super Duper “Retained REC” idea at some point in time, then are Utilities actually “on the hook” to actually accomplish CETA 2030 requirements, or pay the penalties / alternative compliance costs? Or then does UTC try to let them “off the hook” again?

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**“It is the policy of the state that nonemitting electric generation and electricity from renewable resources *supply* one hundred percent of all sales of electricity to Washington retail electric customers by January 1, 2045.”**

It doesn’t say that utilities only need to buy or generate an amount of nonemitting and renewables *equivalent in amount* to the amount of electricity sold, rather it says that *the actual electricity sold* must be from nonemitting and renewables – must *supply* -- possibly having been stored. IE the nonemitting and renewables have to be produced in real-time as needed, or from storage, to actually avoid the use of GHG emitting resources – not use GHG emitting resources and then apply some kind of newly-invented Super Duper REC to try to “cover up” for that continued use of those GHG emitting resources.

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Imagine if you will, I called up my local utility Billing Department and told them:

Me: “Hey, I don’t want to pay my electrical bill this month, I didn’t actually *USE* that electricity.”

Billing Department: “What do you mean you didn’t *USE* that electricity – our records *SHOW* we *SUPPLIED* that electricity *THROUGH YOUR METER* to your household, where you *USED* it by *CONSUMING* it!!!

Me: “Oh, so you mean to say that I *USED* that electricity by having it flow *THROUGH MY METER* into my household, where I *USED* it by *CONSUMING* it?”

Billing Department: “*OF COURSE* that is what we *YOUR ELECTRICAL UTILITY* mean! You *USED* that electricity by having it flow *THROUGH YOUR METER* to your household, where you *USED* it by *CONSUMING* it!!! That is what it means to *USE* Electricity!!!”

Me: “Oh, OK, so you are saying if that electricity *DIDN'T* flow through *MY METER* into my household where I *USED* it by *CONSUMING* it, then that isn't *USE*-ing that electricity???”

Billing Department: “*OF COURSE* if that electricity *DIDN'T* flow through *YOUR METER* into your household and you *DIDN'T USE* it by *CONSUMING* it, then *OF COURSE* that isn't *USE* of that electricity, and that electricity is not part of *SALES* – so you will not be billed for it! *ONLY* electricity that flows through Customer Meters counts as *SALES* to *CUSTOMERS* and only that electricity that is *CONSUMED* by our customers is *USED*!!!”

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Joint Agencies (JA) interpretation of CETA would allow a Washington State Utility to buy renewable energy on one market, while (say) simultaneously selling it on Mid-C to a utility of a different state than Washington, as unspecified energy, keeping for itself a Super-Duper REC, the newly invented “Retained REC”, allowing them to continue to pollute at a different point in time (by generating NG) and above the limits specified in CETA.

In comparison, by current JA interpretation, if (say) an Oregon State Utility were to buy renewable energy on the same market, while (say) simultaneously selling it on Mid-C to a utility of a different state than Washington, as unspecified energy, keeping for itself a REC, then they are not allowed to call that a “Retained REC”, and which they are not allowed to sell to Washington State Utilities as a “Retained REC”, and not allowing Washington State Utilities to continue to pollute (by generating NG) above the limits specified in CETA.

Where is the difference? Where is the “virtue” in allowing a Washington State Utility to be the one to “strip” the REC, calling the result a Super-Duper “Retained REC” while at the same time a utility of another state performs The Same Identical Action – namely to strip a REC -- and they are only allowed to call that an “unbundled REC” ? And how can this be an appropriate interpretation under “Commerce Clause” considerations?

“Our” RECs are better than “Their” RECs I guess – because the home team is always better? Perhaps we should instead be calling them “Dawg” RECs or “Coug” RECs -- as opposed to “Duck” RECs?

