

<b>DOCKETED</b>	
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<b>Project Title:</b>	2025 Business Meeting Agendas, Transcripts, and Public Comments
<b>TN #:</b>	267873
<b>Document Title:</b>	Orders and Resolutions of the December 8, 2025 Business Meeting
<b>Description:</b>	N/A
<b>Filer:</b>	Kim Todd
<b>Organization:</b>	California Energy Commission
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**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION OF THE BUILDING INITIATIVE FOR LOW-EMISSIONS  
DEVELOPMENT (20-DECARB-01) GUIDELINES, SECOND EDITION REVISED**

**WHEREAS**, Senate Bill 1477 (SB 1477, Statutes of 2018, Chapter 378), added, among other statutes, Public Utilities Code (PUC) Section 921 et seq., which directs the California Public Utilities Commission (CPUC) in consultation with the State Energy Resources Conservation and Development Commission (CEC) to develop and supervise the administration of the Building Initiative for Low-Emissions Development (BUILD) program to require gas corporations to provide incentives to eligible applicants for the deployment of near-zero-emission building technologies to significantly reduce the emissions of greenhouse gases from those buildings below the minimum projected emissions reductions that would otherwise be expected to result from the implementation of the prescriptive standards described in Section 150.1 of Subchapter 8 of Part 6 of Title 24 of the California Code of Regulations; and

**WHEREAS**, PUC Section 921.1(a)(2) provides that the CPUC may determine whether each gas corporation or a third party, including the CEC, shall administer the BUILD program; and

**WHEREAS**, CPUC Decision (D.) 20-03-027, Ordering Paragraph 10 designates the CEC as the administrator of the BUILD program; and

**WHEREAS**, PUC Section 921.1(d)(4)(A) provides that the CPUC shall develop BUILD program guidelines (Guidelines) that include, at a minimum, a list of eligible technologies, a process for evaluating new technologies, criteria for scoring and selecting projects, and a process and set of metrics by which to evaluate and track the program's results, and CPUC D.20-03-027, at page 10, notes the CPUC will coordinate with the CEC to develop BUILD Guidelines; and

**WHEREAS**, CPUC Resolution E-5116, at page 11, requires the CEC, as BUILD program administrator, to submit future editions of the BUILD Guidelines to the CPUC using the Tier 1 Business Letter procedure; and

**WHEREAS**, Chapter 6.J.1 of the BUILD Guidelines, Second Edition details the process by which CEC staff can make substantive changes to the Guidelines; and

**WHEREAS**, the BUILD Draft Guidelines, Second Edition Revised was published to the BUILD docket and emailed to the BUILD subscription list on October 28, 2025; and

**WHEREAS**, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CEC's adoption of the Proposed Final BUILD Guidelines, Second Edition Revised and opined that the CEC's adoption of these Guidelines is exempt from CEQA under California Code of Regulations, Title 14, Sections 15307, 15308, and 15061(b)(3); and

**THEREFORE, BE IT RESOLVED**, that the CEC hereby finds the adoption of the BUILD Guidelines, Second Edition Revised to be exempt from CEQA under California Code of Regulations, Title 14, Sections 15307 and 15308 (Class 7 and 8 exemptions) and Section 15061(b)(3) (common-sense exemption); and

**FURTHER BE IT RESOLVED**, that the CEC adopts the BUILD Guidelines, Second Edition Revised and delegates the authority and directs the CEC staff to take, on behalf of the CEC, all actions reasonably necessary to implement the BUILD program as specified in the Guidelines, including, if necessary, making grammatical or other nonsubstantive, minor changes to the Guidelines as needed and submitting the Guidelines to the CPUC using the Tier 1 Business Letter procedure, as specified in CPUC Resolution E-5116 and CPUC General Order 96-B.

### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

**2025 Energy Code Third-Party  
Compliance Software, EnergyPro  
Version 10.0**

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**Docket No.: 24-BSTD-03**

**Order to Approve the EnergyPro  
Version 10.0 Alternative Calculation  
Method Compliance Software  
Application**

**I. BACKGROUND**

The Warren-Alquist State Energy Resources Conservation and Development Act, Public Resources Code sections 25000 et seq., 25402.1(b), requires the California Energy Commission (CEC) to, among other things, establish a process for certifying calculation methods for demonstrating compliance with its building energy efficiency standards.

As allowed by the 2025 Energy Code, California Code of Regulations (CCR), Title 24, Part 1, Chapter 10, Section 10-109(c)3, EnergySoft has submitted an application requesting the Commission approve EnergyPro Version 10.0 as an alternative calculation method (ACM) to demonstrate performance compliance with the nonresidential, multifamily, and single-family requirements of the 2025 Energy Code.

As specified by the 2025 Energy Code, Section 10-109(c)3, ACM applications must meet the applicable application requirements of Section 10-116(b) and provide documentation demonstrating that the candidate software meets the requirements, specifications, and criteria specified in Sections 10-109(c)1A, 10-109(c)1B, 10-109(c)1C, 10-109(c)1D and 10-109(c)1E, as appropriate.

CEC staff has reviewed the EnergyPro Version 10.0 ACM application submitted by EnergySoft and determined that it contains the documentation, building energy modeling functionality, and aligns with the current version of the 2025 ACM Reference Manuals as required by the above sections of the 2025 Energy Code.

**II. STAFF RECOMMENDATION**

The CEC has considered the EnergyPro Version 10.0 ACM application for the 2025 Energy Code and has concluded that it contains the applicable documentation and

building energy modeling functionality and aligns with the current version of the 2025 ACM Reference Manuals as required by Sections 10-109(c)3 and 10-116(b) of the 2025 Energy Code. Therefore, staff recommends approval of EnergyPro Version 10.0 as an ACM to demonstrate performance compliance with the nonresidential, multifamily, and single-family requirements of the 2025 Energy Code.

