

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

Order Instituting Rulemaking to Continue	)	Rulemaking 11-05-005
Implementation and Administration of	)	(Filed May 5, 2011)
California Renewables Portfolio Standard Program.	)	
_____	)	

**THE BIOENERGY ASSOCIATION OF CALIFORNIA, CALIFORNIA  
ASSOCIATION OF SANITATION AGENCIES, AND RURAL COUNTY  
REPRESENTATIVES OF CALIFORNIA PETITION FOR  
MODIFICATION OF DECISION 14-12-081  
AND DECISION 20-08-043**

DATED: November 16, 2021

JULIA A. LEVIN  
Executive Director  
Bioenergy Association of California  
PO Box 6184  
Albany, CA 94706  
510-610-1733  
[jlevin@bioenergyca.org](mailto:jlevin@bioenergyca.org)

JOHN KENNEDY  
Policy Advocate  
Rural County Representatives of California  
1215 K Street, Suite 1650  
Sacramento, CA 95814  
916-447-4806  
[jkennedy@rcrcnet.org](mailto:jkennedy@rcrcnet.org)

GREGORY KESTER  
Director of Renewable Resource Programs  
California Association of Sanitation Agencies  
925 L Street, Suite 200  
Sacramento, CA 95814  
916-844-5262  
[gkester@casaweb.org](mailto:gkester@casaweb.org)

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

Order Instituting Rulemaking to Continue	)	Rulemaking 11-05-005
Implementation and Administration of	)	(Filed May 5, 2011)
California Renewables Portfolio Standard Program.	)	
_____	)	

**THE BIOENERGY ASSOCIATION OF CALIFORNIA, CALIFORNIA  
ASSOCIATION OF SANITATION AGENCIES, AND RURAL COUNTY  
REPRESENTATIVES OF CALIFORNIA PETITION FOR  
MODIFICATION OF DECISION 14-12-081  
AND DECISION 20-08-043**

The Bioenergy Association of California (BAC), California Association of Sanitation Agencies (CASA), and Rural County Representatives of California (RCRC) submit this Petition for Modification of Decisions 14-12-081 and 20-08-043 in accordance with Rule 16.4 of the Commission’s Rules of Practice and Procedure. BAC, CASA, and RCRC (the “Joint Petitioners”) submit this Petition to modify the BioMAT Decisions to:

- Remove the utility specific allocations in Decision 14-12-081;
- Allow smaller Investor-Owned Utilities (IOUs) to participate in the BioMAT program by modifying Decision 14-12-081; and
- Extend the program end date adopted in Decision 20-08-043.

The need for each of these changes is described below.

## I. THE JOINT PETITIONERS

BAC was established in 2012 to promote sustainable bioenergy development in California. BAC now represents 90 public agencies, private companies, and non-profit organizations working to develop the next generation of bioenergy projects in California. BAC's public sector members include many cities and counties, environmental and air quality protection agencies, waste and wastewater agencies and associations, community and environmental groups, research institutions, and publicly owned utilities. BAC's private sector members include energy and technology companies, project developers and consulting firms, investors, waste and recycling industries, agriculture and food processing, investor-owned utilities, and others. Several BAC members participated in the development of Senate Bill 1122 (Rubio, 2012), which established the BioMAT program, and BAC has participated in development of the BioMAT program since SB 1122 was enacted. BAC and its members have also helped to shape more recent legislation and policies to accelerate implementation of the BioMAT program, including SB 840 (Budget, 2016), AB 1923 (Wood, 2017), the Governor's Emergency Order on Tree Mortality,<sup>1</sup> AB 843 (Aguiar-Curry, 2021), and the state's various climate change, waste reduction, and wildfire prevention programs.

For over 60 years, CASA has served as the leading voice for clean water agencies on regulatory, legislative and legal issues. We are the leading California association dedicated to advancing wastewater interests, including the recycling of wastewater into usable water, generation of renewable energy, biosolids and other valuable resources. Through our efforts, we help create a clean and sustainable environment for California. CASA represents over 125 public agencies that engage in the collection, treatment or disposal of wastewater, resource recovery or water recycling. Our membership has grown to also include over 80 associate members involved in the water quality field.

