

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF RIVERSIDE, CALIFORNIA,
3 (1) ADOPTING REVISED SCHEDULE FIT (FEED-IN TARIFF FOR
4 RENEWABLE ENERGY GENERATION FACILITIES); AND (2) MAKING
5 FINDINGS OF FACT

6 WHEREAS, the City of Riverside's ("City") Department of Public Utilities ("RPU") has
7 submitted for action by the Board of Public Utilities ("Board") and the City Council, the proposed
8 adoption and approval of revised Electric Rate Schedule FIT (Feed-In Tariff For Renewable
9 Energy Generation Facilities); and

10 WHEREAS, State Senate Bill 32 (SB32), enacted on October 11, 2009, added Public
11 Utilities Code ("PUC") Section 387.6, now PUC Section 399.32, that requires publicly owned
12 utilities ("POUs"), such as Riverside, to establish a feed - in tariff ("FIT") for renewable energy
13 generators located within the POU service territory wishing to sell to the utility the output from a
14 California Energy Commission (CEC) certified wind and/or solar energy generation facility, with
15 an effective capacity of no more than three (3) megawatts to the POU; and

16 WHEREAS, PUC Section 399.32 also requires that the customer - generator must have
17 ownership of environmental attributes and renewable energy credits ("RECs") associated with
18 energy delivered to RPU's electric grid, and compliance with RPU's Electric Rule 22, Distributed
19 Generation Facilities Interconnection; and

20 WHEREAS, on December 14, 2010, the City Council approved Schedule FIT, "Feed-In
21 Tariff for Renewable Energy Generation Facilities" (Schedule FIT) effective January 1, 2011.
22 Customer - generators that receive incentives or rebates from RPU for the construction of the
23 renewable energy generation facility are not eligible for Schedule FIT. Participation in Schedule
24 FIT is limited to RPU's proportionate share of the statewide peak demand of 750 MW, which is
25 7.6 MW, as approved by the City Council on December 14, 2010; and

26 WHEREAS, RPU currently has had no customer-generators under the Feed-In Tariff
27 Program. The proposed changes to Schedule FIT are intended to address a limitation under the
28 current program that prohibited customer generators from securing financing for their projects and
thus limited participation under the tariff; and

1 WHEREAS, the proposed amendments address the limitation and are consistent with other
2 POU's for which customers are able to participate. Staff is also proposing to include administrative
3 reviews for standard agreements that are necessary for the tariff's implementation. Proposed are
4 many customer-generator benefits including a minimum facility size, three optional Power
5 Purchase Agreement terms, price certainty for the term of Purchase Power Agreement, Standard
6 Form Purchase Power Agreement, and Standard Form Feed-in Tariff Generating Facility
7 Interconnection Agreement; and

8 WHEREAS, RPU staff submitted to the City's Board of Public Utilities ("Board") the
9 proposed adoption and approval of revised Electric Rate Schedule FIT (Feed-In Tariff For
10 Renewable Energy Generation Facilities). The proposed changes become effective following
11 adoption by the Board and approval by the City Council; and

12 WHEREAS, the Board of Public Utilities conducted a public hearing, notice of which was
13 duly published in The Press-Enterprise on October 28, 2022, and November 6, 2022, in compliance
14 with Government Code Sections 66018 and 6062a, on November 14, 2022, at 6:30 p.m. to consider
15 the revisions noted herein; and

16 WHEREAS, after considering all staff and public comment thereon, on November 14,
17 2022, the Board adopted and established revised Electric Rate Schedule FIT (Feed-In Tariff For
18 Renewable Energy Generation Facilities) to be effective upon approval by the City Council; and

19 WHEREAS, on December 13, 2022, the City Council reviewed such proposed changes
20 and adopted such proposed changes.

21 NOW, THEREFORE, IT IS RESOLVED:

22 Section 1: That the findings of fact of the Board of Public Utilities made in its Resolution
23 No. 2022-3, which Resolution is attached hereto as Attachment 1 and incorporated herein in its
24 entirety by this reference, are hereby adopted as findings of the City Council.