Staff has also considered the application of CEQA to the proposed approval and concluded that the proposed action is exempt from CEQA because it can be seen with certainty that the approval of this application will not have a significant effect on the environment.

### **III. ENERGY COMMISSION FINDINGS**

1. CCR, Title 24, Part 1, Section 10-109(c)3 requires third-party ACM compliance software be approved by the CEC through an application process.
2. EnergySoft submitted an ACM application for EnergyPro Version 10.0 in November 2025.
3. CCR, Title 24, Part 1, Section 10-109(c)3 requires that ACM applications include documentation demonstrating that the compliance software meets the requirements, specifications, and criteria specified in CCR, Title 24, Part 1, Sections 10-109(c)1A, 10-109(c)1B, 10-109(c)1C, 10-109(c)1D and 10-109(c)1E, as appropriate.
4. EnergySoft's EnergyPro Version 10.0 ACM application contained documentation which demonstrates compliance with the requirements, specifications, and criteria specified in CCR, Title 24, Part 1, Sections 10-109(c)1A, 10-109(c)1B, 10-109(c)1C, 10-109(c)1D and 10-109(c)1E for building performance compliance with the nonresidential, multifamily, and single-family residential requirements of the 2025 Energy Code.
5. CCR, Title 24, Part 1, Section 10-109(c)3 also requires that applications contain the application requirements of CCR, Title 24, Part 1, section 10-116(b).
6. CCR, Title 24, Part 1, Section 10-116(b) contains application requirements for ACM applications. The applicable requirements for the EnergyPro Version 10.0 ACM application include a compliance software vendor certification statement, computer runs and summary sheets as specified by the ACM Reference Manual, a user manual and changelog describing the functional and analytical capabilities of the ACM candidate compliance software, an executable of the candidate ACM compliance software, and an application fee deposit.
7. Staff evaluated the submitted application for compliance with the above applicable regulations to ensure that EnergyPro Version 10.0 would be compliant upon CEC approval.

8. The CEC confirms staff's recommendation and finds that the requirements of CCR, Title 24, Part 1, Sections 10-109 and 10-116 have been met. Therefore, EnergyPro Version 10.0 has met the requirements to be approved as a third-party ACM used to demonstrate performance compliance with the nonresidential, multifamily, and single-family requirements of the 2025 Energy Code.
9. The CEC has considered and agrees with staff's CEQA findings. The proposed action is exempt from CEQA because it can be seen with certainty that the approval of the applications will not have a significant effect on the environment.

#### **IV. CONCLUSION AND ORDER**

The CEC hereby approves EnergyPro Version 10.0 as a third-party ACM for demonstrating performance compliance with the nonresidential, multifamily, and single-family requirements of the 2025 Energy Code.

The CEC also adopts staff's recommendation that these actions are exempt from the California Environmental Quality Act (CEQA).

The CEC also directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced software available and maintain the software in good form, including but not limited to reviewing and approving updates to third-party software consistent with bug fixes, correcting calculation and analytical errors, necessary ongoing software updates, user interface changes, and other minor updates.

**IT IS SO ORDERED.**

#### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**IN THE MATTER OF:**

**Docket No.: 22-BSTD-04**

***2019 Energy Code Photovoltaic Cost-Effectiveness Determination for the Monte Vista Apartments Project***

**ORDER DETERMINING THAT 2019 ENERGY CODE PHOTOVOLTAIC REQUIREMENTS DO NOT APPLY TO THE MONTE VISTA APARTMENTS PROJECT**

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On May 9, 2018, the California Energy Commission (CEC) adopted the 2019 Building Energy Efficiency Standards (Energy Code), contained in the California Code of Regulations, Title 24, Part 1, Chapter 10, and Part 6, which includes solar photovoltaic (PV) requirements for newly constructed low-rise residential buildings, including multifamily buildings (Section 150.1(c)14). These requirements went into effect on January 1, 2020.

Section 10-109(k) of the 2019 Energy Code states, "The Commission may, upon written application or its own motion, determine that the photovoltaic requirements in Section 150.1(c)14 shall not apply, if the Commission finds that the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, or interconnection fees, causes the Commission's cost-effectiveness conclusions, made pursuant to Public Resources Code 25402(b)(3), to not hold for particular buildings."

On September 2, 2025, Pacific West Communities, Inc. submitted an application to the CEC requesting a determination under Section 10-109(k) that the PV requirements of the 2019 Energy Code should not apply to the Monte Vista Apartments Project, a newly constructed 348-unit low-rise multifamily development located at 1525 W. Monte Vista Avenue in Turlock, California.

The application stated and provided documentation that the 2019 Energy Code applies to the Monte Vista Apartments Project, and that the Turlock Irrigation District (TID) does not allow virtual net energy metering (VNEM). VNEM is an energy billing mechanism that allows the electricity generation from a single solar energy system—typically installed on the roof of a multifamily building—to be shared among multiple dwelling units, crediting each tenant's utility bill based on their share of the solar output. The inability to utilize VNEM necessitates the installation of separate

photovoltaic (PV) systems for each dwelling unit. This configuration, in turn, triggers additional safety requirements imposed by the City of Turlock Building and Safety Division and Fire Inspector (City of Turlock) — such as extensive alternating current (AC) wiring to the main service meter — substantially increasing installation and interconnection costs. Specifically, the application states that in the absence of VNEM, the PV system for each unit must be connected through extensive AC wiring to the main service metering switchgear at ground level with a NEM PV meter for each dwelling unit. Further, the City of Turlock requires a readily accessible PV disconnect for each dwelling unit, located on the wall near the main service meter, to ensure first responder access in compliance with the California Electrical Code (Title 24, Part 3, Article 690).