---

<sup>1</sup> Governor's Proclamation of a State of Emergency, issued October 30, 2015, Emergency Order paragraphs 1 and 2. Available at: [https://www.gov.ca.gov/docs/10.30.15\\_Tree\\_Mortality\\_State\\_of\\_Emergency.pdf](https://www.gov.ca.gov/docs/10.30.15_Tree_Mortality_State_of_Emergency.pdf).

Associate members include engineering consultants, service and technology providers, accountants, attorneys and financial institutions.

RCRC is an association of thirty-seven rural California counties and its Board of Directors is comprised of one elected supervisor from each member county. RCRC member counties contain much of California's forested lands and high fire hazard severity zones. Our communities have borne the lion's share of destruction caused by wildfires and so we strongly support wildfire risk reduction efforts. Under newly finalized organic waste reduction regulations, our counties are obligated to procure recovered organic waste products, which may include biogas derived from organic waste. Finally, several of our counties in the San Joaquin Valley must soon phase out open burning of agricultural waste and find new disposal pathways for those materials. RCRC believes that biomass facilities and the BioMAT program will play key roles in all those efforts.

## **II. REASON FOR FILING PETITION MORE THAN ONE YEAR AFTER ISSUANCE OF DECISIONS.**

Rule 16.4(d) of the Commission's Rules of Practice and Procedure requires parties to justify filing a Petition for Modification more than one year after a Decision is adopted. The reasons for seeking modifications to the two BioMAT Decisions more than a year after their adoption are below.

### **A. Reason for Delay in Seeking Modification to Decision 14-12-081**

Joint Petitioners seek a modification to Decision 14-12-081 to remove the utility specific megawatt allocations within each of the three feedstock categories established by SB 1122.<sup>2</sup> Joint Petitioners request this change more than one year after the Commission issued Decision 14-12-081 because of two important policy changes in the past year. First, California just enacted AB 843 (Aguiar-Curry, 2021), which allows Community Choice Aggregators (CCAs) to participate in the BioMAT program. The growth of CCAs and their interest in participating in the BioMAT program (CCA's were the

---

<sup>2</sup> SB 1122 (Rubio), Statutes of 2012, Chapter 612. The three feedstock categories are codified in Public Utilities Code section 399.20(f)(2)(A).

sponsor of AB 843) were not even considered in Decision 14-12-081, which allocated 100 percent of the required megawatts to the three large IOUs. Since CCAs can also procure BioMAT power, it no longer makes sense to divide up the three feedstock categories only between the large IOUs.

Second, Decision 20-08-043 converted the BioMAT program to a statewide program using a non-bypassable charge so that all IOU ratepayers share in the costs of the program. That removes one of the main reasons for dividing the three feedstock categories between the IOUs, which was to balance costs between the three utilities. By distributing BioMAT costs across all ratepayers, that rationale for the utility specific allocations no longer exists.

Given these two recent policy changes, both of which occurred several years after issuance of Decision 14-12-081, Joint Petitioners believe it is appropriate to revise that Decision now to remove the utility specific allocations within each BioMAT feedstock category.

### **B. Reason for Delay in Seeking Modification to Decision 20-08-043**

Joint Petitioners seek modification of Decision 20-08-043 to extend the BioMAT program end date to 2030. Joint Petitioners seek this modification more than one year after the issuance of Decision 20-08-043 for several reasons:

- CalRecycle did not finalize the organic waste diversion regulations to implement SB 1383 (Lara, 2016) until November 2020, but those regulations will only become operative on January 1, 2022. This has delayed participation in Category 1 of the BioMAT.
- The California Air Resources Board adopted a plan in February 2021 to phase out the open burning of agricultural waste that calls for increased bioenergy production as a preferred alternative to open burning.<sup>3</sup>
- The Board of Forestry adopted a *Forest Biomass Utilization Plan* in November 2020 that calls for expanding the BioMAT program to help address the forest

---

<sup>3</sup> [https://ww2.arb.ca.gov/sites/default/files/2021-02/Staff\\_Recommendations\\_SJV\\_Ag\\_Burn.pdf](https://ww2.arb.ca.gov/sites/default/files/2021-02/Staff_Recommendations_SJV_Ag_Burn.pdf).

health improvement and wildfire risk reduction objectives set forth in SB 901 (Dodd, 2018) and the Forest Stewardship Agreement between California and the U.S. Forest Service.<sup>4</sup>

- The Commission’s recent Decision in the IRP proceeding calls for 1,000 MW of new firm renewables and acknowledges that they are long lead-time resources that may require five years or more to develop, which would be later than the 2025 deadline for the BioMAT program.

