

DOCKETED	
Docket Number:	24-SPPE-01
Project Title:	AVAO Pittsburg Backup Generating Facility
TN #:	267807
Document Title:	December 8, 2025, Business Meeting Agenda
Description:	Item 10, Small Power Plant Exemption (SPPE) for AVAO Pittsburg Backup Generating Facility
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
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California Energy Commission

Business Meeting Agenda

December 8, 2025
10:00 a.m. – 3:00 p.m.

In-person at:
California Natural Resources Building
715 P Street, First Floor Auditorium
Sacramento, CA 95814
(Wheelchair Accessible)

Remote Access via Zoom™

<https://zoom.us/> Meeting ID: **886 5692 5780** Passcode: **energy**

Remote participation instructions are below, after the agenda items.

The California Energy Commission (CEC) aims to begin the business meeting promptly at the start time, and the end time is an estimate based on the agenda. The meeting may end sooner or later than the time indicated depending on various factors. Commissioners may attend remotely in accordance with Government Code section 11123.2(j). Agenda items may be taken out of order as needed.

Pursuant to the California Code of Regulations (CCR), title 20, section 1104(e), any person may make an oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to two minutes or less per person.

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THE CEC WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING:

1. Public Comment.

Any person wishing to comment on information items (non-voting items) shall provide comments during this period.

2. Agency Announcements.

The Chair may announce relevant matters to the public and the CEC, including agency updates, events, and other opportunities. Discussion may follow.

3. Consent Calendar.

Items will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.

- a. Building Initiative for Low-Emissions Development (BUILD) Program Guidelines, Second Edition Revised. Proposed resolution to adopt BUILD Program Guidelines, Second Edition Revised to correct Heating Ventilation and Air Conditioning (HVAC) minimum requirements for BUILD core technologies, note upcoming changes for the lower-global warming potential (GWP) refrigerant (GWP<750) HVAC kicker incentive, and adjust developer experience eligibility requirements for supportive/transitional housing applicants. Contact: Sean Lockwood
- b. 2025 Energy Code Third-Party Compliance Software, EnergyPro Version 10.0. Proposed order approving third-party compliance software EnergyPro Version 10.0, by EnergySoft LLC., as an alternative calculation method for demonstrating performance compliance with the nonresidential, multifamily, and single-family residential provisions of the 2025 Energy Code, and adopting staff's recommendation that the approval is exempt from the California Environmental Quality Act (CEQA). Contact: RJ Wichert
- c. Solar Photovoltaic and Battery Storage System Requirement Determination for the Monte Vista Apartments Project. Proposed order determining that, pursuant to CCR, title 24, part 1, section 10-109(k); Public Resources Code 25402 and 25402.1, the 2019 Energy Code solar photovoltaic requirements in section 150.1(c)14 shall not apply to the Monte Vista Apartments Project, a 348-unit low-rise multifamily development at 1525 W Monte Vista Avenue in Turlock, and adopting staff's recommendation that this action is exempt from CEQA. This determination is based upon a finding that the CEC's cost effectiveness conclusions for the 2019 Energy Code do not hold due to Turlock Irrigation District's no Virtual Net Energy Metering utility rules, the City of Turlock Building and Safety Division/Fire Inspector's electrical requirements, and the solar PV system costs estimated in bids from electrical and solar contractors to install locally compliant system designs. Contact: Muhammad Saeed
- d. Load Management Standards Compliance Plans. Proposed order approving Load Management Standards (LMS) compliance plans for five regulated entities and adopting staff's recommendation that the approvals are exempt from CEQA. The LMS regulations require regulated investor-owned utilities, publicly owned utilities, and community choice aggregators to submit LMS compliance plans to the CEC for approval. These plans detail how the regulated entities will comply with the LMS regulations. The CEC's approval of the plans signifies that the plans are compliant with the LMS regulations. Contact: Ghazal Kamyabjou

- i. Central Coast Community Energy (3CE) compliance plan
- ii. Pioneer Community Energy (PCE) compliance plan
- iii. Silicon Valley Clean Energy (SVCE) compliance plan
- iv. San Diego Community Power (SDCP) compliance plan
- v. CleanPowerSF (CPSF) compliance plan

e. Corning Union Elementary School District. Proposed resolution approving Agreement 001-25-ECG with Corning Union Elementary School District, in Tehama County, for a \$960,677.47 loan at zero-percent interest, and adopting staff's recommendation that this action is exempt from CEQA. The loan will fund the completion of a prior Energy Conservation Assistance Act (ECAA) project to install three solar photovoltaic (PV) arrays totaling 480 kilowatts at three Corning Union Elementary School District sites. Upon project completion, it is estimated to reduce approximately 795,745 kilowatt hours of electricity consumption in the first year of solar production, saving approximately \$206,817 in utility costs per year. The simple payback period is approximately 14.5 years. (ECAA-Ed funding)
Contact: Cenne Jackson

