



March 26, 2025

The Honorable Cottie Petrie-Norris
Chair, Assembly Committee on Utilities and Energy
1020 N Street, Room 408A
Sacramento, CA 95814

RE: AB 1191 (Tangipa) 2/21/25 – Oppose

Dear Chair Petrie-Norris,

The American Clean Power – California (ACP-CA), California Biomass Energy Alliance (CBEA), California Wind Energy Association (CalWEA), California Energy Storage Alliance (CESA), the Independent Energy Producers Association (IEP), and the Large-scale Solar Association (LSA) must regrettably oppose Assembly Bill 1191 (Tangipa), which would revise the definition of an eligible renewable energy resource for the purposes of the California Renewables Portfolio Standard (RPS) Program to include all hydroelectric generation facilities regardless of size. This proposal has been made unsuccessfully in previous Legislative sessions. As in years past, adding large hydro to the RPS without raising the standard would flood the market with cheap compliance credits, cutting investment in project development and undermining the state’s climate and clean energy goals.

AB 1191 would significantly redefine eligibility for the RPS Program to include conventional power sources from hydropower facilities with a capacity greater than 30 megawatts (MW). The definition of large hydropower as a conventional power source was established in 1976 as a part of the Private Power Producers Act. The Legislature enacted the Private Power Producers Act to “promote the more rapid development of new sources of...electric energy”¹ and deliberately did not include hydropower “greater than 30 megawatts,”² a conventional source of energy. The purpose of this Act, and the RPS Program, is to encourage the competitive development of new sources of electricity.

In the case of small hydropower, the resources included as RPS-eligible were under 30 MWs and developed for the purpose of electricity production in irrigation, city water, and sewage systems.

¹ California Public Utilities Code § 2801.

² California Public Utilities Code § 2805.

There was no reason to include vintage conventional hydropower over 30 MWs because it did not promote new innovative technologies.

In addition, including all existing hydropower over 30 megawatts would have saturated the entire RPS market with excess hydropower resources never intended to be part of California's innovative RPS. According to California Energy Commission statistics, these facilities have supplied as much as 16 percent of California's in-state electric generation in recent years. Therefore, if this hydropower is made eligible under the RPS without raising the RPS requirement, it would undermine the goals of SB 100 (2018), which raised the RPS requirement to 60 percent in 2030. (SB 100 also set a goal for 100 percent of the state's retail electricity sales to come from renewable and zero-carbon resources, including large hydropower, by 2045.) As a result, AB 1191 would immediately discourage the development of new renewable resources and the thousands of jobs they support, which is a key objective of the RPS program.

Moreover, including large hydropower in the definition of eligible RPS resources would make hydropower imports eligible to participate in the RPS market, enabling them to fetch higher prices. The result would be higher costs for ratepayers.

For these reasons, ACP-CA, CBEA, CalWEA, CESA, IEP, and LSA respectfully oppose AB 1191 and request a "nay" vote.

Sincerely,

Alex Jackson, Executive Director
American Clean Power – California

Julee Malinowski-Ball, Executive Director
California Biomass Energy Alliance

Scott Murtishaw, Executive Director
California Energy Storage Alliance

Nancy Rader, Executive Director
California Wind Energy Association

Jan Smutny-Jones, CEO & General Counsel
Independent Energy Producers Association

Shannon Eddy, Executive Director
Large-Scale Solar Association

cc: Members and Staff, Assembly Utilities and Energy Committee
The Honorable David Tangipa