Joint Petitioners submit this Petition for Modification of Decision 20-08-043 more than a year after the Decision was issued due to the more recent policy changes described above. The substantive reasons for the proposed modifications are described below.

### III. NEED TO MODIFY DECISION 14-12-081

5

**Table 4**

IOU	<b>Category 1:</b> Biogas from various sources	<b>Category 2:</b> Dairy & other agricultural bioenergy	<b>Category 3:</b> Byproducts of sustainable forest management	
PG&E	30.5	33.5	47	<b>111</b> (110.78)
SCE	55.5	56.5	2.5	<b>114.5</b> (114.53)
SDG&E	24	0	0.5	<b>24.5</b> (24.68)
SB 1122 mandated total	110	90	50	<b>250</b>

---

<sup>4</sup> *Joint Institute Recommendations to Expand Wood and Biomass Utilization in California*, adopted by the California Board of Forestry, November 2020. Available at: <https://bof.fire.ca.gov/business/2020-monthly-board-binder-materials-workshop-archives/>.

<sup>5</sup> Decision 14-12-081, Table 4, page 41.

SB 1122 directed the Commission to allocate the overall program megawatts to the IOUs based on their portion of statewide peak demand.<sup>6</sup> Those are the megawatt totals in the last (untitled) column of Table 4. Joint Petitioners do not seek to revise those totals since they are required by statute. Joint Petitioners do seek to remove the allocations within each feedstock category, however, since the rationale for those allocations is no longer applicable. The two main reasons the Commission divided the feedstock categories between the three IOUs were feedstock availability in each service territory and cost balancing between the utilities, both of which have changed significantly since the Decision was adopted.

**A. Feedstock Availability Has Changed Since Decision 14-12-081 Was Adopted.**

In Decision 14-12-081, the Commission considered the availability of each feedstock type and based the utility specific allocations on the availability at the time. According to the consultant's report on SB 1122, Category 3 feedstock – the byproducts of sustainable forestry – was the most limited feedstock and available almost exclusively in PG&E's service territory. Decision 14-12-081, therefore, assigned nearly all of Category 3 to PG&E.<sup>7</sup> The remaining feedstock allocations flowed from this initial allocation of Category 3. Most significantly, the Commission allocated the majority of Category 2 (agricultural and dairy waste) to SCE even though there was far more agricultural waste available in PG&E's service territory. The Commission sought to balance costs and had already assigned most of Category 3, the most expensive category, to PG&E, so wanted to allocate more of Category 2 (the next most expensive category) to SCE. These allocations made sense at the time, but a lot has changed since then.

Since Decision 14-12-083 was adopted, California has experienced a multi-year drought, a bark beetle epidemic, a tree mortality crisis, and increasing wildfire threats. As a result, the state adopted a California Forest Carbon Plan in 2018 and a Wildfire and Forest Resilience Action Plan in 2021 calling for forest thinning on 500,000 acres per year. Even more recently, Senate Bill 456 (Laird, Chapter 387, Statutes of 2021)

---

<sup>6</sup> Public Utilities Code section 399.20(f)(2).

<sup>7</sup> Decision 14-12-081 at pages 37-38.

requires the state to develop an implementation strategy designed to annually treat 500,000 acres of federal land and 500,000 acres of nonfederal land by 2025. California has also entered into a Forest Stewardship Agreement with the U.S. Forest Service to conduct forest thinning on one million acres per year.<sup>8</sup> Together, these two more recently enacted policies and the Commission's own rules for tree removal around power lines and other infrastructure dramatically increase the availability of Category 3 feedstocks and make much more Category 3 feedstock available beyond PG&E's service territory.

In addition, the California Air Resources Board recently adopted a plan to phase out the open burning of agricultural waste in the San Joaquin Valley and the plan calls for increased bioenergy as one of the preferred alternatives to open burning.<sup>9</sup> That plan will increase the availability of Category 2 feedstocks (agricultural waste) in both PG&E and SCE service territories.

Since there will now be significantly more Category 2 and Category 3 feedstock available, feedstock availability within each utility service territory is very different than it was when the Commission adopted Decision 14-12-081. The increased availability of Categories 2 and 3 feedstock remove the main rationale for allocating those categories the way that Decision 14-12-081 did.