CEC staff has confirmed the public agency rules adopted by TID and the electrical requirements established by the City of Turlock. Staff performed a cost-effectiveness analysis using PV system costs from contractor bids to install designs developed by Pacific West Communities, Inc., in compliance with rules adopted by TID, and electrical requirements of the City of Turlock. Any interested person may obtain a copy of the staff report by accessing TN#267536 at docket number 22-BSTD-04 at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=267536&DocumentContentId=104581>.

Staff concludes that the design of the PV system for the buildings resulting from the inability to use virtual net metering, combined with the City of Turlock electrical system requirements, results in high bids from contractors that cause the CEC's 2019 Energy Code cost-effectiveness conclusion for PV systems specified by Section 150.1(c)14 to not hold for the Monte Vista Apartments Project. Staff recommended to the Executive Director that the 2019 Energy Code photovoltaic system requirements shall not apply to the newly constructed low-rise multifamily buildings in the Monte Vista Apartments Project. The Executive Director reviewed CEC staff's conclusions and recommended staff's findings to the CEC. The CEC considered the Executive Director's Recommendation at its December 8, 2025, Business Meeting.

## **II. EXECUTIVE DIRECTOR RECOMMENDATION**

Based on the information reviewed and in accordance with Section 10-109(k) of the 2019 Energy Code, the Executive Director makes the following recommendations:

- 1) The Commission find that the public agency rules adopted by TID and the electrical requirements established by the City of Turlock Building and Safety Division/Fire Inspector result in a PV system design that cause the Commission's PV cost-effectiveness conclusions in the 2019 Energy Code to not hold for the newly constructed low-rise multifamily buildings in the Monte Vista Apartments Project.
- 2) In accordance with Section 10-109(k) of the 2019 Energy Code, the Commission should determine that the 2019 Energy Code section 150.1(c)14 solar PV requirements do not apply to the newly constructed low-rise multifamily buildings



of the Monte Vista Apartments Project within the City of Turlock and under the TID service territory.

### **III. CALIFORNIA ENERGY COMMISSION FINDINGS**

Based on the entirety of the record, the CEC finds that:

- 1) On September 2, 2025, Pacific West Communities, Inc. submitted an application under Section 10-109(k) of the 2019 Energy Code requesting a determination that the 2019 Energy Code PV requirements in section 150.1(c)14 should not apply to the newly constructed low-rise multifamily buildings of the Monte Vista Apartments Project, located at 1525 W Monte Vista Avenue in Turlock, California.
- 2) Staff evaluated Pacific West Communities, Inc.'s application and accompanying documentation, finding that they satisfied the Section 10-109(k) requirements of the 2019 Energy Code.
- 3) On September 12, 2025, the CEC provided a copy of Pacific West Communities, Inc.'s application to interested persons, provided an opportunity for public comment, and any comments received by October 6, 2025, were considered in developing the Executive Director's recommendation.
- 4) Staff evaluated Pacific West Communities, Inc.'s application, supporting documentation, and all public comments submitted, finding that the cost-effectiveness determinations adopted by the CEC for the 2019 Energy Code solar PV requirements do not hold based on TID's unique 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.
- 5) On November 17, 2025, the Executive Director provided a copy of staff's cost-effectiveness evaluation of the 2019 Energy Code photovoltaic requirements for the Monte Vista Apartments Project to interested persons, provided an opportunity for public comment, and considered all public comments received on the application in developing the Executive Director's recommendation.
- 6) The Executive Director reviewed the staff analysis and, on November 26, 2025 submitted a recommendation to the CEC to determine that the 2019 Energy Code PV requirements do not apply to the newly constructed low-rise multifamily buildings in the Monte Vista Apartments Project.
- 7) The Executive Director reviewed staff's analysis and conclusion that the action is not a project, as defined, under the California Environmental Quality Act (CEQA) or, in the alternative, if it is a project, it is exempt from CEQA pursuant to the common-sense exemption and recommends the CEC confirm this determination.

#### **IV. CONCLUSION AND ORDER**

The CEC has considered the application materials, staff's analysis, the Executive Director's recommendation, all written comments submitted, oral comments made at today's business meeting, and CEC staff's responses to all comments on this matter.

Therefore, the CEC concludes the following in accordance with Sections 10-109(k) and 10-110 of the 2019 Energy Code:

- 1) The unique public agency rules adopted by TID and the electrical requirements established by the City of Turlock Building and Safety Division/Fire Inspector result in a PV system design that cause the Commission's PV cost-effectiveness conclusions in the 2019 Energy Code to not hold for the newly constructed low-rise multifamily buildings in the Monte Vista Apartments Project.
- 2) The 2019 Energy Code PV requirements in Section 150.1(c)14 do not apply to the newly constructed low-rise multifamily buildings in the Monte Vista Apartments Project as identified in Pacific West Communities, Inc.'s application.
- 3) Approval of this determination is not a project, as defined, subject to the California Environmental Quality Act (CEQA) and, alternatively, if it is a project, it is exempt pursuant to the common sense exemption under section 15061(b)(3) of the CEQA Guidelines; and,
- 4) The CEC delegates the authority and directs the Executive Director to take, on behalf of the CEC, all actions reasonably necessary to carry out the above direction.