25 Section 2: That the Public Utilities Department is directed to prepare and file the Notice
26 of Exemption and such other documents as are required by the California Environmental Quality
27 Act (Public Resources Code sections 21000 et seq.) in connection with the proposed rule revisions.
28

1 Section 3: That the revised Electric Rate Schedule FIT (Feed-In Tariff For Renewable
 2 Energy Generation Facilities) as set forth in Exhibit A to Attachment 1 and incorporated herein,
 3 are hereby approved under and pursuant to Section 1202(e) of the Charter of the City of Riverside,
 4 California, and shall become effective upon such date of approval.

5 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk
 6 this ____ day of _____, 2022.

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 10 _____
 11 Mayor of the City of Riverside

12 _____
 13 City Clerk of the City of Riverside

14 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
 15 foregoing resolution was duly and regularly introduced at a meeting of the City Council on the
 16 ____ day of _____, 2022, by the following vote, to wit:

17 Ayes:

18 Noes:

19 Abstain:

20 Absent:

21 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
 22 the City of Riverside, California, this ____ day of _____, 2022.

23 _____
 24 City Clerk of the City of Riverside

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 28 22-1045.3 RMS 11/17/2022

ATTACHMENT 1

RESOLUTION NO. 2022-3 OF THE BOARD OF PUBLIC UTILITIES

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1 RESOLUTION NO. 2022-3

2 A RESOLUTION OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF
3 RIVERSIDE, CALIFORNIA (1) ADOPTING REVISED SCHEDULE FIT
4 (FEED-IN TARIFF FOR RENEWABLE ENERGY GENERATION
5 FACILITIES); (2) MAKING FINDINGS OF FACT; AND
6 (3) RECOMMENDING CITY COUNCIL APPROVAL THEREOF

7 WHEREAS, the City of Riverside's ("City") Department of Public Utilities ("RPU") has
8 submitted for action by the Board of Public Utilities ("Board") and the City Council, the
9 proposed adoption and approval of revised Electric Rate Schedule FIT (Feed-In Tariff For
10 Renewable Energy Generation Facilities); and

11 WHEREAS, State Senate Bill 32 (SB32), enacted on October 11, 2009, added Public
12 Utilities Code ("PUC") Section 387.6, now PUC Section 399.32, that requires publicly owned
13 utilities ("POUs"), such as Riverside, to establish a feed - in tariff ("FIT") for renewable energy
14 generators located within the POU service territory wishing to sell to the utility the output from a
15 California Energy Commission (CEC) certified wind and/or solar energy generation facility, with
16 an effective capacity of no more than three (3) megawatts to the POU; and

17 WHEREAS, PUC Section 399.32 also requires that the customer - generator must have
18 ownership of environmental attributes and renewable energy credits ("RECs") associated with
19 energy delivered to RPU's electric grid, and compliance with RPU's Electric Rule 22, Distributed
20 Generation Facilities Interconnection; and

21 WHEREAS, on December 14, 2010, the City Council approved Schedule FIT, "Feed-In
22 Tariff for Renewable Energy Generation Facilities" ("Schedule FIT") effective January 1, 2011.
23 Customer - generators that receive incentives or rebates from RPU for the construction of the
24 renewable energy generation facility are not eligible for Schedule FIT. Participation in Schedule
25 FIT is limited to RPU's proportionate share of the statewide peak demand of 750 MW, which is
26 7.6 MW, as approved by the City Council on December 14, 2010; and

27 WHEREAS, RPU currently has had no customer-generators under the Feed-In Tariff
28 Program. The proposed changes to Schedule FIT are intended to address a limitation under the

1 current program that prohibited customer generators from securing financing for their projects
2 and thus limited participation under the tariff; and

3 WHEREAS, the proposed amendments address the limitation and are consistent with
4 other POU's for which customers are able to participate. Staff is also proposing to include
5 administrative reviews for standard agreements that are necessary for the tariff's implementation.
6 Proposed are many customer-generator benefits including a minimum facility size, three optional
7 Power Purchase Agreement terms, price certainty for the term of Purchase Power Agreement,
8 Standard Form Purchase Power Agreement, and Standard Form Feed-in Tariff Generating
9 Facility Interconnection Agreement; and

10 WHEREAS, the proposed changes become effective following adoption by the Board of
11 Public Utilities and approval by the City Council. staff proposed adoption of a revised Schedule
12 FIT (Feed-In Tariff for Renewable Energy Generation Facilities); and