### **B. Cost Balancing Between Utility Ratepayers Is No Longer an Issue.**

The other rationale for allocating feedstock specific megawatts to each IOU was to balance the costs of their respective BioMAT portfolios.<sup>10</sup> This made sense at the time because there was a significant price difference between each of the feedstock categories and each utility's ratepayers were responsible for that utility's BioMAT costs. This rationale is no longer applicable, however, since the Commission has converted BioMAT into a statewide program using a non-bypassable charge that is shared among

---

<sup>8</sup> *Agreement for Shared Stewardship of California's forest and Rangelands Between the State of California and the USDA, Forest Service Pacific Southwest Region, August 12, 2020.* Available at: <https://www.gov.ca.gov/wp-content/uploads/2020/08/8.12.20-CA-Shared-Stewardship-MOU.pdf>.

<sup>9</sup> [https://ww2.arb.ca.gov/sites/default/files/2021-02/Staff\\_Recommendations\\_SJV\\_Ag\\_Burn.pdf](https://ww2.arb.ca.gov/sites/default/files/2021-02/Staff_Recommendations_SJV_Ag_Burn.pdf), at page 9.

<sup>10</sup> Decision 14-12-081 at pages 40-42.

all ratepayers.<sup>11</sup> Since costs are shared equally among all ratepayers, there is no need to allocate the feedstock specific megawatts between the investor-owned utilities to balance their ratepayers' costs.

**C. The IOU Allocations by Feedstock Category No Longer Make Sense When the CCAs Can Also Procure BioMAT Power.**

AB 843 expands BioMAT to allow Community Choice Aggregators (CCAs) to participate in the program.<sup>12</sup> With this change, the utility-specific feedstock allocations no longer make sense since some of those megawatts will now be procured by CCAs.

**D. Decision 14-12-081 Ignored the Smaller Investor-Owned Utilities.**

Decision 14-12-081's allocations by feedstock category also ignored the potential for the smaller IOUs to participate in BioMAT. California has three smaller IOUs that were excluded from the feedstock allocations adopted in Decision 14-12-081: Bear Valley Electric Service, Liberty Utilities, and PacifiCorp. It made sense to focus just on the three large IOUs at the time, given the small number of megawatts in the program and the complexity of balancing costs between the different IOUs. Since the Commission revised the program to be statewide and based on a non-bypassable charge, there is no more reason to exclude the smaller IOUs from the BioMAT program, which happened as a result of allocating the feedstock category megawatts between the three large IOUs. Inclusion of smaller IOUs is even more important given the key role that BioMAT projects may play in helping local governments meet their organic waste procurement requirements under CalRecycle's new SB 1383 regulations and the larger role that biomass facilities may play in reducing wildfire risk in the communities served by those smaller IOUs.

Since BioMAT is now a statewide program that all ratepayers share the costs in, the smaller IOUs should be allowed to participate in BioMAT if they choose to do so.

---

<sup>11</sup> Decision 20-08-043 at pages 13-14.

<sup>12</sup> AB 843 (Aguiar-Curry), Statutes of 2021, Chapter 234.

### **E. PG&E's Category 2 Allocation is Nearly Used Up While SCE's Category 2 Allocation is Barely Used.**

The Commission should also remove the utility specific allocations within each feedstock category since the Category 2 megawatts assigned to PG&E are nearly all procured and most of the Category 2 megawatts assigned to SCE are unlikely ever to be used. As noted above, the Commission began the feedstock allocations by assigning 47 megawatts of Category 3 to PG&E since most available forestry waste at the time was located in PG&E's service territory. The Commission then allocated the majority of Category 2 megawatts – 55.5 megawatts out of the 90 total required by SB 1122 – to SCE. This made sense to balance out the costs between the two utilities, but did not make sense based on the location of most of California's agricultural waste, three-quarters of which is generated in PG&E service territory.<sup>13</sup>

Since the adoption of Decision 14-12-081, PG&E has procured almost all of the Category 2 megawatts assigned to it. Only 7.5 megawatts remain of the 33.5 megawatts in Category 2 that were assigned to PG&E.<sup>14</sup> At the same time, SCE has only procured 3.5 megawatts of the 55.5 megawatts in Category 2 that were originally assigned to SCE.<sup>15</sup>

Unless the Commission removes or revises the feedstock category allocations, 52 megawatts under Category 2 that were allocated to SCE are likely to go unused while there is considerable remaining demand for Category 2 projects in PG&E service territory due to the Air Board's decision to phase out open burning of agricultural waste in the San Joaquin Valley. The Commission should remove or revise the feedstock allocations by utility to ensure that the Category 2 megawatts can be used where they are needed most and to meet the requirement of SB 1122 to procure 90 megawatts from agricultural and dairy waste.