**IT IS SO ORDERED.**

#### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat



**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

**Approval of Load Management  
Standards Compliance Plans for 3CE,  
CPSF, Pioneer, SDCP, and SVCE**

**Docket No.: 23-LMS-01**

**ORDER**

**I. BACKGROUND**

The Load Management Standards (“LMS”) regulations (Title 20 California Code of Regulations “CCR” section 1621, et seq.) define Central Coast Community Energy (3CE), CleanPowerSF (CPSF), Pioneer Community Energy (PCE), Silicon Valley Clean Energy (SVCE), and San Diego Community Power (SDCP) as “Large Community Choice Aggregators” (“Large CCAs”), and require them to submit plans for complying with the LMS regulations (“plans” or “compliance plans”) to the California Energy Commission (“CEC” or “Commission”) for its review and approval (20 CCR section 1621(c)(8); 20 CCR section 1621(c)(10); 20 CCR section 1623.1(a)(3)).

As Large CCAs, 3CE’s, CPSF’s, PCE’s, SVCE’s, and SDCP’s compliance plans must show how they will comply with 20 CCR section 1623.1 of the LMS regulations. Among other things, this requires that the plans show how they will develop marginal cost-based electricity rates or programs, apply to their rate approving bodies for approval, and offer at least one such rate or program to their electricity customers. (20 CCR sections 1623.1(b)(2) and (4).)

In particular, the LMS regulations require that 3CE’s, CPSF’s, PCE’s, SVCE’s, and SDCP’s compliance plans show how they, with the approval of their rate-approving bodies, will:

1. Upload and maintain their time-dependent electricity rates in the CEC’s Market Informed Demand Automation Server (“MIDAS”) database and assign Rate Identification Numbers (“RINs”) to customers so they can access their electricity rates in real time and manage their energy use to optimize electricity savings and align it with supply and the availability of renewable energy. (20 CCR section 1623.1(c)).
2. Provide customers with access to marginal cost-based electricity rates that vary at least hourly for each customer class for which the rate-approving body determines such a program will materially reduce peak load. (20 CCR section 1623.1(b)(1) and (b)(4)). Where such rates have not yet been approved by a Large CCA’s rate-approving body, the Large CCA must provide programs identified as cost-effective according to 20 CCR section 1623.1(b)(3) that allow customers to respond to MIDAS signals indicating marginal cost-based rates, marginal prices, hourly or sub-hourly marginal greenhouse gas emissions, or other Commission-approved marginal signals (20 CCR sections

1623.1(b)(3) and (4)). To fulfill these requirements, Large CCAs may apply for approval of marginal cost-based rates that are offered by the Large Investor-Owned Utilities (“Large IOUs”, 20 CCR section 1621(c)(8)) in whose service areas the Large CCAs exist (20 CCR section 1623.1(b)(2).) By July 1, 2027, Large CCAs must offer each of its customers voluntary participation in either a marginal cost-based rate developed according to 20 CCR section 1623.1(b)(2) and approved by its rate-approving body, or a cost-effective program identified according to 20 CCR section 1623.1(b)(3). (20 CCR section 1623.1(b)(4).)

3. Conduct public information programs to inform customers of the benefits of marginal cost-based rates and automation, which may include saving money, aligning electricity usage with available green energy resources, and reducing use during periods of grid stress (20 CCR section 1623.1(b)(5)).

The LMS regulations also require 3CE, CPSF, PCE, SVCE, SDCP and the other regulated load serving entities (LSEs) to jointly build a RIN access tool so that customers and third parties may look up customers’ RINs and, with customer consent, program their electrical devices to connect with the rates uploaded to MIDAS (20 CCR section 1623(c)). However, large CCAs are not required to document these efforts in their compliance plans.

3CE and SDCP submitted their compliance plans to the CEC on March 7, 2024. PCE submitted its compliance plan on March 26, 2024. SVCE submitted its compliance plan on April 2, 2024, and CPSF submitted its compliance plan on May 21, 2024.

20 CCR section 1623.1(a)(3) establishes a process under which the Executive Director of the CEC (“Executive Director”) “shall review the plans and either return them to the Large CCA for revision or submit them to the Commission for review and potential approval.” The Executive Director “shall make an initial determination whether the plan... is consistent with the requirements of [s]ections 1623.1(a)(1) and (2).”

The Commission approves CCA compliance plans that are consistent with sections 1623.1(a)(1) and (2) “and which show a good faith effort to plan to meet the goals listed in sections 1623.1(a)(1) and (2).” “The Commission may place conditions on its approval of [compliance] plans that are necessary to guarantee that the plan... will comply with [sections] 1623.1(a)(1) and (2).” (20 CCR section 1623.1(a)(3)).

The Executive Director conducted an initial review of all the compliance plans submitted under the LMS regulations. The CEC staff reached out to the LSEs, including 3CE, CPSF, PCE, SVCE, and SDCP, collaborated with them, and provided them with the technical assistance necessary to bring their plans into compliance with the regulations’ requirements. The CEC staff docketed formal compliance plan revision requests to 3CE, CPSF, PCE, and SVCE on June 19, 2025. The CEC staff also published documents providing technical compliance assistance. They are available at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-LMS-01>.

In response, 3CE, CPSF, PCE, SDCP, and SVCE submitted revised compliance plans to the CEC. SVCE submitted its revised plan to the CEC docket on September 16, 2025. 3CE and CPSF submitted their revised plans on September 17, 2025. PCE submitted its revised plan on September 18, 2025. SDCP submitted its revised plan on August 29, 2025. A key feature of 3CE’s, CPSF’s, PCE’s and SVCE’s revised plans is the CCAs’ commitment to participate in the expanded California Flexible Unified Signal for Energy (“CalFUSE”) pilots that the California Public Utilities Commission

authorized in its Decision D. 24-01-032. These pilots utilize marginal cost-based electricity rates and will be offered by the Large IOU within the service areas of 3CE, CPSF, PCE, and SVCE.

