

# State of the Markets

## Federal Issues

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# 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  
and . . .
- 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 . . .