13 WHEREAS, a public hearing, notice of which was duly published in The Press-
14 Enterprise on October 28, 2022 and November 6, 2022 in compliance with Government Code
15 Sections 66018 and 6062a, was held on November 14, 2022 at 6:30 p.m. before the Board of
16 Public Utilities to consider the revisions, additions and deletions noted herein; and

17 WHEREAS, the Board is charged by Section 1202(e) of the City Charter to establish and
18 adopt the rates, rules, fees and charges for the Electric and Water Utility, subject to the approval
19 of the City Council; and

20 WHEREAS, the Board intends to establish and adopt such revised and new Electric Rate
21 Schedules and revised Electric Rules, all in accordance with RPU staff recommendations;

22 NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing facts, the staff
23 report and other evidence submitted by RPU staff during the Board's public hearing, by the
24 Board of Public Utilities of the City of Riverside, California, as follows:


25 Section 1. The foregoing recitals are true and correct and are adopted and incorporated
26 herein by reference as findings of fact of this Board.

27 Section 2. On the basis of the RPU staff analyses, data and reports, the foregoing recitals
28 and the other evidence submitted by the RPU staff and during the Board's public hearing, the

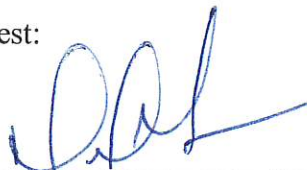
1 Board hereby finds and determines that the revised Schedule FIT (Feed-In Tariff for Renewable
2 Energy Generation Facilities are exempt from the provisions of the California Environmental
3 Quality Act (Pub. Res. Code Section 21000 et seq.) under Public Resources Code section
4 21080(b) (8).

5 Section 3: The proposed revised Schedule FIT (Feed-In Tariff for Renewable Energy
6 Generation Facilities, attached hereto as Exhibit A and incorporated herein by reference, is
7 hereby adopted and established under and pursuant to Section 1202(e) of the Charter of the City
8 of Riverside, California, are recommended for approval by the City Council of the City of
9 Riverside, California, and shall become effective upon City Council approval.

10 ADOPTED by the Board of Public Utilities of the City of Riverside, signed by its
11 Chairman this 14th day of November 2022.

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15 Chairman of the Board of Public Utilities,
City of Riverside, California

16 Attest:

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19 Secretary of the Board of Public Utilities
City of Riverside, California

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I, Donesia Gause, Secretary of the Board of Public Utilities of the City of Riverside, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the Board of Public Utilities of said City at its meeting held on the 14th day of November 2022, to wit:

- Ayes: Chair Crohn and Board Members Goldware, Heru, Melendez, Montgomery, and Wohlgemuth
- Noes: None
- Absent: Board Members Gujral and Ocegvera
- Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of November 2022.



Secretary to the Board of Public Utilities
City of Riverside, California

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EXHIBIT A
Electric Rate Schedule FIT

(Effective upon City Council Approval)

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SCHEDULE FIT
FEED-IN TARIFF (FIT)
FOR RENEWABLE ENERGY GENERATION FACILITIES

Applicability:

This Schedule is available for customer-generators who wish to sell to the Utility the generation output from a Renewable Energy Generation Facility that meet the criteria of this Schedule, and execute a Power Purchase Agreement with the Utility. Such criteria include compliance with this Schedule, certification by the California Energy Commission (CEC) that the facility is an Eligible Renewable Energy Resource, certification by the Federal Energy Regulatory Commission (FERC) that the facility is a qualifying facility (if applicable), the facility has an effective capacity of no less than 500 kilowatts and not more than 3,000 kilowatts, customer-generator has ownership of environmental attributes and renewable energy credits (REC) associated with energy delivered to Utility, and compliance with Electric Rule 22, Distributed Generation Facilities Interconnection.

Customer-generators that receive incentives or rebates from the Utility for the construction of the Renewable Energy Generation Facility are not eligible for this rate.

Territory:

Within the service area of the City of Riverside

Rates:

Under this Schedule, the Utility offers to purchase from a customer-generator output from an eligible Renewable Energy Generation Facility at the applicable price for metered energy delivered on a Time-of-Delivery (TOD) basis. The FIT prices will be posted on the Utility's website (RiversidePublicUtilities.com/ElectricRates) on January 1 of each year and will be effective from January 1 through December 30. FIT prices shall be established annually by the Public Utilities General Manager to equal the average cost of renewable energy purchased by the Utility and reported in the most recently audited fiscal year and differentiated by TOD periods.