SDCP's revised compliance plan notes that SDG&E, the IOU in whose service area SDCP is located, is experiencing delays in offering dynamic rates and CalFUSE dynamic rate pilots. This appears to foreclose the option of offering participation in such rates or rate pilots to SDCP's customers by the July 1, 2027, deadline and, according to SDCP, also deprives it of the data on dynamic rates that it needs to evaluate whether offering them will materially reduce peak load. SDCP's evaluation is methodologically sound, and the conclusion is reasonable.

Accordingly, instead of offering its customers participation in CalFUSE rate pilots at this time, SDCP will offer its customers a portfolio of load flexibility programs that, taken together, comply with LMS requirements. These include programs that incorporate hourly signals from MIDAS that enable continuous, daily load shifts and tiered incentive programs that incorporate pay-by-performance elements.

The Executive Director reviewed the revised plans 3CE, CPSF, PCE, SVCE, SDCP submitted, makes the initial determination that they are consistent with the requirements of 20 CCR sections 1623.1(a)(1) and (2), and submits them to the Commission for review and potential approval pursuant to 20 CCR section 1623.1(a)(3).

As required by 20 CCR section 1623(c), 3CE, CPSF, PCE, SVCE, and SDCP, are working along with the other load serving entities subject to the LMS regulations in an open, public process to develop the single statewide standard tool (RIN tool) which will allow authorized third parties access to customer electricity rate information. 20 CCR section 1623(c)(2)(A) requires the RIN tool to be submitted by October 1, 2024, but 20 CCR section 1623(c)(2)(B) authorizes the Executive Director to extend this deadline for good cause. The Executive Director finds that good cause exists for extending this deadline to May 8, 2026, as discussed below.

A workshop on the RIN tool was held on January 17, 2024. A draft plan for the RIN tool was submitted on October 1, 2024, and on November 15, 2024, the CEC staff published a notice requesting public comment on it. Developing the RIN tool is a complex matter. It involves highly technical issues, implicates sensitive customer information, and is of interest to many stakeholders and members of the public. Based on the comments received, staff's analysis of them and the draft RIN tool plan itself, additional time, public input, and analysis are required before the RIN tool can be finalized. Accordingly, pursuant to 20 CCR section 1621(c)(2)(B), the Executive Director finds that good cause exists to extend the deadline for submitting the final RIN tool plan to May 8, 2026, the date established in the Commission's Orders 25-0508-05a (covering Pacific Gas & Electric Company ("PG&E"), Southern California Edison ("SCE") and San Diego Gas & Electric ("SDG&E")) and 25-0508-05b (covering San Jose Clean Energy (SJCE), Valley Clean Energy (VCE), and Peninsula Clean Energy Authority (PCEA)).

Although their compliance plans indicate that 3CE, CPSF, PCE, SVCE, and SDCP are participating in developing the RIN tool as required by 20 CCR section 1623(c), 20 CCR section 1623.1 does not specifically require that Large CCAs document these efforts in their compliance plans.

## **II. THE EXECUTIVE DIRECTOR'S INITIAL DETERMINATION, FINDING OF GOOD CAUSE AND RECOMMENDATION**

20 California Code of Regulations section 1623.1(a)(1) provides that each Large CCA “shall submit a plan to comply with Section 1623.1.” 20 CCR section 1623.1(a)(3) then requires the CEC Executive Director to “review the plans and either return them to the Large CCA for revision or submit them to the Commission for review and potential approval.” The Executive Director “shall make an initial determination whether the plan... is consistent with the requirements of [s]ections 1623.1(a)(1) and (2).” 20 CCR section 1623.1(a)(3) requires the Commission to approve Large CCA compliance plans that are consistent with sections 1623.1(a)(1) and (2) “and which show a good faith effort to plan to meet the goals listed in sections 1623.1(a)(1) and (2).” Section 1623.1(a)(3) also provides that the Commission may impose conditions on its approval of the plans.

The Executive Director has reviewed the revised plans submitted by 3CE, CPSF, PCE, SVCE, and SDCP, and makes the initial determination that the plans are consistent with the requirements of the LMS regulations. The Executive Director also finds that good cause exists to extend the deadline for submitting the final RIN tool plan to May 8, 2026. However, since, as discussed above, the law does not specifically require Large CCAs to document their efforts to develop the RIN tool in their compliance plans (although most do), there is no basis for including the RIN tool's completion as a condition of approving 3CE's, CPSF's, PCE's, SVCE's, and SDCP's compliance plans. The Executive Director recommends that the Energy Commission approve the revised LMS compliance plans submitted by 3CE, CPSF, PCE, SVCE, and SDCP without conditions.

