State of the Markets
Federal Issues

Karl R. Rábago
Austin Energy
Federal Issues

• Cap & Trade Legislation
• EPA Regulation
  – (1) promoting investment in energy efficiency and updated technologies; (2) addressing multiple pollutants at once . . . ; (3) setting clear and achievable standards while allowing flexibility as to means . . . ; (4) seeking input from . . . affected stakeholders; and (5) focusing on the most cost-effective strategies [and sectors].
• Executive Order 13514
• Federal Trade Commission Green Guides
• Federal RES/RPS
• ARRA/Stimulus Act
Lame Duck Action?

- RES/RPS
- Section 48(c) Program (Adv. Mftring. Credits)
- Section 1603 Grants (Cash Grants)
- CEDA Green Bank
- Home Star Energy Efficiency Program
- Delay on EPA GHG Regulation?
“Interesting” Things

• “Do No Harm” Clause in Kerry Bill
• FTC on Protection of Business Information under EPA Mandatory GHG Reporting Rule
• REMA Climate Options
  
  The only way that buyers or sellers of renewable energy can claim to reduce direct emissions under a cap and trade program is to reduce the number of pollution allowances in the marketplace.
  – Option 1: Allocate allowances to generators based on electricity output.
  – Option 2: Off-the-top approach.
  – Option 3: Apply fossil attributes to null energy.
• “Post-Partisan Power”
• CARB Rules Due Oct 29 with “Slow Start”
• Washington, Oregon Fail to Pass WREGI Implementing Law
• FERC Finds PURPA Preempts [California] State Solar Feed-In Tariff
“Do No Harm” Clause in Kerry Bill

SEC. 1604. VOLUNTARY RENEWABLE ENERGY MARKETS.

(a) FINDINGS.—Congress finds that—

(1) voluntary renewable energy markets can be efficient and effective programs for allowing consumers and businesses to voluntarily use or support renewable energy; . . .

(b) STATEMENT OF POLICY.—

(1) IN GENERAL.—It is the policy of the United States to support the continued growth of voluntary renewable energy markets.

(2) ADMINISTRATION.—Nothing in this Act or the amendments made by this Act is intended to interfere with or prevent the continued operation and growth of the voluntary renewable energy market.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act . . .