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Imagine if you will, a Washington Utility decides to implement a 100MW Solar Farm east of Los Angeles – certainly a good location as far as Solar Insolation is concerned. That Solar Farm “qualifies” under proposed JA rules because of the strong – and almost 100% entirely unused – UP South-to-North direction of the California AC/DC interties lies open to use [Almost 100% of the

hours of the year 7,000 to 8,000 Megawatts of power flows in the opposite direction, from the excessive production of PNW utilities *DOWN* South to California]. So that Solar Farm *IS* “connected” to the Mid-C market. The Washington Utility now simply sells the output of that Solar Farm to Southern Californian utilities, “Retaining” the associated RECs. What practical benefits have Washington State ratepayers received for having to buy and pay for this Southern Californian Solar Farm? *NONE WHATSOEVER!* Because they never got to *USE* the resulting power! It did not flow through their meters into their home or businesses to be *CONSUMED* by them! Rather, it was *USED* by Californians to run their air conditioners!

Why are you asking Washingtonian Ratepayers to pay for utilities to build new renewable generating facilities so that those utilities can just turn around and send that renewables-based energy to Californians? Especially when Californians basically almost *NEVER* send any energy whatsoever back up to the Pacific Northwest???

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Utilities suggest that UTC should defer consideration of the 2045 rules for right now. The reason they want this is clear: Current JA interpretation of “Retained RECs” violates the clear language of CETA 2045. By deferring consideration of “2045 rules” Utilities hope to avoid real scrutiny of this clear incongruity between proposed rules and CETA law.

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Pull-Quote from CRS [But Utilities have made the same kinds of arguments]:

But the physical electrons are indistinguishable and interchangeable, and as long as the power that is sold is not renewable and the replacement power is unspecified or cleaner,<sup>4</sup> there is no double counting or net difference in emissions. The utility is exporting unspecified power and importing unspecified power.

I certainly disagree with the CRS analysis --here we go again with another round of this kind of argument that: “there isn’t various ‘colors’ of electrons, ‘these electrons are green’ and ‘those electrons are brown ... blah blah blah ... and therefore in conclusion utilities should be allowed to continue to pollute.” These kinds of arguments are simply Mullarkey. What is really going on is that “we all” are trying to keep an *ACCOUNTING* of what kinds of generation are happening, and where, and when, and whether a particular kind and amount of generation at a certain point in time emits a certain amount of planetary-destroying, and humanity-destroying greenhouse gases. COP26 points out “we all” – all the citizens of this planet – only have 11 years to *FINISH* cleaning up our act, not to *START* cleaning up our act, but rather to *FINISH* cleaning up our act – or the planet and humanity will have been destroyed. It has nothing to do with the “color” of the electrons, or whether or not some utility lawyer has any concept of how, when and where electricity flows, or what “balancing” actions one or more utilities have to take on an hourly or sub-hourly basis to manage generation and flow of electricity in real time “to keep the lights on.” So please, can we just lay off these nonsensical hand-wavy “color of the electron” arguments?

What *IS* distinguishable and *IS NOT* interchangeable is *WHERE* and *WHEN* renewable power is generated, and whether that renewable power is being generated at a *USE*-ful place and point in time, such that “backup” fossil fuel generation *IS NOT* needed, such that the clearly stated 80% [20% emitting] goals of 2030, and 100% goals [0% emitting] are *ACTUALLY* being met, and not defeated

by some fancifully invented imaginary system of accounting that in practice allows utilities to continue to emit when CETA law clearly says that they are *NOT* allowed to do so! But this CETA requirement – that the generated renewable power *ACTUALLY* be *USE*-ful to the utilities' customers – at the point in time it is being generated – or else stored in a battery, pumped hydro, or stored as potential energy behind a hydro dam – is what the “Retained REC” invention is designed to destroy – allowing utilities to continue to emit GHG pollution “forever.”

We don't know if when a “Retained REC” is created if any “Additive” reductions in GHG emissions are happening in some other state – that requires looking into the details of their GHG programs, if any. But what we *DO* know is that “Retained RECs” are *SUBTRACTIVE* in our state – they *REDUCE* the amount of clean energy that is required, increasing instead the amount of GHG-emitting generation associated with the serving our customer load. That is the whole point of a “Retained REC” – they allow utilities to use more than the 20% clearly permitted in the CETA law. And it turns out, in the common case of California, our “Retained RECs” are in fact *NOT* “Additive” – because California *IS* going to count *OUR* clean energy shipped down to California as being *THEIR* clean energy – whether or not we say that we have stripped “Retained RECs” off of that energy! IE Yes there is “double-counting” going on! And what is happening then is that when Washington builds more new clean energy generating facilities California simply builds less! We the Washington State ratepayers are simply effectively being required to pay to build “Californian” clean energy generating facilities!