f. Rivian, LLC (ARV-25-003). Proposed resolution approving agreement ARV-25-003 with Rivian, LLC for a \$431,640 grant, and adopting staff's recommendation that this action is exempt from CEQA. This project will install 12 public electric vehicle (EV) direct current fast charging (DCFC) ports in Long Beach to increase access to reliable, fast, and convenient EV charging. (Clean Transportation Program (CTP) Funding)
Contact: Rosa Mitsumasu Scotti

g. Rivian, LLC (ARV-25-004). Proposed resolution approving agreement ARV-25-004 with Rivian, LLC for a \$431,640 grant, and adopting staff's recommendation that this action is exempt from CEQA. This project will install 12 public EV DCFC ports in Temecula to increase public access to reliable, fast, and convenient EV charging. (CTP Funding)
Contact: Rosa Mitsumasu Scotti

h. Rivian, LLC (ARV-25-005). Proposed resolution approving agreement ARV-25-005 with Rivian, LLC for a \$417,800 grant, and adopting staff's recommendation that this action is exempt from CEQA. This project will install 12 public EV DCFC ports in Tulare to increase public access to reliable, fast, and convenient EV charging. (CTP Funding)
Contact: Rosa Mitsumasu Scotti

i. Rivian, LLC (ARV-25-006). Proposed resolution approving agreement ARV-25-006 with Rivian, LLC for a \$417,800 grant, and adopting staff's recommendation that this action is exempt from CEQA. This project will install 10 public EV DCFC ports in Cabazon to increase public access to reliable, fast, and convenient EV charging. (CTP Funding)
Contact: Rosa Mitsumasu Scotti

- j. DynaChrg Inc. Proposed resolution approving agreement ARV-25-007 with DynaChrg Inc. for a \$2,069,670 grant, and adopting staff's recommendation that this action is exempt from CEQA. This project will install 21 public EV DCFC ports in Los Angeles to increase public access to reliable, fast, and convenient EV charging. (CTP Funding) Contact: Rosa Mitsumasu Scotti
- k. Electric Era EV Charging, LP. Proposed resolution approving agreement RNEV-25-008 with Electric Era EV Charging, LP for a \$11,223,840 grant, and adopting staff's recommendation that this action is exempt from CEQA. This project will install, operate, and maintain 72 public EV DCFC ports across 16 sites in Placer, San Joaquin, Stanislaus, Santa Clara, Monterey, San Luis Obispo, Contra Costa, and Marin counties. (National Electric Vehicle Infrastructure Formula Program Funding) Contact: Mitchell Prevost

4. Information Item – Monarch: Advancing Zero-Emission Agriculture and Grid Resilience through CEC-Funded Innovation.

Leadership from Monarch will share updates on progress achieved under four active CEC grants, with special emphasis on the Zero-Emission Agricultural Tractors project and Monarch's Electrical Load Distribution technology. The presentation will highlight outcomes from CEC-supported innovation, including the commercial deployment of zero-emission, autonomous tractors and grid-interactive energy systems. It will also outline Monarch's next phase - supporting off-highway equipment manufacturers to reduce diesel consumption and electrify product lines with integrated vehicle-to-load and vehicle-to-grid capabilities. Contact: Taiying Zhang (Monarch Presentation: 10 minutes)

5. Information Item – Division of Petroleum Market Oversight 2024 Annual Report.

Staff will present an overview of the Division of Petroleum Market Oversight's (DPMO) 2024 Annual Report. This report provides an update on DPMO's oversight, investigations, economic analysis, and policy work in its first full year. The report also includes an analysis of gasoline prices in California and the drivers of sustained higher prices beyond what is attributable to California's investments in climate, clean transportation, and public health. Contact: Varsha Sarveshwar (Staff Presentation: 5 minutes)

6. Information Item – Petroleum: Year in Review (Docket 23-SB-02).

Staff will provide an overview of transportation fuel price information as it relates to California customers. This presentation will cover gasoline inventories, production levels, and related petroleum issues, and fulfills a requirement under Public Resources Code section 25371.1. Contact: Max Solanki (Staff Presentation: 5 minutes)

7. Information Item – Petroleum: Senate Bill 237 March 2026 Transportation Fuels Assessment.

Through Senate Bill (SB) 237 (Grayson, stats. 2025, ch. 118) and pursuant to Public Resources Code section 25371.4, by March 31, 2026, the CEC must submit an assessment to the Legislature and Governor that evaluates the transportation fuels recommendations and strategies put forward in the CEC Vice Chair's June 27, 2025 letter to Governor Newsom, and offer recommendations on potential changes to working group authorities or structures. Staff will present the status and development of the March Assessment required by SB 237 and its relation to other petroleum reports. Contact: Quentin Gee (Staff Presentation: 5 minutes)

8. 2025-2026 Investment Plan Update for the Clean Transportation Program.