## **III. ENERGY COMMISSION FINDINGS**

The CEC makes the following findings:

- 1) 20 CCR section 1621(c)(10) defines 3CE, CPSF, PCE, SVCE, and SDCP as “Large CCAs” for purposes of the LMS regulations (20 CCR section 1621, et seq.).
- 2) 20 CCR section 1623.1(a)(3) requires Large CCAs to submit plans to the CEC for complying with the Load Management Standards regulations. 3CE submitted its plan on March 7, 2024, PCE submitted its March 26, 2024, SDCP submitted its March 7, 2024, and SVCE submitted its plan on April 2, 2024. CPSF submitted its plan on May 21, 2024.
- 3) 20 CCR section 1623.1(a)(3) establishes a process under which the Executive Director of the CEC “shall review the plans and either return them to the ... Large CCA for revision or submit them to the Commission for review and potential approval.” The Executive Director reviewed the original plans 3CE, CPSF, PCE, SVCE, and SDCP submitted and sought revisions to them. SVCE submitted its revised plan to the CEC docket on September 16, 2025. 3CE and CPSF submitted their revised plans on September 17, 2025. PCE submitted its revised plan on September 18, 2025. SDCP submitted its revised plan on August 29, 2025. The Executive Director made the initial determination that these plans comply with the requirements of the Load Management Standards regulation and submitted these revised plans to the Commission for its review and approval. The Executive Director also found good cause exists to extend the deadline for submitting the final RIN tool plan to May 8, 2026, the same extended deadline that has been established for other LSEs.
- 4) 20 CCR section 1623.1(a)(3) requires the Commission to approve Large CCA compliance plans that are consistent with sections 1623.1(a)(1) and (2) “and which show a good faith effort

to plan to meet the goals listed in sections 1623.1(a)(1) and (2).” The Commission finds that 3CE’s, CPSF’s, PCE’s, SVCE’s, and SDCP’s revised compliance plans are consistent with 20 CCR sections 1623.1(a)(1) and (2) and show good faith efforts to plan to meet the goals of the LMS program.

- 5) The CEC has considered the application of CEQA to its approval of 3CE’s, CPSF’s, PCE’s, SVCE’s, and SDCP’s revised compliance plans and concluded that its approval is not a “project” under CEQA, but that in the event that approval were determined to be a project, that it would nonetheless be exempt from CEQA under Class 7 (Cal. Code Regs., tit. 14, § 15307) and Class 8 (Cal. Code Regs., tit. 14, § 15308) because it constitutes a regulatory action that would protect natural resources and the environment, and the commonsense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because there is no reasonable possibility that its approval would have a significant effect on the environment, even due to unusual circumstances.

#### **IV. CONCLUSION AND ORDER**

The California Energy Commission hereby approves the revised Load Management Standards compliance plans submitted by 3CE, CPSF, PCE, SVCE, and SDCP.

**IT IS SO ORDERED.**

#### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat



STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Corning Union Elementary School District**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement 001-25-ECG with Corning Union Elementary School District, in Tehama County, for a \$960,677.47 loan at zero-percent interest. The loan will fund the completion of a prior Energy Conservation Assistance Act (ECAA) project to install three solar photovoltaic (PV) arrays totaling 480 kW at three Corning Union Elementary School District sites. Upon project completion, it is estimated to reduce approximately 795,745 kWh 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; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

**SIGNED BY:**

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: Rivian, LLC**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement ARV-25-003 with Rivian, LLC for a \$431,640 grant. 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; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: Rivian, LLC**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement ARV-25-004 with Rivian, LLC for a \$431,640 grant. This project will install 12 public EV DCFC ports in Temecula to increase public access to reliable, fast, and convenient EV charging; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: Rivian, LLC**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement ARV-25-005 with Rivian, LLC for a \$417,800 grant. This project will install 12 public EV DCFC ports in Tulare to increase public access to reliable, fast, and convenient EV charging; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: Rivian, LLC**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement ARV-25-006 with Rivian, LLC for a \$417,800 grant. This project will install 10 public EV DCFC ports in Cabazon to increase public access to reliable, fast, and convenient EV charging; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: DynaChrg Inc.**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement ARV-25-007 with DynaChrg Inc. for a \$2,069,670 grant. This project will install 21 public EV DCFC ports in Los Angeles to increase public access to reliable, fast, and convenient EV charging; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: Electric Era EV Charging, LP**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement RNEV-25-008 with Electric Era EV Charging, LP for a \$11,223,840 grant. 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; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 08, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: 2025–2026 Investment Plan Update for the Clean Transportation Program**

**WHEREAS**, Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007) established the Clean Transportation Program (formerly the Alternative and Renewable Fuel and Vehicle Technology Program) to be administered by the California Energy Commission (CEC), with a goal to “develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies” (Health and Safety Code §44272(a)). The same law also directs the CEC to develop and update an investment plan that will determine priorities and opportunities for the Clean Transportation Program (Health and Safety Code §44272.5); and

**WHEREAS**, the CEC must prepare and submit an investment plan update to the Legislature (Health and Safety Code §44272.7(b)); and

**WHEREAS**, Assembly Bill 126 (Reyes, Chapter 319, Statutes of 2023) extended the collection of fees supporting the Clean Transportation Program through July 1, 2035; and

**WHEREAS**, the development of the *2025–2026 Investment Plan Update* has benefited from two public Advisory Committee meetings and 60 comments submitted to public docket; and

**WHEREAS**, after considering all materials and comments received, Commissioner Skinner, Lead Commissioner for Transportation, released the latest draft of the *2025–2026 Investment Plan Update* on November 24, 2025. The *2025–2026 Investment Plan Update* includes proposed funding allocations to advance the goals of the Clean Transportation Program and the reallocation of unspent funds from previous fiscal years.

The 2025 state budget reappropriated previous fiscal year Clean Transportation Program funding, extending the deadlines to obligate and spend it. The CEC proposes redistributing \$41,321,538. These funds were previously allocated to fuel production and supply (\$2,000,000 in Fiscal Year 2021–2022 and \$10,000,000 in Fiscal Year 2022–2023) and hydrogen refueling infrastructure (\$7,318,398 in Fiscal Year 2018–2019, \$4,396,522 in Fiscal Year 2020–2021, and \$17,606,618 in Fiscal year 2021–2022). The proposed reallocations are included in the proposed allocations for Fiscal Year 2025–2026.



