

Calif. governor signs 33% RPS into law

Colin Sullivan, E&E reporter

California Gov. Jerry Brown has signed a 33 percent renewable power mandate into law.

The Democrat approved the bill, which was authored by Sen. Joe Simitian (D), during a ceremony today at a solar manufacturing facility south of San Francisco. The renewable portfolio standard cruised through the state Legislature earlier this year.

The law calls on private and public utilities to get 33 percent of their power from renewable sources like wind, solar, geothermal, small hydroelectric and biomass by 2020. It builds upon a 20-percent-by-2010 version that applied only to the state's investor-owned utilities, or IOUs.

The law also replaces an executive order signed in 2008 by then-Gov. Arnold Schwarzenegger (R).

Under the executive order, the California Air Resources Board (ARB) was delegated much of the authority to oversee the RPS. The Simitian approach would change key details, putting more authority in the hands of the state's Public Utilities Commission while asking public power providers to come up with models for compliance on their own.

The PUC would handle oversight of the state's investor-owned utilities, with the air board retaining the authority (under the state's climate change law) to loosely oversee and, if need be, punish public utilities.

In comments delivered at a solar plant owned by San Jose-based SunPower Corp., Brown said he believes the state will soon be able to do more.

"While reaching a 33 percent renewables portfolio standard will be an important milestone, it is really just a starting point -- a floor, not a ceiling," Brown said. "With the amount of renewable resources coming online, and prices dropping, I think 40 percent ... is well within our grasp in the near future."

The law would also enact cost-containment measures and put a cap on the use of out-of-state renewable energy certificates. All of these measures

would likely make the RPS less susceptible to litigation and send a stronger signal to investors, sources said.

"This law will create the most aggressive renewable energy requirement in the country and act as a launchpad for California's green energy economy," said Laura Wisland, clean energy analyst for the Union of Concerned Scientists.

Whether the 2010 RPS has been a success is a matter of debate. Critics note that the standard still has not been met and argue the state needs a much more vibrant transmission system to go beyond 20 percent. Proponents counter that the IOUs will soon top 20 percent, by 2013, adding that the RPS concept has helped to launch clean tech in California and create thousands of jobs.