Proposed resolution approving the 2025–2026 Investment Plan Update for the Clean Transportation Program, and adopting staff's recommendation that this is not a project under CEQA or, in the alternative, if deemed to be a project, that it is exempt. The Clean Transportation Program provides funding to support innovation and accelerate the development and deployment of zero-emission transportation technologies. The 2025–2026 Investment Plan Update for the Clean Transportation Program establishes funding allocations and reallocations of previous fiscal years' funds based on transportation needs and opportunities, including a focus on zero-emission vehicle infrastructure and prioritization of jobs, economic stimulus, and equity. Contact: Benjamin Tuggy (Staff Presentation: 10 minutes)

9. Publicly Owned Utility Integrated Resource Plans (IRPs).

Public Utilities Code section 9622 requires publicly owned utilities subject to Public Utilities Code section 9621 to submit their adopted IRPs to the CEC for review. Public Utilities Code section 9621 requires IRPs to meet certain requirements, including greenhouse gas emission reduction, renewable energy resource procurement, carbon neutrality, reliability, and other requirements. Contact: Bryan Neff (Staff Presentation: 5 minutes)

- a. City of Palo Alto Utilities. Proposed order adopting CEC's determination that the City of Palo Alto Utilities IRP filing complies with Public Utilities Code section 9621.
- b. Hetch Hetchy Power. Proposed order adopting CEC's determination that the Hetch Hetchy Power IRP filing complies with Public Utilities Code section 9621.

10. Small Power Plant Exemption (SPPE) for AVAIO Pittsburg Backup Generating Facility (Docket 24-SPPE-01).

Proposed order adopting the Mitigation Monitoring and Reporting Program for the AVAIO Pittsburg Backup Generating Facility (PBGF) and approving the AVAIO PBGF

SPPE application, exempting PBGF from the Application for Certification provisions of the CEC's powerplant licensing program. The order finds that the requirements of Public Resources Code section 25541 are met and that the Final Initial Study/Mitigated Negative Declaration (IS/MND) complies with CEQA. The 92 megawatt (MW) AVAIO Pittsburg Backup Generating Facility is proposed in the City of Pittsburg, Contra Costa County. The SPPE process allows applicants with facilities up to 100 MW to obtain an exemption from the CEC and proceed with local permitting rather than requiring CEC certification. An exemption can be granted if the proposed facility would not create a substantial impact on the environment or energy resources. Contact: Ali Jahani (Staff Presentation: 5 minutes)

11. Lead Commissioner and Presiding Member Reports.

Lead commissioners on policy matters and presiding members on delegated committees may report to the CEC on relevant matters and discussion may follow.

12. Executive Director's Report.

13. Public Advisor's Report.

14. Chief Counsel's Report.

- a. Pursuant to Government Code section 11126(a)(1), the CEC may adjourn to closed session with its legal counsel to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.
- b. Pursuant to Government Code section 11126(e)(1), the CEC may adjourn to closed session with its legal counsel to discuss pending litigation, including the following matters:
 - i. Shasta County and Pit River Tribe, et al. v. California Energy Commission (Shasta County Superior Court, Case No. 23CV-0203737)
 - ii. California Fuels and Convenience Alliance v. California Energy Commission, et al. (Sacramento County Superior Court, Case No. 24WM000058)
 - iii. Interlink Products International, Inc. v. California Energy Commission (Sacramento County Superior Court, Case No. 25WM000001)
 - iv. California Energy Commission v. KIGT, Inc., et al. (Sacramento County Superior Court, Case No. 25CV018816)
 - v. City of San Juan Capistrano v. California Energy Commission (Orange County Superior Court, Case No. 30-2025-01507450)

- vi. State of Washington, et al. v. U.S. Department of Transportation, et al. (United States District Court, Western District of Washington, Case No. 2:25-cv-00848-TL)
- vii. State of New York, et al. v. Donald Trump, et al. (United States District Court, District of Rhode Island, Case No. 25-cv-39-JJM-PAS)
- viii. State of New York, et al. v. Donald J. Trump, et al. (United States District Court, District of Massachusetts, Case No. 1:25-cv-11221-WGY)
- ix. State of New York, et al. v. U.S. Department of Energy, et al. (United States District Court, District of Oregon, Case No. 6:25-cv-01458-MTK)
- x. State of Arizona, et al. v. U.S. Environmental Protection Agency, et al. (United States District Court, Western District of Washington, Case No. 2:25-cv-02015-TMC)
- xi. Maryland Clean Energy Center, et al. v. United States of America (United States Court of Federal Claims, Case No. 25-1738 C)

c. Pursuant to Government Code section 11126(c)(3), the CEC may adjourn to closed session with its legal counsel to deliberate on a decision to be reached in the following proceedings the state body is required by law to conduct:

- i. Morton Bay Geothermal Project, Docket 23-AFC-01
- ii. Elmore North Geothermal Project, Docket 23-AFC-02
- iii. Black Rock Geothermal Project, Docket 23-AFC-03
- iv. Willow Rock Energy Storage Center, Docket 21-AFC-02

d. Pursuant to Government Code section 11126(e), the CEC may adjourn to closed session with its legal counsel to discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; to discuss whether to initiate litigation; or to discuss a significant exposure to litigation against the CEC.

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Adjournment. Depending on time and the orderly management of proceedings, the CEC may adjourn, recess, or postpone any noticed hearing or meeting to be continued the next day, another specific date or time, or the next business meeting. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code sections 11128.5, 11129)