The proposed allocations for the *2025–2026 Investment Plan Update* plus the proposed reallocated funds totals \$326.9 million in Fiscal Years 2025–2026 through 2027–2028. The plan also includes \$38 million in supplemental Greenhouse Gas Reduction Funds made available in Fiscal Year 2025–2026. In total, the plan discusses \$364.9 million in funding; and

**WHEREAS**, CEC staff will develop solicitations, grants, and other types of agreements to implement these funding allocations; and

**WHEREAS**, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *2025–2026 Investment Plan Update*, and concluded that the adoption of this report is not a “project” under CEQA, but that in the event that adoption were determined to be a project, that it would nonetheless be exempt from CEQA requirements pursuant to the “common sense” exemption (CEQA Guidelines, § 15061, subd. (b)(3)).

**THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:**

The *2025–2026 Investment Plan Update* not to be a project under CEQA, adopts the *2025–2026 Investment Plan Update* with any errata or edits approved at the December 8, 2025 Business Meeting, and directs CEC staff to prepare the *2025–2026 Investment Plan Update* incorporating any non-substantive changes such as typographical corrections, to forward the *2025–2026 Investment Plan Update* to the appropriate committees of the Legislature for review pursuant to Health and Safety Code section 44272.7(b), and to make the *2025–2026 Investment Plan Update* available to the public.

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

**City of Palo Alto Utilities' 2023  
Integrated Resource Plan Filing**

**Docket No. 18-IRP-01**

**ORDER FINDING COMPLIANCE WITH  
PUBLIC UTILITIES CODE SECTION  
9621**

**I. BACKGROUND**

Pursuant to Senate Bill 350 (Stats. 2015, ch. 547), Public Utilities Code (PUC) section 9621 requires publicly owned utilities with an annual electrical demand exceeding 700 gigawatt hours to adopt integrated resource plans (IRPs) at least once every five years and submit them to the California Energy Commission (CEC). The IRPs must contain supporting information sufficient to demonstrate that they meet certain requirements, including greenhouse gas emission reduction targets and renewable energy procurement goals, as set forth in PUC section 9621. Under PUC section 9622, the CEC must review IRPs for consistency with these requirements. On October 4, 2018, the CEC adopted the *Publicly Owned Utility Integrated Resource Plan Submission and Review Guidelines* to govern the submission of IRPs.

**II. STAFF RECOMMENDATION**

Staff recommends that the CEC find the City of Palo Alto Utilities' 2023 IRP, filed on April 30, 2024, under Docket Number 18-IRP-01, complete and consistent with the requirements of PUC section 9621.

**III. ENERGY COMMISSION FINDINGS**

- a. On April 30, 2024, City of Palo Alto Utilities Power submitted an IRP and supporting documentation to the CEC (the IRP Filing); and
- b. On April 29, 2025, CEC staff filed its notification of completeness letter informing City of Palo Alto Utilities that its IRP Filing was complete; and

- c. The complete IRP Filing has been available on the CEC website since April 30, 2024, and no public comments were received; and
- d. On October 10, 2025, CEC staff, under the authority of the Executive Director, filed its review on the CEC website (*Review of City of Palo Alto Utilities 2023 Integrated Resource Plan*, TN No. 266465) determining the IRP Filing to be consistent with the requirements for PUC Section 9621 and this document has been available for public comment for at least 45 days; and
- e. On October 10, 2025, CEC staff informed City of Palo Alto Utilities in writing of staff's determination (TN No. 266467) and the Executive Director informed City of Palo Alto Utilities in writing that the CEC would consider adopting this determination at the CEC Business Meeting on December 8, 2025; and
- f. The CEC concurs with staff's recommendation that City of Palo Alto Utilities' IRP Filing is complete and consistent with the requirements of PUC section 9621.

#### **IV. CONCLUSION AND ORDER**

The CEC hereby adopts staff's recommendation and orders that City of Palo Alto Utilities' IRP Filing complies with requirements set forth in Public Utilities Code section 9621.

**IT IS SO ORDERED.**

#### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

**Hetch Hetchy Power's 2023  
Integrated Resource Plan Filing**

**Docket No. 18-IRP-01**

**ORDER FINDING COMPLIANCE WITH  
PUBLIC UTILITIES CODE SECTION  
9621**

**I. BACKGROUND**

Pursuant to Senate Bill 350 (Stats. 2015, ch. 547), Public Utilities Code (PUC) section 9621 requires publicly owned utilities with an annual electrical demand exceeding 700 gigawatt hours to adopt integrated resource plans (IRPs) at least once every five years and submit them to the California Energy Commission (CEC). The IRPs must contain supporting information sufficient to demonstrate that they meet certain requirements, including greenhouse gas emission reduction targets and renewable energy procurement goals, as set forth in PUC section 9621. Under PUC section 9622, the CEC must review IRPs for consistency with these requirements. On October 4, 2018, the CEC adopted the *Publicly Owned Utility Integrated Resource Plan Submission and Review Guidelines* to govern the submission of IRPs.

**II. STAFF RECOMMENDATION**

Staff recommends that the CEC find the Hetch Hetchy Power's 2023 IRP, filed on April 30, 2024, under Docket Number 18-IRP-01, complete and consistent with the requirements of PUC section 9621.

