

DOCKETED

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California Energy Commission
Business Meeting Agenda

May 26, 2026
10:00 a.m. – 3:00 p.m.

In-person at:
California Natural Resources Building
Media Room 2-201, Second Floor
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.

Please visit the [CEC Business Meeting web page](#) for more information and backup materials for all voting items at <https://www.energy.ca.gov/proceedings/business-meetings>.

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.

- a. Local Ordinance for the City of Santa Cruz. Proposed resolution finding the application submitted by the City of Santa Cruz meets the requirements of Public Resources Code section 25402.1(h)(2) and section 10-106 of the 2025 Energy Code, and adopting staff's recommendation that this action is exempt from the California Environmental Quality Act (CEQA). Pursuant to these requirements, the CEC finds the local ordinance is estimated to save more energy than the 2025 Energy Code and that the City of Santa Cruz has determined the local ordinance is cost-effective. The ordinance introduces a new mechanical cooling system requirement for altered space conditioning systems in existing non-residential buildings that encourages the installation of an air source heat pump, while still allowing air conditioners to be installed with additional energy efficiency measures. Contact: Anushka Raut

4. Rulemaking Adopting Amendments to the Definition of Related Facility and Adding a Definition of Appurtenant Facility.

Proposed resolution adopting amendments to CCR, title 20, section 1201 by amending the definition of "related facility" and adding the definition of "appurtenant facility," and adopting staff's recommendation that this action is exempt from CEQA. The amendments 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. Contact: Barbara Borkowski (Staff Presentation: 5 minutes)

5. Publicly Owned Utility Capacity Payment Regulations (Docket 24-OIR-01).

Proposed resolution adopting the Publicly Owned Utility (POU) Capacity Payment Regulations contained in CCR, title 20, sections 1395 and 1396, and adopting staff's recommendation that this action is exempt from CEQA. The proposed regulations implement Assembly Bill 1373 (Garcia, Chapter 367, Statutes of 2023), which requires the CEC to assess a capacity payment annually on POUs that fail to meet their minimum planning reserve margin during a month that, as determined by the Department of Water Resources (DWR), resources procured through the Electricity Strategic Reliability Reserve Program are triggered to meet an identified reliability need. Only POUs serving end-use customers in the California Independent System Operator balancing authority area are subject to these payments. These regulations will define the process for assessing the capacity payments and depositing monies into DWR's Electricity Supply Strategic Reliability Reserve Fund. Contact: Liz Gill (Staff Presentation: 5 minutes)

6. Mojave Solar Project Petition to Amend (Docket 09-AFC-05C).

Proposed order amending the CEC's certification of the Mojave Solar Project in the technical areas of Biological Resources, Water and Soil Resources, and Waste

Management, including adding Conditions of Certification (COC); and adopting staff's analysis and recommended findings that the project changes will not result in significant impacts on the environment. The petition to amend is for the addition of two new evaporation ponds to enhance water storage capacity and facilitate the maintenance of the four existing evaporation ponds. The proposed order would also grant the request for an administrative update to the generating capacity consistent with a change to the facility's large generator interconnection agreement. Contact: Ashley Gutierrez (Staff Presentation: 5 minutes)

7. Opt-In Certification: Potentia-Viridi Battery Energy Storage System (Docket 24-OPT-04).

Proposed order finding that the CEC Updated Staff Assessment, which includes the Final Environmental Impact Report (EIR), was prepared in compliance with CEQA, the CEQA Guidelines, the Warren-Alquist Act, and the CEC's siting regulations; and adopting the Executive Director's recommendation to issue a Statement of Overriding Considerations, certify the EIR and issue a certificate for the construction and operation of the facility. The applicant, Levy Alameda, LLC, proposes to construct, operate, and maintain the Potentia-Viridi Battery Energy Storage System (BESS), which includes a 400-megawatt (MW), 3,200 MW-hour BESS facility, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company owned and operated Tesla Substation. The project is proposed on approximately 102 acres of land in Alameda County. Contact: Eric Veerkamp (Staff Presentation: 15 minutes)

8. 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.

9. Executive Director's Report.

10. Public Advisor's Report.

11. 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, appeal docketed, Case No. 26-1174 (1st Cir.))
 - 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)
 - xii. State of California, et al. v. U.S. Department of Transportation, et al. (United States District Court, Western District of Washington, Case No. 2:25-cv-02574-TL)
 - xiii. State of California, et al. v. Wright, et al. (United States District Court, Northern District of California, Case No. 3:26-cv-01417-RS)
 - xiv. State of Illinois, et al. v. Vought, et al. (United States District Court, Northern District of Illinois, Case No. 1:26-cv-01566-MS)
 - xv. In re Ample, Inc., et al. (United States Bankruptcy Court, Southern District of Texas, Case No. 25-90817-CML)
- 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
- 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.

In-Person Attendance Instructions

Visitors to the California Natural Resources Agency building attending the business meeting held on the second floor, Media Room (room 2-201), should proceed directly to the meeting room. The room can be accessed by taking the stairs from the first-floor lobby. Visitors do not need to sign in at the security desk unless they have mobility needs that prevent them from taking the stairs. For those with mobility needs, please check in with security and request elevator access. Please note that visitors are solely permitted on the first and second floor areas, restrooms, and cafeteria without a visitor badge or staff escort.

Remote Access Attendance Instructions

Remote access is available online or by phone.

Zoom: Click the link below to participate and provide public comment via Zoom.

<https://energy.zoom.us/j/88656925780?pwd=py3OLuObci5rwPpagkvKQ6l1hefubk.1>

Zoom may also be accessed at <https://zoom.us/join>. To join, enter the **meeting ID 886 5692 5780** and the **password energy**. To participate by phone, dial (669) 900-6833 or toll free at (888) 475-4499 and enter **meeting ID 886 5692 5780**. For Zoom technical support dial (888) 799-9666 ext. 2 or contact the CEC's Public Advisor for help at publicadvisor@energy.ca.gov or (916) 269-9595.

If you are experiencing difficulties accessing the business meeting using the link or call-in information appearing above, please visit the business meeting event page for this meeting at <https://www.energy.ca.gov/proceedings/business-meetings> for the most up-to-date information.

Public comments are welcomed at the business meeting during announced times. Comments may be limited to two minutes or less per speaker and one speaker per entity depending on the proposed agenda and number of commenters.

If participating via Zoom's online platform, use the "raise hand" feature to indicate you would like to make a comment. CEC staff will open your line to speak. Please

restate and spell your name for the record, indicate any affiliation, and begin your comments.

If participating by telephone, press *9 to “raise your hand” and *6 to mute/unmute. CEC staff will announce the last three digits of the phone number listed and open your line. Make sure to unmute your phone before speaking, restate and spell your name for the record, indicate any affiliation, and begin your comments.

Zoom’s closed captioning service will be enabled for the CEC business meetings. Attendees can use the service by clicking on the “live transcript” CC icon and then choosing either “show subtitle” or “view full transcript.” The closed captioning service can be stopped by exiting the “live transcript” or selecting the “hide subtitle” icon. If using a phone, closed captioning is automatic and cannot be turned off. While closed captioning is available in real-time, it can include errors. A full and formal transcript rendered by a professional court reporter will be docketed in the CEC business meeting docket.

Public Advisor Assistance. Direct questions about how to participate in the business meeting or requests for interpreting services or other reasonable modifications and accommodations to the Public Advisor at publicadvisor@energy.ca.gov or by phone at (916) 269-9595. Requests for interpreting services, reasonable accommodations, and other modifications should be made as soon as possible and at least five days in advance. The CEC will work diligently to meet all requests based on the availability.

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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)