---

<sup>13</sup> See Decision 14-12-081, Table 2, page 37.

<sup>14</sup> See, <https://pgebiomat.accionpower.com/biomat/home.asp>.

<sup>15</sup> See, [https://scebiomat.accionpower.com/biomat/doccheck.asp?doc\\_link=biomat/docs/FIT/2015/documents/10%20Day%20Report/SCE%20BioMAT%2010%20Day%20Reporting%20Requirement%20Table%20\[9-29-2021\].pdf](https://scebiomat.accionpower.com/biomat/doccheck.asp?doc_link=biomat/docs/FIT/2015/documents/10%20Day%20Report/SCE%20BioMAT%2010%20Day%20Reporting%20Requirement%20Table%20[9-29-2021].pdf).

**F. SB 1122 Authorized the Commission to Re-Allocate Megawatts Among the Categories.**

SB 1122 authorizes the Commission to reallocate the 250 megawatts in BioMAT if the Commission finds that the allocations are not appropriate.<sup>16</sup> If the statute allows reallocation between the different feedstock categories themselves, then it follows that the Commission can adjust the allocations by utility within each feedstock category – or remove the utility specific feedstock allocations altogether.

**G. The Commission Should Remove or Revise the Feedstock Allocations By Utility and Allow Smaller IOUs to Participate.**

For all the reasons above, Joint Petitioners urge the Commission to revise Decision 14-12-081 to remove the utility allocations by feedstock category. Alternatively, Joint Petitioners urge the Commission to re-allocate most of the Category 2 megawatts assigned to PG&E in place of SCE. The first recommendation would be far simpler to implement and more beneficial to meeting the program goals, but the second alternative would at least address the most immediate challenge, which is the lack of Category 2 megawatts left in PG&E territory. The Commission should also allow smaller IOUs to participate in BioMAT if they choose to do so. The specific modifications proposed to Decision 14-12-081 are presented in Section V of this Petition.

**IV. NEED TO MODIFY DECISION 20-08-043**

Joint Petitioners also file this Petition to modify Decision 20-08-043 to extend the BioMAT program end date. Joint Petitioners urge the Commission to extend the program end date adopted in Decision 20-08-043 to at least 2030. SB 1122 did not set a BioMAT program end date; rather, the legislation set a requirement to procure 250 megawatts from new, small-scale bioenergy facilities. It would violate the requirements of SB 1122 to end the program before most of the 250 megawatts have been procured.

---

<sup>16</sup> Public Utilities Code section 399.20(f)(3)(B).

The Commission made several other changes to the BioMAT program in Decision 20-08-043, but procurement continues to go slowly for a variety of reasons. Given the slow pace of procurement, the program end date of December 31, 2025 established in Decision 20-08-043 is likely to occur before half of the required megawatts have been procured. That would violate the requirement of SB 1122 to procure 250 megawatts of bioenergy.

The Commission recognized the long lead time required for bioenergy and other firm renewables in its recent Decision in the Integrated Resources Planning proceeding. That Decision extended the compliance date for 1,000 megawatts of new firm renewables to 2026 acknowledging that they may not be able to come online before that and may have trouble coming online even in 2026.<sup>17</sup> Procurement of BioMAT power faces the same hurdles and delays referred to in the IRP Decision and requires longer lead time than a 2025 deadline allows. In effect, a 2025 deadline means that the only additional BioMAT projects will be ones that are already in development now, which is nowhere near enough projects to satisfy the requirements of SB 1122.

In addition, local jurisdictions are just now trying to assess their options for the organic waste diversion requirements of SB 1383, the state's Short-Lived Climate Pollutant law,<sup>18</sup> which could include projects in Category 1 of the BioMAT. Since CalRecycle just finalized its SB 1383 regulations, local jurisdictions responsible for meeting the organic waste diversion requirement need time to figure out how they will comply. Local governments that decide they want to convert diverted organic waste to electricity will require several years to develop BioMAT projects, which will make it difficult for them to execute PPAs by the end of 2025. The public wastewater sector has excess capacity for co-digestion of diverted organic waste but must have market certainty in order to make such projects viable. The extension of the program will help provide development of such a market.