A simple example of the When-Generated verses the When-*USE*-ful distinction is the Well-Known “Duck Curve” problems. Sure (for example) utilities could simply generate more-and-more renewables by Solar, but then there would be an ever-increasing excess of renewables at lunchtime, and a severe shortage of power at dinnertime – and a huge ramp-rate problem requiring the use of yet-even-more fossil fuel generation to “fix” the problem! Yes “RECs” are being generated – but *USE*-ful electricity *IS NOT* being generated. CETA requires electrical power to actually be *USE*-ful – by actually being generated [or stored] and then delivered through customers' meters to customers' homes or businesses to be actually *USED* -- by being *CONSUMED* -- in those homes and businesses.

If, for example, utilities choose to build facilities to generate renewable energy resulting at a point in time when (say) the Mid-C market price is *NEGATIVE* 100 dollars per megawatt-hour, then is that renewable energy actually useful? – *OF COURSE NOT!* – utilities are paying to have that power disposed-of! That power is *NOT* actually doing *ANYTHING* useful to solve the problems of the world, and that Washington utility's customers are being *RIPPED OFF*. And why are they being ripped off? Because the “Retained REC” concept says that they are *ALLOWED* to be *RIPPED OFF!*

“net difference in emissions” – in general contrary to CRS claims there *IS* a “net difference in emissions” depending on *WHEN* and *WHERE* a given renewable resources is generated, and to *WHERE* that renewable resource is transmitted to be consumed – and a difference of *WHEN* if it is stored, including by modulating the power output [verses pond storage of the energy] of the existing vast PWN Hydro system. [Impounded Hydro Waters *IS* Energy Storage!] The affected emissions depends (primarily) on the alternative marginal fossil fuel generation possibility at that particular point in time and its (alternative, effective) location. And in turn this affects what new fossil fuel generating facilities will be built, and where -- and who pays for them! It is certainly *NOT* “all the same” when “Retained RECs” allow fossil fuel generation to be used instead! In particular not allowing “Retained RECs” tends to lead to more new builds of storage facilities – or more say “Wind Integration” contracts with Hydro providers, but in comparison allowing “Retained RECs” causes even more new fossil fuel generating plants to be built – and to be used more.

Further, consider that Utilities can always “wash” aka “Arbitrage” their “Retained-REC”-stripped power through Third States – states perhaps without GHG programs – in order to achieve effective “Double Counting” with California. Utilities sell their “Retained-REC” power to a utility-I in intermediary state I, and then that utility-I in turn sells their non-emitting power in exchange to California – who counts that power as being zero-emitting. Utility-I suffers neither gain nor loss of the amount of power they have, and is merely paid a small “Arbitrage” net fee. But as a result utilities in Washington and California have *BOTH* counted [effectively] a REC from one unit of “Retained-REC” power.

Or “Retained-REC”-stripped power is sold to one of the large independent power broker buyer-sellers who simply mixes it indistinguishably into their large power mix.

Unless you have well-established “Trading Partner” states with nearly-identical GHG-reduction programs you are never going to be able to track down this kind of Retained-REC “double counting” “cheating.”

“Retained-RECs” removes the incentives that Utilities have to actual build Renewable Generating Facilities where their power tends generated at a *USE*-ful place and time. The renewable power can be generated all at the same place, or all at the same time, so that the renewable power becomes ever more of a problem, rather than a solution.

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JA in their own analysis of issues of Battery Storage makes this distinction in the definition of “*USED*” – in *THEIR OWN* analysis they require that energy previously stored in batteries actually be *USED* – by actually flowing through their customer’s meter in order to be consumed in the utility’s customers’ home or business – in order that the energy that had been put into that Battery Storage be consider actually *USED*. But that is the *CORRECT* definition whether or not a Battery Storage system is involved: Electricity is *USED* (by definition of CETA) if that energy actually flows through utility’s customer’s meter to be *CONSUMED* by that home or business.

