

<b>DOCKETED</b>	
<b>Docket Number:</b>	25-RULE-01
<b>Project Title:</b>	Amendment to Definition of Related Facility
<b>TN #:</b>	269270-1
<b>Document Title:</b>	NOPA - Changes to the definition of "related facility" & addition of the definition of "appurtenant facility"
<b>Description:</b>	Changes to the definition of "related facility" and add the definition of "appurtenant facility" in the California Code of Regulations (CCR), Title 20, Article 2
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Energy Commission
<b>Submission Date:</b>	3/20/2026 1:23:05 PM
<b>Docketed Date:</b>	3/20/2026

**CALIFORNIA ENERGY COMMISSION**

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Sacramento, California 95814  
[energy.ca.gov](http://energy.ca.gov)

**NOTICE OF PROPOSED ACTION**

Amendments to the Definition of Appurtenant Facility and Related Facility  
Title 20, California Code of Regulations  
Amendments to Section 1201 in Division 2, Chapter 2

Docket No. 25-RULE-01  
Notice Published on March 20, 2026

**INTRODUCTION**

The California Energy Commission (CEC) proposes to adopt changes to the definition of “related facility” and add the definition of “appurtenant facility” in the California Code of Regulations (CCR), Title 20, Article 2, after considering all comments, objections, and recommendations regarding the proposed regulation.

The purpose of this rulemaking is to update the terminology and criteria for determining the equipment, structures, or accessories that are jurisdictional to the CEC whether initially proposed as part of a project or added to an operating facility previously certified by the CEC.

Adding the definition of “appurtenant facility” and amending the definition of “related facility” will provide clarity regarding the scope of the CEC’s certification for both applicants who seek a certification for a powerplant project or seek to amend an existing powerplant certification.

**PUBLIC COMMENT PERIOD**

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the Business Meeting, or they may submit written comments during the written public comment period for the proposed regulation that will be held from March 20, 2026, through 5:00 p.m. on May 5, 2026. Any interested person may submit written comments to the CEC for consideration on or prior to 5:00 p.m. on May 5, 2026. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=25-RULE-01> which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be

included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, California Code of Regulations, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include the docket number 25-RULE-01 in the subject line and email your comment to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

A paper copy may be sent to:

California Energy Commission  
Docket Unit  
Docket No. 25-RULE-01  
715 P Street, MS-4  
Sacramento, CA 95814

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding contact list or provide a valid email or mailing address with your comments.

A public hearing has not been scheduled. However, any interested person or their authorized representative may request, no later than 15 days prior to the close of the written public comment period specified above, a public hearing pursuant to Government Code Section 11346.8.

## **STATUTORY AUTHORITY AND REFERENCE**

Public Resources Code sections 25213, and 25218(e), authorize the CEC to adopt or amend rules or regulations, as necessary to implement, interpret, and make specific Public Resources Code sections 25120, 25500, 25540.6, 25545, and 25545.1.

## **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

### **Summary of existing laws and regulations:**

Currently California Code of Regulations, title 20, section 1201(q), provides a definition for the term “related facility” which dates from the early 1980s and prescribes what structures or components are considered part of the site or powerplant. Thus, the CEC’s definition of “related facility” helps sets the contours of what makes up a jurisdictional powerplant. The definition of “related facility” applies the term in a different context than the relevant statutory language. Under Public Resources Code section 25500 and 25545.1(b) “related facility” refers to the powerplant on the site certified by the CEC. Whereas the definition attempts to create a narrow framework to screen structures and components that may be added to the site for inclusion in the facility’s certification. Under the statute, the components and structures that comprise the powerplant are identified in Public Resources Code sections 25120 and 25545(b)(1) as those features that are “appurtenant” to the powerplant, not as related facilities. The term appurtenant is not defined in statute or regulation, creating some ambiguity in discerning the scope of the CEC’s jurisdiction.

The proposed amendments move the core language defining “related facility” to a new definition of “appurtenant facility” and update the framework to account for changes in power generation, storage, and grid management. The proposed language also removes the overly restrictive language of “dedicated to and essential” currently in section 1201(q) which is overly restrictive and creates ambiguity when powerplant owners seek to add storage or other grid reliability technology to the existing powerplants.

The proposed language also clarifies that buildings such as data centers served by primary or backup generators under the CEC’s jurisdiction are not considered appurtenant and thus, not subject to the jurisdiction of the CEC.

**Effect of the proposed regulation:**

The CEC’s proposed definition of “appurtenant” and modifications to “related facility” amend the existing framework for determining which structures or components added to an existing CEC jurisdictional powerplant or powerplant site would be under the CEC’s jurisdiction.

The current language results in ambiguity. Amending the language will benefit both developers and local governments so that the CEC’s jurisdiction, especially for project amendments, is clear.

**Difference from existing comparable federal regulation or statute:**

These proposed regulations do not duplicate or conflict with any federal regulations contained in the Code of Federal Regulations or federal statute. There are no federal laws that address the state’s powerplant certification.

**Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments:**

The primary objective is to update the regulations and better align with statutory intent. The existing requirement that a powerplant component be found to be “dedicated to and essential” to the powerplant in order for it to be considered within the licensing authority of the CEC is too limiting and not aligned with statutory intent. The statute specifies that CEC jurisdiction extends to facilities appurtenant to the powerplant. (Pub. Resources Code section 25120.) Definitions of appurtenant include “belonging to” and “connected to,” which is a slightly lesser standard than “dedicated to and essential to.”

The amendments also update the framework for determining the equipment, structures, or accessories that are jurisdictional to the CEC whether initially proposed as part of a project or added to an operating facility previously certified by the CEC and update references to include the CEC’s new Opt-In jurisdiction.

Adding the definition of “appurtenant facility” and amending the definition of “related facility” will provide clarity regarding the scope of the CEC’s certification for both applicants who seek a certification for a powerplant project or seek to amend an existing

powerplant certification. Project owners will benefit from the clarity of process and reduced risk of jurisdictional conflicts.

The amendments also provide benefit in that the regulations will better harmonize with the existing statutory construct in the use of the terms “related facility” and “appurtenant facility.”

**Consistency or compatibility with existing state regulations:**

The CEC has conducted an evaluation for any other regulations under this topic and has concluded that these are the only regulations concerning the definition of “related facility” and “appurtenant facility” related to powerplant siting. Therefore, the CEC has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**DOCUMENTS INCORPORATED BY REFERENCE**

None.

**MANDATED BY FEDERAL LAW OR REGULATIONS**

The proposed regulation is not mandated by federal law or regulations.

**OTHER STATUTORY REQUIREMENTS**

The CEC’s powerplant certification program is set forth in Public Resources Code sections 25500-25545.13.

**LOCAL MANDATE DETERMINATION**

The proposed regulation does not impose a mandate on local agencies or school districts that requires state reimbursement pursuant to Government Code Sections 17500 et seq.

**FISCAL IMPACTS**

The CEC has made the following initial determinations:

- Cost or savings to any state agency: None.
- Cost to any local agency or school district that is required to be reimbursed pursuant to Government Code Sections 17500 et seq.: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

## **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE**

The CEC has made an initial determination that the proposed regulations will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulation updates a definition related to the CEC's siting program. The updated language clarifies what aspects of a jurisdictional powerplant or storage system, comprise a related facility. The proposed regulations do not impact private persons and there is no anticipated cost impacts to businesses associated with these proposed changes. In addition, CEC's powerplant certification programs only apply to energy facilities located in California. As such, the program and its definitions apply the same to any entity that is seeking to build a powerplant in this state.

The proposed amendments to the definition do not change the components of powerplants, the process for powerplant certification, or impose any additional requirements on project applicants. Hence, there are no additional economic impacts affecting businesses.

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

The CEC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulation.

## **STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The CEC concludes that: (1) the proposal will not create jobs within California, (2) the proposal will not eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state. The proposed regulation will not adversely impact the health and welfare of California residents, worker safety, or the state's environment.

The specific benefit of this rulemaking is to provide clarity to powerplant owners and local jurisdictions regarding the scope of both the CEC's certification programs and modifications to CEC jurisdictional powerplants. This will allow local jurisdictions to identify and license facilities clearly outside of the CEC's jurisdiction, and direct developers to the CEC for projects clearly within CEC's jurisdiction. The language changes will also facilitate a more efficient project amendment process for operating power plants.

## **REPORTING REQUIREMENTS**

The proposed regulation does not impose reporting requirements on businesses.

## **EFFECT ON SMALL BUSINESS**

The CEC is not aware of any cost that a small business would incur in reasonable compliance with the proposed regulation. The proposed regulations will not affect small business, which Government Code section 14837(d)(1)(A) defines as “an independently owned and operated business that is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years...”

The proposed amended definition only relates to those companies who seek to certify multi-hundred-million-dollar up to billion-dollar powerplants and storage facilities or seek to amend existing certifications. Thus, these companies tend to be larger national and international corporations able to take on major energy projects, and not small business as defined. The amended definition updates an obsolete definition of “related facility” providing clarity to developers as to what components are part of the site and powerplant certification. The proposed definition amendment does not impact private persons and there are no anticipated impacts to small businesses associated with these proposed procedural changes.

## **SIGNIFICANT EFFECT ON HOUSING COSTS**

None.

## **ALTERNATIVES STATEMENT**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

No reasonable alternatives to the proposed regulation have been proposed that would lessen any adverse impact on small business or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

## **CONTACT PERSONS**

Questions should be addressed to:

Ross Daley, Rulemaking Coordinator  
Executive Office  
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## **COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE**

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the Express Terms, the Initial Statement of Reasons (ISOR) and any documents relied upon or incorporated by reference. Copies may be obtained by contacting the contact persons listed above or by visiting

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01>.

## **AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS**

Participants should be aware that any of the proposed regulations could be changed because of public comments, staff recommendations, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the Express Terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

## **COPY OF THE FINAL STATEMENT OF REASONS**

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons once it has been prepared by visiting

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01>.

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted in the docket at

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01>.

## **INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING**

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the Siting Division General

List subscription for this rulemaking, which can be accessed here <https://public.govdelivery.com/accounts/CNRA/signup/31796>. Members of the public can subscribe to this topic at the link above. The subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the list serv but still would like to receive documents and notices, please contact the contact person listed in this notice.