---

<sup>17</sup> Decision 21-06-035, issued June 30, 2021 in Rulemaking 20-05-003, at page 36.

<sup>18</sup> SB 1383 (Lara), Statutes of 2016, Chapter 395, requires local jurisdictions to divert 75 percent of organic landfill waste to other uses by 2025. CalRecycle's regulations to implement that requirement allow electricity production from biogas or biomass as eligible alternatives, along with compost and mulch production.

Both the Air Board’s plan to phase out open burning of agricultural waste and the Board of Forestry’s plan for forest waste utilization also call for new bioenergy production as a preferred alternative to pile and burn (which releases black carbon) or pile and decay (which releases methane). Projects in BioMAT categories 2 and 3 can help meet these requirements, but also have long lead times that make it hard to procure the remaining megawatts in those feedstock categories by 2025.

In just the past year, climate scientists have become much more clear about the urgency of reducing Short-Lived Climate Pollutants (SLCPs) like black carbon and methane, which BioMAT projects can do. In fact, California’s *Short-Lived Climate Pollution Reduction Strategy*, adopted by the Air Board in 2017, mentions BioMAT projects specifically as an effective way to reduce SLCP emissions.<sup>19</sup> Given that “wildfire is the largest source of black carbon in California”<sup>20</sup> and considering the role that biomass facilities can play in reducing wildfire risk and improving forest health, the BioMAT program is well positioned to help reduce the climate change (and air pollution) impacts of wildfires. It should also be noted that biosolids can be used to reclaim fire damaged land and help reduce the potential severity of future fires by promoting vegetative growth. Biosolids help improve water quality after a fire by reducing erosion and help to improve soil health by providing organic matter.

The Intergovernmental Panel on Climate Change recently released a “Code Red” report on the climate and called for much more rapid and aggressive reductions in methane and other SLCPs as those reductions benefit the climate right away. President Biden and the President of the European Commission also issued a joint statement recently saying that “Rapidly reducing methane emissions is the single most effective strategy to reduce global warming in the near term.”<sup>21</sup> (emphasis added)

---

<sup>19</sup> *Short-Lived Climate Pollutant Reduction Strategy*, California Air Resources Board, March 2017, at pages 32 and 58. Available at: [www.arb.ca.gov/cc/shortlived/meetings/03142017/final\\_slcp\\_report.pdf](http://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf).

<sup>20</sup> California Air Resources Board, *Short-Lived Climate Pollutant Reduction Strategy*, March 2017, page 45.

<sup>21</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/18/joint-us-eu-press-release-on-the-global-methane-pledge/>.

Climate scientists in California have also called on California to prioritize SLCP reductions, which BioMAT projects can provide. Climate experts around the state echoed this urgency in a recent paper that states that:

“decarbonization measures, while essential, will take two to three decades to have an impact on the steeply warming curve. The need for speed is great and it is a race against time.”<sup>22</sup>

Climate experts call for “drastic” reductions in SLCP emissions, which can benefit the climate right away, including reductions in methane and black carbon from organic waste and avoiding emissions from future wildfires.<sup>23</sup>

Since SB 1383’s deadline for methane and black carbon reductions – which BioMAT projects provide - is 2030, the BioMAT program should be extended to at least that date. California will have to continue to reduce SLCP emissions much more beyond 2030, so it would also be appropriate for the Commission to remove the program end date altogether. That would be consistent with SB 1122, which did not contain a program end date at all.

Given the long lead times needed for BioMAT projects and the importance of reducing SLCP emissions, Joint Petitioners urge the Commission to extend the program sunset date to at least 2030 or remove the end date altogether.

## **V. PROPOSED MODIFICATIONS TO DECISIONS 14-12-081 AND 20-08-043**

Joint Petitioners urge the Commission to make the following changes to Decisions 14-12-081 and 20-08-043.

### **A. Proposed Changes to Decision 14-12-081**

Joint Petitioners urge the Commission to remove the utility allocations by feedstock category in the BioMAT program or, in the alternative, to reallocate Category 2

---

<sup>22</sup> Kammen, Ramanathan, Matlock, et al, “*Accelerating the Timeline for Climate Action in California*,” submitted to Environmental Research Letters, 2021. Available at: <https://arxiv.org/abs/2103.07801> [arxiv.org].