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NIPPC Pull-Quote: "Electricity cannot be tracked, like other goods sold in a market. Once electricity enters a grid, it is indistinguishable and untraceable. Thus, any attempt to track electricity is necessarily a rough proxy."

Again, I don’t know where this kind of “analysis” keeps coming from, but in terms of actual Electrical Engineering, it is certainly False. Electricity *DOES NOT* just wander around “aimlessly and uncontrolled” within the extended electrical grid, it *IS* distinguishable by location, amount of current, voltage, phase, etc. at a particular location while it is in the extended grid. It *IS* “traced” in many places – certainly measured at “Flow Gates”, and phasor measurement units, and is in fact measured by the well-known meters placed where the electricity enters each customer’s home or business, etc., etc. Utilities and other providers are required to know how much power, and what kind of power, and when and where, they are putting into the grid on a real-time basis, and may be penalized by Balancing Authorities or others if they fail to keep track and perform this correctly. Understanding how, when and where electricity will be found within the grid is *paramount* to modern grid design and understanding what might happen if part(s) of the grid or generation might

fail, and what transmission or backup capacities might need be added or strengthened. Further, by Principal of Superimposition it can be shown that in general electricity prefers to “Stay Near Home” and that it takes very large transmission lines (such as the Californian AC/DC Interties) to send power far from home. This in turn allows Balancing Authorities to measure and exchange electricity and report such flows in near real time, which reporting can be viewed in the Federal Government’s tool “Hourly Electric Grid Monitor” [Real-time Operating Grid - U.S. Energy Information Administration \(EIA\)](https://www.eia.gov/electricity/gridmonitor/dashboard/electric_overview/US48/US48)

[https://www.eia.gov/electricity/gridmonitor/dashboard/electric\\_overview/US48/US48](https://www.eia.gov/electricity/gridmonitor/dashboard/electric_overview/US48/US48) -- which at this particular moment of time of writing shows, for example, the PSE BA is using 218 MW of Wind, 290 of Hydro, 217 of NG, 17 of “Other”, is importing 1,706 MW from BPA, and exporting 84 to Seattle City Light, etc. , etc. – of course Utilities know Grid Electrical Information in much finer details that what they must report to the Federal Government, and which is displayed using this particular tool. In summary, on the contrary to NIPPC’s claim, in terms of real Electrical Engineering:

"Electricity *CAN* be tracked and *IS* tracked, like other goods sold in a market. Once electricity enters a grid, it *IS* still distinguishable and traceable, including by existing systems of utility accounting. Thus, any attempt to track electricity *CAN* be extremely precise and reliable!" But – only if two or more states agree that that power has to be tracked – IE a cross-state GHG program trading agreement between two very similar GHG programs.

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Of course, as CRS describes, California will claim that the “stripped” power sold by Washington State Utilities is actually clean, so California is actually “cheating” on emissions. And of course at the same time Washington State is “cheating” on emissions by implementing this “Retained REC” system of falsification claiming the same clean energy. And then – just like the history of RECs in Europe – you end up with a “Race to The Bottom” where everyone tries to get a leg up on everyone else by cheating better, and cheating bigger. Legislators understood this, in part because Environmental Organizations told them that they were *EXTREMELY SCEPTICAL* of “REC Counting Schemes” – afraid that such Counting Systems *ALWAYS* lead to cheating. And so the Legislature chose to implement a *COMPROMISE* in CETA – saying that RECs could *ONLY* be used for 20% of Customer Load, and then *ONLY* until 2045.

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*The Joint Agencies seek comments on the draft rules, specifically whether they are clear, feasible to implement, and consistent with CETA. In addition, the Joint Agencies seek responses to the following questions:*

***1. Requirements for obtaining unbundled RECs:*** *The draft rule would require that utilities obtain unbundled RECs only from renewable generating facilities that comply with certain business practices in all transactions, regardless of whether the transaction involves a Washington utility.*

*a. Is it feasible to require renewable generation facilities to register and certify with the state of Washington that all of their transactions comply with the draft rules’ business practices?*

Registering and certifying with Washington State is an additional optional choice that renewable generation facilities can make. If they choose not to register and certify then their output is treated as “unspecified.” If they choose to register and certify then they can earn additional revenue from the associated RECs. It is their choice, no one is forcing them to do so.