Daily Time Periods for Time-of-Delivery are Defined as Follows:

On-Peak: 12:00 p.m. to 6:00 p.m. summer weekdays except holidays
 5:00 p.m. to 9:00 p.m. winter weekdays except holidays

Mid-Peak: 8:00 a.m. to 12:00 p.m. and 6:00 p.m. to 11:00 p.m. summer weekdays except holidays
8:00 a.m. to 5:00 p.m. winter weekdays except holidays

Off-Peak All other hours
Off-peak holidays are: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas.

Summer shall commence at 12:01 a.m. on June 1 and continue through September 30 of each year. Winter shall commence at 12:01 a.m. on October 1 of each year and continue through May 31 of the following year.

Special Conditions:

1. Term:

The customer-generator has the option of entering into a Power Purchase Agreement for 10, 15, or 20 years. The FIT pricing in effect when the Power Purchase Agreement is executed is effective for the agreed upon Term of the Power Purchase Agreement.

2. Exclusions:

Excluded from the application of this Schedule are customer-generators that:

- a. Have executed a Standard Contract–NEM with the Utility for the Renewable Energy Generation Facility; or
- b. Have executed a bilaterally negotiated power purchase agreement, other than the Power Purchase Agreement referenced herein, with the Utility for deliveries of additional power from the Renewable Energy Generation Facility; or
- c. Have or will receive incentives or rebates from the Utility under customer programs implemented in compliance with SB 1 requirements or similar program for the Renewable Energy Generation Facility; or
- d. Have executed an agreement, such as a lease/buyback, with a third party that conveys the RECs and the environmental attributes of the energy to be delivered to the Utility to the third party.

3. Environmental Attributes and Renewable Energy Credits (REC):

Customer-generator under this Schedule must certify that they have sole ownership of the environmental attributes and RECs. A customer-generator accepting service under this Schedule shall deliver to the Utility both the energy generated from the Renewable Energy Generation Facility and any environmental attributes and RECs associated with that energy.

4. Certification:

The customer-generator must obtain certification from the CEC that the Renewable Energy Generation Facility is an Eligible Renewable Energy Resource, pursuant to Public Utilities Code section 399.13, prior to commercial operation, and shall maintain such certification throughout the term of the Power Purchase Agreement. Unless considered exempt by the FERC, the customer-generator must also obtain certification from the FERC as a qualifying facility prior to commercial operation, and shall maintain such certification throughout the term of the Power Purchase Agreement.

5. Electrical Interconnection:

Any customer-generator receiving service under this Schedule shall be interconnected within Utility's service territory and shall be required to comply with the Electric Rule 22, Distributed Generation Facilities Interconnection. In accordance with the Generation Facility Interconnection Agreement, Renewable Energy Generation Facilities with Host Load are required to establish a separate service for the Host Load which will be billed by the Utility at the customer-generator's otherwise applicable tariff. All costs associated with the service for the Host Load shall be the responsibility of the customer-generator. Host Load does not include the electrical energy consumed by the auxiliary equipment necessary to operate the Renewable Energy Generation Facility.

6. Definitions:

- a. "Eligible Renewable Energy Resource" – means a Renewable Energy Generation Facility that has been certified as an eligible renewable energy resource by the CEC, under Public Utilities Code section 399.13.

- b. "Host Load" – means electrical power that is consumed by the customer-generator at the property on which the Renewable Energy Generation Facility is located.
- c. "Generation Facility Interconnection Agreement" – means an agreement between the Utility and the customer-generator that gives certain rights and obligations to effect or end interconnection.
- d. "Power Purchase Agreement" – means an agreement for the sale of electricity by the customer-generator to the Utility.
- e. "Renewable Energy Generation Facility" means an electric generation facility as defined in Section 399.32(b) of the California Public Utilities Code located within the service territory of, and developed to sell energy to RPU, and that meets all of the following criteria:
 - i. Has an effective capacity of no less than five hundred (500) kilowatts (kW) and not more than three thousand (3,000) kilowatts (kW).
 - ii. Is interconnected and operates in parallel with the Utility's electrical transmission and distribution grid.
 - iii. Is strategically located and interconnected to the Utility's electrical transmission and distribution grid in a manner that optimizes the deliverability of energy generated at the facility to load centers.
 - iv. Is an Eligible Renewable Energy Resource pursuant to Article 16 of the California Public Utilities Code (commencing with Section 399.11).
- f. "Time-of-Delivery" or "TOD" – means the time at which the Renewable Energy Generation Facility delivers metered energy to the Utility's electrical transmission and distribution grid, as referenced herein.