**III. ENERGY COMMISSION FINDINGS**

- a. On April 30, 2024, Hetch Hetchy Power submitted an IRP and supporting documentation to the CEC (the IRP Filing); and
- b. On July 21, 2025, Hetch Hetchy Power submitted additional IRP supporting documentation to the CEC; and

- c. On July 18, 2025, CEC staff filed its notification of completeness letter informing Hetch Hetchy Power that its IRP Filing was complete; and
- d. The complete IRP Filing has been available on the CEC website since July 21, 2025, and no public comments were received; and
- e. On October 17, 2025, CEC staff, under the authority of the Executive Director, filed its review on the CEC website (*Review of Hetch Hetchy 2023 Integrated Resource Plan*, TN No. 266653) determining the IRP Filing to be consistent with the requirements for PUC Section 9621 and this document has been available for public comment for at least 45 days; and
- f. On October 17, 2025, CEC staff informed Hetch Hetchy Power in writing of staff's determination (TN No. 266654) and the Executive Director informed Hetch Hetchy Power in writing that the CEC would consider adopting this determination at the CEC Business Meeting on December 8, 2025; and
- g. The CEC concurs with staff's recommendation that Hetch Hetchy Power's IRP Filing is complete and consistent with the requirements of PUC section 9621.

#### **IV. CONCLUSION AND ORDER**

The CEC hereby adopts staff's recommendation and orders that Hetch Hetchy Power's IRP Filing complies with requirements set forth in Public Utilities Code section 9621.

**IT IS SO ORDERED.**

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

---

Kim Todd  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

***AVAIO Pittsburg Backup Generating  
Facility***

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**Docket No.: 24-SPPE-01**

**ORDER ADOPTING THE MITIGATED  
NEGATIVE DECLARATION AND  
GRANTING THE SMALL POWER  
PLANT EXEMPTION**

**I. BACKGROUND**

Under Public Resources Code section 25500, the California Energy Commission (CEC) has the exclusive jurisdiction to approve or deny applications for the construction and operation of thermal power plants that have the capacity to generate 50 megawatts (MW) or more of electricity. Public Resources Code section 25541 creates an exemption to this exclusive jurisdiction whereby local permitting entities can obtain jurisdiction over the approval of the site and related facility if, among other criteria, the site and related facility would not generate more than 100 MW of electricity. This exemption is referred to as a Small Power Plant Exemption (SPPE).

The CEC may grant an SPPE for a thermal power plant with a generating capacity from 50 MW to 100 MW if the CEC finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility. Moreover, Public Resources Code section 25519(c) designates the CEC as the “lead agency” under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for SPPE applications.

AVAIO Infrastructure (applicant) is seeking an SPPE for the AVAIO Pittsburg Backup Generating Facility (project) located at 2232 Golf Club Road in the city of Pittsburg, Contra Costa County, California. The project would include a three-story data center building (AVAIO Pittsburg Data Hub), backup generators to support the data center building, an onsite project substation, a Pacific Gas and Electric Company switching station, and an onsite transmission line. The backup generators would only serve the AVAIO Pittsburg Data Hub, by providing up to 92 MW of emergency generation to replace the maximum electricity needs of the data hub in case of a loss of utility power.

## **II. EXECUTIVE DIRECTOR'S RECOMMENDATION**

California Code of Regulations, title 20, section 1942 requires the Executive Director to recommend findings to the CEC on whether the application meets the requirements of Public Resources Code, section 25541.

Based on the SPPE application, the CEC staff prepared a Final Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15070 (Cal. Code Regs., tit. 14, § 15070(b).) Based on the CEC staff's analysis in the Final Initial Study/Mitigated Negative Declaration, as well as other information filed in the proceeding including comments received during the public review period, the Executive Director recommends the CEC find that the requirements of Public Resources Code, section 25541 are met, that the Final Initial Study/Mitigated Negative Declaration be adopted, and that the SPPE application be granted.

## **III. ENERGY COMMISSION FINDINGS**

Based on the exercise of our independent judgment and review, and considering the record as a whole, we hereby adopt the following findings pursuant to Public Resources Code, sections 21000 et seq. and 25541, and applicable implementing regulations:

1. The generating capacity of the facility will not exceed 100 megawatts.
2. The construction and operation activities of the project will not create a substantial adverse impact on the environment.
3. The construction and operation activities of the project will not create a substantial adverse impact on energy resources.
4. The Final Initial Study/Mitigated Negative Declaration has been prepared in compliance with the CEQA and thoroughly and adequately analyzes potential environmental and energy resources impacts.
5. The imposition and implementation of the mitigation measures will ensure that the project will not have any significant environmental impacts.
6. The Mitigation Monitoring and Reporting Program, set forth in Appendix C Mitigation Monitoring and Reporting Program of the Final Initial Study/Mitigated Negative Declaration, will ensure that the project complies with all mitigation requirements.

## **IV. CONCLUSION AND ORDER**

Therefore, we ORDER the following:

1. We hereby ADOPT the Final Initial Study/Mitigated Negative Declaration.
2. We hereby ADOPT, and incorporate by reference, the Mitigation Monitoring and Reporting Program for the project that is set forth in Appendix C Mitigation Monitoring



and Reporting Program of the Final IS/Mitigated Negative Declaration, to be overseen by the City of Pittsburgh.

3. The SPPE application is GRANTED exempting the AVAIO Pittsburgh Backup Generating Facility from the Application for Certification provisions of the CEC's power plant licensing process.

4. This Order is adopted, issued, effective, and final on December 8, 2025.

5. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of December 8, 2025, subject to Applicant paying all applicable filing fees.

**IT IS SO ORDERED.**

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 8, 2025.

AYE: Hochschild, Gunda, McAllister, Gallardo, Skinner

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 9, 2025

***SIGNED BY:***

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Kim Todd  
Secretariat