The REC-value generated from a typical 100 MW Wind Farm is about \$3,000,000 a year at current REC prices. A Wind Farm selling a large output across state boundaries to Washington would do well to implement the necessary accounting, but a Wind Farm mainly selling within a not-Washington state might choose not to implement the necessary accounting, deciding instead that it better to simply sell their excess to Washington as “unspecified.”

Either of these choices is a fine choice.

*b. Should the Joint Agencies consider alternatives to requiring that renewable generation facilities adhere to specific business practices in order to prevent double counting?*

Without requiring rigorous “business practices” it is impossible to prevent double counting. Again, it is their choice. If they don’t want to follow such “business practices” then their power is treated as “unspecified” and no REC can be accepted by Washington State.

*c. Should the Joint Agencies consider an alternative in which the business practices identified in subsection (2)(a) through (c) are required only for transactions that result in the transfer of an unbundled REC to a Washington utility?*

Especially if RECs are only required to show a “vintage” of month+year, and not hour+day+month+year, then it will be impossible to demonstrate that double-counting isn’t happening, especially unless stringent “business practices” are required for *all* transactions. As a simple example, how else would they be able to demonstrate that a month+year REC *isn’t* being transferred to two states simultaneously? Since one really cannot tell *which* REC is being talked about. Conversely with a hour+day+month+year approach one can “add up” all the RECs from that one hour, and see quite plainly if that matches the Facility’s output for that hour.

Consider if RECs are required to show a hour+day+month+year. Then if UTC or a chosen Auditor wanted to reasonably “test” whether or not a Utility actually has the RECs they claim they have, then the (say) Auditor can choose one hour out of the year at random (Random Sampling) and say “OK, now prove to me in complete detail for this one hour that you have the RECs for that hour that you say you have.” The auditor repeats this process for a number of hours out of the year chosen (literally) at random until UTC (or others) have enough confidence that the Utility is not cheating – or conversely that they are cheating.

But if RECs only have to show month+year vintage no such “Random Sampling” test is possible.

*d. Is a transaction-based approach feasible? If feasible, is it necessary to ensure no double counting of non-energy attributes?*



Sales of Electricity *are* “transaction-based” on an hour+day+month+year basis, and utilities already have to track this to make sure they get paid by other utilities, and that they in turn pay what is owed to other utilities – and that generation even balances load! Without hour+day+month+year tracking of the associated non-energy attributes it is impossible to prevent double counting. As a simple example, after 2045 CETA in plain language requires all electricity to be zero-emitting – not net zero-emitting, but rather *actually* zero-emitting. It is impossible to reach this CETA law requirement without actual hour+day+month+year accounting – otherwise you just get to [at best] net zero-emitting – but that is the more-lenient 2030 requirement, and not the more stringent 2045 requirement of *ACTUAL ZERO EMISSIONS*.

*e. Would a transaction-based approach be more or less effective and enforceable than the draft rules in preventing double counting?*

Again, an hourly transaction-based approach is required to prevent utilities from using more than 20% fossil fuels after 2030, and to prevent them from using more than 0% fossil fuels after 2045. Not taking a transaction-based approach is to ignore the plain language of CETA law and to allow utilities to continue to pollute more than 20% (2030) and 0% (2045) respectively.