<sup>23</sup> Id. at page 4.

megawatts to PG&E. In addition, BAC urges the Commission to allow the smaller IOUs to participate in BioMAT if they choose.

1) BAC's preferred changes to Decision 14-12-081 to accomplish this would be to:

- a. Delete Findings of Fact 13 through 21.
- b. Delete Conclusions of Law 23 and 24.

- Or -

2) If the Commission does not remove the feedstock allocations completely, then it should at least reallocate additional Category 2 megawatts to PG&E so those megawatts can be used where they are most needed and will not go to waste in violation of SB 1122. The Commission should also allow the smaller IOUs to participate in BioMAT if they choose. The changes to Decision 14-12-081 needed to accomplish this would be to:

- a. Revise Findings of Fact 20 to increase PG&E's allocation of Category 2 megawatts from 33.5 to 65.5 megawatts and adjust other feedstock categories and utility allocations as appropriate.
- b. Revise Conclusion of Law 23 in accordance with the changes made to Findings of Fact 20.
- c. Delete Conclusion of law 24 to allow smaller IOUs to participate in BioMAT.

#### **B. Proposed Changes to Decision 20-08-043.**

Joint Petitioners urge the Commission to extend the BioMAT program end date to 2030 or to remove the end date altogether. To make these changes, the Commission should either:

1) Extend the BioMAT program end date to December 31, 2030

- a. Revise Finding of Fact #2 as follows:

A ~~five-year~~ ten-year program extension will provide more long-term programmatic certainty and allow more time for additional project development, while maintaining the Commission's direction to establish a clear program end date.

- b. Revise Conclusion of Law #1 as follows:

The staff proposal to revise the BioMAT program end date to December 31, 2025 should be ~~adopted~~ **extended to December 31, 2030.**

- Or –

- 2) Remove the BioMAT program end date altogether by:

- a. Revising Finding of Fact #2 as follows:

A ~~five-year~~ program extension will provide more long-term programmatic certainty and allow more time for additional project development, ~~while maintaining the Commission's direction to establish a clear program end date.~~

- c. Revising Conclusion of Law #1 as follows:

The staff proposal to revise the BioMAT program end date ~~to December 31, 2025~~ should be ~~adopted~~ **revised to remove the program end date consistent with SB 1122, which contains no end date.**

## VI. CONCLUSION

The Commission has noted in several Decisions and Orders that the BioMAT program provides important, statewide benefits including climate and air quality protection, waste diversion, and protection of public safety from wildfires and dead trees.<sup>24</sup> To ensure that the program continues to provide these benefits, meets the requirements of SB 1122, and compliments other state wildfire risk reduction, organic waste, and open burning directives, the Commission should make the modifications proposed above.

---

<sup>24</sup> See, eg, Decision 20-08-043 at page 13 and Finding of Fact #6; Energy Division Resolution E-4922, March 22, 2018, at page 5; Decision 18-05-032, adopted March 31, 2018 in R.15-02-020, at pages 17-18.

Thank you for your consideration of this Petition for Modification of Decisions 14-12-081 and 20-08-043.

DATED: November 16, 2021

Respectfully Submitted,

*/s/ Julia A. Levin*

---

JULIA A. LEVIN  
Executive Director  
Bioenergy Association of California  
PO Box 6184  
Albany, CA 94706  
510-610-1733  
jlevin@bioenergyca.org

ON BEHALF OF:

JOHN KENNEDY  
Policy Advocaty  
Rural County Representatives of  
California  
1215 K Street, Suite 1650  
Sacramento, CA 95814  
916-447-4806  
jkennedy@rcrcnet.org

GREGORY KESTER  
Director of Renewable Resource  
Programs  
California Ass'n of Sanitation Agencies  
925 L Street, Suite 200  
Sacramento, CA 95814  
916-844-5262  
[gkester@casaweb.org](mailto:gkester@casaweb.org)

## **VERIFICATION**

I am a representative of the non-profit organization herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of November, 2021, at Kensington, California.

*/s/ Julia A. Levin*

---

JULIA A. LEVIN  
Executive Director  
Bioenergy Association of California  
PO Box 6184  
Albany, CA 94706  
510-610-1733  
jlevin@bioenergyca.org