7. Request for Tariff:

Once a completed FIT Application and Generating Facility Interconnection Application, including the required application fee and reservation deposit, have been received by the Utility from owners or operators of Renewable Energy Generation Facilities, the name of the applicant will be posted on the Utility's website within 10 days of receipt.

8. Approval:

Application of this Schedule shall be subject to the execution of a Generation Facility Interconnection Agreement and Power Purchase Agreement, and approval of the Public Utilities General Manager. The Public Utilities General Manager may deny service under this Schedule if any of the following findings are made:

- a. The Renewable Energy Generation Facility does not meet the requirements of Public Utilities Code section 399.32.
- b. The transmission or distribution grid that would serve as the point of interconnection is inadequate.
- c. The Renewable Energy Generation Facility does not meet all applicable state and local laws and building standards, and the Utility's interconnection requirements of Electric Rule 22.
- d. The aggregate of all Renewable Energy Generation Facilities on a distribution circuit would adversely impact utility operation and load restoration efforts of the distribution system.
- e. The program cap has been reached.

The Public Utilities General Manager's decision to disapprove application of this Schedule shall be appealable pursuant to the General Provisions section of the Electric Rules.

9. Agreement:

In order for this schedule to apply, customer-generator must execute the Utility's Generation Facility Interconnection Agreement and Power Purchase Agreement. The Generation Facility Interconnection Agreement and Power Purchase Agreement shall contain additional terms and conditions, including without limitation, indemnification, insurance, access to Renewable Energy Generation Facility's premises, submittal of a biannual inspection and maintenance report, and provisions that ensure construction of the Renewable Energy Generation Facility complies with all applicable state and local laws and building standards and utility interconnection requirements.

10. Agreement Deadline:

Customer-generator must submit a Generating Facility Interconnection Application for FIT to qualify for this rate. Customer-generator must comply with Rule 22 for the interconnection of agreement. The Utility may request that customer-generator submit a reservation deposit.

Upon approval by the Utility of the application, Utility will provide an executable Generation Facility Interconnection Agreement and Power Purchase Agreement to the customer-generator. The customer-generator shall return a fully executed Generation Facility Interconnection Agreement and Power Purchase Agreement to the Utility within thirty (30) days of receipt, or the Utility may cancel and return the Generation Facility Interconnection Application to the customer-generator. Upon cancellation of the Generation Facility Interconnection Application, the entire reservation deposit shall be returned to the customer-generator.

The executed Generation Facility Interconnection Agreement (under Rule 22) and the Power Purchase Agreement will become effective on the date of the Utility's execution of the agreements.

The City reserves the right to terminate the Power Purchase Agreement if customer-generator fails to commence operation of the Renewable Energy Generation Facility within one year of the effective date of that agreement.

- 11. Program Cap:** The total contract generating capacity of this Schedule for qualifying Renewable Energy Generation Facilities shall collectively not exceed the Utility's proportionate share of the statewide peak demand of 750 MW cumulative rated generation capacity as stated in Public Utilities Code Section 399.32(e), previously 387.6(e), of 7.6 megawatts (MW) as approved by City Council on December 14, 2010.

Until the program cap is reached, the Schedule shall be open to all customer-generators of qualifying Renewable Energy Generation Facilities on a first-come, first-served basis. Once the program cap is reached, the Schedule will be closed to any new Renewable Energy Generation Facilities, until such time as a Renewable Energy Generation Facility included within the program cap is no longer interconnected with and operating in parallel with the Utility's electrical transmission and distribution grid, and that customer-generator's Power Purchase Agreement is terminated, thus allowing new participation until the program cap is again reached. Upon expiration of a customer-generator's Power Purchase Agreement, customer-generator may maintain their status in the program by renewing the Power Purchase Agreement prior to expiration of their existing Power Purchase Agreement.