## ***2. Business practices for transactions involving electricity delivered or claimed under greenhouse gas cap programs:***

*a. Sec. -XXX(2)(c) applies to transactions involving GHG cap programs outside Washington. Is it reasonable to distinguish between GHG cap programs outside Washington and Washington’s own GHG cap program, the Climate Commitment Act (CCA)? Is it relevant in making this decision that the electricity and the unbundled REC are used in the same jurisdiction?*

If and only if Washington and another State have mutual agreement that their Electrical Utility GHG reduction programs are substantially the same, and have very similar stringency and timelines, and that their assumed emissions from “unspecified” electricity are very similar, then and only then would make sense for those two states to agree to mutually recognize transactions involving renewable energy and RECs even though they are across state boundaries. But without these conditions it really does not work to try to trade RECs across state boundaries! And especially, if considering recognizing another state as a “REC trading partner” that other state (or jurisdiction) would have to strictly agree with the Washington State and Federal EPA definition that a “REC” is *ONLY* something *additional* to State Mandates – such as RPS, and that any “REC” associated with meeting such a State Mandate must immediately be retired and cannot be used in trading RECs. IE a State cannot say “OK you have to meet this RPS, but we still allow you to keep and trade the associated RECs” – that *IS* a State-sanctioned fraudulent double-counting scheme, where they want their utilities to do something “clean” – but then want to cause the ratepayers of some other state to be the ones actually paying for it! And similarly a “trading partner” state would have to agree not to count power delivered without the bound-REC as-if it were “clean” by that state’s standards. If they don’t agree to this, then they cannot be a CETA-equivalent “trading partner.”

*b. Sec. -XXX(2)(c) uses the term “GHG cap program,” and the workshop discussion focused primarily on California’s cap and trade program. How should the term “GHG cap program” be defined? Should the rule identify specific programs? If so, please provide an alternative term and definition.*

A “GHG cap program” should be something substantially similar in goals and stringency to the CETA Law, but implemented in a different state or jurisdiction, and Washington State and that other state or jurisdiction have to agree that the two “GHG cap programs” are substantially similar, and agree to accept bundled and unbundled RECs identically no matter which state or jurisdiction they were from.

**3. Identification of RECs associated with specified source electricity sales:** *Sec. -XXX(2)(a) requires the inclusion of RECs in sales of specified source electricity and requires that the RECs be from the same generating facility and have the same month/year vintage. Is this matching of RECs with electricity reasonable or is a more precise matching of RECs with electricity necessary and feasible for compliance?*

Electricity is bought and sold between utilities in units of MWh – Megawatt-HOURS – not “Megawatt-MONTHS” nor “Megawatt-YEARS.” Utilities are starting (somewhat) to move towards 15-minute accounting, if this becomes more widespread then it would make sense to move to 15-minute accounting of RECs. But right now, what Utilities actually do, in trading AND generation, is to make HOURLY commitments, not MONTHs, and not YEARS. And in turn the common definition of a REC is the environmental attributes associated with an HOUR of clean energy, not a clean-energy-MONTH nor a clean-energy-YEAR.

So, the proper “vintage” of a REC is hour+day+month+year, not month+year. Month+Year “vintages” would allow Utilities to continue to generate electricity from fossil fuels after 2045, in direct conflict with CETA language requiring *ACTUAL REAL ZERO EMISSIONS AFTER 2045* – Not merely “Net” Zero Emissions. Merely “Net” Zero Emissions is the requirement for 2030. In contrast the requirements for 2045 is *ACTUAL REAL ZERO EMISSIONS* – no more use of fossil fuels.

**4. Double counting safeguards for retained RECs:** *The statutory prohibition on double counting applies to unbundled RECs retired for alternative compliance obligations. The draft rules on “use” allow retained RECs to be used in addition to electricity from renewable generation resources for primary compliance.<sup>3</sup> Should the business practices preventing double counting be applied to retained RECs?<sup>4</sup> If so, does draft section -ZZZ do this effectively?*

Draft rules on “Retained RECs” should be retracted since a “Retained REC” is identical to an “unbundled REC” and the use of such RECs is clearly and unambiguously identified in CETA law as being usable ONLY to meet the “20% part” and NOT for “primary compliance.”

As such, since a “Retained REC” is identical to a “normal” REC previous discussions about “business practices” as applied to “normal” RECs apply and no additional special “answer” is needed to this question – except, to suggest again: “Just Don’t Do It” – the concept of a “Retained REC” is not congruent with CETA law.

Thank you for your consideration,  
James Adcock, Electrical Engineer